

**JOINT ELECTRICITY REGULATORY COMMISSION**  
(FOR THE STATE OF GOA AND UNION TERRITORIES)

**NOTIFICATION**

Gurugram, the 10th February, 2021

**No. JERC:27/2021:** — In exercise of the powers conferred under Section 15 & 16 read with Section 181 of the Electricity Act, 2003 (Act No. 36 of 2003) (hereinafter referred to as 'the Act'), and all other powers enabling it in this behalf, and after previous publication, the Joint Electricity Regulatory Commission (for the State of Goa & Union Territories) hereby makes the following Regulations, namely:

**1 Short Title, Commencement and Extent**

- 1.1 These Regulations shall be called the Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Transmission and Distribution Licensing) Regulations, 2020.
- 1.2 These Regulations shall come into force from the date of their publication in official Gazette.
- 1.3 These Regulations shall apply to licensees for transmission and distribution of electricity.
- 1.4 These Regulations extend to the State of Goa and the Union Territories of Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli and Daman & Diu, Lakshadweep and Puducherry.

**2 Definitions:**

2.1 In these Regulations, unless the context otherwise requires:

- (a) "Act" means the Electricity Act, 2003 (Act No. 36 of 2003);
- (b) "Annual Accounts" means the accounts of the Transmission/Distribution Licensee prepared in accordance with the provisions of the Companies Act 1956, Companies Act 2013 as amended from time to time, and/or in such other manner as may be directed by the Commission from time to time in terms of the provisions of the Act;
- (c) "Applicant" means the person who made an application for a grant of a licence for Intra-State Transmission of Electricity and/or Distribution Licensee;
- (d) "Area of Distribution" or "Area of Supply" means the area within which a Distribution Licensee is authorized to establish, operate and maintain a distribution system for supply of electricity under the terms and conditions stipulated by the Commission in the licence;
- (e) "Area of Transmission" means the area stated in the Transmission Licence within which the Transmission Licensee is authorized to establish, operate and maintain transmission lines and transmission system;
- (f) "Auditors" means the Transmission/Distribution Licensee's auditors, and if the Transmission/Distribution Licensee is a company, auditors holding office in accordance with the requirements of the Companies Act 1956, Companies Act 2013 as amended from time to time;
- (g) "Commission" or "JERC" means the Joint Electricity Regulatory Commission for the State of Goa & Union Territories of Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli and Daman & Diu, Lakshadweep and Puducherry;
- (h) "Deemed Licensee" means a person authorized under Sub-Section (b) of Section 14 and also under the first, second, third, and fifth provisos to Section 14 of the Act to operate and maintain a distribution system for supply of electricity to the consumers in his area of supply;
- (i) "Distribution" means the conveyance or wheeling of electricity by means of a Distribution System;
- (j) "Distribution Business" means authorized business of a Distribution Licensee to operate and maintain a Distribution System for supplying electricity to the consumers in the Area of Supply;
- (k) "Distribution Licensee" means the person authorized by a "Distribution Licence" to operate and maintain a distribution system for supply/conveyance/wheeling of electricity to the consumers in his area of supply and shall include the deemed licensee;
- (l) "Force Majeure" means events beyond the reasonable control of a Transmission/Distribution Licensee but not limited to earthquake, cyclone, lightning, riot, flood, storm, war, mutiny, terrorist attack, civil commotion, lock out, fire affecting the Licensee's installations or other similar occurrence that leads to any act which would involve a breach of relevant laws or regulations concerned with supply of electricity;
- (m) "General Conditions" mean General Conditions of Transmission/Distribution Licence as specified in these Regulations;
- (n) "Grid Code" means the Grid Code specified by the Commission under Clause (h) of Sub-Section (1) of Section 86 of the Electricity Act and includes the Indian Electricity Grid Code as applicable and in force on the date of commencement of these Regulations;

- (o) **"Licence"** means a licence granted under Section 14 of the Act, 2003;
- (p) **"Licensed Business"** means the business of Transmission/Distribution and Retail Supply of electricity in the Area of Licence as authorized under the Transmission/Distribution Licence;
- (q) **"Major Incident"** means an incident associated with the Transmission/Distribution of electricity, which results in a significant interruption of service, substantial damage to equipment, or loss of life or significant injury to human beings, or as otherwise specified by the Commission and shall also include any other incident which the Commission declares to be a Major Incident;
- (r) **"Meeting"** means hearings, meetings, discussions, deliberations, inquiries, investigations, consultations as held by the Commission from time to time in the discharge of its functions under the Act;
- (s) **"Officer"** means an officer of the Commission;
- (t) **"Open Access"** means the non-discriminatory provision for the use of transmission lines or transmission system or associated facilities with such lines or system by any licensee or consumer or a person engaged in generation accordance with the Electricity Act and the regulations specified by the Commission;
- (u) **"Other Business"** means any business of a Transmission/Distribution Licensee other than the Licensed Business;
- (v) **"Petition"** means and includes all petitions, applications, complaints, appeals replies, rejoinders, supplemental pleadings, other papers and documents;
- (w) **"Proceedings"** means and includes proceedings of all nature that the Commission may hold in the discharge of its function under the Act;
- (x) **"Receiving Officer"** means the officer designated by the Commission for receiving the petition;
- (y) **"Regulations"** means the Regulations made by the Commission, under the provisions of the Act;
- (z) **"Retail Supply"** means the supply of electricity to any consumer by a Distribution Licensee within its area of supply and the words "Retail Supplier" and "Retail Supply Business" shall be construed accordingly in that context;
- (aa) **"Secretary"** means the Secretary to the Commission;
- (bb) **"Supply"** means the supply of electricity and the word "Supplier" is construed accordingly;
- (cc) **"Transmission Licence"** means a licence granted by the Commission to a person /company under Section 14(a) of the Act for establishing, operating and maintaining of transmission lines and transmission system in the area specified in the licence. The words "Transmission Licensee" shall be construed accordingly;
- (dd) **"Transmission System"** means the system consisting of EHV electric lines being operated at EHV (excluding generator interconnection facilities) owned and/or operated by the Transmission Licensee for the purposes of transmission of electricity from one power station to a sub-station or to another power station or between sub-stations or to or from any external interconnection equipment up to the interconnection with the distribution system and includes the plant and apparatus and meters owned or used by the Transmission Licensee in connection with the transmission of electricity, but shall not include any part of any Licensee's distribution system;
- (ee) **"Year"** means a period of twelve months from 1<sup>st</sup> April of a calendar year to 31<sup>st</sup> March of the following calendar year.
- 2.2 All other words and expressions used in these Regulations if not specifically defined herein above, but defined in the Act, shall have the meaning assigned to them in the Act. The other words and expressions used herein but not specifically defined in these Regulations or in the Act but defined under any other law passed by the Parliament applicable to the electricity industry in the State or Union Territory shall have the meaning assigned to them in such law.

### Chapter - 1

#### Procedure for Grant of Transmission/Distribution Licence

### 3 Application for Grant of Transmission/Distribution Licence

- 3.1 The Regulations contained herein shall apply to all person desirous of engaging in the business of Transmission/Distribution of Electricity within the State of Goa and the Union Territories of Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli and Daman & Diu, Lakshadweep and Puducherry.

- 3.2 An application for any Transmission/Distribution Licence shall be made in accordance with the provision of the Act and these Regulations.
- 3.3 An applicant shall make an application to the Commission for grant of licence in the form specified in Appendix - 1 of these Regulations and in the manner directed by the Commission and accompanied by such fee as may be prescribed by the Government from time to time.
- 3.4 Until otherwise specified, the fees payable for grant of licence, shall be as per Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Conduct of Business Regulations), 2009 and as amended from time to time.
- 3.5 Any person intending to apply for licence shall duly comply with the conditions and requirements laid down by the Commission.
- 3.6 The Commission may, if considered appropriate, advertise in newspapers or otherwise notify in such other appropriate manner as the Commission may decide inviting applications for grant of licence for Transmission/Distribution of Electricity thereby always guaranteeing the principle of transparency.
- 3.7 Every application for grant of licence shall be signed by the applicant or by an authorized signatory on behalf of the applicant and shall be addressed to the Secretary of the Commission or such officer as the Commission may designate in this behalf and it shall be accompanied by:
- (a) Six (6) copies in print, and one (1) soft copy of the draft licence as proposed by the applicant with the name and address of the applicant and of his agent (if any) printed on the outside of the draft;
  - (b) Three (3) copies, each signed by the applicant, of maps of the proposed service area and, in the case of supply of the streets or roads in which the supply of electricity is to be made, which shall be so marked or coloured as to define any portions of such area and streets or roads which are under the administrative control of any local authority and shall be on a scale:
    - i. Maps of the proposed area of licence on a scale of not less than 10 cm to a km; or
    - ii. if no such maps are available, of not less than that of the largest scale ordinance maps available; or
    - iii. such other scale as may be approved by the Commission in a specific case.
  - (c) A Detailed map(s) of the proposed area for transmission/supply, showing the area to be supplied and the configuration of the Transmission/Distribution system. The map(s) shall clearly distinguish between the existing system and any new facilities that are or will be required for the purpose of providing transmission/supply of electricity. The map(s) shall indicate the sub-station, distribution mains, transmission/distribution network, streets and roads on which energy is supplied to various consumers and distinguish between public and private consumers;
  - (d) A detailed project report in relation to the construction, operation and/or maintenance of the transmission/distribution system proposed to be undertaken by the Applicant in the Area of Activity;
  - (e) A list of all the local authorities (viz. Gram Panchayat, Taluka Panchayat, District Panchayat, Municipal Area) vested with the administration of any portion of the proposed Area of Licence through which the proposed transmission/ distribution line will pass;
  - (f) An approximate statement describing any land which the Applicant proposes to acquire for the purpose of the Licensed Business and the means of such acquisition;
  - (g) An approximate statement of the capital proposed to be expended in connection with the utility and such other particulars as the Commission may require;
  - (h) A relevant information pertaining to the availability of adequate number of competent personnel to construct, operate and/or maintain the transmission/ distribution system effectively and efficiently, the availability of infrastructure facilities and the financial capacity to carry out the project;
  - (i) A copy of the Memorandum and Articles of Association of the company, where the Applicant is a body corporate, and similar applicable documents of incorporation, registration or agreement in case of other business entities;
  - (j) Accompanying notes and certifications, if any, on the above statements, from a chartered accountant;
  - (k) A copy of the Annual accounts of the Applicant for the previous three years or other similar documents as may be required;
  - (l) A receipt for such payment of application fee as specified in accordance with Clause (3.3) above;
  - (m) Applicant's details including technical, capital adequacy and credit-worthiness;
  - (n) A copy of letter seeking consent from local authority or consent letter;

- (o) A copy of letter seeking consent from the Central Government as per Section 15(2)(ii) of the Act, if applicable;
- (p) Where the Applicant is a company, details of any group company engaged in the business of generation, distribution, transmission or trading, whether within the State of Goa and Union Territories or in any other State;
- (q) Where the Applicant is not a company, details of the business of generation, distribution, transmission or trading, whether within the State of Goa and Union Territories or in any other State, in which the Applicant is directly or indirectly interested;
- (r) Brief history of the promoters where the Applicant is a company;
- (s) Such other documents or information as the Commission may seek;

#### **4 Recommendations of State Transmission Utility (STU) for grant of Transmission Licence**

- 4.1 The Transmission Licensee applicant shall immediately on making application in manner specified above, forward a copy of the application along with all the enclosures to the State Transmission Utility for its recommendations.
- 4.2 The State Transmission Utility shall acknowledge receipt of the application and shall within thirty (30) days of the receipt of said application, send its recommendations, if any, to the Commission.
- 4.3 The State Transmission Utility shall whether it sends its recommendations or not, submit a report to the Commission on the following aspects within thirty (30) days of receipt of copy of the application for grant of licence:
  - (a) Whether the assets mentioned in the application form for Transmission Licence form part of Intra-State Transmission System;
  - (b) Whether the assets mentioned in the application form part of the transmission plan;
  - (c) Whether the completion schedule mentioned in the application is feasible, synchronizes with expansion of other parts;
  - (d) Technical suitability of the assets;
  - (e) Justifiability of the estimated cost of completion indicated in the application;
  - (f) Any other relevant information the State Transmission Utility desire to convey to the Commission;
- 4.4 The recommendations, if any, and report by the State Transmission Utility shall be endorsed to the Applicant.
- 4.5 The Commission shall take into consideration the comments of the State Transmission Utility but the recommendations and the report of the State Transmission Utility shall not be binding on the Commission.

#### **5 Copies of maps and draft licence for public inspection**

- 5.1 The applicant shall keep at his own office and of his agents (if any) and shall deposit at the office of every local authority invested with the administration of any portion of the proposed area of supply:
  - i. Copies of the maps referred to in Clause 3.7 (b) above for public inspection; and
  - ii. A sufficient number of copies of the draft licence shall be furnished to all persons applying for them at a price not exceeding the normal photocopying charges.

#### **6 Contents of Draft Licence**

- 6.1 The Draft Licence shall contain the following particulars:
  - i. A short title descriptive of the proposed utility together with the address and description of the applicant and if the applicant is a company, the names of all the directors of the company;
  - ii. Type of Licence applied for;
  - iii. Locations of the proposed service area;
  - iv. A description of the proposed area; and
  - v. Such other particulars as the Commission may direct.

#### **7 Conditions of Transmission/ Distribution Licence**

- 7.1 The General Conditions subject to which each of the categories of licence shall be laid down by the Commission.
- 7.2 The Commission may decide on the special conditions subject to which licence shall be issued to the applicant.
- 7.3 Any person intending to apply for licence shall duly comply with the conditions and requirements laid down by the Commission.

**8 Form of Draft Licence**

- 8.1 The Commission may, from time to time, prescribe the form of licence to be issued and this form of licence may, with such variation as the circumstances of each case require, be used for the purposes of these Regulations.

**9 Receipt and Acknowledgement of Application**

- 9.1 Upon receipt of the application for grant of Transmission/Distribution Licence, the Secretary of the Commission or the Receiving Officer shall enter the particulars thereof in a register to be maintained for this purpose and allot a reference number to the application. The Secretary or the Receiving Officer shall send an acknowledgement to the Applicant at the address stated in the application including the date of receipt and the reference number.

**10 Scrutiny of Application and Calling for Additional information**

- 10.1 The Commission or the Secretary or any other officer designated by the Commission for this purpose, may, upon scrutiny of the application, require the Applicant to furnish, such additional information or documents as may be considered necessary for the purpose of dealing with the application.
- 10.2 The scrutiny of an application shall be in accordance with the Clause 15 of Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Conduct of Business Regulations), 2009 and as amended from time to time:

Provided, that, if on scrutiny, an application for grant of a licence is found to be incomplete or deficient in any manner, it shall be returned to the applicant for making a fresh application after completing it or removing deficiencies. The applicant shall be advised in writing of any defects in the pleadings and the time allowed to rectify them. The applicant shall follow the procedure laid down in this regulation in respect of his fresh application except that the application processing fee will not be required to be paid again.

**11 Notifying the due filing of the application**

- 11.1 If the Commission finds the application to be complete, accompanied by the requisite information, particulars and documents, and finds that the applicant has complied with all the requirements for making the application and furnishing of information, particulars and documents, the Commission or the Secretary shall certify that the application is ready for being considered for grant of licence in accordance with the applicable laws.

**12 Public Notice of Application**

- 12.1 Unless exempted by the applicable laws/Commission, the Applicant shall, within seven (7) days from date of admission of the application, publish a notice of his application by public advertisement in one English and one Local daily newspapers having wide circulation in the area of Transmission/Distribution for which the Licence is sought, and such advertisement shall contain such particulars as have been directed by the Commission in these Regulations, namely:
- (a) Name of the Applicant in bold at the top clearly bringing out whether the Applicant is an individual, or a partnership firm registered under the Indian Partnership Act, 1932, or a private limited company or a public limited company, incorporated under the Companies Act, 1956, Companies Act, 2013 or any other incorporated or unincorporated body giving full particulars of its office address and also the registered office address, if any;
  - (b) A statement that the Applicant has submitted an application to the Commission for grant of a Transmission/Distribution Licence under Section 15 of the Act;
  - (c) Proposed Area of Transmission/Distribution Licence;
  - (d) Financial and technical strength, management profile and share holding pattern, if any, of the Applicant;
  - (e) A statement to the effect that the application and other documents filed before the Commission from time to time, are available with the Applicant for inspection by any person;
  - (f) The names, addresses and other necessary details of the person(s) nominated by the applicant in major cities or towns of area of proposed Transmission/Distribution Licence, who can make available for inspection, the application and other documents or from whom they can be purchased in person, or by post at reasonable charges, not exceeding photocopying charges;
  - (g) Brief particulars of the proposed Transmission/Distribution Licence;
  - (h) A statement to the effect that the completed application is available on the website of the Applicant or any other authorized website and can be downloaded free of cost;
  - (i) A statement that objections, if any, may be filed before the Secretary, Joint Electricity Regulatory Commission for the State of Goa & Union Territories within thirty (30) days of publication of the

notice giving the address of office of the Commission:

Provided that the Applicant may request the Commission to permit it to refrain from publishing any of the above information in order to protect its business interests or rights in intellectual property with sufficient and reasonable grounds and the Commission may grant or reject such request after due consideration;

Provided further that the Applicant may be required to publish, in the manner specified, a non-confidential summary of the above information;

- (j) In addition to the above, the Commission may direct that notice of the application be served on any designated representative of the Central Government; the State Government, any local authority or any other authority or person or body as the Commission may deem appropriate;
- (k) The Applicant shall, within seven (7) days from the date of publication of the notice as aforesaid, submit to the Commission an affidavit, the details of the notice published, and shall also file relevant copies of the newspapers in which the notices were published.

### **13 Public Inspection of Application and Documents**

- 13.1 From the date of publication of notice in accordance with Regulation 12 above, the Applicant shall make available at its own office and the office/s of its agents (if any) and also with every local authority as may be specified by the Commission from time to time, copies of the application and all the documents submitted therewith.
- 13.2 The Applicant shall furnish, to all persons applying, printed copies of its application, together with the attachments thereto, at the reasonable cost of photocopying such material.

### **14 Amendment of Draft Licence**

- 14.1 Any person who desires to have any amendment made in the Draft Licence shall deliver a statement of the amendment to the applicant and to Secretary or such Officer as the Commission may designate in this behalf within a period thirty (30) days from the date of publication of notice of the application by way of advertisement in newspapers.

### **15 Objections and Suggestions**

- 15.1 Any person intending to object/suggest to the grant of the Transmission/Distribution Licence shall file objections/suggestions within thirty (30) days from the date of issue of the first advertisement referred to in Regulation 12 above. The objections/suggestions shall be addressed to the Secretary of the Commission, with a copy to the Applicant.
- 15.2 Where an objection is received from any local authority concerned, the Commission shall, if in its opinion the objection is untenable, record the opinion in writing and communicate it to such local authority along with reasons, therefor.
- 15.3 Upon receipt of such objections/suggestions, the Secretary/designated officer shall imprint thereference number of the concerned application for grant of Transmission/Distribution Licence on the same and shall place such objections in the file relating to the concerned application, and also post the same on the Commission's website.
- 15.4 The Applicant shall submit comments on the objections or suggestions received in response to the notice under Regulation 12 above within fifteen (15) days of expiry of thirty (30) days' notice mentioned in Clause (15.1) above.
- 15.5 The objection/suggestions/comments on the objections shall be filed in the form of a reply and the provisions of Chapter II dealing with a reply/objection of Joint Electricity Regulatory Commission (Conduct of Business Regulations), 2009 and as amended from time to time.
- 15.6 In case of an application for a Transmission/Distribution Licence for an area including the whole or any part of any cantonment, aerodrome, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Central Government for defense purposes, before granting Transmission/Distribution Licence, the Commission shall ascertain that there is no objection, on the part of the Central Government, for grant of such Distribution Licence:

Provided that in case there is no response from the Central Government in this regard, the Commission may, at Its discretion, proceed further in accordance with Law.

### **16 Hearing and local inquiry**

- 16.1 If the applicant has duly arranged for the publication of the notice of the intended application and the time for filing of the objections is over and after the applicant has furnished to the Commission the no objection, if required from the Central Government, the Commission shall proceed to place the application for regular hearing.

- 16.2 The Commission shall give the notice of inquiry or hearing to the applicant, the persons who had filed objections, the Central Government, the concerned Government and such other authority, person or body as the Commission considers appropriate.
- 16.3 If any person objects to the grant of licence applied for, the Commission shall, if either the applicant or the objector so desires, cause a local inquiry to be held of which the notice in writing shall be given to both the applicant and the objector:  
 Provided that the Commission may refuse such an inquiry if in its opinion the objection is of a trifling or vexatious nature;  
 Provided further that the Commission may, for reasons to be recorded in writing, extend the time fixed by it for the local enquiry.
- 16.4 In case of such local inquiry, a memorandum of results of the local inquiry made shall be prepared and shall be signed by the applicant, the Officer or person designated for the purpose and such other person as the Commission may direct.
- 16.5 The hearing on the application for grant of licence shall thereafter proceed as far as possible in the same manner as provided under Clause (16.7).
- 16.6 The result of the local enquiry shall be considered by the Commission while hearing the application for grant of Licence.
- 16.7 The Commission may determine the stages, manner, the place, the date and the time of the hearing of a matter and also time of hearing to the applicant, the Central Government, the State Government, the local authority and such other authority, person or body as the Commission considers appropriate. The Commission as it may consider appropriate and proceed further in any one or more of the following manners:
- (a) The Commission may decide the matter on the pleadings of the parties or may call for the parties to produce evidence by way of affidavit or lead oral evidence in the matter.
  - (b) If the Commission directs evidence of a party to be led by way of oral submissions, the Commission may, if considered necessary or expedient, grant an opportunity to the other party to cross-examine the persons giving evidence.
  - (c) The Commission may, if considered necessary or expedient, direct that the evidence of any of the parties be recorded by an Officer or person designated for the purpose by the Commission.
  - (d) The Commission may direct the parties to file written note(s) of arguments or submissions in the matter.

## 17 Approval of draft Transmission/Distribution licence

- 17.1 After inquiry, if any, and the hearing of the application, the Commission may decide to grant or refuse the licence:  
 Provided, however, that the Commission shall in no event reject an application without giving the Applicant an opportunity of being heard, either by requiring the Applicant to file responses in writing or by conducting an oral hearing.
- 17.2 If the Commission decides to grant the Transmission/Distribution Licence, the licence shall be in the form specified in Appendix-2 of these Regulations:  
 Provided that the Commission may add to alter or amend the form specified for a licence as it may in its discretion deem necessary, subject to such other terms and conditions as the Commission may direct.
- 17.3 Before granting any licence, the Commission shall publish a notice in two (2) such daily newspapers, as the Commission may consider necessary and on its website, stating name and address of the person to whom it proposes to issue the licence, with such other details as the Commission considers appropriate.
- 17.4 When the Commission has approved a draft licence either in its original form or in a modified form, the Secretary or such other officer as the Commission may designate in this behalf, shall inform the applicant of such approval and of the form in which it is proposed to grant the licence and the conditions to be satisfied by the applicant including the fees to be paid by the applicant for the grant of the licence.
- 17.5 The Commission shall immediately after issue of a licence forward a copy of the licence to the concerned Government, Central Electricity Authority, local authority, and to such other persons as the Commission considers necessary. The Commission shall also upload the copy of Licence granted, on its website.
- 17.6 If the Applicant is willing to accept the Transmission/Distribution Licence with the modifications, changes or additions, if any, and subject to such other terms and conditions as the Commission may direct under Clause (17.1) above, the applicant shall acknowledge acceptance to the Commission within seven (7) days of receipt of the approval from the Commission.
- 17.7 Where the Commission has decided to refuse the grant of Transmission/Distribution Licence, the Secretary shall, within fourteen (14) days of such refusal, inform the Applicant of such refusal enclosing a copy of the reasoned order of the Commission in support of such refusal.

**18 Notification of Grant of Distribution/Transmission Licence**

- 18.1 On receiving intimation in writing from the applicant that he is willing to accept the licence in the form approved by the Commission and after the applicant satisfies the conditions imposed for grant of the licence, the Commission shall publish the licence or such part or gist thereof as the Commission considers appropriate.

**19 Application for grant of Distribution Licence in area of supply of existing Distribution Licensee**

- 19.1 A person applying for grant of a licence for distribution of electricity through his own distribution system within the same area of supply of an existing Distribution Licensee shall, in addition to the provisions of Regulation 3, comply with such additional requirements including capital adequacy, creditworthiness or code of conduct as prescribed by the Central Government as per Distribution of Electricity Licence (additional requirements of Capital Adequacy, Creditworthiness and Code of Conduct) Rules, 2005 as amended from time to time. The existing provisions of Distribution of Electricity Licence (additional requirements of Capital Adequacy, Creditworthiness and Code of Conduct) Rules, 2005 in this regard are as follows:

*“Requirements of capital adequacy and creditworthiness.*

- (1) *The Commission shall, upon receipt of an application for grant of licence for distribution of electricity under sub-section (1) of section 15 of the Electricity Act, 2003, decide the requirement of capital investment for distribution network after hearing the applicant and keeping in view the size of the area of supply and the service obligation within that area in terms of section 43.*
- (2) *The applicant for grant of licence shall be required to satisfy the Commission that on a norm of 30% equity on cost of investment as determined under sub-rule (1), he including the promoters, in case the applicant is a company, would be in a position to make available resources for such equity of the project on the basis of net worth and generation of internal resources of his business including of promoters in the preceding three years after excluding his other committed investments.*

**Explanation :-** *For the grant of a licence for distribution of electricity within the same area in terms of sixth proviso to section 14 of the Act, the area falling within a Municipal Council or a Municipal Corporation as defined in the article 243(Q) of the Constitution of India or a revenue district shall be the minimum area of supply.”*

*“Requirements of Code of Conduct.*

*The applicant for grant of licence shall satisfy the Commission that he has not been found guilty or has not been disqualified under any of the following provisions within the last three years from the date of the application for the grant of licence:*

- (a) *section 203, section 274, section 388B or section 397 of the Companies Act, 1956;*
- (b) *section 276, section 276B, section 276BB, section 276C, section 277 or section 278 of the Income tax Act, 1961;*
- (c) *section 15C, section 15G, section 15H or section 15HA of the Securities and Exchange Board of India Act 1992;*
- (d) *clause (b), (bb), (bbb), (bbbb), (c) or (d) of sub-section (1) of section 9 of the Excise Act 1944;*
- (e) *section 132 or section 135 of the Customs Act 1962,*

*and that the applicant is not a person in whose case licence was suspended under Section 24 or revoked under Section 19 of the Act, within the last three years from the date of application:*

*Provided that where the applicant is a company, it shall satisfy the Commission in addition to provisions of this rule that no petition for winding up of the company or any other company of the same promoter has been admitted under Section 443 (e) of the Companies Act, 1956 on the ground of its being unable to pay its debts.”*

**20 Deemed grant of the Transmission/Distribution Licence:**

- 20.1 Until otherwise directed by the Commission, the following classes of person engaged in the business of Transmission/Distribution of Electricity in the State of Goa and Union Territories of Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli and Daman & Diu, Lakshadweep and Puducherry shall be deemed to have applied for and been granted the Transmission/ Distribution Licence for the purposes contained herein and subject to the fulfillment of the conditions contained in Clause (20.2):
- (a) *Persons who supply electricity generated by themselves and/or supplied to them by an authorized person, for the purposes of an event or function not exceeding two (2) months, and when the electricity is distributed through a system owned by them;*

- (b) Persons who supply electricity to the residential colonies as a part of their activity of maintaining such colonies for use and occupation of their employees and/or for use and occupation of persons providing facilities and services to the employees, where such person procures electricity from any Licensee or from any other source approved by the Commission and distributes the electricity within the residential colonies on no-profit motive basis;
- (c) Such other persons as the Commission may from time to time by order notify, subject to such terms and conditions as the Commission may direct.
- 20.2 The Transmission/Distribution Licensee under Clause (20.1) shall:
- (a) Not directly or indirectly undertake trading in electricity or Transmission/Distribution of Electricity outside its area of operation and transmission and supply of electricity shall be strictly restricted to the relevant approved purpose;
- (b) Establish electric line or works only within the area of operation;
- (c) If so required, furnish to the Commission such information required by the Commission for the purposes of discharge of the functions of the Commission as the Commission, may from time to time direct;
- (d) Comply with the provisions of the Act, the Regulations of the Commission, technical codes such as Grid Code, Electricity Supply Code, Distribution Code, Standards of Performance and Overall Standards of Performance or any other guidelines issued by the Commission;
- (e) Comply with all applicable rules and regulations concerning the safety and security of the operation and;
- (f) Comply with any directions which the Commission may issue from time to time in regard to the charges which licensee may levy on the consumers taking into account the charges prevailing in the nearby area of supply of electricity supplied by a licensee;
- 20.3 The Commission shall be entitled to issue appropriate directions from time to time as it may consider it to be necessary and take appropriate action against a licensee under this Regulation in accordance with the provisions of the Act for any breach of conditions of license or non-compliance thereof.
- 20.4 The Commission, at any stage, if it considers to be necessary, direct any such, person to apply for a licence in accordance with Regulation 3 above and consider accordingly the grant or refusal and may by an interim or final order, direct the Licensee under this Regulation to cease Transmission/Distribution of Electricity in the area of operation or any part thereof.
- 20.5 If any difference or dispute arises as to whether the person is entitled to undertake Transmission/Distribution of Electricity as a Licensee under these Regulations, the decision thereon of the Commission shall be final.
- 21 Deemed Distribution Licensee Status for SEZ**
- 21.1 As per Section 14(b) of Electricity Act, 2003, Special Economic Zone is recognized as Deemed Distribution Licensee. The following provision was inserted in the Act vide Notification S. O. No. 528(E), dated March 3, 2010:
- “Provided that the Developer of a Special Economic Zone notified under Sub-Section (1) of Section 4 of the Special Economic Zones Act 2005, shall be deemed to be a licensee for the purpose of this clause, with effect from the date of notification of such Special Economic Zone.”*
- 21.2 The developer of a Special Economic Zone shall make an application accompanied by such application fee as per Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Conduct of Business Regulations), 2009 and as amended from time to time before the Commission for the following:
- (a) To take on Record the Deemed Distribution status under Section 14 of the Electricity Act, 2003, Section 49 of SEZ Act, 2005 in terms of the notifications issued by the Ministry of Commerce and Industry (Department of Commerce), Government of India.
- (b) To Issue Specific Conditions of Distribution Licence applicable to the Petitioner as per Sections 16 and 181 of the Act.
- (c) To allow the Petitioner, in the interim, to charge consumers in its licence area, the tariff that is applicable for the respective category of consumers in the connected area of supply, as modified from time to time, as the ‘ceiling tariff’ in its area of supply and approve the appropriate tariff schedule.
- (d) Allow the Petitioner to charge consumers in its licence area the same Schedule of Charges that is applicable in the existing area of supply, as modified from time to time
- 21.3 The Applicant along with an application to submit the following:

- (a) Letter of Approval against the applicant as Special Economic Zone by the Ministry of Commerce and Industry (Department of Commerce), Government of India;
- (b) Notified area of Special Economic Zone for the applicant by the Ministry of Commerce and Industry (Department of Commerce), Government of India;
- (c) Consumer base of the deemed Distribution Licensee;
- (d) Date from which deemed licence is sought and period for which deemed licence is sought;
- (e) Any other additional information considering peculiarity of operations of the Applicant.

## **22 Date of commencement and duration of Transmission/Distribution Licence**

- 22.1 The Transmission/Distribution Licence shall commence from such date the Commission may direct as the date of commencement of licence and;
- 22.2 The Transmission/Distribution Licence shall be valid for a period of twenty-five (25) years from the date of its commencement, unless it is duly suspended or revoked earlier by the Commission.

## **23 Deposit of maps and proforma**

- 23.1 When a licence has been granted, three (3) sets of maps and proforma containing the particulars specified in Clause (23.2) below shall be signed and dated to correspond with the date of the notification of the grant of the licence by Secretary or any other officer designated by the Commission. One set of such maps shall be retained as the deposited maps by the said Officer and the other two (2) sets given to the Licensee:
- 23.2 The particulars to be given in the proforma under Clause (23.1) above shall be as under:
- (a) A short title descriptive of the proposed utility together with the address and description of the applicant, and if the applicant is a company, the names of all the Directors of the company;
  - (b) Type of licence granted;
  - (c) Location of the proposed area of operation;
  - (d) A description of the proposed area of operation and;
  - (e) The general conditions, the deviation therefrom and also the specific conditions, if any, which the Commission has laid down in the licence with justification for any deviation granted from general conditions;
- 23.3 The Licensee, whenever required by the Commission shall furnish additional copy maps and also the maps and proforma in an electronic form.

## **24 Deposit of printed copies of licence**

- 24.1 Every person who is granted a licence shall within thirty (30) days of the grant thereof arrange to keep the following as specified by Central Electricity Authority:
- (a) Have adequate number of copies of the licence printed;
  - (b) Have adequate number of maps prepared showing the area of activity or area of supply as specified in the licence;
  - (c) Arrange to exhibit a copy of such licence and maps for public inspection at all reasonable times at his head office, at his local offices (if any) and at the office of every local authority within the area of activity or area of supply as the case may be.
- 24.2 Every such licensee shall, within the aforesaid period of thirty (30) days, supply free of charge one (1) copy of the licence and the relevant maps to every local authority within the area of activity or area of supply as the case may be, and shall also make necessary arrangements for the sale of printed copies of the licence to all persons applying for the same, at a price not exceeding normal photocopying charges thereof.

## **25 Amendment of a Transmission/Distribution Licence**

- 25.1 The Commission may initiate proceedings for amendment of a Transmission/ Distribution Licence, Suo-motu or on an application of the Transmission/Distribution Licensee or on receiving complaint or information from any person.
- 25.2 The application for amendment of the licence made by the Licensee, shall be as per the Form specified in Appendix – 3 of this Regulation and accompanied by such fee as may be prescribed by the Commission from time to time.
- 25.3 Until otherwise specified, the fees payable for amendment of licence, shall be as per Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Conduct of Business Regulations), 2009 and as amended from time to time.

- 25.4 Such application shall be accompanied with a statement of the proposed amendment and shall be supported by an affidavit as provided in Chapter II of Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Conduct of Business Regulations), 2009 and as amended from time to time.
- 25.5 The applicant shall within seven (7) days from the date of admission of the application for amendment, publish a notice in two (2) daily newspapers, one in English language and other in local language, having wide circulation in area of operation of the Transmission/Distribution Licence sought to be amended, giving the following particulars:
- Brief Details of existing Transmission/Distribution Licence;
  - Proposed amendments to the existing Transmission/Distribution Licence and brief reasons for seeking the amendment;
  - The effect of the amendment proposed on the discharge of the functions of the Licensee under the licence granted;
  - The alternate arrangement proposed for such discharge of functions;
  - The names, addresses and other necessary details of the person(s) nominated by the applicant in major cities or towns of area of proposed Transmission/Distribution Licence, who can make available for inspection application and other documents or from whom they can be purchased in person or by post at reasonable charges, not exceeding photocopying charges;
  - A statement that any person, desirous of making any suggestion or objection to the proposed amendment, may do so by filing written petition addressed to the Secretary of the Commission within thirty (30) days from the date of the first publication of the notice.
- 25.6 Where an amendment to a Transmission/Distribution Licence is proposed by the Commission Suo-motu, the Commission shall publish a notice in two (2) daily newspapers one in English language and the other in Local language having wide circulation in the area of operation of the Transmission/Distribution Licence sought to be amended and also on its website, giving the following particulars:
- Name of the Transmission/Distribution Licensee and address of main office in the area of supply;
  - Description of alteration or amendment proposed to be made by the Commission;
  - Brief reasons for proposed alteration or amendment;
  - A statement that any person, desirous of making any suggestion or objection to the proposed amendment, may do so by filing written petition addressed to the Secretary within thirty (30) days from the date of the first publication of the notice.
- 25.7 The publication shall give the addresses of the offices at which the application for amendment may be inspected and the copies of documents be purchased and shall state that every local authority, utility or person, desirous of making any representation with reference to application to the Commission, may do so by letter addressed to such Officer as the Commission may designate in this behalf.
- 25.8 All objections to the proposed amendment, received within the thirty (30) days from the date of first publication of notice, shall be considered by the Commission before effecting or rejecting the proposed amendment.
- 25.9 Unless otherwise specified in writing by the Commission, the procedure specified in these Regulations for grant of licence, in so far it can be applied, shall be followed while dealing with an application for amendment of the licence.
- 25.10 In case of an application proposing alterations or modifications in respect of area of supply, comprising the whole or any part of any cantonment, aerodrome, forests, dockyard or camp or of any building or place in the occupation of the Government for defense purpose, the Commission shall not make any alterations or modifications except with the consent of the Central Government.

## 26 Model Conditions of Supply

- 26.1 The Licensee shall follow model condition of supply as per the Clause 53 of Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Conduct of Business Regulations), 2009 and as amended from time to time.

## 27 Contravention by Transmission/Distribution Licensee

- 27.1 The Commission may pass such orders, as it thinks fit, in accordance with the relevant provisions of the Act, for the contravention or the likely contravention, by a licensee, of the terms or conditions of the licence, any provisions of the applicable law or the rules or regulations made there under.
- 27.2 Subject to the provisions of the Act, the Commission may follow as far as possible the general procedure directed in these Regulations in dealing with a proceeding arising out of a contravention or likely contravention by a licensee.

**28 Grant of exemption from licence**

28.1 An exemption from licence shall be granted in a manner that is consistent with the provisions of the applicable law and provision of the Act.

**29 Revocation of the Transmission/Distribution Licence**

29.1 The proceedings for revocation of the licence or for passing of any other orders stated in Section 19 of the Act, shall be initiated by an order passed by the Commission, which the Commission may initiate Suo motu or on application of the Licensee or on receiving any complaint or information from any person.

29.2 The procedure and the manner of revocation shall be consistent with the provisions inter-alia of Section 19 of the Act.

29.3 Subject to the provisions of the Act and the procedure contained therein, the enquiry by the Commission on the revocation of the licence, in so far it is applicable, shall be in the same manner as prescribed in Regulation 16 above.

29.4 A licensee himself wishing to apply for or give consent to the revocation or part revocation of his licence may make an application to the Commission. The Commission shall pass orders on such applications, after hearing the Licensee and such other persons as it thinks fit.

29.5 The application for revocation of the licence made by the Licensee or by any person shall be accompanied by such fee as may be prescribed by the Commission from time to time.

29.6 Until otherwise specified, the fees payable for revocation of a Transmission/Distribution Licence, shall be as per Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Conduct of Business Regulations), 2009 and as amended from time to time.

**30 Suspension of Distribution Licence and sale of utility**

30.1 If at any time, the Commission is of the opinion that it is necessary in public interest, the Commission may, for reasons to be recorded in writing, suspend the licence of the Distribution Licensee in the circumstances, manner and form given in Section 24 of the Act.

**31 Regulations of licensee's purchase of power**

31.1 The Licensee shall file with the Commission in complete form copies of all Power Purchase Agreements already entered into by the Licensee.

31.2 The Commission shall be entitled to direct that the Licensee shall establish to the satisfaction of the Commission that the purchase of power by the Licensee is under a transparent power purchase procurement process and is economical and the power is necessary for the Licensee to meet its service obligation.

31.3 The Licensee shall apply to the Commission to approve the draft Power Purchase Agreement that the Licensee proposes to enter into. The Commission may pass orders:

- i. Approving the agreement; or
- ii. Approving the agreement with modifications proposed to the terms of the agreement;
- iii. Rejecting the agreement.

31.4 Nothing contained herein shall affect the obligations of Distribution Licensee under the existing contracts and arrangements for purchase, import or acquisition of electricity from generating companies, electricity traders and from other persons with whom the Licensee has agreements or arrangements of power purchase or procurement of energy in accordance with the terms and conditions of such agreements and arrangements consented to or approved by the Commission.

31.5 The provisions of sub-regulation (ii) and (iii) above or any action taken therein shall not, in any manner, prejudice the exercise of functions and powers of the Commission under any of the other provisions of the applicable law, the Regulations and orders to be issued from time to time.

**32 Standards of Performance**

32.1 The Commission may, after consultation with the Transmission/ Distribution Licensees and persons likely to be affected, specify standards of performance of a licensee or a class of licensees which in its opinion, are attainable and ought to be achieved by such licensees, and different standards may be determined for different licensees. The Commission may publish the standards so determined in such form and in such manner as the Commission may consider appropriate.

**33 Payment of Licence Fees**

33.1 The Commission may while granting a licence or an Exemption to undertake the business of transmission or supply of electricity including bulk supply of electricity or any other order granting any privilege to any person may levy and collect the fee payable in accordance with provisions of the Act and these or Joint

Electricity Regulatory Commission for the State of Goa and Union Territories (Conduct of Business Regulations), 2009 and as amended from time to time at the time of the grant of licence or privilege and thereafter, for each subsequent year that the Licence remains in force, the Licensee shall pay an annual licence fees in accordance with the Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Conduct of Business Regulations), 2009 and as amended from time to time.

- 33.2 The fees payable under these regulations shall be paid by means of bank draft or pay order, drawn in favor of the Secretary, Joint Electricity Regulatory Commission, payable at Gurgaon, Haryana.
- 33.3 The fees received by the Secretary of the Commission under these regulations shall be deposited in a bank account to be maintained by the Commission at such bank and in such Branches as the Commission may direct from time to time or in Government Account under relevant head of account.

## Chapter-2

### General Conditions of the Transmission Licence

#### 34 Activities of the Transmission Licensee

- 34.1 The Transmission Licensee shall perform his duties stipulated in Section 40 of the Act and full fill the terms and conditions stipulated in the licence.
- 34.2 The Transmission Licensee shall build, maintain, and operate an efficient coordinated transmission system.
- 34.3 The Transmission Licensee shall operate the transmission system economically so that the transmission charges can be kept minimum and thereby the component of transmission cost in the tariff is also kept minimum.
- 34.4 The Transmission Licensee shall operate the transmission system in such a manner that the parameters are maintained in the ranges prescribed in the Central Electricity Authority's Grid Standards all the time and ensure that the system is available at all times for generators to inject power (of agreed quantum) and for Distribution Licensees to draw power (of agreed quantum).
- 34.5 The Transmission Licensee shall coordinate with Regional Power Committee, Regional and State Load Despatch Centres, Central Transmission Utility, State Transmission Utility, generating companies and licensees to ensure uninterrupted supply to the consumers.
- 34.6 The Transmission Licensee shall obtain prior written approval from the Commission before entering into any agreement with another company for supply of power to consumers in his area.
- 34.7 The Transmission Licensee shall install the meters, as required in accordance with Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 as amended from time to time and maintain up to date records of energy transmitted by each element of the system and produce the same to the Commission and to other agencies, wherever required.
- 34.8 The Transmission Licensee shall establish adequate communication and information system facilities before commencing transmission.
- 34.9 The Transmission Licensee shall act in a prudent and reasonable manner in utilization of the licence for obtaining credit facilities.
- 34.10 The Transmission Licensee shall under all circumstances retain operational control over his assets in the case of mortgage of his assets.
- 34.11 The Transmission Licensee shall seek approval of the Commission before advancing loans, or issuing any guarantee for any obligation of any person except when made or issued for the purposes of the Licensed Business, however loans to employees pursuant to their terms of service and advances to suppliers in the ordinary course of business are excluded from the requirement to seek such approval.
- 34.12 The Transmission Licensee may engage any affiliate to provide any goods or services to the Licensee, in connection with its transmission business, subject to the following conditions:
- (a) the transaction will be on an arms-length basis;
  - (b) the transaction will be structured consistent with any regulation framed by the Commission relating to the provision of goods and services with respect to the transmission business and;
  - (c) Transmission Licensee will give fifteen (15) days' notice to the Commission prior to commencement of the proposed arrangement.

#### 35 Prohibited Activities

- 35.1 No licensee, except with prior approval of the Commission, shall undertake:
- (a) any transaction to acquire, through purchase or takeover or otherwise, any utility of any other licensee; or

- (b) merge his utility with another utility of any other licensee.
- 35.2 No licensee shall, without prior approval of the Commission, assign or transfer his utility or Licence or part thereof through sale, lease, exchange or otherwise.
- 35.3 Before obtaining approval under Clause (35.1) to (35.2) above, a Licensee shall give a notice of not less than one (1) month to every other Licensee, who distributes electricity in the area of such licensee, who applies for such approval to the Commission.
- 35.4 Any agreement entered into by the Licensee in respect of Clause (35.1) to (35.3) above shall become void unless prior approval of the Commission is obtained thereto.
- 35.5 Where such permission is required, the Licensee shall file an application with the Commission duly furnishing all relevant information. The Commission may, within thirty (30) days of the receipt of such application, accord required permission subject to the terms and conditions as it deems necessary or reject the application for the reasons to be recorded in writing in support of such rejection.
- 35.6 The Transmission Licensee shall not make use of the assets of the system for a purpose other than transmission of electricity, except with the prior approval of the Commission as provided for in Regulation 37.

### **36 Transfer of Assets**

- 36.1 The Transmission Licensee shall not, in a single transaction or a set of related transactions, transfer its utility or any part thereof by sale, lease, exchange or otherwise, without complying with the conditions stipulated in this Regulation 36.
- 36.2 The Transmission Licensee shall give to the Commission prior written notice of its intention to transfer its utility and disclose all relevant facts. The Commission may, within thirty (30) days of the receipt of the notice, seek further information in support of the transaction and shall, generally within thirty (30) days of such further information being submitted by the Transmission Licensee, and where no such further information is sought by the Commission as above, within sixty (60) days of the filing of the application, allow the transfer arrangement subject to such terms and conditions or modifications as may be considered appropriate or reject the same, by means of a reasoned order.
- 36.3 The Transmission Licensee may transfer its utility as is specified in any notice given under Clause (36.2) if:
- (a) the Commission confirms in writing that it consents to such transfer, subject to such conditions as the Commission may impose; or
  - (b) the Commission does not, within the time specified under Clause (36.2) for the decision of the Commission, give any response to the notice of the Transmission Licensee that it intends to deal with the application of the Transmission Licensee.
- 36.4 The Transmission Licensee may transfer its utility where:
- (a) the Commission has issued directions for the purposes of this Regulation 36 containing a general consent (whether or not subject to conditions) to transactions of a specified description, and/or the transfer of a specified description, and the transfer is in accordance with any conditions to which the consent is subject; or
  - (b) the transfer in question is required by or under the mandate of any law; or
  - (c) the asset in question was acquired and used by the Transmission Licensee exclusively or primarily in connection with any Other Business that it has been authorized to carry on pursuant to Regulation 22 and does not constitute a legal or beneficial interest in land, or otherwise form part of the transmission system or is not otherwise an asset required for the Licensed Business.
  - (d) Notwithstanding what is stated above, the Transmission Licensee will be entitled to utilize the assets as a means of facilitating funding or financing the Licensed Business in the ordinary course of business including loans and credit facilities from banks and financial institutions, subject to the conditions:
    - i. that the Transmission Licensee will inform the Commission about such arrangements at least fifteen (15) days prior to the effective date of the relevant agreements;
    - ii. the Transmission Licensee acts in a prudent and reasonable manner in such utilization of assets; and
    - iii. the Transmission Licensee retains Operational Control over assets in the transmission system.

### **37 Other Business**

- 37.1 The Transmission Licensee shall file an application for the Commission's approval for Other Business, in accordance with the Joint Electricity Regulatory Commission for Goa & Union Territories (Treatment of

Other Business of Transmission Licensees and Distribution Licensees) Regulations, 2009, as amended from time to time

- 37.2 Where the Transmission Licensee is engaged in any Other Business, the income from such business shall be calculated in accordance with the Joint Electricity Regulatory Commission for Goa & Union Territories (Treatment of Other Business of Transmission Licensees and Distribution Licensees) Regulations, 2009, as amended from time to time and shall be deducted from the Aggregate Revenue Requirement of the Licensee:

Provided that the Licensee shall follow a reasonable basis for allocation of all joint and common costs between the transmission business and the Other Business and prepare Accounting Statements in accordance with Joint Electricity Regulatory Commission for Goa & Union Territories (Treatment of Other Business of Transmission Licensees and Distribution Licensees) Regulations, 2009, as amended from time to time and submit to the Commission along with its application for determination of tariff;

Provided further that where the sum total of the direct and indirect costs of such Other Business exceeds the revenues from such Other Business, no amount shall be allowed to be added to the Aggregate Revenue Requirement of the Licensee on account of such Other Business.

### 38 Accounts and Audit

- 38.1 Every Transmission Licensee shall cause the accounts of his utility to be made up the thirty-first (31) day of March each year.

- 38.2 The Transmission Licensee shall:

- (a) Maintain separate information and statement of accounts for the Licensed Business and any Other Business carried on by the Transmission Licensee:

Provided, further that, the Licensee shall submit separate accounts for its Licensed Business and overall accounts of the Company as a whole.

- (b) Maintain the statement of accounts in such form and containing such particulars as may be specified by the Commission and till such time as these are specified by the Commission, the accounts shall be maintained in accordance with the Companies Act, 1956, Companies Act, 2013 as amended from time to time, where such Act is applicable;

- (c) Prepare on a consistent basis, from such records, Accounting Statements for each financial year comprising a profit and loss account, a balance sheet and a statement of source and application of funds together with notes thereto and showing separately the amounts of any revenue, cost, asset, liability, reserve, or provision which has been either:

i. Charged from or to any Other Business together with a description of the basis of that charge or;

ii. Determined by apportionment or allocation between the various business activities together with a description of the basis of the apportionment or allocation;

- (d) Provide, in respect of the Accounting Statements prepared in accordance with foregoing Clauses, a report by the Auditors in respect of each year, stating whether in their opinion the statements have been properly prepared and give a true and fair view of the revenue, costs, assets, and liabilities, reserves reasonably attributable to the business to which the statements relate; and

- (e) The Transmission Licensee shall prepare and render to the Commission an annual statement of his audited accounts in accordance with the provisions of the Act, within a period of six (6) months from the aforesaid date, or such extended period as the Commission may authorize after it is satisfied that the time allowed is insufficient owing to any cause beyond the control of the Licensee and the statement shall be rendered in such numbers of copies as the Commission directs;

- (f) The accounts shall be made up in such forms as the Commission may direct from time to time. All the forms shall be signed by the Transmission Licensee or his accredited and duly authorized agent or manager;

- (g) The Commission may by special or general order direct that, in addition to the submission of the annual statements of accounts in the forms directed in Clause 38.2 (f) above, a Transmission Licensee shall submit to the Commission or such other authority as it may designate in this behalf such additional information as it may require for the purpose;

- 38.3 Any person authorized by the Commission shall be entitled to inspect and verify the accounts of the Transmission Licensee and the Transmission Licensee shall render all necessary assistance to such person:

Provided, further that, if the Commission feel appropriate, the Commission may get the independent audit of the Transmission Licensee accounts from any independent agency, including Comptroller and Auditor General of India (CAG).

- 38.4 The Transmission Licensee shall not change the basis of charge or apportionment or allocation of revenues or expenses in relation to the preparation of the Accounting Statements in respect of a financial year from those applied in respect of the previous financial year, without prior approval from the Commission:

Provided that during the financial year that a Transmission Licensee changes the basis of charge or apportionment or allocation in its Accounting Statements from those adopted for the immediately preceding financial year, the Commission may direct the Transmission Licensee to prepare such Accounting Statements on the past basis in addition to preparing Accounting Statements on the basis which it has adopted.

- 38.5 If the Transmission Licensee is carrying on any Other Business for the optimum utilization of its assets, it shall prepare on a consistent basis from such accounting records and deliver to the Commission in accordance with the Joint Electricity Regulatory Commission for Goa & Union Territories (Treatment of Other Business of Transmission Licensees and Distribution Licensees) Regulations, 2009, as amended from time to time.
- 38.6 The Transmission Licensee shall ensure that the Accounting Statements in respect of each financial year and the Auditors report in respect of each financial year mentioned hereinabove are publicized in such manner as the Commission may direct, and are made available to any person requesting them, at a price not exceeding the reasonable cost of duplicating them, or such price as the Commission may specify.

### **39 Business Plan**

- 39.1 The Transmission Licensee shall file for the Commission's approval a Business Plan for the entire Control Period, duly approved by the competent authority, in accordance with the Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Generation, Transmission and Distribution Multi Year Tariff) Regulations, 2018 and as amended from time to time.

### **40 Investments**

- 40.1 The Transmission Licensee shall make the investments in a prudent manner, being guided by the duty to build, maintain and operate an efficient, coordinated and economical transmission system in the State of Goa and Union Territories.
- 40.2 The transmission licensee shall ensure that augmentation of transmission system is done so that the overloaded portions are augmented as required.
- 40.3 The Transmission Licensee shall duly comply with Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Generation, Transmission and Distribution Multi Year Tariff) Regulations, 2018 and as amended from time to time, guidelines, directions and orders that the Commission may issue from time to time in regard to investments to be made in the Transmission Business.

### **41 Procurement of Material/ Equipment/ Services**

- 41.1 The Transmission Licensee shall procure all material/equipment or execute any contract for availing services only through the transparent competitive bidding process.

### **42 Major Incidents**

- 42.1 The Transmission Licensee shall notify to the Commission any major incident that has occurred in the area of the Transmission Licensee. A deviation from any part of the transmission system from standard operating condition, which was triggered by cross boundary effect, in the system of generators, distribution system or in the system of extra high voltage consumers which has resulted in the loss of equipment or life of a person or animal, shall be deemed a major incident. The Transmission Licensee shall also:
- submit a detailed report giving facts of the incidents, the causes and the adverse effects on the total power system (The total power system comprises the transmission system, generating units, distribution systems and the systems of the EHT consumers);
  - Submit a note containing the Licensee's analysis of the major incident and suggestions for carrying out remedial measures for preventing recurrence of such major incidents;
  - The Transmission Licensee shall at the earliest possible date and in any event, no later than two (2) months from the date of such Major Incident:
    - Submit a report to the Commission giving full details of the facts within the knowledge of the Licensee regarding the incident and its cause;
    - In the event the report under sub-clause (a) is likely to take more than fifteen (15) days from the date of the Major Incident, the Transmission Licensee shall within fifteen (15) days from such date of the incident submit a preliminary report with such details which the Transmission Licensee can reasonably furnish and state reasons as to why the Transmission Licensee requires more than fifteen (15) days for giving full report of such incident;
    - send copies of the report and note to the State Load Dispatch Centre, State Transmission Utility, State Government, and Chief Electrical Inspectorate etc.

- 42.2 The Commission may direct an independent person to investigate in the case of a major incident and submit his report.
- 42.3 The Commission may analyze the report and the information received from all sources and will decide whether a major incident is a Force Majeure event or is caused by violation of conditions of Transmission Licence or provisions of Grid Code or provisions of the Act or the rules and regulations under the Act.
- 42.4 The Commission may decide the following:
- (a) remedial measures to be taken by one or more operators (or owners) of the parts of the total power system (including the Transmission Licensee) to prevent recurrence of similar major incidents;
  - (b) Punitive measures to be imposed on one or more persons for lapses which caused the major incident;
  - (c) Compensation to be paid by one party to another party [by the owner (or operator) of a segment of the total power system to the owner (or operator) of another segment of the total power system].
- 42.5 The Commission may send its views and decisions on the major incident to the State Load Despatch Centre, Chief Electrical Inspector, State Transmission Utility etc.

### 43 Open Access

- 43.1 The Transmission Licensee shall arrange for the provision of non-discriminatory open access to its transmission system to any persons in accordance with the Open Access Regulations issued by the Commission under Section 42 of the Act.

### 44 Expected Revenue and Tariff Filings

- 44.1 The Transmission Licensee shall follow the methodology, procedures and other directions included in the Tariff Regulations while filing statements of expected revenue from charges and for proposing or amending any or all of its tariffs.
- 44.2 The amount that the Licensee is permitted to recover from its tariffs in any financial year is the amount that the Commission determines in accordance with the financial principles and their applications provided in Section 62 of the Electricity Act 2003, as will allow the Transmission Licensee a fair opportunity to earn a reasonable return.
- 44.3 The Transmission Licensee shall establish a tariff as approved by the Commission, for the Licensee's Transmission Business and shall calculate its charges in accordance with this Licence, the Regulations, the orders of the Commission and other requirements prescribed by the Commission from time to time.
- 44.4 The Transmission Licensee shall publish a tariff for its Transmission of electricity reflecting the tariff charges and the other terms and conditions contained in the approved tariffs referred to in Clause (44.3) above or as directed by the Commission.
- 44.5 The Transmission Licensee shall apply to the Commission to amend its tariffs in accordance with the Act and applicable Regulations and directions of the Commission.
- 44.6 The Transmission Licensee shall apply to the Commission to amend its tariffs in accordance with the Act, if the Commission so requires in order to remove any undue discrimination identified by the Commission.

### 45 Provision of Information to the Commission and other Stakeholders

- 45.1 The Transmission Licensee shall provide all information as applicable to the Licensee in the formats enclosed within sixty (60) days from coming into force of these Conditions of Licence. Subsequently, all the formats shall be filled up and submitted by the Licensees, annually, within a month after the completion of every financial year.
- 45.2 The Transmission Licensee shall furnish to the Commission without undue delay such information, documents and details related to the Licensed Business or any other business of the Licensee engaged for optimum utilization of the assets of the Licensed Business, as the Commission may require from time to time for its own purposes or for the purposes of the Government of India, State Government, the Central Commission, and/or the Central Electricity Authority, the State Transmission Utility and State Load Dispatch Centre.
- 45.3 The Transmission Licensee shall also undertake such studies as the Commission may direct it to undertake from time to time for the improvement of its transmission business and any other matter concerning the transmission business.
- 45.4 The Transmission Licensee shall duly inform the Commission about any incident restricting it from meeting its obligations under its licence including any act of Commission or commission by others and steps taken by the Licensee to mitigate the effect of such incident.
- 45.5 The Commission may at any time require the Licensee to comply with the provisions of Clauses 45.3 as to incidents which the Commission may specifically direct and the Licensee shall be obliged to comply with the same.

- 45.6 The Transmission Licensee shall provide details/data/documents available in material form as required by the stakeholders/consumers/consumer associations/consumer bodies, etc., within the time frame as prescribed by the Commission from time to time. If no time frame is prescribed by the Commission the Licensee shall provide the same within a maximum period of thirty (30) days from the date of request.

### Chapter - 3

#### Technical Conditions of the Transmission Licence

#### 46 Transmission Planning and Security Standards, Power Supply Planning and Security Standards, Transmission Operating Standards; and Power Supply Operating Standards

- 46.1 The Transmission Licensee shall plan and operate the Transmission System so as to ensure that the Transmission System is capable of providing an efficient, coordinated and economical system of Transmission.
- 46.2 In particular, the Transmission Licensee shall:
- plan and develop its Transmission System in accordance with the Transmission System Planning and Security Standards together with the Grid Code as approved by the Commission; and
  - operate the Transmission Licensee's Transmission System in accordance with the Transmission System Operating Standards together with the Grid Code as approved by the Commission.
- 46.3 The Transmission Licensee shall make arrangements, within twelve (12) months from the date of issue of Licence, to comply with the Power Supply Planning and Security Standards and Power Supply Operating Standards.
- 46.4 The Transmission Licensee shall, within sixty (60) days from the date when Licence becomes effective; submit to the Commission the existing standards for the following:
- Standards for its Transmission System, Planning and Security Standards, Operating Standards;
  - Standards for its Power Supply System, Planning and Security Standards, Operating Standards;
  - Including those relating to:  
Generation Capacity connected to its Transmission System being followed by the Licensee;  
Such existing standards, with such modification as the Commission may direct, shall continue to remain in effect until new standards approved by the Commission pursuant to Clause (46.5) and (46.6) take effect.
- 46.5 The Transmission Licensee shall, within six (6) months, or such longer time as the Commission may allow, after Licence has become effective, prepare, in consultation with the Suppliers, Generating Companies, Central Transmission utility, Regional Electricity Boards and such other Person as the Commission may specify, and submit to the Commission for approval the Licensee's proposal for Transmission Planning and Security Standards, Transmission Operating Standards, Power Supply Planning and Security Standards and Power Supply Operating Standards in accordance with Regulation 46.
- 46.6 The Transmission Planning and Security Standards, Transmission Operating Standards, Power Supply Planning and Security Standards and Power supply Operating Standards submitted by the Licensee pursuant to this paragraph, with such modifications as the Commission may require, shall take effect from such date as the Commission may specify.
- 46.7 The Transmission Licensee shall not be in breach of its obligations under the Licence if it has failed to meet the Transmission Planning and Security Standards or the Transmission Operating Standards directly due to Force Majeure, provided, the Licensee has used its reasonable efforts, to the extent reasonably possible, to comply with the Transmission Planning and Security Standards or the Transmission Operating Standards as the case may be.
- 46.8 The Transmission Licensee shall make reasonable arrangements to provide for sale to Suppliers, sufficient electricity to meet Power Supply Planning and Security Standards and Power Supply Operating Standards approved by the Commission.
- 46.9 The Transmission Licensee shall, in consultation with Suppliers, the Generating Companies, Distribution Licensees in the state, the Central Transmission Utility, the regional Electricity Board and such other persons as the Commission may order, review Standards and their implementation on each occasion. Following such review, the Transmission Licensee shall send to the Commission:
- a report on the outcome of such review; and
  - any revision which the Licensee proposes to make to such documents from time to time (having regard to the outcome of such review); and

- (c) any written representations or objections (including those not accepted by the Licensee) from Suppliers, Generating Companies, Central Transmission Utility, regional Electricity Board and such other Persons as the Commission may order during consultation process;

The Commission may, upon application of the Transmission Licensee, relieve the Transmission Licensee from obligation to review the standards and their implementation, to such extent as shall be specified in directions issued to the Transmission Licensee by the Commission for the purposes of this condition.

- 46.10 Having regard to any written representations or objections referred to in Regulation (46.9(c)), and following such further consultation (if any) as the Commission may consider appropriate, it may issue directions requiring the Transmission Licensee to revise the standards in such manner as may be specified in the directions.
- 46.11 The Commission may issue directions requiring the Transmission licensee to revise any of the standards in such manner as may be specified by the Commission.
- 46.12 The Transmission Licensee in consultation with the Distribution Licensee(s) shall, on an annual basis:
- (a) forecast the demand for power within the Area of Transmission and Bulk Supply in each of the next succeeding ten (10) years; and
  - (b) prepare and submit forecasts to the Commission in accordance with the guidelines issued by the Commission from time to time.
- 46.13 The Transmission Licensee shall within three (3) months of the end of each financial year, submit to the Commission a report indicating the performance of the Transmission System during the previous financial year.
- 46.14 The Transmission Licensee shall, if required by the Commission, publish a summary of the report in a manner to be determined by the Commission.

#### **47 Compliance with Grid Code by the Transmission Licensee**

- 47.1 The Transmission Licensee shall ensure due compliance with the Indian Electricity Grid Code and JERC State Grid Code, as amended from time to time.
- 47.2 The Commission may, on reasonable grounds and after consultation with the affected Generation Company, Transmission Licensee the State Transmission Utility the State Load Despatch Centre and electricity traders, issue direction relieving the Licensee of its obligation in respect of such parts of the State Grid Code and to such extent as may be decided by the Commission.

#### **48 Central Scheduling and Despatch**

- 48.1 Having regard to information provided to it by Suppliers, Generating Companies Central Transmission Utility, Distribution Licensees and other utilities in the region (including information as to forecast levels of electricity demand and availability of generation capacity) and keeping into consideration requirements of the Transmission Planning and Security Standards and the Transmission operating Standards referred to in this Licence, the Transmission Licensee in consultation with the Distribution Licensee(s) shall undertake operational planning matching to possible output of all Generating Sets contracted to it and any other Bulk Supply and other sources or electrical energy connected to the Transmission Licensee's Transmission System (including a reserve of generation to provide a security margin or generation availability) with forecast demand after taking into account, inter alia:
- (a) unavailability of Generating Sets; and
  - (b) constraints from time to time imposed by technical limitations on the Total System or interconnections with other transmission systems or any part(s) thereof;
  - (c) consistent with this Clause (48.1) and in accordance with the Grid Codes, for the removal from service of parts of the transmission systems for maintenance, repair extension of reinforcement.
- 48.2 Taking account of the factors referred to in Clause (48.3) the Licensee shall schedule and issue direct instructions for dispatch of power from the Generating Sets and other sources of power as are at such times available to generate electricity and which are subject to dispatch instructions:
- (a) in ascending order of relevant prices that are offered for the generation of electricity into the Total System, keeping in view the constraints on hydro-electric generation; and
  - (b) as will in aggregate (and after taking account of electricity delivered to or from the Total System from or to other sources) be sufficient to match at all times (to the extent possible having regard to the availability of Generation sets) expected demand, taking account of information provided by Suppliers, the Central Transmission Utility and the Regional Electricity Board together with an appropriate margin of reserve.

48.3 The factors referred to in Clause 48.2 include:

- (a) expected demand (including losses);
- (b) Economic and technical constraints from time to time imposed on the Total System or any part or parts thereof;
- (c) the dynamic operating characteristics of available Generating Sets; and
- (d) other matters provided for in the Grid Code.

48.4 The Transmission Licensee shall provide to the Commission such information as the Commission shall require concerning the merit order dispatch described in Clause (48.2(a)) or any aspect of its operation.

**49 Requirement to Offer Terms for Use of System and Connection to System**

49.1 The Transmission Licensee shall make such arrangements for use of the Transmission System by third parties as are specified in the Regulation 49. On application made by any such third party, the Transmission Licensee shall offer to enter into an agreement with that person for the use of the Transmission System.

- (a) to accept into the Transmission System electricity provided by that Person;
- (b) to deliver such electricity, adjusted for losses of electricity, to a designated exit point;
- (c) that specifies that use of System charges to be paid by the user, shall be in accordance Regulation 44.

**Explanation:** The third parties referred to in this Clause (49.1) means:

- (a) Persons authorized under a legislation enacted by the Union of India to wheel power across the Transmission System in an inter-state conveyance of energy;
- (b) Such persons as the Commission may authorize to use the Transmission system.

49.2 On application made by a Supplier for grant of a connection to a Consumer wishing to be connected directly to the Transmission System, the Licensee shall offer to enter into an agreement with such Supplier and/or Consumer, as the case may be, for connection to the Transmission System or for modification of such an existing connection and such offer shall make provision for:

- (a) carrying out of works necessary to make the required connection, including the installation of meters;
- (b) carrying out any necessary work to reinforce the Licensee's Transmission System;
- (c) connection charges to be paid in accordance with Regulations 44; and
- (d) date of completion and such other terms as are relevant to the circumstances.

49.3 The Transmission Licensee shall offer terms for agreements in accordance with Clause (49.1) or (49.2) as soon as practicable but (save where the Commission consents to a longer period) no more than two (2) months after an application under Clause (49.1) or (49.2) is made.

49.4 The Transmission Licensee shall not be obliged pursuant to Regulation 34 to offer to enter or to enter into any agreement if it is:

- (a) likely to involve the Transmission Licensee;
  - i. in breach of its duties under Section 17 of the Act or;
  - ii. in breach of any rules or Regulations relating to safety or standards applicable to the Transmission Business including, the Indian Electricity Rules 1956; or
  - iii. in breach of the Grid Code; or
  - iv. in breach of any of the conditions of this Licence; or if
- (b) the persons making the application does not undertake to comply with the Grid Code from time to time in force to the extent that it is applicable to that Person, or;
- (c) in case of persons making application for Use of System under Clause (49.1) such person ceases to be authorized as specified therein; or
- (d) in case the persons do not have the financial resources to pay the transmission charges.

49.5 If, after a period, which appears to the Commission to be reasonable for the purpose, the Licensee has failed to enter into an agreement with any applicant referred to in Clause (49.1) and (49.2) pursuant to a request under Clause 49, the Commission may at the request of a party settle such terms in dispute between the Licensee and that Person and, the Transmission Licensee shall forth with enter into and implement such agreement in accordance with its terms as settled by the Commission.

- 49.6 The Transmission Licensee shall prepare and submit to the Commission on annual basis, a settlement showing in respect of each of the five (5) succeeding financial years, forecasts of circuits capacity, power flows and loading on the Transmission System under standard planning criteria, together with:
- (a) such further information as shall be reasonably necessary to enable any Person seeking use of System to identify and evaluate the opportunities available when connecting to and making use of such system; and
  - (b) a commentary prepared by the Licensee indicating the Licensee's views as to those parts of the Licensee's Transmission System most suited to new connections and transport of further quantities of electricity.
- 49.7 At the request of a person or a supplier who wishes to use the Transmission System under Clause (49.1) or (49.2) the Transmission Licensee shall prepare an update to the above statement, incorporating most recent data but specifically including any facility for which any other Person or a Supplier has requested use of and connection to the Transmission System.
- 49.8 The Transmission Licensee may make a charge for any statement given or sent to Persons seeking Use of System, of an amount reflecting the Transmission Licensee's reasonable costs of providing such a statement.

#### Chapter- 4

#### General Conditions of the Distribution Licence

##### 50 Duty to Supply Electricity on Request

- 50.1 Subject to the provisions of the Act, the Distribution Licensee shall comply with the requirements of Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Electricity Supply Code) Regulations, 2018 and as amended from time to time, Directions and Orders of the Commission in regard to supply of electricity.
- 50.2 Where the owner or occupier of any premises requires supply of electricity under the terms of Clause 50.1 above, the application shall be made in a form prescribed by the Commission and the procedure for responding to that application shall be in accordance with the procedure approved by the Commission.
- 50.3 The Distribution Licensee shall have the duty to provide, if required, any electric plant or electric line for providing the electric supply to the premises in terms of Clause 50.1 above:

Provided that no person shall be entitled to demand, or to continue to receive, from a Licensee (including a Distribution Licensee) a supply of electricity for any premises having a separate supply unless he has agreed with the Licensee (including the Distribution Licensee) to pay to it such price as determined by the Commission;

Provided further that the Distribution Licensee shall be bound by the Regulations made by the Commission under Sections 43, 44, 46 and 48 of the Act, in respect of the duty to supply and the matters related there to.

##### 51 Installation of Meters

- 51.1 The Distribution Licensee shall comply with the requirements of the Act, Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Electricity Supply Code) Regulations, 2018 and as amended from time to time, Directions and Orders of the Commission in regard to supply of electricity through meter.
- 51.2 Every Distribution Licensee shall supply electricity only after installation of proper meter etc. in the premise of the consumer in accordance with the "Installation and Operation of Meter" Regulations, 2006 notified by the Central Electricity Authority (CEA) under Section 55 of the Act and as amended from time to time. Notwithstanding this, the Licensee may consider installing upgraded technology meter becoming available in the market if it meets the requirements over and above the requirements of CEA.
- 51.3 If the meter is supplied by the Distribution Licensee, the Licensee shall be entitled to recover the cost of meter and associated equipment as part of the demand notice. Else, the Distribution Licensee shall charge meter rent as approved by the Commission. In case of connections where the meter has been procured by the consumer, no meter rent and meter cost shall be charged from the consumer.
- 51.4 The installation of meter shall be decided in consultation with the consumer. The consumer shall provide suitable and adequate space for installation of the meter in such a manner that it is always accessible to the Licensee or its representatives. In case of multi-storied buildings, all the meters shall be fixed preferably on the ground floor/rising mains having proper air ventilation and adequate illumination as per the standards and codes specified.

- 51.5 Initial installation or replacement of the meter shall be done by the Licensee's representative in the presence of the consumer or his authorized representative, after giving a notice of three (3) days.
- 51.6 Whenever a new meter is installed (for a new connection or as a replacement) it shall be sealed in the presence of the consumer. The seal, name plates and distinguishing numbers or marks affixed on the said equipment or apparatus shall not in any way be broken, erased or altered by the consumer. Treatment of meter seals shall be in accordance with the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 and all subsequent amendments.
- 51.7 For any default in compliance of the provision contained in Clause (51.2) above, the Commission shall make an order, as it deems fit, to make good the default by the Licensee or by any of officer and staff of the Licensee who will be responsible for the default.

## **52 Process for Levy and Recovery of Fines and Charges**

- 52.1 If on the conclusion of any proceeding, the Commission is satisfied that any person is liable to fines or charges, it may by order in writing impose such fines or charges in accordance with the provisions of the Central Act or the State Act, and the Regulation specified for the purpose and may also award compensation.
- 52.2 While determining the quantum of fines or charges, the Commission shall, amongst other, consider the following factors:
- (a) The nature and extent of non-compliance or violation;
  - (b) Wrongful gain or unfair advantage derived as a result of the non-compliance or violation;
  - (c) Loss or degree of harassment caused to any person(s) as a result of the non-compliance or violation, and
  - (d) The repetitive nature of the non-compliance or violation.
- 52.3 While passing an order under this regulation, the Commission may award compensation to the complainant or affected party to be paid by the person found to have committed the non-compliance or violation.
- 52.4 The Commission may direct the time within which the fines, charges or compensation should be paid by the concerned person,
- 52.5 The Commission may designate an Officer to collect the fines and charges pursuant to the provisions of the Central Act or the State Act.

## **53 Open Access**

- 53.1 The Distribution Licensee shall arrange for the provision of non-discriminatory open access to its distribution system to any persons in accordance with the Open Access Regulations issued by the Commission under Section 42 of the Act.

## **54 Other Business of Distribution Licensee**

- 54.1 The Distribution Licensee shall file an application for the Commission's approval for Other Business, in accordance with the Joint Electricity Regulatory Commission for Goa & Union Territories (Treatment of Other Business of Transmission Licensees and Distribution Licensees) Regulations, 2009, as amended from time to time
- 54.2 Where the Distribution Licensee is engaged in any Other Business, the income from such business shall be calculated in accordance with the Joint Electricity Regulatory Commission for Goa & Union Territories (Treatment of Other Business of Transmission Licensees and Distribution Licensees) Regulations, 2009, as amended from time to time and shall be deducted from the Aggregate Revenue Requirement of the Licensee:
- Provided that the Licensee shall follow a reasonable basis for allocation of all joint and common costs between the Distribution business and the Other Business and prepare Accounting Statements in accordance with Joint Electricity Regulatory Commission for Goa & Union Territories (Treatment of Other Business of Transmission Licensees and Distribution Licensees) Regulations, 2009, as amended from time to time and submit to the Commission along with its application for determination of tariff.
- Provided further that where the sum total of the direct and indirect costs of such Other Business exceeds the revenues from such Other Business, no amount shall be allowed to be added to the Aggregate Revenue Requirement of the Distribution Licensee on account of such Other Business.

**55 Franchisee**

- 55.1 The Distribution Licensee may engage any of its Subsidiaries or Holding Company or a Subsidiary of such Holding Company to provide any goods or services to the Licensee in connection with the Licensed Business, subject to the following conditions:
- (a) that the transaction will be on an arms-length basis and at a value that is fair and reasonable in the circumstances;
  - (b) that the transaction will be consistent with any Regulations framed by the Commission relating to the provision of goods and services with respect to Licensed Business; and
  - (c) that the Licensee will give fifteen (15) days' notice to the Commission prior to commencement of the proposed arrangement and along with the notice provide all relevant details of the arrangement.
- 55.2 The Licensee may establish subsidiaries or establish associated companies or grant a franchise or enter into management contracts including appointment of billing agent to conduct or carry out any of the functions, which the Licensee is authorized to conduct or carry out under the Acts and this Licence. Provided always that:
- (a) Any such Subsidiary or associated company or franchisees or contractors or agents shall operate under the overall supervision and control of the Licensee and upon the conditions of this licence; and
  - (b) The Licensee shall have, prior to delegating any function to any such Subsidiary or associated company or franchisees or contractor, intimate the Commission for transactions of value of greater than Rs 100 lacs per annum, subject to such conditions as the Commission may stipulate;
  - (c) The Licensee shall also be responsible for all actions of the subsidiaries or associated companies or franchisees or agents or contractors and may terminate the arrangements in case their performance is not to the satisfaction of the Licensee.
- 55.3 Where such prior permission is required, the Licensee will file a suitable application with the Commission disclosing relevant facts. The Commission may, within thirty (30) days of the filing of the application, seek further information in support of the application. The Commission shall generally within thirty (30) days of such further information being submitted by the Licensee, and where no such further information is sought by the Commission as above, generally within sixty (60) days of the filing of the application, allow the arrangement subject to such conditions or modifications as is considered appropriate or reject the same, for reasons recorded in writing in the order to be issued by the Commission.
- 55.4 The Licensee shall be entitled to Transfer or assign this Licence or any of the functions under this Licence to any other Person only with the prior approval of the Commission. To obtain the approval of the Commission as aforesaid, the Licensee will file a suitable application with the Commission disclosing relevant facts in that behalf and the Commission shall dispose such application expeditiously.

**56 Establishment of Consumer Grievance Redressal forum**

- 56.1 The Distribution Licensee shall establish a forum or forums for redressal of grievances of the consumers in accordance with the guidelines issued by the Commission under Section 42 of the Act from time to time.
- 56.2 The Distribution Licensee shall within reasonable time, as directed by the Commission, after the Licence becomes effective and with approval of the Commission, notify a procedure for handling complaints from Consumers of the Licensee in addition to the forum for redressal of grievances. The Commission may hold consultations with the State Advisory Committee or a Person or body of Persons, who the Commission considers as representing the interest of the Consumers likely to be affected and make such modification of the procedure, as it believes necessary before granting approval to the consumer complaints.
- 56.3 The Commission may, upon receiving a representation, or otherwise, require the Distribution Licensee to review the complaint handling procedure prepared and the manner in which it has been implemented, with a view to determine whether any modification should be made to it or to the manner of its implementation.
- 56.4 Any procedure so established, including any revisions to it, shall notify the periods within which it is intended that different kinds of complaint should be processed and resolved.
- 56.5 The Distribution Licensee shall submit to the Commission for its approval any revision proposed to be made to the procedure established.
- 56.6 The Distribution Licensee shall:
- (a) draw to the attention of Consumers, in such manner as the Commission may direct, the existence of the complaint handling procedure and each substantive revision of it and how the Consumers may inspect or obtain copies of such procedure in its latest form;

- (b) make a copy of its complaint handling procedure, revised from time to time, available for inspection by members of the public at the relevant offices of the Licensee during normal working hours; and
- (c) provide a copy of the complaint handling procedure revised from time to time to each new Consumer, and to any other Person who requests for it at a price not exceeding the reasonable cost of duplicating it.

### **57 Protection of Railways, Highways, Telegraphic Lines**

- 57.1 The Distribution Licensee shall not, in the course of distribution, supply or use of electricity, in any way injure any railway, highway, airport, tramway, canal or water-way or any dock, wharf or piers vested in or controlled by a local authority, or obstruct or interfere with the traffic on any railway, airway, tramway, canal or water-way.
- 57.2 The Distribution Licensee shall take all reasonable precautions in constructing, laying down and placing its electric lines, electrical plant and other works and in working its system, so as not to injuriously affect, whether by induction or otherwise, the working of any wire or line used for the purpose of telegraphic, telephone or electric signaling communication, or the currents in such wire or line.
- 57.3 Where any difference or dispute arises between the Distribution Licensee and the telegraph authority as to whether the Distribution Licensee has constructed, laid down or placed its electric lines, electrical plant or other works, or worked its system, in contravention of Clause (57.2) above or as to whether the working of any wire, line or current is or is not injuriously affected thereby, the matter shall be referred to the Central Government.
- 57.4 The Central Government, unless it is of the opinion that the wire or line has been placed in unreasonable proximity to the electric lines, electrical plant or works of the Distribution Licensee after the construction of such lines, plant or works, may direct the Distribution Licensee to make such alterations in, or additions to, its system as may be necessary in order to comply with the provisions of this Regulation 57, and the Distribution Licensee shall make such alterations or additions accordingly:
- Provided that nothing in Clause (57.3) above and this Clause (57.4) shall apply to the repair, renewal or amendment of any electric line or electrical plant so long as the course of the electric line or electrical plant and the amount and nature of the electricity transmitted thereby are not altered.
- 57.5 Where the Distribution Licensee makes default in complying with the requirements of this section, it shall pay full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration conducted in accordance with Section 158 of the Act.

**Explanation** - For the purposes of this Regulation 57, a telegraph line shall be deemed to be injuriously affected if telegraphic, telephonic or electric signaling communication by means of such line is, whether through induction or otherwise, prejudicially interfered with by an electric line, electrical plant or other work or by any use made thereof.

### **58 Conduct of Business having adverse effect on Competition**

- 58.1 Every Licensee shall not enter into agreement or abuse its dominant position or enter into any combination which is likely to cause or causes an adverse impact on the competition in the distribution of electricity.

### **59 Co-operation with State Transmission Utility, State Load Dispatch Centre and other Licensees**

- 59.1 The Distribution Licensee shall provide to the State Load Dispatch Centre and State Transmission Utility and/or other Licensees, such information as may reasonably be required by them to perform their functions and exercise their powers under the Act and/or the Reform Act.
- 59.2 The Distribution Licensee shall always comply with the, directions of State Load Dispatch Centre, Regional Load Dispatch Centre and State Transmission Utility issued under the Act and/or the Reform Act.
- 59.3 The Distribution Licensee shall co-operate with generating companies, other Licensees and State Load Dispatch Centre for the efficient and coordinated operation of the power system.

### **60 Investments**

- 60.1 The Distribution Licensee shall make the investments in a prudent manner, being guided by the duty to build, maintain and operate an efficient, coordinated and economical distribution system in the State of Goa and Union Territories.

60.2 The Distribution Licensee shall duly comply with Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Generation, Transmission and Distribution Multi Year Tariff) Regulations, 2018 and as amended from time to time, guidelines, directions and orders that the Commission may issue from time to time in regard to investments to be made in the Distribution Business.

### **61 Procurement of Material/ Equipment/ Services**

61.1 The Distribution Licensee shall procure all material/equipment or execute any contract for availing services including power procurement only through the transparent competitive bidding process.

### **62 Expected Revenue and Tariff Filings**

62.1 The Licensee shall follow the methodology, procedures and other directions included in the Tariff Regulations while filing statements of expected revenue from charges and for proposing or amending any or all of its tariffs.

62.2 The amount that the Licensee is permitted to recover from its tariffs in any financial year is the amount that the Commission determines in accordance with the financial principles and their applications provided in Section 62 of the Electricity Act 2003, as will allow the Licensee a fair opportunity to earn a reasonable return.

62.3 The Licensee shall establish a tariff as approved by the Commission, for the Licensee's Distribution Business and shall calculate its charges in accordance with this License, the Regulations, the orders of the Commission and other requirements prescribed by the Commission from time to time.

62.4 The Licensee shall publish a tariff for its distribution of electricity reflecting the tariff charges and the other terms and conditions contained in the approved tariffs referred to in Clause (62.3) above or as directed by the Commission.

62.5 The Licensee shall apply to the Commission to amend its tariffs in accordance with the Act and applicable Regulations and directions of the Commission.

62.6 The Licensee shall apply to the Commission to amend its tariffs in accordance with the Act if the Commission so requires in order to remove any undue discrimination identified by the Commission.

### **63 Accounts and Audit**

63.1 Every Distribution Licensee shall cause the accounts of his utility to be made up the thirty-first (31) day of March each year.

63.2 The Distribution Licensee shall:

- (a) Maintain separate information and statement of accounts for the Licensed Business and any Other Business

Provided, further that, the Licensee shall submit separate accounts for its Licensed Business and overall accounts of a Company as a whole.

- (b) Maintain the statement of accounts in such form and containing such particulars as may be specified by the Commission and till such time as these are specified by the Commission, the accounts shall be maintained in accordance with the Companies Act, 1956, Companies Act, 2013 as amended from time to time, where such Act is applicable;

- (c) Prepare on a consistent basis, from such records, Accounting Statements for each financial year comprising a profit and loss account, a balance sheet and a statement of source and application of funds together with notes thereto and showing separately the amounts of any revenue, cost, asset, liability, reserve, or provision which has been either:

- i. Charged from or to any Other Business together with a description of the basis of that charge or;
- ii. Determined by apportionment or allocation between the various business activities together with a description of the basis of the apportionment or allocation.

- (d) Provide, in respect of the Accounting Statements prepared in accordance with foregoing Clauses, a report by the Auditors in respect of each year, stating whether in their opinion the statements have been properly prepared and give a true and fair view of the revenue, costs, assets, and liabilities, reserves reasonably attributable to the business to which the statements relate, and

- (e) The Distribution Licensee shall prepare and render to the Commission an annual statement of his audited accounts in accordance with the provisions of the Act, within a period of six (6) months from the

aforesaid date, or such extended period as the Commission may authorize after it is satisfied that the time allowed is insufficient owing to any cause beyond the control of the Licensee and the statement shall be rendered in such numbers of copies as the Commission directs.

- (f) The accounts shall be made up in such forms as the Commission may direct from time to time. All the forms shall be signed by the Distribution Licensee or his accredited and duly authorized agent or manager.
- (g) The Commission may by special or general order direct that, in addition to the submission of the annual statements of accounts in the forms directed in Clause 63.2 (f) above, a Distribution Licensee shall submit to the Commission or such other authority as it may designate in this behalf such additional information as it may require for the purpose

63.3 Any person authorized by the Commission shall be entitled to inspect and verify the accounts of the Distribution Licensee and the Distribution Licensee shall render all necessary assistance to such person.

Provided, further that, if the Commission feel appropriate may get the independent audit of the Distribution Licensee accounts from any independent agency, including Comptroller and Auditor General of India (CAG).

63.4 The Distribution Licensee shall not change the basis of charge or apportionment or allocation of revenues or expenses in relation to the preparation of the Accounting Statements in respect of a financial year from those applied in respect of the previous financial year, without prior approval from the Commission:

Provided that during the financial year that a Distribution Licensee changes the basis of charge or apportionment or allocation in its Accounting Statements from those adopted for the immediately preceding financial year, the Commission may direct the Distribution Licensee to prepare such Accounting Statements on the past basis in addition to preparing Accounting Statements on the basis which it has adopted.

63.5 If the Distribution Licensee is carrying on any Other Business for the optimum utilization of its assets, it shall prepare the accounting statement for Other Business on a consistent basis from such accounting records and deliver to the Commission in accordance with the Joint Electricity Regulatory Commission for Goa & Union Territories (Treatment of Other Business of Transmission Licensees and Distribution Licensees) Regulations, 2009, as amended from time to time.

63.6 The Distribution Licensee shall ensure that the Accounting Statements in respect of each financial year and the Auditors report in respect of each financial year mentioned hereinabove are publicized in such manner as the Commission may direct, and are made available to any person requesting them, at a price not exceeding the reasonable cost of duplicating them, or such price as the Commission may specify.

#### **64 Prohibition of subsidies**

64.1 The Distribution Licensee shall not give any subsidy or subvention to any person or any Other Business of the Distribution Licensee, except a subsidy granted by the State of Goa and Union territories Government pursuant to Section 65 of the Act.

#### **65 Provision of Information to the Commission and other Stakeholders**

65.1 The Licensee shall provide all information as applicable to the Licensee in the formats enclosed within sixty (60) days from coming into force of these Conditions of License. Subsequently, all the formats shall be filled up and submitted by the Licensees, annually, within a month after the completion of every financial year.

65.2 The Distribution Licensee shall furnish to the Commission without undue delay such information, documents and details related to the Licensed Business or any other business of the Licensee engaged for optimum utilization of the assets of the Licensed Business, as the Commission may require from time to time for its own purposes or for the purposes of the Government of India, State Government, the Central Commission, and/or the Central Electricity Authority, the State Transmission Utility and State Load Dispatch Centre.

65.3 The Distribution Licensee shall furnish information on the implementation of the standards of performance as specified in the Standards of Performance of Distribution Licensee Regulations 2015, notified by the Commission as amended from time to time.

65.4 The Distribution Licensee on occurrence of any major incident or accident shall notify the Commission about such occurrence as provided in Electricity Supply Code, and Standards of Performance of Distribution Licensee Regulations notified by the Commission and as amended from time to time.

65.5 The Distribution Licensee shall also undertake such studies as the Commission may direct it to undertake from time to time for the improvement of its distribution business and any other matter concerning the distribution business.

- 65.6 The Distribution Licensee shall duly inform the Commission about any incident restricting it from meeting its obligations under its licence including any act of Commission or commission by others and steps taken by the Licensee to mitigate the effect of such incident.
- 65.7 The Commission may at any time require the Licensee to comply with the provisions of Clauses (65.3) to (65.5) as to incidents which the Commission may specifically direct and the Licensee shall be obliged to comply with the same notwithstanding that such incidents are not major incidents; provided that the time limits specified in Clause (65.3) shall commence from a date that the Commission notifies to the Licensee of such requirement.
- 65.8 The Licensee shall provide details/data/documents available in material form as required by the stakeholders/consumers/consumer associations/consumer bodies, etc., within the time frame as prescribed by the Commission from time to time. If no time frame is prescribed by the Commission the Licensee shall provide the same within a maximum period of thirty (30) days from the date of request.

#### **66 Acts which Distribution Licensee shall not undertake**

- 66.1 No Licensee, except with prior approval of the Commission, shall undertake:
- (a) any transaction to acquire, through purchase or takeover or otherwise, any utility of any other licensee; or
  - (b) merge his utility with another utility of any other licensee.
- 66.2 No Licensee shall, without prior approval of the Commission, assign or transfer his utility or Licence or part thereof through sale, lease, exchange or otherwise without the prior approval of the Appropriate Commission.
- 66.3 Before obtaining approval under Clause (66.1) to (66.2) above, a Licensee shall give a notice of not less than one (1) month to every other Licensee, who distributes electricity in the area of such licensee, who applies for such approval to the Commission.
- 66.4 Any agreement entered into by the Licensee in respect of Clause (66.1) to (66.3) above shall become void unless prior approval of the Commission is obtained thereto.
- 66.5 Where such permission is required, the Licensee shall file an application with the Commission duly furnishing all relevant information. The Commission may, within thirty (30) days of the receipt of such application, accord required permission subject to the terms and conditions as it deems necessary or reject the application for the reasons to be recorded in writing in support of such rejection.
- 66.6 The Distribution Licensee shall not make use of the assets of the system for a purpose other than distribution of electricity, except with the prior approval of the Commission as provided for in Regulation 54.

#### **67 Major Incidents**

- 67.1 The Distribution Licensee shall notify to the Commission any major incident that has occurred in the area of the Distribution Licensee. A deviation from any part of the distribution system from standard operating condition, which was triggered by cross boundary effect, in the system of generators, transmission system or in the system of extra high voltage consumers which has resulted in the loss of equipment or life of a person or animal, shall be deemed a major incident. The Licensee shall also:
- (a) Submit a detailed report giving facts of the incidents, the causes and the adverse effects on the total power system. (The total power system comprises the transmission system, generating units, distribution systems and the systems of the EHT consumers).
  - (b) Submit a note containing the Licensee's analysis of the major incident and suggestions for carrying out remedial measures for preventing recurrence of such major incidents.
  - (c) The Licensee shall at the earliest possible date and in any event, no later than two (2) months from the date of such Major Incident:
    - i. submit a report to the Commission giving full details of the facts within the knowledge of the Licensee regarding the incident and its cause.
    - ii. In the event the report under sub-Clause (a) is likely to take more than fifteen (15) days from the date of the Major Incident, the Licensee shall within fifteen (15) days from such date of the incident submit a preliminary report with such details which the Licensee can reasonably furnish and state reasons as to why the Licensee requires more than fifteen (15) days for giving full report of such incident.

- iii. send copies of the report and note to the State Load Despatch Centre, State Transmission Utility, State Government, and Chief Electrical Inspectorate etc.
- 67.2 The Commission may direct an independent person to investigate in the case of a major incident and submit his report. The Commission may analyze the report and the information received from all sources and will decide whether a major incident is a Force Majeure event or is caused by violation of conditions of licence or provisions of Grid Code or provisions of the Act or the rules and regulations under the Act.
- 67.3 The Commission may decide the following:
- (a) remedial measures to be taken by one or more operators (or owners) of the parts of the total power system (including the Distribution Licensee) to prevent recurrence of similar major incidents.
  - (b) Punitive measures to be imposed on one or more persons for lapses which caused the major incident.
  - (c) Compensation to be paid by one party to another party [by the owner (or operator) of a segment of the total power system to the owner (or operator) of another segment of the total power system].
- 67.4 The Commission may send its views and decisions on the major incident to the State Load Despatch Centre, Chief Electrical Inspector, State Transmission Utility etc.

## **Chapter - 5**

### **Technical Conditions of the Distribution Licence**

#### **68 Procurement of Power**

- 68.1 The Distribution Licensee shall prepare a plan for procurement of power to serve the demand for electricity in its Area of Supply and submit such plan to the Commission for approval as a part of Business Plan:
- Provided further that such power procurement plan may include long-term, medium-term and short term sources of power procurement.
- 68.2 The Licensee shall purchase power in an economical and efficient manner under a transparent procurement process as approved by the Commission after following the guidelines issued by the Commission with the Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Generation, Transmission and Distribution Multi Year Tariff) Regulations, 2018 and as amended from time to time relating to preparation of load forecasts, power procurement plan and power procurement procedure.

#### **69 Compliance with the Laws, Rules and Regulations**

- 69.1 The Distribution Licensee shall comply with the provisions of the Act, rules, regulations and orders and directions issued by the Commission from time to time.
- 69.2 The Distribution Licensee shall act in accordance with this general conditions specified in the licence except where the Licensee is exempted specifically or permitted by the Commission for any deviation from these guidelines through a separate order.
- 69.3 The Distribution Licensee shall comply with the orders and directions issued by the State Load Despatch Centre and other statutory authorities in the discharge of their functions.
- 69.4 The Distribution Licensee shall adhere to the Standards of Performance Regulations and the Electricity Supply Code, approved by the Commission and as amended from time to time in regard to supply of electricity in his area.

## **Chapter - 6**

### **Miscellaneous**

- 70 All issues arising in relation to interpretation of these General Conditions and as to the terms and conditions thereof shall be a matter for the determination of the Commission and the decision of the Commission on such issues shall be final.
- 71 The Commission in addition to the General Conditions under Chapter - 2 & 4, may specify, Specific Conditions applicable to a specific Transmission/Distribution Licensee or class of licensees and such conditions shall be deemed to be conditions of licence of such Licensee or class of Licensees.
- #### **72 Reporting to the Commission**
- 72.1 The Licensee shall submit such report, information, data as called by the Commission from time to time.

**73 Savings**

- 73.1 Nothing in these Regulations shall be deemed to limit or affect the power of the Commission to issue such directives or orders as may be necessary to meet the ends of justice or to prevent abuse of the procedures laid down by the Commission.
- 73.2 Nothing in these Regulations shall bar the Commission from adopting in conformity with the provision of the Act, a procedure which is at variance with any of the provisions of these Regulations if the Commission for reasons to be recorded in writing deems it necessary or expedient for dealing with such matter or class of matters.
- 73.3 Nothing in the Regulations shall, explicitly or impliedly, bar the Commission from dealing with any matter or exercising any power under the Act for which no Regulation have been framed and the Commission

**74 Power to remove difficulties**

- 74.1 If any difficulties arise in giving effect to any provisions of these Regulations, the Commission may, by general or specific order, make such provisions not inconsistent with the provisions of the Act, or the Reform Act or the rules, regulations or codes made thereunder, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

**75 Power to Amend**

- 75.1 The Commission may, at any time, add, vary, alter, modify or amend any of the provisions of these Regulations

RAKESH KUMAR, Secy.

[ADVT.-III/4/Exty./511/2020-2021]

**APPENDIX - 1****Application form for grant of Transmission/Distribution Licence**

Application No.....

Case No..... (To be filled in by Commission's office)

IN THE MATTER OF:

Grant of Licence for Transmission/Distribution of Electricity under Section 14 of the Electricity Act 2003 to:

**Particulars of the Applicant**

1. Name of the Applicant:
2. Form of Incorporation, if any:
3. Address:
4. Name, Designation & Address of the contact person:
5. Contact Tel. Nos.:
6. Fax No.:
7. E-mail ID:
8. Place of Incorporation/Registration:
9. Year of Incorporation/Registration:
10. Geographical Area within which Applicant proposes to undertake Transmission/Distribution of Electricity:
11. Following documents are to be enclosed:
  - a) Certificate of registration/incorporation;
  - b) Certificate for commencement of business;
  - c) Memorandum of Association and Articles of Association;
  - d) Original power of attorney of the signatory to commit the Applicant or its promoter;
  - e) Details of Income tax Registration;
  - f) Draft licence;
  - g) All the documents mentioned in Regulation 3.6 of the Joint Electricity Regulatory Commission (Transmission and Distribution Licensing) Regulations, 2020

**Details of Financial Data of Applicant**

12. Net worth (in equivalent Indian Rupees-conversion to be done at the rate of exchange prevailing at the end of each Year) for immediate past 5 (five) financial years. (Specify financial year as applicable)

<b>(DD/MM/YY) to (DD/MM/YY)</b>	<b>In Home Currency</b>	<b>Exchange Rate Used</b>	<b>In equivalent Indian Rupees</b>

Copies of Annual Reports or certified audited results to be enclosed in support of above.

13. Annual turnover (in equivalent Indian Rupees - conversion to be done at the rate of exchange prevailing at the end of each year) for immediate past 5 (five) financial years. (Specify financial year as applicable)

<b>(DD/MM/YY) to (DD/MM/YY)</b>	<b>In Home Currency</b>	<b>Exchange Rate Used</b>	<b>In equivalent Indian Rupees</b>

Copies of Annual Reports or certified audited results to be enclosed in support of above.

14. Certificate of Credit Rating  
 15. Certificate of 'Standard' borrowal account  
 16. Certificate stating that RBI has not classified the Applicant as a 'wilful defaulter'.  
 17. List of documents enclosed in support of Sl. Nos. (10) and (11) above:

<b>SR. No</b>	<b>Name of the Documents</b>
(a)	
(b)	

18. A) Whether Applicant himself shall be financing the proposed Transmission/Distribution of Electricity fully on its own balance sheet  
 B) If, yes, proposed equity from the Applicant  
 i. Amount:  
 ii. Percentage:
19. In case the Applicant proposes to tie up with some other Agency for equity, then name & address of such agency:  
 a) Name, designation & Address of reference person of the other Agency:  
 b) Contact Tel. No.:  
 c) Fax No.:  
 d) E-mail ID:  
 e) Proposed equity from the other Agency  
 i. Amount:  
 ii. Percentage of total equity:  
 iii. Currency in which the equity is proposed:  
 f) Consent letter of the other agency to associate with the Applicant for equity participation to be enclosed.  
 g) Nature of proposed tie-up between the Applicant and the other agency.
20. Details of debt proposed for the Transmission/Distribution activity:  
 a) Details of lenders:  
 b) Amount to be sourced from various lenders:  
 c) Letters from the lenders in support of the above to be enclosed.
21. Competence of the Applicant  
 (The Applicant is required to describe its Core Business Activities and previous experience in electricity sector in general and in particular to the Transmission/Distribution of Electricity)
22. Organisational & Managerial Capability of the Applicant:  
 (The Applicant is required to enclose proof of their Organisational & Managerial Capability, in terms of the Regulations, in form of proposed organisational structure & curriculum vitae of various executives, proposed office and communication facilities, etc.)

## 23. Approach &amp; Methodology:

(The Applicant is required to describe approach & methodology for setting up its Transmission/Distribution system and conduct of the business of Transmission/Distribution of Electricity as proposed by it. This should contain a statement of the Applicant's plan on conduct of the business of Transmission/Distribution of Electricity during the first year after the grant of licence and future plans for the said business during the next five years.)

## 24. Data relating to the applicant's future business

- a) Five year Business Plan for transmission or distribution of electricity for which the application is being made and funding arrangements for meeting its obligations under proposed licence for maintenance, operation, improvement and expansion for future load growth.
- b) Five year annual forecasts of costs, sales, revenues and project financing stating the assumptions underlying the figures provided.

(Signature of the Applicant)

Place:.....

Dated:.....

**Application form for Deemed Licence**

Application No.....

Case No..... (To be filled in by Commission's office)

IN THE MATTER OF:

Grant of Deemed Licence for Transmission/Distribution of Electricity under Section 14 of the Electricity Act 2003 to:

**Details of Applicant**

1. Full name of Applicant:
2. Address of Applicant:
3. Application fee (DD details):
4. Registered Office Address:
5. Local Office Address/Administrative Office Address:
6. Contact Tel. Nos.:
7. Fax No.:
8. E-mail ID:
9. Details of Authorized Signatory:
10. Form of Incorporation, if any:
11. Place of Incorporation/Registration:
12. Year of Incorporation/Registration:
13. Following documents are to be enclosed:
  - a) Certificate of registration/incorporation;
  - b) Certificate for commencement of business;
  - c) Memorandum of Association and Articles of Association (Duly mentioning Power Distribution is one of the Business Activity);
  - d) Original power of attorney of the signatory to commit the Applicant or its promoter;
  - e) Details of Income tax Registration;
14. Names and addresses of Directors / Competent Officers (Furnish details, if applicable):
15. Principal shareholders/Partners/Members:

16. Principal Business Activity:
17. Geographical Area within which Applicant proposes to undertake distribution (to mention boundaries referring to the attached map when necessary):
18. Power Details:
  - a) Sourcing of Power:
    - i. Voltage:
    - ii. Source of supply (Own generation/purchase from others/discoms):
    - iii. Quantum of Electricity handled in last 12 months:
      - Demand (MW):
      - Energy (MU):
    - iv. Do you have any power supply agreement with any Discom/generator/Trader, if so, mention brief details power purchase
  - b) Supply of Power:
    - i. Voltages of supply:
    - ii. Persons to whom electricity is intended to be distributed with full details of categories of persons (members/employees' colonies/ other concerns/general public, etc.):
  - c) Funding arrangements for maintenance, operation, improvements and expansion to meet future load growth, supply obligations, etc.
  - d) Whether Applicant himself will be financing the proposed distribution of electricity fully on its own balance sheet:  
If, yes, proposed equity from the Applicant:
    - i. Amount:
    - ii. Percentage:
19. Organizational & Managerial Capability of the Applicant:  
(The Applicant is required to enclose proof of their Organizational & Managerial Capability, in terms of the Regulations, in form of proposed organizational structure & curriculum vitae of various executives, proposed office and communication facilities, etc.)
  - a) Management Capability:
  - b) Financial Strength:
  - c) Ability to discharge supply function in a sustainable manner:
20. Date from which deemed licence is sought:  
Period for which deemed licence is sought:
21. Detailed justification for seeking licence:
22. Other Information:
  - a) Whether the applicant or any of his partners or promoters or Directors or Associates has been declared insolvent and has not been discharged. If so, the details thereof;
  - b) Details of cases resulting in conviction of fraud or economic offences of the applicant, any of his partners, promoters or Directors or Associates during the three years preceding the year of making application;
  - c) Details of all pending cases involving the applicant, any. of his partners or promoters or Directors or Associates, which shall include nature of the dispute, whether civil or criminal, name of the other party or parties, the court before whom pending and the latest status;
  - d) Whether the applicant or any of his partners, or promoters or Directors or Associates were ever refused licence. If so, give the details of date of making application, date of refusal and reasons for refusal.
23. List of Documents enclosed:
  - a)
  - b)

**(Signature of the Applicant)**

**Place: .....**

**Dated:.....**

**List of Documents to Accompany with Application of Deemed Licence**

1. Certificate of Incorporation from Registrar of Companies;
2. Copies of Company's Memorandum/Articles of Association/Partnership deed etc.
3. Proof of Authorization to sign the application form;
4. Data relating to management and Financial Capability:
  - a) Managerial:
    - i. Senior management's curriculum vitae;
    - ii. Cadre strength for different categories, technical and non-technical.
  - b) Financial:
    - i. Bank references asserting that the Applicant is financially solvent;
    - ii. Most recent Balance Sheet;
    - iii. Audited accounts for the Applicant and any Holding Company, Subsidiary or affiliated company for each of the three most recent financial years;
    - iv. Any accompanying notes and certifications on the above statements from a reputed chartered accountant.
5. Data relating to the Applicant's future Business
  - a) Five year Business Plan for the business for which the application relates;
  - b) Five year annual forecasts of costs, sales, revenues and project financing stating the assumptions underlying the figures provided.
6. Detailed Maps of the proposed area of supply:  
Detailed maps showing the area supplied and the configuration of the Transmission/Sub-transmission and Distribution System, including information on Substations. The map shall clearly distinguish between the existing System and any new facilities that are or will be required for the purposes of providing Supply. The map shall indicate the streets and roads in which the power is distributed and distinguish between public and private.
7. Proof of Service of the Copy of Application on incumbent Distribution / State Transmission Utility (STU);
8. Reasons for not furnishing any of the above documents thereof;
9. Details of Income tax Registration;
10. Any other relevant information.

**APPENDIX - 2**

**JOINT ELECTRICITY REGULATORY COMMISSION FOR THE STATE OF GOA AND UNION TERRITORIES**

**GURUGRAM**

**TRANSMISSION LICENCE**

1. The Joint Electricity Regulatory Commission (hereinafter referred to as "Commission"), in exercise of the powers conferred under Section 16 of the Electricity Act, 2003 (hereinafter referred to as "the Act"), hereby grants this licence to M/s ..... (hereinafter referred to as the Licensee) to construct, maintain and operate ..... (Name of the Project), more specifically described in the schedule attached to this licence, which shall be read as a part and parcel of this Transmission Licence, subject to the Act, the rules and the general conditions of the Transmission Licence specified under the Joint Electricity Regulatory Commission (Transmission and Distribution Licensing) Regulations, 2020 and other Regulations specified by the Commission (herein after referred to as "Regulations"), including statutory amendments, alterations, modifications, re-enactments thereof, which shall be read as part and parcel of this licence.
2. Wherever there is a contradiction between the terms and conditions contained in this licence and the Agreements, the provisions of this licence, as amended from time to time, shall apply.
3. This Transmission Licence is not transferable.

4. The grant of Transmission Licence to the Licensee shall not in any way manner or restrict the right of the Commission to grant a Transmission Licence to any other person within the same area for the transmission system other than the Project described in the schedule attached to this licence. The Transmission Licensee shall not claim any exclusivity.
5. The Transmission Licence shall, unless revoked earlier, continue to be in force for a period of 25 (twenty five) years from the date of issue.

**SECRETARY**

**Joint Electricity Regulatory Commission**

**Place: Gurugram**

**Date: .....**

.....

### SCHEDULE

#### 1. Project Related Details:

The Project comprises of following elements of the Inter-State Transmission System:

SR. No.	Name of Transmission Element	Schedule date of Commissioning

**SECRETARY**

**Joint Electricity Regulatory Commission**

**Place: Gurugram**

**Date: .....**

**JOINT ELECTRICITY REGULATORY COMMISSION FOR THE STATE OF GOA AND UNION  
TERRITORIES  
GURUGRAM**

**DISTRIBUTION LICENCE**

1. The Joint Electricity Regulatory Commission (hereinafter referred to as the “Commission”), in exercise of the powers conferred under Section 16 of the Electricity Act, 2003 (hereinafter referred to as “the Act”), hereby grants this licence to M/s ..... (hereinafter referred to as the Licensee) to distribute electricity in the area of distribution as specified below, subject to the provisions made in the Acts, the rules, general conditions of Distribution Licence specified under the Joint Electricity Regulatory Commission (Transmission and Distribution Licensing) Regulations, 2020 and other Regulations specified by the Commission (herein after referred to as “Regulations:), including statutory amendments, alterations, modifications, re-enactments thereof, which shall be read as part and parcel of this licence.
2. Area of Distribution:  
The area of Distribution shall be the whole of the area bounded as follows:  
North – By  
East – By  
South – By  
West – By
3. This Distribution Licence is not transferable, except in accordance with the provisions of the Acts, the Rules and the Regulations.
4. The Distribution Licensee shall not without prior approval of the Commission:
  - a) undertake any transaction to acquire by purchase or take over or otherwise, the utility of any other licensee; or
  - b) merge its utility with utility of any other licensee;

5. The Distribution Licensee shall not at any time assign its licence, or transfer its utility, or any part thereof, by sale, lease, exchange or otherwise without the prior approval of the Commission.
6. Any agreement relating to any transaction referred to in sub-clause (4) and sub-clause (5) unless made with the approval of the Commission, shall be void.
7. The grant of this Distribution Licence to the Licensee shall not in any way hinder or restrict the right of the Commission to grant a licence to any other person within the same area for Distribution of electricity. The Distribution Licensee shall not claim any exclusivity.
8. This Distribution licence shall commence on the date of its issue and unless revoked earlier, shall continue to be in force for a period of 25 (twenty five) years.
9. The Distribution Licensee may with prior intimation to the Commission, engage in any business for optimum utilisation of its assets:  
Provided that the Distribution Licensee shall not engage in the business of transmission of electricity.
10. The Distribution Licensee shall pay license fee as specified by the Commission.
11. The provisions contained in the Acts shall apply to the Distribution Licensee with regard to revocation of Distribution Licence and sale of his utility.

(SECRETARY)

Joint Electricity Regulatory Commission

Place: Gurugram

Date: .....

## APPENDIX - 3

**Application for amendment to a licence for transmission or distribution of electricity.  
BEFORE THE JOINT ELECTRICITY REGULATORY COMMISSION**

Application No.....

Case No..... (To be filled in by Commission's office)

IN THE MATTER OF:

Grant of amendments to a Licence for Transmission/Distribution of Electricity under Section 18 of the Electricity Act 2003 to:

1. Name of the Licensee
2. Address

The applicant hereby submits to the Commission the following particulars for making alterations or amendments to the terms and conditions of his existing Licence for Transmission/Distribution of Electricity supply (Strike off whichever is not applicable) under Section 18 of Electricity Act 2003:

1. Particulars of existing licence.
  - a) Licence No. \_\_\_\_\_ Dated \_\_\_\_\_
  - b) The category of licence – Transmission or Distribution.
  - c) Its area of supply/transmission.
  - d) Changes, if any, proposed in area of supply/transmission.

Existing Area	Proposed Area

- i. Name and address of Zila Parishads and municipalities falling within the area of supply/transmission to be affected by proposed alteration or modification.

- ii. Cantonments, aerodrome, fortress, arsenal, dockyard or camp or any building or place in occupation of the government for defence purposes falling within the area of supply/transmission to be affected by proposed alteration or modification.

2. Specific amendment/ alteration proposed in other clauses.

Existing Provision	Proposed amendment/alteration

3. Reasons for the alternation/amendment sought.
4. If the proposed amendment/ alteration will lead to additional investment, arrangements for funding it.
5. Any other particulars considered relevant/necessary.
6. Details of Fee for alteration or amendment. DD No..... dated..... In favour of Secretary, Joint Electricity Regulatory Commission for the State of Goa & Union Territories, drawn on.....bank; for Rs.....; payable at Gurugram, Haryana

**(Signature of the Applicant)**

**Place: .....**

**Dated:.....**

**List of Documents to Accompany with Application for amendment/alteration to an existing licence**

1. Affidavit of the authorised person on non-judicial stamp paper of appropriate value.
2. Copy of existing licence and designated map.
3. Map of the area of supply or transmission, if alteration or modification of such area is proposed.
4. Relevant resolution of Company/Society/Local authority.
5. Letter of authority of the Board of Directors in favour of the persons signing the application.
6. Documents mentioned in Regulation 3.6 and Appendix - 1 as relevant to the amendment proposed & Proof of payment of application fee.