

KERC (Licensing) Regulations, 2004

Chapter - I : GENERAL

Chapter - II : LICENCE

Chapter - III : ARBITRATION OF DISPUTES

Chapter - IV : MISCELLANEOUS

Form 1 – Application Form for grant of licence

[Form 2 - Conditions of licence applicable to transmission licensees](#)

[Form 3 - Conditions of licence applicable to distributions licensees](#)

[Form 4- Conditions of licence applicable to trading licensees](#)

KARNATAKA ELECTRICITY REGULATORY COMMISSION, BANGALORE

NOTIFICATION No.D/01/3 dated 4th November 2004
(Notified in Karnataka Gazette on 02.12.2004, page nos.2102-2124)

Statement of Objects and Reasons:

The Electricity Act 2003 (Act 36 2003) envisages that no person shall undertake transmission of electricity, distribution of electricity or trading of electricity unless he is authorised to do so by a licence issued under section 14 of the Act or is exempt under section 13. However, in the case of persons engaged in the business of transmission or supply of electricity under the provisions of the repealed laws or any Act specified in the schedule to the Act before the appointed date and also in the case of the Government company or the company referred to in section 131(2) of the Act or companies created in pursuance of the Acts specified in the schedule to the Act, they shall be deemed to be licensees under the Act. Karnataka Electricity Reforms Act, 1999 being one of the Acts in the Schedule to the Electricity Act, 2003, the existing transmission company and the distribution companies and co-operative societies are deemed licensees under the said provisions. The State Transmission Utility shall be deemed to be a transmission licensee under the Act. The Commission has already issued KERC(Conditions of Licence to ESCOMs) Regulations 2004 as required under proviso to section 16 of the Electricity Act 2003 applicable to the ESCOMs. Similarly, conditions of licence have to be issued by the Commission to the transmission company. Under section 15 of the Act, the Commission shall specify the form and manner of application for grant of licence in respect of persons other than deemed licensees. Under section 16 of the Act, the Commission may specify general or specific conditions, which shall apply to a licensee or class of licensees and such conditions shall be deemed to be conditions of such licence. The Commission has already issued Regulations on Conditions of Licence for ESCOMs separately in which it is specified that the conditions of licence shall be deemed to have been incorporated in KERC(Licensing) Regulations 2004.

In designing the scheme of licensing, the Karnataka Electricity Regulatory Commission aims to achieve the following objectives.

1. Supply of power to consumers in accordance with clearly defined technical standards and at the lowest possible rates.
2. Responsiveness to customers on the part of the licensee.
3. Transparency in all the activities of the licensee that affect the public.
4. Promotion of Competition.
5. Provision of Universal service.

Regulations

In exercise of the powers conferred on it by section 181 of **THE ELECTRICITY ACT, 2003** (Act No.36 of 2003) and all powers enabling it in that behalf, the Karnataka Electricity Regulatory Commission hereby make the following regulations, namely;

The Karnataka Electricity Regulatory Commission (Licensing) Regulations, 2004.

Chapter – I

GENERAL

1. Short title, Commencement and Extent

(1) These regulations may be called the 'Karnataka Electricity Regulatory Commission (Licensing) Regulations, 2004'.

(2) They shall come into force from the date of their publication in the official Gazette.

(3) They extend to the whole of the State of Karnataka.

2. Definitions

(1) In these Regulations, unless the context otherwise requires:

a. "**Act**" means the Electricity Act, 2003.

b. "**Chairman**" means the Chairman of the Karnataka Electricity Regulatory Commission;

c. "**Commission**" means the Karnataka Electricity Regulatory Commission;

d. '**Distribution Licensee**' means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply.

e. "**Draft licence**" means the licence format as per Form 1 or 2 annexed to these Regulations presented to the Commission together with such modification and variation thereto as the applicant may seek.

f. '**Electricity Trader**' means a person who has been granted a licence to undertake trading in electricity under section 12 of the Act.

g. "**General Regulations**" means the Karnataka Electricity Regulatory Commission (General and Conduct of Proceedings) Regulations, 2000;

h. '**KER Act**' means Karnataka Electricity Reforms Act, 1999;

i. "**Member**" means a member of the Karnataka Electricity Regulatory Commission;

j. "**Officer**" means Officer of the Karnataka Electricity Regulatory Commission and shall include the Secretary;

k. "**Receiving Officer**" shall mean the officer designated by the Commission as such in terms of Regulation 23 of the Karnataka Electricity Regulatory Commission (General and Conduct of Proceedings) Regulations, 2000.

l. "**Regulations**" mean Karnataka Electricity Regulatory Commission (Licensing) Regulations, 2004;

m. "**Secretary**" means Secretary of the Karnataka Electricity Regulatory Commission;

n. "**Supply** " in relation to electricity, means the sale of electricity to a licensee or consumer.

o. "**Trading**" means purchase of electricity for resale thereof and the expression 'trade' shall be construed accordingly;

p. "**Trading Licensee**" means a licensee authorized to undertake trading of electricity"

p. "**Transmission Licensee** " means a licensee authorised to establish or operate transmission lines;

(2) Words or expressions occurring in these Regulations and not defined herein above shall bear the same meaning as in the Act or KER Act and in case of any inconsistency, the provisions of the Act shall prevail.

(3) The General Regulations as may be amended from time to time shall, mutatis mutandis, as far as practicable and possible, apply to the proceedings under these Regulations.

Chapter - II

LICENCE

3. Grant of licence not required in certain cases

(1) Any person who is deemed to be a licensee under the proviso to section 14 of the Act shall not be required to apply and obtain a licence under the Act. However, the conditions of licence specified by the Commission under proviso to section 16 of the Act shall be applicable to such licensees.

(2) The Commission may, on the recommendations of the Appropriate Government, in accordance with the national policy formulated under section 5 and in public interest, direct, by notification that subject to such conditions and restrictions, if any, and for such period or periods, as may be specified in the notification, the provisions of section 12 of the Act shall not apply to any local authority, Panchayat Institution, user's association, co-operative societies, non-governmental organizations or franchisees.

(3) Where a person intends to generate and distribute electricity in a rural area to be notified by the State Government, such person shall not require any licence for such generation and distribution of electricity, but he shall comply with the measures which may be specified by the Central Electricity Authority under section 53 of the Act.

(4) Where any person who is an electric co-operative society has been granted a licence by the Commission under the provisions of the KER Act or an exemption from obtaining a licence has been granted by the Commission to any other person under that Act, such person shall not be required to apply and obtain a fresh licence under the Act for such period specified in the licence/exemption so granted. However, the conditions of licence/exemption specified by the Commission in such licence/ exemption shall continue to apply for the period specified in the licence/exemption to the extent that they are not inconsistent with the provisions of the Act.

4. Application for grant of licence

(1) Any person, other than those specified under clause 3 above, who desires to engage in transmission of electricity, distribution of electricity or to undertake trading in electricity as the case may be, shall make an application to the Commission for grant of licence under the Act.

(2) The Commission may, if it considers necessary, invite applications from the public fulfilling such eligibility requirements as may be specified by the Commission from time to time for grant of Licences for transmission of electricity,

distribution of electricity or to undertake trading in electricity as the case may be, by public notification through issue of advertisements in newspapers always guaranteeing the principles of transparency.

(3) Every application for grant of licence shall be in the Form-1 annexed to these regulations along with Form 1 and Form 2 specified in the General Regulations.

(4) The application for a licence shall be signed by or an authorised person on behalf of the applicant for the licence (hereinafter called the "Applicant") and shall be addressed to the Receiving Officer of the Commission. The application shall be filed in 6 sets and each set shall be accompanied by;

- (i) Draft Conditions of Licence
- (ii) Details and background of the applicant;
- (iii) Maps of the proposed area of transmission or supply. The maps shall be on a scale of (a) not less than 10 cm to a km or (b) such other scale as may be approved by the Commission in the circumstances of the case.
- (iv) a list of all local authorities vested with the administration of any portion of the area of supply or transmission;
- (v) an approximate Statement describing any lands which the Applicant proposes to acquire for the purpose of the licence and the means of such acquisition;
- (vi) an approximate Statement of the capital proposed to be expended in the area of operation of the licence and such other particulars as the Commission may require.
- (vii) a copy of the Memorandum and Articles of Association of the company where the Applicant is a body corporate and similar constitutional documents in all other cases, Annual Accounts for the previous three years where applicable or other similar documents as may be required;
- (viii) fees as may be prescribed by the State Government under section 15 of the Act;
- (ix) Such other documents/information as the Commission may, in this regard, seek by order.

5. Receipt and Acknowledgement of application

Upon receipt of the application for grant of licence, 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 Receiving Officer shall then despatch to the Applicant at the address stated in the application, an acknowledgement stating the date of receipt and the reference number.

6. Public Inspection of application and documents

Within a week of the date of submission of the application to the Commission, the Applicant shall deposit at his own office and the office/s of his agents (if any), and at the office of every Zilla Panchayat and/or Municipal Corporation vested with the administration of any portion of the proposed area of supply and also with every local authority as may be specified by the Commission from time to time.-

- (i) 3 copies of the application and all the documents submitted therewith for public inspection, and;
- (ii) The applicant shall furnish, to all persons applying, printed copies of this application together with the attachments thereto at the cost of photocopying such material.

7. Scrutiny of application and calling for additional information

(1) After entering the details of the application in the register maintained for that purpose, the Receiving Officer shall place the application before the Commission.

(2) The Commission may, upon scrutiny of the application, require the Applicant to furnish within a period to be specified, such additional information or particulars or documents as may be considered necessary for the purpose of dealing with the application.

8. Acceptance of the application

If the Commission finds the application and the accompanying documents to be complete in all respects and once the Applicant has complied with the procedure prescribed for submitting a valid application, the Chairman shall certify that the application is ready for being considered for grant of licence in accordance with the procedure provided in the Act.

9. Advertisement of application and contents thereof

(1) (a) The Applicant shall, within seven days after making the application, publish in two English dailies and two Kannada dailies having a circulation in the area for which the licence is sought, a notice of his application. The notice shall contain the following particulars in brief:

- i) The name of the Applicant;
- ii) Area for which the licence has been sought;
- iii) Addresses of the offices at which copies of draft licence, maps and documents submitted by the Applicant may be inspected and the copies of draft licence purchased;
- iv) Brief particulars of the proposal.

(b) Unless otherwise specified by the Commission, the notice shall be published in at least two successive issues of the dailies. The advertisement shall be headed by a short title corresponding to that given at the head of the draft licence. The notice shall state that every local authority, utility or person, desirous of making any representation to the Commission with reference to the application, may do so by letter addressed to the Receiving Officer, within 30 days of the date of issue of the first advertisement.

(c) A copy of the notice and the application along with copies of the documents attached to the application for licence may also be made available on the applicant's website.

(2) 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, licensee/s of the area, any local authority or any other authority or person or body as the Commission may deem appropriate.

(3) A person intending to act as a transmission licensee within the State, shall, immediately on making the application, forward a copy of such application, to the State Transmission Utility.

10. Amendment of draft licence

Any person who desires to have any amendment made in the draft licence published by the Applicant shall deliver a Statement of the amendment to the Applicant and to the Receiving Officer within 45 days from the date of issue of the first advertisement referred to in Regulations 9(1)(i).

11. Objections and Suggestions

(1) Any person intending to object to the grant of the licence shall file objections by way of affidavit within thirty days from the date of issue of the first advertisement referred annexing thereto proof of having served copy of such objections upon the Applicant. The objections shall be addressed to the Receiving Officer. Upon receipt of such objections, the Receiving Officer shall imprint the reference number of the concerned licence application on the same and shall file such objections in the file relating to the concerned licence.

(2) The State Transmission Utility, shall, within 30 days after receipt of the copy of the application referred to in clause 9(3) above, send its recommendations, if any, to the Commission. Provided that such recommendations shall not be binding on the Commission.

12. No Objection Certificate

In the event the area in respect of which a licence is sought includes 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 defence purposes, the Applicant shall apply for and obtain the necessary no objection certificates from the Central Government to the licence to transmit or supply electricity in that area and furnish the same to the Commission before grant of licence.

13. Local inquiries and Hearings

(1) Upon compliance by the Applicant of all the conditions pertaining to the submission of documents, obtaining of permissions and publication of notices and upon the expiry of the time for receiving objections, the Commission may proceed to set the application for regular hearing.

(2) The Commission shall give the notice of inquiry or hearing to the Applicant, the persons who had filed objections, the Central Government, the State Government and such other authority, person or body as the Commission considers appropriate.

(3) (a) If any person objects to the grant of a licence applied for under the Act the Commission may, if it considers necessary, cause a local inquiry to be held of which the notice in writing shall be given to both the Applicant and the objector.

(b) In case such local inquiry is ordered and conducted, a memorandum of the 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.

14. Hearing of the application

(1) The Commission may determine the manner, the place, the date and the time of the hearing on the application.

(2) The hearing on the application for grant of licence shall thereafter be conducted as provided in Chapter II of the General Regulations.

15. Approval of draft licence

(1) The Commission shall, as far as practicable, within 90 days after receipt of application for grant of licence, after inquiry, if any, and the proceedings, may issue a licence subject to the provisions of the Act and the rules and regulations made there under or reject the application for reasons to be recorded in writing if such application does not conform to the provisions of the Act or the rules or the regulations made there under or the provisions of any other law for the time being in force. Provided that no application shall be rejected unless the Applicant has been given an opportunity of being heard.

(2) Where the Commission decides to grant the licence, it may do so by approving the draft licence with such modification, changes or additions and subject to such other terms and conditions as the Commission may direct.

(3) When the Commission has approved a draft licence, either in its original form or in a modified form, the Receiving Officer shall inform the Applicant of such approval within fourteen days and of the form in which it is proposed to grant the licence and the conditions to be satisfied.

(4) Where the Commission has decided to refuse the licence, the Receiving Officer shall inform the Applicant of such refusal within fourteen days enclosing a copy of the order of the Commission in support of such refusal.

16. Notification of grant of licence

(1) On receiving an intimation in writing from the Applicant that he is willing to accept a licence in the form approved by the Commission and after the Applicant satisfies the conditions specified for the grant of the licence, the Commission may direct the Applicant to publish the licence or such part or gist thereof as the Commission considers appropriate in two issues of the English daily and Kannada daily.

(2) The Commission shall, immediately after issue of a licence, forward a copy of the licence to the State Government, Central Electricity Authority, Local authority and to such other person as the Commission consider necessary.

17. Commencement and term of licence

(i) A licence issued under the Act and in accordance with these Regulations shall come into force with effect from the date specified therein and, unless revoked earlier by the Commission in accordance with the provisions of Section 19 of the Act, shall remain in force for the period specified under sub-section (8) of Section 15 of the Act.

18. Extension of Duration of Licence

Unless otherwise specified in writing by the Commission, the procedure for grant of licence shall be followed while dealing with an application for extension of the duration of a licence.

19. Deposit of maps

When a licence has been granted, three sets of maps showing, as regards such licence, the particulars specified in Regulation 3(2) shall be signed and dated to correspond with the date of the notification of the grant of the licence. One set of the maps shall be deposited with the Commission and the other two sets shall be given to the licensee.

20. Deposit of printed copies

(1) Every person who is granted a licence shall within thirty days of the grant thereof:

- (a) have adequate number of copies of the licence printed;
- (b) have adequate number of maps prepared showing the area of supply 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 supply.

(2) Every such licensee shall, within the aforesaid period of thirty days, supply free of charge one copy of the licence and the relevant maps to every local authority within the area of supply 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 per copy.

21. Preparation and submission of accounts

(1) Every licensee shall cause the accounts of his utility/business concern to be made up to the thirty first day of March each year.

(2) Such licensee shall prepare and render an annual Statement of his accounts within a period of six months from the aforesaid date, or such extended period as the Commission may authorise 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 may direct.

(3) The accounts shall be made up in such form as the Commission may direct from time to time. All the forms shall be signed by the licensee or his duly authorised agent and a Chartered Accountant who certifies that the Statement represents a true and fair view of the matters required to be incorporated therein.

(4) The Commission may, by special or general order direct that, in addition to the submission of the annual Statements of accounts in the forms prescribed in sub-regulation (3), a 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.

22. Model conditions for supply of power and operation and maintenance of power systems and electric supply lines

(1) (i) The licensee shall adopt the model conditions of supply of power and for operation and maintenance of power systems and electric supply lines and such other Codes and standards as may be framed by the Commission from time to time, by order with such variations as the Commission may permit upon an application being made in that behalf.

(ii) The licensee shall always keep in his office an adequate number of printed copies of the sanctioned conditions of supply of power and for operation and maintenance of power systems and electric supply lines and shall, on demand, sell such copies to any person seeking a copy of the same, at cost price.

23. Conditions of licence:

(1) The Commission may specify any general or specific conditions which shall apply either to a licensee or a class of licensees and such conditions shall be deemed to be conditions of such licence.

(2) The Conditions of licence applicable to a transmission licensee, including any person who is a deemed transmission licensee under section 14 of the Act, shall be as specified in Form-2 annexed to these regulations.

(3) The Conditions of licence applicable to a distribution licensee, including any person who is a deemed distribution licensee, shall be as specified in Form-3 annexed to these regulations.

(4) The conditions of licence applicable to any person undertaking trading of electricity shall be the conditions as specified in Form-4 annexed to these regulations.

24. Amendment of Licence

(1) Where in its opinion the public interest so permits, the Commission may, on the application of the licensee or otherwise, make such alterations and amendments in the terms and conditions of his licence as it thinks fit; provided that no such alterations or amendments shall be made except with the consent of the licensee unless such consent has, in the opinion of the Commission, been unreasonably withheld.

(2) Where a licensee has made an application proposing any alteration or modifications in his licence under Section 18 of the Act, the licensee shall, within seven days of making such application, publish a notice of such application in two English dailies and two Kannada dailies circulating in the territory where the licence sought to be amended operates, giving the following particulars:

- a) Brief Details of existing licence
- b) Proposed amendments for existing licence and brief reasons for seeking the amendment.

(3) The Commission shall not make any alterations or modifications unless all objections received within 30 days from the date of the first publication of notice have been considered.

(4) Where an amendment to a licence is proposed by the Commission suo motu, the Commission shall publish a notice of the same in two English dailies and two Kannada dailies circulating in the area in which the licence proposed to be amended operates, giving such particulars as the Commission deems necessary. All objections to the proposed amendment shall be considered by the Commission if received within 30 days of the first publication of the notice.

(5) Provisions relating to grant of licence shall, as far as may be practicable and necessarily apply to consideration and disposal of application for amendment of licence.

(6) In the case of an application proposing alterations or modifications in the area of supply comprising 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 Defence purposes, the Commission shall not make any alterations or modifications except with the consent of the Central Government.

Chapter III

ARBITRATION OF DISPUTES

25. Arbitration

(1) Where any matter is, by or under the Act, directed to be determined by arbitration, the matter shall, unless it is otherwise expressly provided in the licence of a licensee, be determined by such person or persons as the Commission may nominate in that behalf on the application of either party; but in other respects the arbitration shall be subject to the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996)

(2) The Commission shall adjudicate upon the disputes between the licensees and generating companies or refer any dispute for arbitration on the application of any of the licensees or the generating companies concerned.

(3) The Commission shall issue notice to the concerned licensees and generating companies to show cause as to why the disputes between the licensees or the matters as specified in the notice should not be adjudicated and settled through arbitration.

(4) The Commission may after hearing the concerned licensees and the generating companies to whom notices have been issued and if satisfied that no reason or cause has been shown against the proposed arbitration, pass an order directing that the disputes or the matter be referred for adjudication and settlement through arbitration either by the Commission or by a person or persons to be nominated by the Commission.

(5) In the matters referred to the Commission for adjudication/arbitration, the place of adjudication/arbitration shall be the place where the Commission's office is situated or any other place as may be decided by the Commission.

26. Nomination of Arbitrators

(1) If the Commission decides to refer the matter to arbitration by a person or persons other than the Commission, the reference shall be:

- (a) to a sole arbitrator if the parties to the dispute agree on the name of the arbitrator; or
- (b) if the parties are unable to agree on the name of the sole arbitrator to be designated by the Commission, the Commission may direct referral of the dispute to three arbitrators taking into account the nature of the dispute and the value involved. In such an event, one arbitrator shall be nominated by each of the parties to the dispute

and the third by the Commission; Provided that if any of the parties fails to nominate the arbitrator or if any of the arbitrators nominated by the parties or the Commission, fails or neglects to act or continue as arbitrator, the Commission shall be entitled to nominate any other person in his place.

(2) The Commission shall not nominate a person as arbitrator to whose nomination any of the concerned licensees or generating companies or the other concerned person in the arbitration has a reasonable objection on grounds of possible bias or similar such reasons and the Commission considers the objection to be valid and justified.

27. Procedure for adjudication, settlement and passing of award

(1) The Procedure to be followed for the arbitration, whether by the Commission itself or by any arbitrator or arbitrators nominated by it shall be as far as possible the same as in the case of hearing before the Commission as provided for in Chapter - II of the General Regulations.

(2) Arbitrator or arbitrators nominated by the Commission after hearing the parties shall pass a speaking award giving reasons for the decision on all issues arising for adjudication and forward the award to the Commission within such time as the Commission may specify.

(3) The Commission shall give notice of the award given by arbitrator or arbitrators appointed by the Commission to the parties concerned and shall give an opportunity to the parties to file objection to the award and reply to the objections within such time as the Commission may direct.

(4) The Commission shall be entitled to pass appropriate orders, as it thinks fit after giving an opportunity of hearing to the parties.

28. Cost of arbitration and proceedings

The cost of the arbitration and proceedings before the Commission shall be borne by such parties and in such sums as the Commission may direct.

Chapter IV
MISCELLANEOUS

29. Licensee not to do certain things

Notice of acquisition of undertaking or licence by Licensee or Generating Company

(1) No Licensee shall, without prior approval of the Commission,-

(a) Undertake any transaction to acquire by purchase or takeover or otherwise, the utility of any other licensee;

or

(b) Merge his utility with the utility of any other licensee;

Provided that nothing contained in this clause shall apply if the utility of the licensee is situated in a State other than the State in which the utility referred to in clause (a) or clause (b) is situated.

(2) Every licensee shall, before obtaining prior approval under clause (1) above, give not less than one month's notice to every other licensee who transmits or distributes, electricity in the area of such licensee who applies for such approval.

(3) No licensee shall at any time assign his licence or transfer his utility, or any other part thereof, by sale, lease, exchange or otherwise without the prior approval of the Commission.

(4) Any agreement relating to any transaction specified in clause (1) or clause (3) above, unless made with prior approval of the Commission, shall be void.

(5) For purpose of securing the approval in terms of clause (1) or (3) above, the Commission shall require the applicant to first publish the brief particulars of his application in two English dailies and two Kannada dailies circulating in the area to which the proposed acquisition relates. The Commission would consider all objections received within sixty days of the date of publication of the notice before granting or refusing the consent applied for.

(6) The Procedure in the General Regulations shall as far as practicable apply to proceedings under Regulation 30 (5) above.

30. Fines and Charges

If any provision of the Act, the rules framed there under, these Regulations or any order, mandate, condition or other direction that the Commission may pass

under these Regulations is violated by a licensee or any other person by any act or omission, the Commission may levy such fines or charges as the Commission may deem appropriate, subject to provisions of the Act, after complying with the principles of natural justice. Provided that such fine or charge shall be commensurate with the level of damage or other harm caused by such non-compliance or violation in each case.

31. Saving of inherent power of the Commission

(1) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Commission

(2) Nothing in these Regulations shall bar the Commission from adopting a Procedure, which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.

(3) Nothing in these Regulations shall, expressly or impliedly, bar the Commission from dealing with any matter or exercising any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it deems fit.

32. Power to remove difficulties

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, do anything, not being inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

33. Power to dispense with the requirement of the Regulations

The Commission shall have the power, for reasons to be recorded in writing and with notice to the affected parties, dispense with the requirements of any of the Regulations in specific cases subject to such terms and conditions as may be specified.

34. Extension or abridgment of time prescribed

Subject to the provisions of the Act, the time prescribed by these Regulations or by order of the Commission for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reason by order of the Commission.

35. Effect of non-compliance

Failure to comply with any requirement of these Regulations shall not invalidate any proceedings merely by reason of such failure unless the Commission is of the view that such failure has resulted in miscarriage of justice.

36. Enforcement of order passed by the Commission

The Secretary shall ensure enforcement of and compliance with the orders passed by the Commission in accordance with the provisions of the Act and Regulations and, if necessary, may seek the orders of the Commission for directions.

By order of the Commission

Secretary
Karnataka Electricity Regulatory Commission

**Form of Application for grant of licence
[See Regulation 4(3)]**

SI No	Particulars	
1	Name and address of the Applicant	
2	Nature of Licence applied for: <u>Transmission/Distribution/Trading</u> of electricity	
3	Area of supply/Transmission/Trading for which licence is sought: (Please attach map with details)	
4	Persons to whom electricity is proposed to be supplied under the licence: (Please give details of the Licensees/ category of consumers to whom electricity is proposed to be supplied under the licence, with voltage details etc,) (Please attach extra sheet if required)	
5	Details of Ownership of the Applicant: Individual/ Firm/ Co-operative/ Company/Others	
6	Details of incorporation/Registration of the Applicant: (i) Date of Registration (ii) Registration No (iii) Act under which registered	
7	Name and address of the Directors: (Enclose list)	
8	Present Principal business of the Applicant:	
9	Management capability and experience: (Please provide details in support)	
10	Net worth of the Applicant: (Total of equity plus reserves) (Please provide audited accounts for the previous three years/ certificates in support of the claim)	
11	Sources and quantum of electricity proposed to be handled under the licence in the next three years (please	

	attach details source wise)	
12	Details of funding arrangements for operations under the proposed licence: (Please provide projected cash flow statement for the next three years)	
13	Details of licence application fee paid: (i) Amount of fee (ii) DD No/Date (iii) Bank on which drawn	
14	Other details, if any.	
15	List of documents attached: [Please see Regulation 4(4)]	

Certified that the details provided above are true to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

**Place:
Date :**

**Signature with Name and
Address and office Seal**