

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

Regulation No.2 of 2013

Deletion of Fuel Surcharge Adjustment Formula

INTRODUCTION

- (i) In exercise of powers vested in it, the Commission notified Andhra Pradesh Electricity Regulatory Commission (Conduct of Business), Regulations, 1999 viz., Regulation No.2, Dt. 05-07-1999 published in the Gazette of Andhra Pradesh on 22-07-1999 providing for conduct of its Proceedings and discharge of its functions.
- (ii) Subsequently Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) First Amendment Regulations, 2000 viz., Regulation No.8 was notified in the Gazette of Andhra Pradesh on 04-09-2000, whereunder *inter alia* 45-B. namely “Fuel Surcharge Adjustment Formula” containing sub-clauses (1) to (9) has been inserted under chapter IVA namely, Tariffs in the said Principal Regulation.
- (iii) Further, the said clause 45-B was amended and substituted by Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Amendment Regulation, 1 of 2003 as published in the Gazette of Andhra Pradesh on 17-07-2003.
- (iv) The Commission reviewed Fuel Surcharge Adjustment Formula inserted, as aforesaid, into the Principal Regulation and proposed to delete the same. Accordingly, the Commission formulated a draft Regulation and placed in the website of the Commission. The Commission had received suggestions and comments from general public, Consumer Forums, Distribution Licensee and other interested parties.
- (v) In the public hearing conducted on 12-06-2013 in its Court hall, the Commission has considered the view points presented by various stakeholders including general public and the licensees. The Commission considered it necessary to delete the existing Fuel Surcharge Adjustment Regulation and accordingly made suitable changes to the draft Regulation.

**ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
(CONDUCT OF BUSINESS) THIRD AMENDMENT REGULATION, 2013**

In exercise of powers conferred on it by Section 181 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in that behalf, the Andhra Pradesh Electricity Regulatory Commission makes the following Regulation to further amend the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, amended from time to time which may be referred to as the Principal Regulation.

**PART – I
GENERAL**

1. Short title and commencement:
 - (i) This Regulation may be called the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Third Amendment Regulation, 2013.
 - (ii) This Regulation shall come into force with effect from 01-04-2013.

**PART – II
AMENDMENT**

2. Amendment to Clause 45-B of the Principal Regulation:
 - (i) Clause 45-B of Chapter IV A of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended from time to time shall be DELETED.
 - (ii) Consequent to above mentioned deletion, Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Amendment Regulation, 1 of 2003 relating to Amendment of Clause 45-B becomes redundant and the said Regulation stands repealed as a whole.

**PART – III
MISCELLANEOUS**

3. Notwithstanding the deletion of Clause 45-B of Chapter IV A of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended from time to time.

- (i) The actions taken, orders passed earlier under the said Clause 45-B “Fuel Surcharge Adjustment Formula” are not affected and are saved.
- (ii) All pending proceedings before various Courts viz., the Hon’ble High Court of Andhra Pradesh, Hon’ble Appellate Tribunal for Electricity, Hon’ble Supreme Court, arising out of orders issued by the Andhra Pradesh Electricity Regulatory Commission with reference to levy of Fuel Surcharge Adjustment shall be dealt as per the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended from time to time prior to 31-03-2013.
- (iii) Deletion of Clause 45-B of Chapter IV A of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and *in toto* repeal Amendment Regulation 1 of 2003 shall not be construed that the said Clause is invalid on any of the grounds in support of the claims of the parties before various judicial forums wherein the validity of said Clause is under challenge, made prior to 01-04-2013 and prospective deletion of said Clause 45-B shall not be canvassed in support of any ground before any of the courts.

(BY ORDER OF THE COMMISSION)

Hyderabad
19-06-2013

M.D.Manohar Raju
Commission Secretary