

#	Order	Subject	Date of Notification
1.	Removal of Difficulties Order 2005	Inclusion of measures to control theft in Electricity Supply Code.	8.6.2005
2.	Removal of Difficulties (Second) Order 2005	Exemption from payment of surcharge on direct sale or supply of electricity under the authorizations/consent under the repealed laws.	8.6.2005
3.	Removal of Difficulty (Third) Order 2005	Disposal of free electricity received by a State Government from hydro power generating stations.	8.6.2005
4.	Removal of Difficulty (Fourth) Order 2005	Supply of electricity by the generating companies to the housing colonies of its operating staff.	8.6.2005
5.	Removal of Difficulty (Fifth) Order 2005	Establishment, operation or maintenance of dedicated transmission lines.	8.6.2005
6.	Removal of Difficulty (Sixth) Order 2005	Levy and collection of fees and charges for using transmission system.	8.6.2005
7.	Removal of Difficulty (Seventh) Order 2005	Supply of electricity to housing colony of sub-station.	8.6.2005
8.	Removal of Difficulties (Eighth) Order 2005	Supply of electricity to Cooperative Group Housing Society, supply of electricity by distribution licensee at single point to a person for his employees.	9.6.2005
9.	Removal of Difficulties (Ninth) Order 2005	Previous publication of regulations by State Commission.	9.6.2005

[Published in the Gazette of India Extraordinary, Part II, section 3(ii)]

Ministry of Power

ORDER

New Delhi, the 8th June, 2005.

S.O. 790(E) - Whereas the Electricity Act, 2003 (36 of 2003) (hereinafter referred to as the Act) came into force on the 10th June, 2003;

And whereas section 50 of the Act provides that the State Commission shall specify an Electricity Supply Code to provide for recovery of electricity charges, intervals for billing of electricity charges, disconnection of supply of electricity for non-payment thereof, restoration of supply of electricity, tampering, distress or damage to electrical plant, electric lines or meter, entry of distribution licensee or any person acting on his behalf for disconnecting supply and removing the meter, entry for replacing, altering or maintaining electric lines or electrical plant or meter;

And whereas the distribution licensees have expressed difficulties in controlling theft of electricity and in taking appropriate action in this regard;

And whereas enabling the distribution licensees for taking timely and appropriate action in cases of theft or diversion of electricity has become necessary for the development of electricity industry and ensuring supply of electricity to all areas;

And whereas taking measures conducive to development of electricity industry and supply of electricity to all areas are objectives, amongst others, of the Act, as stated in its preamble;

And whereas the difficulties have arisen in giving effect to the provisions of the Act in controlling theft of electricity by the distribution licensees;

Now, therefore, the Central Government, in exercise of its powers conferred by section 183 of the Act hereby makes the following order in respect of electricity supply code in terms of section 50 of the Act, not inconsistent with the provisions of the Act, to remove the difficulties, namely. –

1. Short title and commencement.-

- (1) This order may be called the Electricity (Removal of Difficulties) order, 2005.
- (2) It shall come into force on the date of publication in the Official Gazette.

2. Inclusions of measures to control theft in Electricity Supply Code. -

- (1) The Electricity Supply Code as specified by the State Commission under section 50 of the Act shall also include the following, namely:-
- (i) method of assessment of the electricity charges payable in case of theft of electricity pending adjudication by the appropriate court;
 - (ii) disconnection of supply of electricity and removing the meter, electric line, electric plant and other apparatus in case of theft or unauthorized use of electricity; and
 - (iii) measures to prevent diversion of electricity, theft or unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter.
- (2) The above provisions in the Electricity Supply Code shall be without prejudice to other rights of the licensee under the Act or any other applicable laws to recover the sum due and to protect the assets and interests of the licensee.

[F.No.23/54/2004-R&R]

(Ajay Shankar)
Additional Secretary

[Published in the Gazette of India Extraordinary, Part II, section 3(ii)]

Ministry of Power

ORDER

New Delhi, the 8th, June, 2005.

S.O. 789(E) – Whereas the Electricity Act, 2003 (36 of 2003) (hereinafter referred to as the Act) came into force on the 10th June, 2003;

And whereas sub-section (2) of section 42 of the Act provides that the State Commission shall introduce open access in such phases and subject to such conditions, (including the cross subsidies, and other operational constraints) as may be specified within one year of the appointed date by it and in specifying the extent of open access in successive phases and in determining the charges for wheeling, it shall have due regard to all relevant factors including such cross subsidies, and other operational constraints;

And whereas the first proviso to sub-section (2) of section 42 of the Act provides that such open access may be allowed before the cross subsidies are eliminated on payment of a surcharge in addition to the charges for wheeling as may be determined by the State Commission ;

And whereas the second proviso to sub-section (2) of section 42 of the Act provides that such surcharge shall be utilized to meet the requirements of current level of cross subsidy within the area of supply of the distribution licensee;

And whereas generating companies were allowed to enter into a contract for sale of electricity with any other person with the consent of the competent governments under the provisions of clause (c) of sub-section (1) of section 43A of the Electricity (Supply) Act, 1948 (repealed by the Act), and sale of electricity by such companies was not subject to payment of any surcharge under that repealed law;

And whereas distribution licensees were authorized by the State Governments to supply energy to any person outside the area of supply under section 27 of the Indian Electricity Act, 1910 (repealed by the Act), and supply of energy (electricity) by such distribution licensee was not subject to payment of any surcharge under the said repealed law;

And whereas in case of electricity being sold or supplied under permissions from competent government or authorizations of the State Government, as the case may be, under the said repealed laws, there was no element of cross subsidy and, therefore, there was no requirement of any surcharge for the same;

And whereas difficulties have arisen regarding the applicability of the provisions of section 42 of the Act with regard to the levy of surcharge on the sale of electricity by a generating company under clause (c) of sub-section (1) of section 43A of the Electricity (Supply) Act 1948 (repealed law) and also on the electricity being supplied by licensees to any person outside the area of their supply under section 27 of the Indian Electricity Act, 1910 (repealed law);

Now, therefore, the Central Government in exercise of its power conferred by section 183 of the Act, hereby makes this order to make provisions in respect of such electricity being sold or supplied under the repealed laws, being not inconsistent with the provisions of the Act, to remove the difficulties, namely:-

1. **Short title and commencement.-**

(1) This order may be called the Electricity [Removal of Difficulties] second Order, 2005.

(2) It shall come into force on the date of publication in the official gazette.

2. **Exemption from payment of surcharge on the sale or supply of electricity.-**

No surcharge would be required to be paid, in terms of sub-section (2) of section 42 of the Act on the electricity being sold by the generating companies with consent of the competent government under clause (c) of sub-section (1) of section 43A of the Electricity Act, 1948 (now repealed by the Act), and on the electricity being supplied by the distribution licensee on the authorization by the State Government under section 27 of the Indian Electricity Act, 1910 (now repealed by the Act), till the current validity of such consent or authorizations.

[F.No.23/18/2004-R&R]

AJAY SHANKAR, Addl. Secretary

[Published in the Gazette of India Extraordinary, Part II, section 3(ii)]

Ministry of Power

ORDER

New Delhi, the 8th, June, 2005

S.O. 792(E) – Whereas the Electricity Act, 2003 (36 of 2003) (hereinafter referred to as the Act), came into force on the 10th June, 2003;

And whereas the clause (b) of the sub-section (1) of section 86 of the Act provides that the State Commission shall have powers to regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State;

And whereas the Appropriate Commission has the power to determine the tariff for supply of electricity by a generating company to a distribution licensee in terms of clause (a) of sub-section (1) of section 62 of the Act;

And whereas some of the State Governments are getting free electricity from the power generated by various hydro power generating companies in pursuance of the conditions relating to the development of the hydro power site;

And whereas such a State Government is not covered in the definition of the “generating company” in terms of sub-section (28) of section 2 of the Act, for the purpose of clause (a) of sub-section (1) of section 62 of the Act;

And whereas difficulties have arisen in respect of disposal of free electricity received by the State Government from hydro power generating companies and related matters;

Now, therefore, the Central Government in exercise of its powers conferred by section 183 of the Act hereby makes this order in respect of discretion of the State Government to dispose off such electricity, not inconsistent with the provisions of the Act, namely:-

1. Short title and commencement:-

(1) This order may be called the Electricity [Removal of Difficulty] (Third) Order, 2005.

(2) It shall come into force on the date of publication in the Official Gazette.

2. Disposal of free electricity received by a State Government from hydro power generating stations:-

The State Government receiving free electricity from hydro power generating stations shall have discretion to dispose off such electricity in the manner it deems fit according to the provisions of the Act:

Provided that if such electricity is sold by the State Government to a distribution licensee, the concerned State Commission shall have powers to regulate the price at which such electricity is procured by the distribution licensee.

[F.No.25/25/2004-R&R]
AJAY SHANKAR, Addl. Secretary

[Published in the Gazette of India Extraordinary, Part II, section 3(ii)]

Ministry of Power

ORDER

New Delhi, the 8th June, 2005

S.O. 793(E) – Whereas the provisions of the Electricity Act 2003 (36 of 2003) (hereinafter referred to as the Act) came into force on the 10th June, 2003;

And whereas ‘generating station’ has been defined in sub-section (30) of section 2 of the Act as any station for generating electricity, including any building and plant with step-up transformer, switch yard, switch-gear, cables or other appurtenant equipment, if any used for that purpose and the site thereof, a site intended to be used for a generating station, and any building used for housing the operating staff of a generating station, and where electricity is generated by water-power, includes penstocks, head and tail works, main and regulating reservoirs, dams and other hydraulic works, but does not in any case include any sub-station;

And whereas no licence is required for a generating company to establish, operate and maintain a generating station as per the provisions of the section 7 of the Act;

And whereas providing the housing to the operating staff of a generating station in the vicinity of the generating station is essential for operation and maintenance of the generating station and forms an integral part of the generating station;

And whereas difficulties have arisen regarding the requirement of licence for supplying power to the housing colonies or townships housing the operating staff of the generating stations by the generating companies;

Now, therefore, the Central Government in exercise of its powers conferred by section 183 of the Act hereby makes this order in respect of supply of electricity by the generating companies to the housing colonies of its operating staff, not inconsistent with the provisions of the Act, to remove difficulties, namely:-

1. Short Title & Commencement :-(1) This order shall be called the Electricity [Removal of Difficulty] (Fourth) Order 2005.

(2) This order shall come into force on the date of its publication in the Official Gazette.

2. Supply of electricity by the generating companies to the housing colonies of its operating staff:-

The supply of electricity by a generating company to the housing colonies of, or townships housing, the operating staff of its generating station will be deemed to be an integral part of its activity of generating electricity and the generating company shall not be required to obtain licence under this Act for such supply of electricity.

[F.No.25/25/2004-R&R]
AJAY SHANKAR, Addl. Secretary

[Published in the Gazette of India Extraordinary, Part II, section 3(ii)]

Ministry of Power

ORDER

New Delhi, the 8th June, 2005.

S.O. 794(E) – Whereas the Electricity Act, 2003 (36 of 2003) (hereinafter referred to as the Act) came into force on the 10th June, 2003;

And whereas section 7 of the Act provides that any generating company may establish, operate and maintain a generating station without obtaining a licence under this Act if it complies with the technical standards relating to connectivity with the grid referred in clause (b) of section 73;

And whereas sub-section (1) of section 10 of the Act provides that subject to the provisions of this Act, the duties of a generating company shall be to establish, operate and maintain generating stations, tie-lines, sub-stations and dedicated transmission lines connected therewith in accordance with the provisions of this Act or the rules or regulations made thereunder;

And whereas sub-section (1) of section 9 of the Act provides that notwithstanding anything contained in this Act, a person may construct, maintain or operate a captive generating plant and dedicated transmission lines;

And whereas a dedicated transmission line in terms of sub-section (16) of section 2 of the Act is an electrical supply line for point-to-point transmission for connecting a captive generating plant or a generating station to any transmission line or sub-stations or generating stations or the load centre, as the case may be;

And whereas such a dedicated transmission line is neither a transmission line in terms of sub-section (72) of section 2 of the Act nor it is a distribution system connecting the point of a connection to the installation of consumer in terms of sub-section (19) of section 2 of the Act;

And whereas difficulties have arisen regarding the requirement of a transmission licence for establishing, operating or maintaining a dedicated transmission line;

Now, therefore, the Central Government in exercise of its powers conferred by section 183 of the Act hereby makes the order in respect of establishing, operating or maintaining a dedicated transmission line, not inconsistent with the provisions of the Act, to remove the difficulties, namely;

1. Short title and commencement.-

- (1) This order may be called the Electricity [Removal of Difficulty] (fifth) Order, 2005.
- (2) It shall come into force on the date of publication in the Official Gazette.

2. Establishment, operation or maintenance of dedicated transmission lines.-

A generating company or a person setting up a captive generating plant shall not be required to obtain license under the Act for establishing, operating or maintaining a dedicated transmission line if such company or person complies with the following:

- (a) Grid code and standards of grid connectivity;
- (b) Technical standards for construction of electrical lines;
- (c) System of operation of such a dedicated transmission line as per the norms of system operation of the concerned State Load Despatch Centre (SLDC) or Regional Load Despatch Centre (RLDC).
- (d) Directions of concerned SLDC or RLDC regarding operation of the dedicated transmission line.

[F.No.25/25/2004-R&R]

AJAY SHANKAR, Addl. Secretary

[Published in the Gazette of India Extraordinary, Part II, section 3(ii)]

Ministry of Power

ORDER

New Delhi, the 8th June, 2005.

S.O. 795(E) – Whereas the Electricity Act, 2003 (36 of 2003) (hereinafter referred to as the Act) came into force on the 10th June, 2003;

And whereas the sub-section (4) of section 28 of the Act provides that the Regional Load Despatch Centre may levy and collect such fee and charges from the generating companies or licensees engaged in inter-State transmission of electricity as may be specified by the Central Commission;

And whereas the sub-section (3) of section 32 of the Act provides that the State Load Despatch Centre may levy and collect such fee and charges from the generating companies and licensees engaged in intra-State transmission of electricity as may be specified by the State Commission;

And whereas difficulties have arisen in levying and collecting of fees and charges from the licensees using the inter-state or intra-state transmission systems;

Now, therefore, the Central Government in exercise of its powers conferred by section 183 of the Act hereby makes this order in respect of levy and collection of fees and charges for using the transmission systems, not inconsistent with the provisions of the Act, to remove the difficulties, namely:-

1. Short Title and Commencement:-

(1) This order shall be called the Electricity (Removal of Difficulty) (sixth) Order 2005.

(2) This order shall come into force on the date of its publication in the Official Gazette.

2. Levy and collection of fees and charges for using transmission system.-

(1) The Regional Load Despatch Centre may levy and collect such fee and charges from the licensees using the inter-state transmission system as may be specified by the Central Commission.

(2) The State Load Despatch Centre may levy and collect such fee and charges from the licensees using the intra-state transmission system as may be specified by the State Commission.

[F.No.25/25/04-R&R]
AJAY SHANKAR, Addl. Secretary

[Published in the Gazette of India Extraordinary, Part II, section 3(ii)]

Ministry of Power

ORDER

New Delhi, the 8th June, 2005

S.O. 796(E) – Whereas the Electricity Act, 2003 (36 of 2003) (hereinafter referred to as the Act) came into force on the 10th June, 2003;

And whereas sub-section (73) of section 2 of Act defines a transmission licensee as a licensee authorized to establish or operate transmission lines;

And whereas sub-section (72) of section 2 of the Act provides that “transmission lines” means all high pressure cables and overhead lines (not being an essential part of the distribution system of a licensee) transmitting electricity from a generating station to another generating station or a sub-station, together with any step-up and step-down transformers, switch-gear and other works necessary to and used for the control of such cables or overhead lines, and such buildings or part thereof as may be required to accommodate such transformers, switch-gear and other works;

And whereas supply of electricity to the housing colonies of the operating staff of sub-stations located in the same premises is an integral part of the activity of transmission of electricity by a transmission licensee;

And whereas housing the operating staff in the premises, where such sub-station is located, is absolutely necessary in the interest of satisfactory operation of such sub-station;

And whereas difficulties have arisen regarding the requirement of taking licence for supplying power to the housing units of the operating staff of the sub-stations by transmission licensees;

Now, therefore, the Central Government in exercise of its powers conferred by section 183 of the Act hereby makes this order in respect of supply of electricity to the housing colonies of the operating staff of sub-station, not inconsistent with the provisions of the Act, to remove the difficulties, namely.-

1. Short title and commencement.-

- (1) This order may be called the Electricity [Removal of Difficulty] (Seventh) Order, 2005.
- (2) It shall come into force on the date of its publication in the Official Gazette.

2. Supply of electricity to housing colony of sub-station.-

The supply of electricity by a transmission licensee to the housing colonies of the operating staff, located in the premises of that sub-station, of sub-station will be deemed to be an integral part of the activity of transmitting electricity and such licensee shall not be required to obtain licence under this Act for such supply of electricity.

[F.No.25/25/04-R&R]

AJAY SHANKAR, Addl. Secretary

[Published in the Gazette of India Extraordinary, Part II, section 3(ii)]

Ministry of Power

ORDER

New Delhi, the 9th June, 2005.

S.O. 798(E) – Whereas the Electricity Act, 2003 (36 of 2003) (hereinafter referred to as the Act) came into force on the 10th June, 2003;

And whereas the sub-section (1) of section 43 of the Act provides that every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply;

And whereas difficulties have arisen in obtaining the supply of electricity at single point from the distribution licensee;

Now, therefore, the Central Government in exercise of its powers conferred by section 183 of the Act hereby makes this order in respect of obtaining supply of electricity at single point from the distribution licensee by the Cooperative Group Housing Societies or by any person for their members or his employees residing in the same premises, not inconsistent with the provisions of the Act, to remove the difficulties, namely.-

1. **Short Title and Commencement.-**

(1) This order shall be called the Electricity [Removal of Difficulties] (Eighth) Order 2005.

(2) This order shall come into force on the date of its publication in the Official Gazette.

2. **Supply of electricity at single point by the distribution licensee to a Cooperative Group Housing Society.-**

A distribution licensee shall give supply of electricity for residential purposes on an application by a Cooperative Group Housing Society which owns the premises at a single point for making electricity available to the members of such Society residing in the same premises on such terms and conditions as may be specified by the State Commission:

Provided that the provisions of this clause shall not in any way affect the right of a person residing in the housing unit sold or leased by such a Cooperative Group Housing

Society to demand supply of electricity directly from the distribution licensee of the area on such terms and conditions as may be specified by the State Commission.

3. Supply of electricity by distribution licensee at single point to a person for his employees.-

A distribution licensee shall give supply of electricity for residential purposes on an application by a person at a single point for making electricity available to his employees residing in the same premises on such terms and conditions as may be specified by the State Commission.

[F.No.25/4/2004-R&R]
AJAY SHANKAR, Addl. Secretary

[Published in the Gazette of India Extraordinary, Part II, section 3(ii)]

Ministry of Power

ORDER

New Delhi, the 9th June, 2005.

S.O. 799(E) – Whereas the Electricity Act, 2003 (36 of 2003) (hereinafter referred to as the Act) came into force on the 10th June, 2003;

And whereas sub-section (3) of section 181 of the Act requires that the regulations made by the State Commissions shall be subject to the conditions of previous publication;

And whereas there is no specific provision in the Act for such previous publication;

And whereas some State Commissions have made regulations without meeting the requirement of previous publication under sub-section (3) of section 181 of the Act and various actions have been taken under such regulations;

And whereas difficulties have arisen regarding the validity of various actions taken under the regulations made by State Commissions without meeting the requirement of previous publication;

Now, therefore, the Central Government in exercise of its powers conferred by section 183 of the Act hereby makes this order, in respect of such regulations and actions taken thereunder, not inconsistent with the provisions of the Act, to remove the difficulties, namely:

1. **Short title and commencement.-**

- (1) This order may be called the Electricity [Removal of Difficulties] (Ninth) Order, 2005.
- (2) It shall come into force on the date of publication in the Official Gazette.

2. **Previous publication of regulations made by the State Commissions.-**

Regulations made by the State Commissions, before the commencement of this order, without meeting the requirement of the previous publication under sub-section (3) of section 181 of the Act shall again be published as draft regulations for the information of persons likely to be affected thereby for inviting the objections or suggestions following the procedure prescribed under the Electricity

(Procedure for Previous Publication) Rules 2005, and shall be finalised after considering such objections or suggestions received.

3. Actions taken under regulations.-

Any action taken under the regulations made by the State Commissions, before the commencement of this order, without following the requirement of previous publication shall not be deemed invalid merely on the ground of non-compliance of previous publication of regulations.

[F.No.23/26/2004-R&R]
AJAY SHANKAR, Addl. Secretary

