পঞ্জীভূক্ত নম্বৰ - ৭৬৮/৯৭ Registered No. -768/97

অসম ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্ত্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY AUTHORITY

নং 156 দিশপুৰ, শুক্ৰবাৰ 29 এপ্ৰিল, 2005, 9 বহাগ, 1927 (শক)

No, 156 Dispur, Friday, 29th April, 2005, 9th Vaisakha, 1927 (S.E.)

GOVERNMENT OF ASSAM

ASSAM ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

The 6th April, 2005

A. E. R. C. (Procedure, Terms and Conditions for granting Distribution Licence and other related matters) Regulations, 2005

No. AERC./2005/18 – In exercise of powers conferred under section 14 read with Section 181 of the Electricity Act 2003 (36 of 2003) and all powers enabling it in that regard by the Act, the Assam Electricity Regulatory Commission hereby makes the following Regulations providing for the procedures to grant, amend or revoke a distribution licence for the distribution and supply of electricity and the general terms and conditions of licence:

CHAPTER I – GENERAL

1. Short title, commencement and interpretation:

1.1 These Regulations may be called the Assam Electricity Regulatory Commission (Procedure, Terms and Conditions for granting a Distribution Licence and other related matters) Regulations, 2005.

1.2 These Regulations shall apply to any person applying for a distribution licence to undertake the distribution and supply of electricity within the territory of the State of Assam.

1.3 These Regulations extend to the whole of the State of Assam.

1.4 These Regulations shall come into force on the date which the Commission may by notification appoint for the purpose.

2. Definitions:

2.1 In these Regulations, unless the context otherwise require:

(a) "Act" means The Electricity Act 2003 (36 of 2003);

(b) "Accounting Statement" means for each financial year, accounting statements for the Licensed Business comprising a profit and loss account, a balance sheet and a statement of sources and application of funds, together with notes thereto as detailed under the Companies Act, 1956 (1 of 1956) and such other particulars and details in the manner as the Commission may direct from time to time. If the Distribution Licensee engages in any business or activity in addition to the Licensed Business , the accounting statements shall comply with the regulations of the Commission dealing with the treatment of Other Business of Distribution Licensees and show separately the amounts of any revenue, cost, asset, liability, reserve or provision, which has been either :

i) charged from the Licensed Business to any Other Business or vice versa together with a description of the basis of that charge; or

ii) determined by apportionment or allocation between the Licensed Business and any Other Business of the Distribution Licensee together with a description of the basis of the apportionment or allocation.

(c) "Applicant" means a person who has made an application to the Commission for grant of licence for the distribution and supply of electricity;

(d) "Annual Accounts" means the accounts of the Distribution Licensee prepared in accordance with the provisions of the Companies Act, 1956 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;

(e) "Area of Distribution" or "Area of Supply" means the area of Distribution stated in the Distribution Licence within which the Distribution Licensee is authorised to establish, operate and maintain the Distribution System and supply electricity;

(f) "Auditor" means the Distribution Licensee's auditors holding office in accordance with the requirements of Sections 224 to 234A or Section 619 as appropriate, of the Companies Act 1956 (1 of 1956);

(g) "Authorised", in relation to any Person, business or activity, means authorised by licence granted under Section 14 of the Act or deemed to be granted under the first, second, third and fifth proviso to Section 14 of the Act or exemption granted under Section 13 of the Act and the regulations of the Commission;

(h) "Commission" means the Assam Electricity Regulatory Commission constituted under section 17 of the Electricity Regulatory Commissions Act, 1998 and under provision of section 82 of the Electricity Act, 2003 (36 of 2003);

(i) "Conduct of Business Regulations" means the Assam Electricity Regulatory Commission (Conduct of Business) Regulations, 2004;

(j) "Distribution" means the conveyance or wheeling of electricity by means of a Distribution System;

(k) "Distribution Business" means the authorised business of a Distribution

Licensee to operate and maintain a Distribution System for supplying of electricity to the consumers in an Area of Supply;

(l) "Distribution Code" means the set of rules (including the Indian Electricity Rule 1956), requirements, procedures, and standards approved by the Commission governing electric utilities in the operation and maintenance of their distribution systems, and which defines and establishes the relationship of the distribution systems with the facilities or installations of the parties connected thereto ;

(m) "Distribution Licensee" means a licensee authorised by the Commission under section 14 of the Act to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply and includes ASEB and any of its successor entities deemed to be a distribution licence under the provisions of section 131 of the Act;

(n) "Distribution System Operating Standards" means the standards related to the Distribution Licensee's operation of the Distribution System as approved by the Commission;

(o) "Distribution System Planning and Security Standards" means the standards related to the adequacy of the Distribution Licensee's system planning and security of the Distribution System as approved by the Commission;

(p) "Force Majeure" means events beyond the reasonable control of the Licensee, including, but not limited to earthquake, cyclone, flood, storm, adverse weather condition, war, terrorist attack, civil commotion or other similar occurrence that leads to any act that would involve a breach of relevant laws or regulations concerned with electrical safety;

(q) "Generator Interconnection Facilities" means electrical lines, transformers, busbars, switch-gear, plant or apparatus utilised to enable access to a Transmission System or Distribution System ex-bus(from the outer bus of the Generating Station) by the generating station;

(r) "Assam Electricity Grid Code" means the set of rules, requirements, procedures approved by the Commission under clause (h) of sub-section (1) of section 86 of the Act for the Assam State Transmission System, covering all material technical aspects relating to connections to and the operation of the Grid, the use of a Distribution System, or (in so far as relevant to the operation and use of a Distribution System) the operation of electric lines and electrical plants connected to the Distribution System, the Distribution Systems, or the system of any Supplier;

(s) "Holding Company" shall have the same meaning as in section 4 of the Companies Act 1956 (1 of 1956);

(t) "Intervening Distribution Facilities" means the electric lines owned or operated by a Distribution Licensee where such electric lines can be utilized for transmitting electricity for and on behalf of another licensee at his request and on payment of a tariff or charge;

(u) "Licence" means the licence under section 14 of the Act under which the Licensee is authorised to conduct the Licensed Business;

(v) "Licensed Business" means the business of the distribution of electricity as authorised under the licence;

(w) "Major Incident" means an incident associated with the 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 directed by the Commission and shall also include any other incident which the Commission expressly declares to be a major incident but shall not duplicate the activities of the Chief Electrical Inspector in the investigation of accidents under the provision of section 161 of the Act;

(x) "Open access consumer" means a consumer who is eligible to receive supply of electricity from a person other than the distribution licensee of his area of supply;

(y) "Open access customer" means a person using or intending to use the distribution system or the transmission system of the licensees or both in the state for transmission and or wheeling of electricity in the State;

(z) "Operational Control" means the authority to make operational decisions such as commissioning and utilisation of units, service lines and equipment;

(aa) "Other Business" means any business of the Licensee other than the Licensed Business but shall exclude other entities in which the licensee may be a shareholder or partner or in joint venture;

(bb) "Performance Standards" means the standards as may be determined by the Commission pursuant to section 57 of the Act;

(cc) "Petition" shall include all petitions, complaints, appeals, replies, rejoinders, supplemental pleadings and other papers and documents filed before the Commission;

(dd) "Person" shall include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person;

(ee) "Proceedings" means proceedings of all nature that the Commission may decide to initiate or hold in the discharge of its functions under the Act but any preliminary meeting or any action done by the Commission before such initiation shall not be a proceeding for the purposes of these Regulations;

(ff) "Receiving Officer" shall mean the officer designated by the Chairperson for receiving the Petition;

(gg) "Specific Conditions" means the conditions in addition to or in variation of the General Conditions which the Commission may lay down specifically for a distribution licensee;

(hh) "Secretary" means the Secretary of the Commission.

(ii) "State Government" means the Government of the State of Assam.

(jj) "Subsidiary" shall have the same meaning as in section 4 of the Companies Act 1956 (1 of 1956);

(kk) "Transfer" shall include the sale, exchange, gift, lease, licence, loan, securitisation, mortgage, charge, pledge or grant of any other encumbrance or otherwise permitting of any encumbrance to subsist or parting with physical possession or any other disposition or dealing;

(ll) "Use of System" means use of the Distribution System for the wheeling of electricity;

(mm) "Users" means a person, including generating companies, Distribution Licensee and open access customers in the state of Assam who uses the Distribution System or Distribution System and related facilities and include a person to whom the Distribution Code and/or Grid Code apply.

2.2 Words or expressions occurring in these Regulations and not defined herein above shall bear the same meaning as in the Act.

CHAPTER II – LICENCE PROCEDURES

3. Application for licence:

3.1 Any person intending to engage in the business of distribution of electricity in the State of Assam, shall apply to the Commission for the grant of a Distribution licence in the form and manner directed by the Commission and accompanied by such fees as laid down in Appendix 4 relating to schedule of fees under Assam Electricity Regulatory Commission (Conduct of Business) Regulations,2005 as may be prescribed for this purpose.

3.2 The General Terms and Conditions of a Distributon Licence are given in Chapter 3 of these regulations and the Licensee shall be bound by such conditions, except to the extent exempted by the Commission.

3.3 The Commission shall in addition to the General Conditions, decide on the specific conditions subject to which Licence shall be issued to the applicant.

3.4 Any person intending to apply for a Licence shall duly comply with the conditions and requirements laid down by the Commission.

3.5 The application for Licence shall be made in accordance with the provision of the Act and these Regulations and in the application form contained in Appendix 1 to these Regulations and shall be accompanied by a non-refundable fee of Rupees Twenty Thousand. The application shall be supported by affidavit of the authorized person familiar with the details of the application.

3.6 The Application for Licence shall be accompanied by documents and particulars required to be provided as per the application form in Appendix 1.

3.7 The application shall be supported by affidavit of the authorized person familiar with the details of the application.

3.8 The applicant to be entitled to grant of Licence, shall provide evidence as given in Appendix 1 of fulfilling the following technical and financial requirements, namely:

(a) Technical experience: The applicant shall have experience in development, design, construction, operation and maintenance of a distribution system (if the assets in respect of which the application for grant of Licence has been made, consists of distribution lines only) or substations (if the assets in respect of which the application for grant of Licence has been made, consists of sub-stations only) or both (if the assets in respect of which the application for grant of Licence has been made, consists of distribution lines and sub-stations) at the voltage level at which the assets in respect of which the application for grant of Licence has been made, shall be operated.

Provided that the aforesaid qualifying requirement of technical experience shall not be insisted upon if the applicant deploys personnel having requisite experience in operation of the assets at thevoltage level at which the assets

in respect of which the application for grant of Licence has been made, shall be operated.

(b) Financial capability: Net worth of the applicant shall not be less than the estimated annual revenue requirement of the distribution area of supply in respect of which the application for grant of Licence has been made. In the case of a consortium, affiliates may meet the qualifying requirements of the financial capability collectively.

3.9 The Application for Licence shall specifically state any special terms and conditions the applicant proposes as applicable for the Licence.

4. Acknowledgment of application:

On receipt of the application, the receiving Officer shall note thereon the date of its receipt and shall send to the applicant an acknowledgment stating the date of receipt.

5. Copies of documents and maps for public inspection:

The applicant shall maintain at his own office and at such other place as may be designated by the Commission, the copies of the documents referred to in Appendix 1 for public inspection and furnish to persons applying for them the copies of such documents at a price not exceeding the normal photocopying charges;

6. Calling for additional information:

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 the Commission may consider necessary for the purpose of dealing with the application.

7. Acceptance of application:

If the Commission finds the application to be complete and accompanied by the requisite information, particulars and documents and that the applicant has complied with all the requirements for making the application and furnishing of information, particulars and documents, the Commission shall inform the applicant that the application is ready for being considered for grant of Licence in accordance with applicable laws and communicate the same to the applicant. Upon receipt of such communication, the applicant shall collect an authenticated copy of the application filed, from the office of the Commission, for making it available for inspection to all interested parties at such places may be directed by the Commission.

8. Notice of application:

8.1 The applicant shall, within seven days from the date of admission of the application, publish a notice of the application in the form specified in Appendix 2 with such particulars and in such manner as the Commission may direct.

8.2 The notice published shall be headed by a short title corresponding to that given in the application and shall give the addresses of the offices at which the application documents copies of maps therein referred to may be inspected and copies of same may be purchased and shall also state that any person, desirous of making a representation with reference to the application to the Commission, may do so by letter addressed to the Commission in this regard, within thirty days from the date of publication of the notice.

9. Service of notice of the application:

9.1 The Commission may direct that the notice of the application be served on the Central Government, the State Government, the local authority or any other

authority or person or body as the Commission may direct in such form, with such particulars and in such manner as the Commission may consider appropriate.

9.2 The applicant shall apply for and obtain the no objection certificate, if any, required from the Central Government in terms of clause (ii) of sub-section (2) of Section 15 of the Act before hearing by the Commission. .

10. Objections:

10.1 Any person intending to object to the grant of the Licence shall file objections within thirty days from the date of publication of the notice by the applicant. The objections shall be filed in the form of reply and the provisions of Chapter II of the Conduct of Business Regulations dealing with reply shall apply to the filing of such objections.

10.2 Any person who desires to have any amendments made in the proposed conditions of Licence shall furnish a statement of the amendments to the applicant and to the Commission and within the time allowed by the Commission for filing objections.

11. Hearings and local inquires:

11.1 After the intended application is duly published and the time for filing of objections is over and after the applicant has furnished to the Commission the no objection certificate, if any, required from the Central Government and Local authority, the Commission may proceed with the hearing of the application.

11.2 The Commission shall give notice of 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 may consider appropriate.

11.3 If any person objects to the grant of the Licence applied for, the Commission may if either the applicant or the objector so desires, cause a local inquiry to be held for which notice in writing shall be given to the applicant and the objector;

11.4 In case of a local inquiry under clause 11.3 above a memorandum of the results of the inquiry made shall be prepared and shall be signed by the applicant, the objector, the Officer or person designated for the purpose and such other person as the Commission may direct.

11.5 The hearing on the application for grant of Licence shall thereafter proceed as far as possible in the same manner as provided in Chapter II of the Conduct of Business Regulations.

12. Grant of Licence:

12.1 After the hearing, under Regulation 11 the Commission may decide to grant or refuse the Licence and if it decides to grant the Licence it may do so on such terms and conditions and with such modifications to the general conditions and on such specific conditions as the Commission may decide.

12.2 When the Commission has approved the grant of Licence, the Commission shall inform the applicant of such approval and the conditions to be satisfied by the applicant including the initial and periodical licence fees to be paid by the applicant for the grant of Licence.

12.3 On receiving an intimation in writing from the applicant that he is willing to accept a Licence on the terms approved by the Commission and after the applicant satisfies the conditions imposed 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 consider it to be appropriate.

12.4 The Commission shall issue a Licence to the applicant in the form provided at Appendix 3.

12.5 The Commission shall, within fifteen days of passing the order to grant 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 considers necessary.

12.6 The Licence shall commence from the date the Commission may direct as the date of commencement of Licence, and the Licence shall be in force for a period , of twenty five years, unless such Licence is revoked.

12.7 When the order to grant a Licence has been passed, three sets of documents containing the particulars specified in clause 12.8 below shall be signed on the date to correspond with the date of the notification of the grant of the Licence by such Officer as the Commission may designate in this behalf.

12.8 The particulars to be given in the documents under clause 12.7 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 and addresses of all the directors of the company;

(b) Location and boundaries of the proposed area of operation;

(c) A description of the proposed area of operation; and

(d) The general conditions and also any special conditions , if any, which the Commission has laid down for inclusion in the licences of the nature applied for with justification by the applicant under clause 3.8.

12.9 One set of such maps (refer clause 9 to Part B of the Appendix 1) and proforma shall be retained as the deposited maps and proforma by the Commission and the other two sets shall be given to the Licensee after due attestation by the Commission.

12.10 Every person who is granted a Distribution Licence shall within thirty days of the grant thereof arrange to exhibit copies of the Licence granted, maps and proforma attested under regulation 12 for public inspection at all reasonable times at the head office and at the local offices within the area of supply.

12.11 The Licensee shall also furnish to the Commission the maps and proforma in an electronic form.

13. Amendment of Licence:

13.1 The General Conditions of Licence in Chapter 3 may be altered or amended by the Commission at any time, if it deems fit and proper, it is in the public interest to do so, in exercise of powers under Section 18 of the Act. 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 unreasonable withheld.

13.2 In the event, that the Licensee wishes to amend the Licence conditions, the application for amendment of the conditions of the license shall be made by the Licensee in such form as may be directed for the purpose by the Commission.

13.3 The application shall be accompanied by a statement of the proposed amendments and shall be supported by affidavit as provided in Chapter II of these Regulations.

13.4 The applicant shall, within seven days from the date of admission of the application for amendment for hearing publish a public notice of the application filed giving a brief statement of the amendment proposed, the reasons for the proposed amendment, the effect of the amendment proposed on the discharge of the functions of the Licensee under the License granted and the consumers, the alternative arrangements proposed for such discharge of the functions of the Licensee and such other particulars as the Commission may direct.

13.5 The notice published shall give the addresses of the offices at which the application for amendment may be inspected and the copies of application and documents can be purchased and shall state that a person, desirous of making any representation with reference to the application to the Commission, may do so by letter addressed to the Commission, within thirty days from the date of publication.

13.6 In the event the Commission proposes to amend the terms and conditions of the Licence granted to a Licensee, the Commission shall publish a public notice of the proposed amendments giving a brief statement of the amendments proposed, the reasons for the proposed amendments, the effect of the amendments proposed on the discharge of the functions of the Licensee under the License granted, and the consumers, the alternative arrangements proposed for such discharge of the functions and such other particulars as the Commission may consider appropriate.

13.7 The Commission shall not make any alterations or amendment to Licence conditions whether initiated by the Licensee or by the Commission unless all suggestions or objections received within thirty days from the date of the first publication of the notice in clauses 13.5 and 13.6 have been considered by the Commission.

13.8 Unless otherwise specified in writing by the Commission, the procedure specified in these Regulations for grant of Licence, shall be followed while dealing with an application for amendment of the Licence.

CHAPTER III – GENERAL TERMS AND CONDITIONS OF LICENCE

14. Term:

The Distribution Licence shall come into force on the date to be mentioned by the Commission in the order granting the Licence and subject to the terms and conditions of the grant of Licence, and shall remain in force for a period of twenty five years unless revoked by the Commission.

15. Compliance with laws, rules and regulations**:**

15.1 The Distribution Licensee shall comply with the provisions of the Act, Rules, Regulations, orders and directions issued by the Commission from time to time and the provisions of all other applicable laws.

15.2 The Distribution Licensee shall act in accordance with these General Conditions except where the Distribution Licensee is exempted from any provisions of these general conditions at the time of the grant of Licence or otherwise specifically obtains the approval of the Commission for any deviation therefrom.

15.3 The Distribution Licensee shall duly comply with and undertake all activities consistent with the Assam Electricity Grid Code, Distribution Code, Electricity Supply Code and other codes and standards, orders and directions of the National Load Despatch Centre, Regional Load Despatch Centre and the State Load Despatch

Centre and other statutory authorities issued in the discharge of their functions under the Act.

15.4 The Distribution Licensee will comply with the Terms and Conditions for Open Access regulations issued by the Commission which define the procedures for granting open access to an open access customer who is connected to the Licensee's distribution system.

16. Duties of the Distribution Licensee:

16.1 The Distribution Licensee shall develop and maintain an efficient, co-ordinated and economical distribution system in the Area of Distribution and effect supply of electricity to consumers in such area of supply in accordance with the provisions of the Act, Rules, Regulations, Orders and Directions of the Commission.

16.2 The Distribution Licensee shall take all reasonable steps to ensure that all consumers connected to the Distribution Licensee's Distribution System receive a safe, economical and reliable supply of electricity as provided in the Performance Standards, and other guidelines issued by the Commission in accordance with the provisions of the Act, Rules and Regulations issued there under.

16.3 The Distribution Licensee shall be entitled to:

(a) Purchase, import or otherwise acquire electricity from generating companies, electricity traders and from other persons with whom the Distribution Licensee has agreements or arrangements for power purchase or procurement of energy in accordance with the tariff and terms and conditions of such agreements and arrangements consented to or approved by the Commission ;

(b) Purchase or acquire electricity from any Person whose generating unit existing as on date of the grant of the Licence, is directly connected to and interfaced with the Distribution System of the Distribution Licensee, provided that the Distribution Licensee shall intimate the Commission of the existing arrangements for such purchase or acquisition of electrical energy and obtain the general or special approval of the Commission.

(c) Appoint Franchisees to distribute and/or supply electricity in a specified area within the area of distribution of the Distribution Licensee without a separate Licence to be obtained by such franchisee provided that the Distribution Licensee shall be responsible for all obligations relating to distribution of electricity in the area;

(d) Undertake Trading in electricity without the need for a separate Trading Licence;

(e) Provide non-discriminatory access to the Distribution System to any person for wheeling of electricity in accordance with regulations made by the Commission for the purpose;

(f) Sell electricity or energy capacity contracted for such period and to the extent of electricity or capacity not required by the Distribution Licensee for the discharge of his obligations to supply electricity in the area of supply, subject to prior approval of the Commission;

(g) Utilise the soil, subsoil and areas pertaining to public rights of way, streets, public squares and other assets in the public domain, as well as to cross rivers, bridges, railways, electrical and communication lines, subject to the provisions of Section 67 of the Act.

16.4 The Distribution Licensee shall not sell, supply or otherwise dispose of electricity to any person, except in accordance with his Licence, on the tariffs and terms and conditions as approved by the Commission.

16.5 The Distribution Licensee shall purchase the energy required by the Licensee for meeting the obligation to supply the expected demand of the Licensee's consumers under the Distribution Licence in an economical manner and under a transparent power purchase or procurement process and in accordance with the regulations, guidelines, directions given by the Commission from time to time.

16.6 The Distribution Licensee may engage in any Other Business only consistent with the Regulations of the Commission issued under section 51 of the Act.

16.7 If a Licensee proposes to engage in any Other Business for optimum utilization of the assets of the Licensed Business, he shall give prior intimation in writing to the Commission of such Other Business with the following details:

(a) the nature of the Other Business;

(b) the proposed capital investment in the Other Business;

(c) the nature and extent of the use of assets and facilities of the Licensed Business for such Other Business;

(d) the impact of the use of assets and facilities for the Other Business on the Licensed Business and on the ability of the Licensee to duly carry out the duties and obligations of the Licensed Business; and

(e) the manner in which the assets and facilities of the Licensed Business shall be used and justification that it will be used in an optimum manner without adversely affecting the maintenance of the activities of the Licensed Business.

16.8 In the event the Distribution Licensee engages in any Other Business, the same shall be subject to the following conditions:

(a) the Licensee shall not in any manner utilize the assets and facilities of the Licensed Business for any other Business or otherwise directly or indirectly allow the activities of any Other Business to be undertaken in a manner that results in the Licensed Business subsidising the Other Business in any manner;

(b) the Licensee shall not in any manner, directly or indirectly encumber the assets and facilities of the Licensed Business for any Other Business or for any activities other than the Licensed Business;

(c) a proportion of the revenue , as may be specified by the Commission , derived from such Other Business shall be utilized for reducing the charges for the distribution and supply of electricity;

(d) the Distribution Licensee shall prepare and keep, in respect of the Other Business activities, separate accounting records as would be required to be kept in respect of such activities as if they were carried on by a separate company, so that the revenues, costs, assets, liabilities, reserves and provisions of, or reasonably attributable to such Other Business activities are separately identifiable from those of the Licensed Business;

(e) the Licensed Business does not subsidize in any way such Other Business nor creates encumbrance on its transmission assets in any way to support such Other Business; and

(f) the Distribution Licensee shall not transfer any assets utilised in the distribution system for the purposes of Other Business activities without the prior approval of the Commission.

16.9 The Distribution Licensee shall seek approval of the Commission before making any loans to, or issuing any guarantee for any obligation of any Person, except when made or issued for the purposes of the Licensed Business. The loans to employees pursuant to their terms of service and trade advances in the ordinary course of business are excluded from the requirement to seek such approval.

16.10 The Distribution Licensee may engage any of the Subsidiaries or Holding Company or a Subsidiary of such Holding Company of the Distribution Licensee to provide any goods or services to the Licensee in connection with the Licensed Business, subject to the following conditions:

(a) that the transaction shall be on an arms-length basis and at a value that is fair and reasonable in the circumstances;

(b) that the transaction shall 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 shall give 15 days' notice with details of such arrangement, to the Commission prior to commencement of such arrangement.

16.11 In all other cases of engagement of such Subsidiary or Holding Company or a subsidiary of the Holding Company, prior permission of the Commission will be required. Where such prior permission is required, the Distribution Licensee will file a suitable application with the Commission disclosing relevant facts. The Commission may, within 30 days of the filing of the application, seek further information in support of the application. The Commission shall within 30 days of such further information being submitted by the Distribution Licensee, and where no such further investigation is required, within 60 days of the filing of the application, allow the arrangement subject to such terms and conditions or modifications as it considers appropriate or reject the same, for reasons recorded in writing in the order to be issued by the Commission.

16.12 The Distribution Licensee may establish subsidiaries or associated companies or grant a Franchisee or enter into management contracts to conduct or carry out any of the functions, which the Distribution Licensee is authorised to conduct or carry out under the Licence Provided that the Distribution Licensee shall be responsible for all actions of the subsidiaries or associated companies or franchisees or agents or contractors, as if the acts have been undertaken by the Distribution Licensee.

16.13 The Distribution Licensee shall not at any time assign his Licence or transfer his utility, or any part thereof, by sale, lease, exchange or otherwise without the prior approval of the Commission. To obtain the approval of the Commission as aforesaid, the Distribution Licensee will file a suitable application with the Commission disclosing relevant facts in that regard and the Commission shall dispose of such an application expeditiously.

16.14 The Distribution Licensee shall provide non-discriminatory open access to the Distribution System for use of other Licensees, and Generating Companies including Captive Generating Plants and open access consumers subject to absence of system constraints in the Distribution System and subject to payment by the user of all applicable tariffs and charges as determined or directed to be charged by any general or special order of the Commission.

16.15 The Distribution Licensee shall provide to other Licensees the intervening Distribution facilities to the extent of surplus capacity available, in his Distribution System and in the event of any dispute as to the availability of the surplus capacity the same shall be determined by the Commission. The charges, terms and conditions for the use of the intervening facilities may be mutually agreed between the Licensees subject to any order made by the Commission for the purpose. In the event of any disagreement the same shall be decided by the Commission.

16.16 The Distribution Licensee shall not, without the prior approval of the Commission:

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

(b) acquire any beneficial interest in any Generating Company or Generating Station or transmission or trading undertakings; and

(c) transmit, distribute and supply electricity to any Person outside the area of distribution.

17. Accounts:

17.1 Unless otherwise permitted by the Commission the financial year of the Distribution Licensee for the purposes of these General Conditions and matters relating to the Licensed Business shall run from first of April in a year to the thirty-first March in the succeeding year notwithstanding that the Licensee follows any other period for the purpose of closing its Books of Accounts under Company's Act.

17.2 The Distribution Licensee shall, in respect of the Licensed Business and any Other Business :

(a) keep such accounting records as would be required to be kept in respect of each such businesses so that the revenues, costs, assets, liabilities, reserves and provisions of, or reasonably attributable to the Licensed Business are separately identifiable in the books of the Distribution Licensee, from those of Other Business in which the Distribution Licensee may be engaged;

(b) prepare on a consistent basis from such accounting records and deliver to the Commission the Accounting Statements; namely;

i) in respect of the first six months of each financial year, a Half Yearly profit and loss account, cash flow statement and balance sheet together with such supporting documents and information as per formats of Companies' Act 1956 and in respect of matters falling outside these formats as the Commission may prescribe from time to time and such statements and documents are to be published in the manner prescribed by the Commission;

ii) in respect of the Accounting Statements prepared, an Auditor's report for each financial year, stating whether in their opinion these statements have been properly prepared in accordance with this clause and give a true and fair view of the revenues, costs, assets, liabilities, reserves and provisions of, or reasonably attributable to such businesses to which the statements relate; and

iii) a copy of each Half Yearly profit and loss account not later than three months after the end of the period to which it relates, and copies of the Accounting Statements and Auditor's report not later than six months after the end of the financial year to which they relate

17.3 The Distribution Licensee shall not normally 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 intimation to the Commission. Any change, if proposed, in the basis of charge or apportionment of revenues or expenses shall be consistent with the provisions of the Companies Act, 1956, the prevailing Accounting Standards or Rules and any guidelines issued by the Commission in this regard.

17.4 Where, in relation to the Accounting Statements in respect of a financial year, the Distribution Licensee has changed the basis of charge or apportionment or allocation of revenues or expenses from those adopted for the immediately preceding financial year, the Distribution Licensee shall, if directed by the Commission, (in addition to preparing Accounting Statements on those basis which it has adopted), prepare and deliver to the Commission such Accounting Statements on the basis which it applied in respect of the immediately preceding financial year.

17.5 Accounting Statements under clause 17.2 above shall, unless otherwise approved or directed by the Commission :

(a) be prepared and published with the Annual Accounts of the Distribution Licensee and shall be consistent with the provisions of the Companies Act, 1956, the Accounting Standards or Rules and any guidelines issued by the Commission in this regard,

(b) be prepared in the form as the Commission may stipulate from time to time in the Terms and Conditions of Tariff Regulations of the Commission

17.6 The references to costs or liabilities of, or reasonably attributable to Licensed Business or Other Business shall be construed as excluding taxation, and capital liabilities which do not relate principally to such Business and interest thereon.

17.7 The Distribution Licensee shall ensure that the Accounting Statements in respect of each financial year prepared under clause 17.2 and the Auditor's report in respect of each financial year are published 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.

18. Prohibition on undue preference:

The Distribution Licensee shall not show undue preference to any person or Licensee in the distribution of electricity or rendering of services in its area of activity. The Distribution Licensee shall not be held to have shown undue preference if any differentiation of the consumer or other Licensees occurs as a result of any order of the Commission or the order of the State Government in regard to a subsidy payment under section 65 of the Act.

19. Provision of information to the Commission:

19.1 The Distribution Licensee shall duly maintain such information as the Commission may direct under Section 128 of the Act. 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 Distribution Licensee, 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 Distribution Utility and the Regional and State Load Despatch Centres.

19.2 The Distribution Licensee shall within three months of the end of each financial year, submit to the Commission a report indicating the performance of the Distribution System during the previous financial year in accordance with the

Assam Distribution Performance Standards Regulations. The Distribution Licensee shall, if so required by the Commission, publish a summary of the report in a manner approved by the Commission.

19.3 The Distribution Licensee shall notify the Commission of the occurrence of any Major Incident affecting any part of its distribution system in accordance with the reporting requirements of Chapter 6 of the Assam Distribution Code. The Distribution Licensee is to give copies of the report to all parties concerned with the Major Incident and to other such persons as the Commission may direct.

19.4 The decision of the Commission as to what is a Major Incident shall be final but shall not duplicate the activities of the Chief Electrical Inspector in the investigation of accidents under the provision of section 161 of the Act. The Commission may by order, after providing an opportunity of hearing direct the Distribution Licensee to provide such amount of compensation as the Commission may specify to persons who suffer loss as a result of such major incident where a Major Incident has been caused by any act of commission, omission or negligence on the part of any of the employees or agents of the Distribution Licensee.

19.5 The Commission at its own discretion may require the submission of a report of such Major Incidents to be prepared by an independent person at the expense of the Distribution Licensee.

19.6 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 that the Commission considers necessary in the public interest to avoid the occurrence of any such major incident.

19.7 The Distribution Licensee shall duly inform the Commission about any incident restricting it from meeting its obligation under the Licence granted including any act of omission or commission by others and steps taken by the Distribution Licensee to mitigate the effect of such incidents.

19.8 The Commission may at any time require the Distribution Licensee to comply with the provisions of clauses 19.3 to 19.7 as to incidents which the Commission may specifically direct and the Distribution Licensee shall be obliged to comply with the same notwithstanding that such incidents are not Major Incidents; provided that the time limits specified in Chapter 6 of the Assam Distribution Code shall commence from the date that the Commission directs Distribution Licensee of such requirement.

20. Approval of investments:

20.1 The Distribution Licensee shall duly comply with the regulations, guidelines, directions and orders the Commission may issue from time to time in regard to the investments to be made in the Distribution Business.

20.2 The Distribution Licensee shall make all investments in a prudent manner being guided by the duty to build, maintain and operate an efficient, co-ordinated and economical Distribution System in its area of distribution.

20.3 The Distribution Licensee shall submit a Business Plan for ensuing five years within three months of Transmission Licence coming into force and update such a plan annually. The Business Plan shall contain year wise projected load growth, distribution loss reduction, along with specific action plan, metering plan for metering interface points, investment plan, treatment of previous losses, cost reduction plan, projected profit and loss account, projected balance sheet, cash flow statement and important financial parameters for each of the five year period.

20.4 The Commission may require the Distribution Licensee to intimate by the end of first

quarter of each financial year the progress made in implementing the Business Plan of the previous financial year with the comparison of actual implementation vis-à-vis the Plan as approved by the Commission.

20.5 The Distribution Licensee shall submit to the Commission an Investment Plan as a part of the business plan under clause 20.3 above giving details of investment schemes to be undertaken during the concerned period for the approval of the Commission. The Distribution Licensee shall demonstrate to the satisfaction of the Commission that :

(a) there is a need for such Investments in the Distribution System contained in the Investment Plan;

(b) the Distribution Licensee has examined the economic, technical, system and environmental aspects of all viable alternatives to the proposal for investing in or acquiring new Distribution System assets to meet such need);

(c) the Distribution Licensee has consulted all the concerned Licensees including the State Transmission Utility and concerned distribution Licensees and forward the views expressed by such persons.

20.6 The Distribution Licensee shall intimate, by the end of the first quarter of each financial year

(a) the annual investment plan with details of investments to be carried out during the financial year and

(b) the progress made in implementing the annual investment plan of the previous financial year with the comparison of actual implementation vis-à-vis the plan as approved by the Commission for the concerned period.

20.7 The Licensee seeking approval of the investment plan shall furnish information, particulars,documents as may be required by the Commission staff, consultants and experts appointed by the Commission for the purpose and allow them access to the records and documents in possession or custody of the Licensee or over which he has any power.

20.8 The Distribution Licensee shall invite and finalise tenders for procurement of equipment, material and/or services relating to major investments, in accordance with a transparent tendering procedure as specified by the Licensee and approved by the Commission.

20.9 The Distribution Licensee shall not undertake schemes involving Major Investments, not covered under the Investment Plan approved by the Commission under clause 20.5 above without the prior approval of the Commission, and for such approval the Distribution Licensee shall demonstrate to the satisfaction of the Commission the factors mentioned in clause 20.5 above.

20.10 For the purposes of clause 20.9, the term "Major Investment" means any planned investment in or acquisition of Distribution facilities, the cost of which, when aggregated with all other investments or acquisitions (if any) forming part of the same overall transaction, equals or exceeds an amount of Rupees one crore or otherwise decided by the Commission from time to time by general or special order.

20.11 The Distribution Licensee shall be entitled to make Investments in the Distribution Business otherwise than those covered under the Investment Plan submitted as provided above but for the purposes of considering such Investment while determining the tariff, the Distribution Licensee shall satisfy the Commission that the Investment was required for the Distribution Business and such investment was made in an efficient, co-ordinated and economical manner.

20.12 The Distribution Licensee shall submit to the Commission along with the Annual Revenue Requirement filed under section 62 of the Act, the highlights of the annual investment plan consisting of those schemes approved by the Commission, schemes submitted before the Commission for approval and all schemes not requiring approval of the Commission planned for the ensuing financial year and shall make investments in the said financial year in accordance with the said investment plan.

20.13 Provided also that if on account of unforeseen circumstances the Distribution Licensee is required to make investments in a scheme, which does not find a place in the annual investment plan, the Distribution Licensee may do so if the same is not a major investment and subject to the conditions contained in clause 20.8 above.

21. Transfer of assets:

21.1 The Distribution Licensee shall not, in a single transaction or a set of related transactions, transfer or relinquish Operational Control over assets whose book value at the time of the proposed Transfer exceeds Rupees five crores or the amount decided by Commission in the Special conditions applicable to the Distribution Licensee or otherwise by a general or special order, without complying with the conditions stipulated in this regulation 21.

21.2 The Distribution Licensee shall give to the Commission prior written notice of its intention to transfer or relinquish Operational Control over any asset whose value exceeds the amount decided by the Commission as per clause 21.1 above and the Distribution Licensee shall disclose all relevant facts in the communication to the Commission. The Commission may, within 30 days of the receipt of the notice, seek further information in support of the transaction if any such further information is considered necessary and shall, within 30 days of such further information being submitted by the Distribution Licensee, and where no such further information is sought by the Commission as above, within 60 days of the filing of the application, approve the Transfer arrangement subject to such terms and conditions or modifications as is considered appropriate or reject the same, for reasons to be recorded in writing in the order to be issued by the Commission.

21.3 The Distribution Licensee may transfer or relinquish operational control over any asset as is detailed in any notice given under clause 21.2 where:

(a) the Commission confirms in writing that it approves such Transfer or relinquishment of Operational Control subject to such conditions as the Commission may impose; or

(b) the Commission does not inform the Distribution Licensee in writing of any objection to such Transfer or relinquishment of Operational Control within the notice period referred to in condition 21.2 and the transfer is effected by transparent and competitive bidding Procedures.

21.4 The Distribution Licensee may also transfer or relinquish Operational Control over any asset where:

(a) the Commission has issued directions for the purposes of this regulation 21 containing a general approval (whether or not subject to conditions) to :

i) the transactions of a specified description, and/or

ii) the transfer or relinquishment of Operational Control over assets of a specified description, and/or

iii) the transfer or relinquishment of Operational Control is in accordance with any conditions to which the approval is subject, or

(b) the transfer or relinquishment of Operational Control in question is mandated under any other law; or

(c) the asset in question was acquired and used by the Distribution Licensee exclusively or primarily in connection with any Other Business and does not constitute a legal or beneficial interest in land, or otherwise form part of the Distribution System or is not otherwise an asset required for the Licensed Business.

21.5 The Distribution Licensee will be entitled to utilise the assets as a means of facilitating financing of its investment requirement or including collateral for debt financing, securitisation of receivables subject to the conditions:

(a) that the Distribution Licensee will inform the Commission about such arrangements at least 15 days ahead of the effective date of the relevant agreements;

(b) the Distribution Licensee acts in a prudent and reasonable manner in such utilisation of assets; and

(c) the Distribution Licensee retains Operational Control over assets in the Distribution System.

21.6 Notwithstanding anything contained in this regulation in case of any emergency, the Distribution Licensee may provide the assets subject to the condition that the Distribution Licensee shall immediately after such a transaction seek post-facto approval of the Commission giving the detailed facts about the situation and the details of the transaction. It shall be the obligation of the Distribution Licensee to establish to the satisfaction of the Commission of the occurrence of any emergency necessitating the provision of the assets.

22. Compliance with Grid Codes:

22.1 The Distribution Licensee shall comply with the provisions of the Indian Electricity Grid Code, Regional Grid Code and the Assam Electricity Grid Code in so far as they are applicable to the operation of the Distribution System or otherwise to any of the activities of the Distribution Licensee.

22.2 The Distribution Licensee will comply with the provisions of the Assam Electricity Grid Code in relation to power supply planning standards and the provision of load forecasts to the State Transmission Utility.

22.3 If a Licensee is unable to comply with the Grid Code, the Licensee shall make a submission of application to that effect citing appropriate reasons. The Commission may allow the Licensee a fixed time to meet the Code requirements, fixing the deviations approved, if the Licensee submits a proper plan for achieving the standards within a reasonable time frame. Upon submission of the application and plan by the Licensee, the Commission may, in consultation with any affected Generating Companies, the Transmission Licensees, Regional Load Despatch Centre the State Transmission Utility, the State Load Despatch Centre and the Electricity Traders, issue directions relieving the Distribution Licensee of obligation under clause 22.2 in respect of such parts of the Assam Electricity Grid Code and to such extent as may be directed by the Commission.

23. Compliance with the Electricity Supply Code Regulations:

23.1 The Distribution Licensee shall comply with the Electricity Supply Code approved and amended by the Commission from time to time.

23.2 If a Licensee is unable to comply with the Electricity Supply Code, the Licensee

shall make a submission of application to that effect citing appropriate reasons. The Commission may allow the Licensee a fixed time to meet the Code requirements, fixing the deviations approved, if the Licensee submits a proper plan for achieving the standards within a reasonable time frame. Upon submission of the application and plan by the Licensee, the Commission may, in consultation with any affected consumers, and issue directions relieving the Distribution Licensee of obligation under clause 23.1 in respect of such parts of the Assam Electricity Supply Code and to such extent as may be directed by the Commission.

23.3 The Distribution Licensee shall make available to any person requesting it, copies of the Electricity Supply Code in force at the relevant time, at a price not exceeding the reasonable cost of duplicating it.

24. Compliance with the Distribution Code and Performance Standards Regulations:

24.1 The Distribution Licensee shall comply with the Distribution Code and Distribution Performance Standards regulations approved and amended by the Commission from time to time.

24.2 The Distribution Code covers all material technical aspects relating to connections, and the operation and use of the Distribution System including the operation of the electrical lines and electrical plant and apparatus connected to the Distribution System in so far as relevant to the operation and use of the Distribution System and shall include, but not be limited to, the:

(a) Planning code specifying the plan for laying the Distribution lines and the service lines in the Area of Supply, the Distribution System Planning and Security Standards and procedures to be applied by the Licensee in the planning and development of the Licensee's Distribution System;

(b) Connection requirements specifying the technical, design and operational criteria to be complied with by any Person connected or seeking connection to the Licensee's Distribution System;

(c) Distribution Operations Code establishes the rules, procedures and practices to be followed for efficient and safe distribution system operation. This covers clauses on operational management of distribution system like demand management & load shedding, monitoring & control of Voltage, Frequency and Power Factor, Outage Planning, Contingency Planning, Transmission System Failure, Distribution System Failure, reportable events, Safety Coordination and training requirements;

(d) Distribution protection code specifies minimum protection equipment requirements in order to safeguard a distribution system and prevent faults travelling into the State Transmission System. This covers the protection at inter-connection point at EHV GSS and protection of 33 kV & 11 kV Lines and Transformers and protection of embedded generators.

(e) Distribution metering code specifying uniform policies and procedures in respect of electricity metering in different parts of the Distribution System. The uniform policy, procedures and practices included in metering code covers the ownership, installation, operation & maintenance of metering system, minimum acceptable specification of meters, Current Transformers, Potential Transformers and CT/PT set etc. The metering Code prescribes the testing & calibration procedure and also periodicity of testing and calibration. The metering code covers system meters, consumer metering, metering other users of distribution system, which consist of Open Access Consumers in Distribution system, embedded generators directly connected to distribution system and licensees connected to distribution.

24.3 The Distribution Performance Standards Regulations include:

(a) Guaranteed Standards for consumer related services and quality of power supply subject to compensation to affected person;

(b) Overall Standards of Performance for consumer related services, efficiency indicators and quality, continuity and reliability of services by licensee; and

(c) Performance reporting requirements.

24.4 The Distribution Licensee shall compile the following manuals as specified in the Distribution Code for review by the Commission within 12 months of the grant of this Licence:

(a) Contingency procedures for major incidents on the distribution system.

(b) Construction & Maintenance Manual for 33 kV Lines, 11 kV Lines, LT Lines, 33 kV sub-station, 11 kV Pole Mounted sub-stations.

(c) Preventative Maintenance Schedule and Inspection manual for various line and sub-station equipment installed in the distribution system.

(d) Safety Manual taking into consideration the safety requirements for the construction, operation and maintenance of electrical plants and electric lines as may be specified by the Central Electricity Authority under clause (c) of Section 73 of the Act.

24.5 The Commission may, having regard to any written representations and objections received and following such further consultation as the Commission may consider appropriate, issue directions relaxing the standards mentioned in clauses 24.1 to 24.3 in such manner as may be given in the directions. The Distribution Licensee shall duly comply with the directions of the Commission.

24.6 The Licensee shall make available to any Person requesting it, copies of the Distribution Code and Distribution Performance Standards thereto in force at the relevant time, at a price not exceeding the reasonable cost of duplicating it.

25. Consumer's service and rights

25.1 The Distribution Licensee, with respect to consumer service and rights, shall:

(a) comply with the rules and procedures with respect to customer billing, payment, disconnection and reconnection as specified in the Electricity Supply Code;

(b) comply with the Guaranteed Standards for consumer related services and quality of power supply subject to compensation to affected person as specified by the Commission in the Distribution Performance Standards; and

(c) establish a forum for redressal of grievances of the consumers in accordance with the guidelines specified by the Commission under section 42 of the Act.

26. Obligation to supply electricity. :

26.1 Subject to the other provisions of these conditions and the Electricity Supply Code Regulations, the Distribution Licensee shall on the application of the owner or occupier of any premises within the Area of Supply, give connection

to the Distribution Licensee's Distribution System for the purposes of providing Supply of electricity to such area or premises in accordance with the applicable regulations, directions and orders of the Commission.

26.2 The Distribution Licensee shall be entitled to recover tariffs, charges, and fees and require security deposit to be made for supply of electricity or for provision of services, in accordance with the provision of the Act, the Rules and Regulations for the purpose framed under the Act.

26.3 The Distribution Licensee shall comply with the requirements of the Act and the Regulations, Directions and Orders of the Commission in regard to supply of electricity through meter.

26.4 The Distribution Licensee shall abide by the rules prescribed by the State Government for laying down or placing electric supply lines.

26.5 Where, after Distribution mains have been laid down under clause 26.1 and the supply of energy through those mains or any of them has commenced, a requisition is made by the State Government or by a local authority requiring the Distribution Licensee to supply energy for any public lamps within the Area of Supply, the Distribution Licensee shall supply, and save in so far as it is prevented from doing so by events of Force Majeure and operational/constraints, continue to supply energy for such lamps in such quantities as the State Government or the local authority, as the case may be, may require. The State Government or the relevant local authority, as the case may be, may require the Distribution Licensee:

(a) to provide the mains and other equipment for public lamps; and

(b) to use for that purpose supports, if any, previously erected or set up by it for supply of energy.

26.6 The Distribution Licensee may levy any reasonable charge/s for carrying out works/release of supply, in accordance with any procedures that may be stipulated by the Distribution Licensee and approved by the Commission as well as the provisions of the Act and the Regulations of the Commission.

27. Connection with and use of system by generating stations:

27.1 The Distribution Licensee shall make such arrangements for non discriminatory open access to the use of his Distribution System by persons wishing to establishment connection with generating stations subject however to the availability of adequate distribution capacity in accordance with the Distribution Code.

27.2 On application made for grant of a connection by any person intending to establish a connection to a generating station to use the distribution system to wheel electricity, the Distribution Licensee shall offer to enter into a distribution services agreement with such user(s) for connection to the Distribution System or for modification of such an existing connection and such offer shall make provision for:

(a) The cost of carrying out of works necessary to make the required connection, including the installation of meters;

(b) the connectivity charges to be paid by the user as directed by the Commission ;

(c) the cost of carrying out of any necessary works to reinforce the Distribution Licensee's Distribution System;

(d) the cost of carrying out any necessary works to reinforce the transmission and distribution systems of any licensee impacted by the user; and

(e) the completion date and such other terms as are relevant to the circumstances.

27.3 The cost of any necessary works to reinforce the Distribution Licensee's distribution system and other licensee's transmission and distribution systems will be shared and recovered from the users of these systems through transmission charges, distribution wheeling charges, and retail tariffs in a manner determined by the Commission.

27.4 The Distribution Licensee shall offer to the intended users of the system, the terms for the agreements in accordance with clauses 27.1 or 27.2 as soon as practicable. The Distribution Licensee shall not be obliged to offer to enter into any agreement if

(a) adequate distribution capacity is not available in the distribution system, provided that the existence or absence of such available capacity shall be subject to determination by the Distribution Licensee and in case of any dispute pertaining to the same on such determination the same shall be subject to the decision of the Commission;

(b) it is likely to result in breach of its duties under the Act; or

(c) it is likely to result in breach of any rules or Regulations relating to safety or Standards applicable to the Distribution Business. ;

(d) being in breach of the Assam Electricity Grid Code or Distribution Code;

(e) the Person making the application does not undertake to comply with the codes from time to time in force to the extent that it is applicable to that Person; or

(f) the person making the application fails to pay the applicable charges, surcharges, adjustment for losses of electricity in the Distribution Systems as may be determined by the Commission.

27.5 If, after a period which appears to the Commission to be reasonable for the purpose, the Distribution Licensee has failed to enter into an agreement with any intending user of the Distribution System, the Commission may at the request of such intending user settle such disputed terms between the Distribution Licensee and that Person and, the Distribution Licensee shall forthwith thereupon enter into and implement such agreement in accordance with terms as settled by the Commission.

27.6 The Distribution Licensee is entitled to undertake all activities necessary, related or incidental to the conduct of the Distribution Business, which includes installing and operating appropriate communication network to implement information technology based solutions like remote metering etc. for the Licensed Distribution Business.

28. Power to enter premises and to remove fittings or other apparatus of Licensee

28.1 In accordance with section 163 of the Act, the Licensee or any person duly authorised by the Licensee may, at any reasonable time, and on informing the occupier of his intent, enter any premises to which supply has been made or over which electric lines and works have been lawfully placed for the purpose of

(a) Inspecting, testing, repairing or altering electric supply lines, meters, fittings belonging to the Licensee; or

(b) ascertaining the amount of electricity supplied; or

(c) removing such lines, fittings, works where electricity supply is not required

28.2 In the event of refusal of entry, the Licensee or its authorised person may on a special order of an Executive Magistrate give a notice of not less than twenty four hours in writing to the occupier for entering any premises for purposes mentioned in sub-clause 28.1 above.

28.3 On refusal of entry by the occupier of the premises, the Licensee may, after the expiry of twenty four hours from the service of notice in writing on the consumer, cut off power supply till such time the refusal continues but for no longer.

29. Assessment and Enforcement (Disconnection and other actions)

29.1 The Distribution Licensee shall have the authority to disconnect the supply to the consumers or premises in accordance with the provisions of the Electricity Supply Code and other applicable regulations issued by the Commission.

29.2 Pursuant to sections 126, 127, 135-140 of the Act, the Licensee shall have the power and authority to take appropriate action for:

(a) Metering at the point of supply of electricity;

(b) Revenue realisation;

(c) Implementing credit control procedure;

(d) Prosecution for theft;

(e) Prevention of meter tampering;

(f) Prevention of diversion of electricity, and

(g) Prevention of unauthorised use of electricity; and

(h) All such similar matters affecting Distribution or Retail Supply

30. Expected revenue calculation, tariffs, and government subsidies:

30.1 The Distribution Licensee shall calculate the expected revenue from tariff charges which it is permitted to recover, in accordance with the provisions of the Act, the Regulations of the Commission, the tariff terms and conditions and other guidelines, orders and directions issued by the Commission from time to time.

30.2 In calculating the expected revenue from charges which it is permitted to recover, the Licensee shall duly account for all costs which have been incurred for Other Business from the Licensed Business and in the event of such costs being incurred commonly for both the Licensed Business and Other Business, the Licensee shall apportion such costs. All such costs pertaining to Other Business shall be duly adjusted by the Licensee for the benefit of the Licensed Business.

30.3 In addition to the sharing of costs under clause 30.2 above, the Licensee shall account for and adjust in favour of the Licensed Business such percentage of the gross turnover of the Other Business as the Commission may decide, subject to the maximum of 10% of the gross turnover of each of the Other Businesses.

30.4 The cost of the Other Business to be shared under clause 30.2 above and the amount to be adjusted in favour of the Licensed Business in terms of clause 30.3 above shall be the income of the Licensed Business of the Licensee and shall be utilized for reducing the charges of transmission or wheeling, as the case may be, of electricity by the Licensee.

30.5 If the State Government requires the grant of any subsidy to any consumer or class of consumers in the tariff determined by the Commission, in consistence with the provision of section 65 of the Act the State Government shall, notwithstanding any direction which may be given under section 108 of the Act, pay, in advance and in such manner as may be specified by the Commission, the amount to compensate the Licensee or any other person affected by the grant of subsidy in the manner the Commission may direct.

Provided that no such direction of the State Government shall be operative if the payment is not made in accordance with the provisions of the Act and specifications of the Commission, and the Licensee shall charge to the consumers the tariff fixed by the Commission from the date of issue of Orders by the Commission in this regard.

31. Payment of Licence fees:

31.1 The Licensee shall pay to the Commission the amount of Licence fee specified hereunder payable by means of a Bank Draft drawn in favour of The Secretary, Assam Electricity Regulatory Commission, Guwahati, Assam

31.2 The Licensee shall pay to the Commission an initial Licence fee of Rs.1,00,000 (Rupees one lakh),payable within seven days of grant of Licence.(

31.3 After the assets are declared under commercial operation the Licensee shall be required to pay a sum equal to 0.1 % (one tenth of one percent) of annual aggregate revenue requirement approved by the Commission in the most recent tariff order, subject to a minimum of Rs. 1, 00,000/- (Rs. One lakh only) and a maximum of Rs. 10, 00,000/- (Rupees ten lakhs only) as annual Licence fee for each financial year within thirty (30) days of the commencement of the financial year.

31.4 In the first year of operation, for the period between the date of commercial operation and end of the financial year, Licence fee as provided in clause 31.3 of this regulation shall be paid on pro rata basis within 30(thirty) days of commencement of commercial operation.

31.5 In the terminal year of operation, for the period between start of the financial year and end of the term of the Licence, Licence fee as provided in clause 31.3 of this regulation shall be paid on pro rata basis within 30 (thirty) days of commencement of financial year:

31.6 In case the Licensee fails to pay to the Commission the Licence fee specified above or a part thereof, the Licensee shall be liable to pay late payment surcharge on the outstanding amount at a simple interest at the rate of 1.25% per month or a part thereof, for the period the Licence fee or a part thereof remains unpaid with effect from the date of granting of Licence.

31.7 Notwithstanding the liability of the Licensee to pay the late payment surcharge, the delay in payment or non-payment of the Licence fee or a part thereof, for a period exceeding 30 days, shall be construed as breach of the terms and conditions of the Licence and the Licence shall be liable to be revoked.

31.8 The Distribution Licensee shall be entitled to take into account any fee paid by it under this regulation as an expense in the determination of aggregate revenues to be charged to the Tariffs, but shall not take into account any interest paid pursuant to this clause.

32. Contravention by Licensee:

The Commission may pass such orders as it thinks fit in accordance with the provisions of the Act and these Regulations if there is a contravention or likely contravention of the terms and conditions of Licence by the Licensee.

33. Revocation of the Licence

33.1 Subject to the provisions of section 19 of the Act and the Regulations framed thereunder; the Commission may, at any time initiate proceedings against the Distribution Licensee for revocation of the Distribution Licence and if the Commission comes to a conclusion that it is necessary in the public interest to do so, revoke the Distribution Licence:

(a) where the Distribution Licensee violates any of the terms or conditions of his Licence the breach of which is expressly declared by such Licence to render it liable to revocation;;

(b) where the Distribution Licensee in the opinion of the Commission, makes wilful and prolonged default in doing anything required of him by or under this Act or the rules or regulations made thereafter;

(c) where the Distribution Licensee fails, within the period fixed in this behalf by his Licence, or any longer period which the Commission may have granted therefor:

i) to show, to the satisfaction of the Commission, that he is in a position to fully and efficiently discharge the duties and obligations imposed on him by his Licence; or

ii) to make deposits or furnish the security, or pay the fees or other charges required by his Licence;

(d) where in the opinion of the Commission the financial position of the Distribution Licensee is such that he is unable to fully and efficiently discharge the duties and obligations imposed on him; and

(e) where the Distribution Licensee has failed to comply with all the Regulations, codes, and standards and also orders and directions of the Commission or otherwise has committed an act which renders the Distribution Licence revocable on any other grounds specified in the Act or the Rules or Regulations framed there under.

33.2 The Commission shall give notice of the proceedings for the revocation of the license to the Licensee and to such other person, authority or body as the Commission may consider necessary.

33.3 Subject to the provisions of Act, and the procedure contained therein, the inquiry by the Commission for revocation of the license, in so far it is applicable, shall be in the same manner as provided in Chapter II of the Conduct of Business Regulations.

33.4 Provided that the Licensee shall be given not less than three months notice in writing to show cause against the proposed revocation and the notice to show-cause issued to the licensee shall clearly state the grounds on which the Commission proposes to revoke the license.

33.5 If the Commission decides to revoke the license, the Commission shall communicate the order of revocation to the licensee stating the effective date from which such revocation shall take effect.

33.6 The Commission may instead of revoking the license pass any other order imposing such terms or conditions subject to which the Licensee shall be permitted to operate thereafter.

33.7 Before revoking a Distribution Licence the Commission shall, if in its opinion it feels necessary, refer the matter to the State Government and explore alternative arrangements for discharging the duties of the Distribution Licensee.

33.8 Where the Commission has given notice for revocation of Licence, the licensee may, after prior approval of the Commission, sell the undertakings of the Licensee to a person who is found eligible by the Commission for grant of Licence, without prejudice to any proceeding which may be initiated or any penalty which may be imposed against the person whose Licence is revoked.

34. Suspension of Licence:

34.1 Subject to the provisions of section 24 of the Act, when the Commission is of the opinion that the Distribution Licensee:

(a) has persistently failed to maintain uninterrupted supply of electricity conforming to the Distribution Performance Standards regulations regarding the quality of supply;

(b) is unable to discharge the functions or perform the duties imposed on it by or under the Act;

(c) has persistently defaulted in complying with any direction given by the Commission;

(d) has violated the terms and conditions of Licence;

and circumstances exist which render it necessary for it in public interest so to do, the Commission may, for reasons to be recorded in writing, suspend, for a period not exceeding one year, the Licence of the distribution licensee and appoint an Administrator to discharge the functions of the distribution licensee in accordance with the terms and conditions of Licence:

34.2 Provided that before suspending a Licence under this section, the Commission shall give a reasonable opportunity to the distribution licensee to make representations against the proposed suspension of license and shall consider the representations, if any, of the distribution licensee. Upon suspension of Licence under clause 34.1, the utilities of the distribution licensee shall vest in the Administrator for a period not exceeding one year or up to the date on which such utility is sold in accordance with the provisions contained in section 20 of the Act, whichever is later.

34.3 The Commission shall, within one year of appointment of the Administrator under clause 34.1 either revoke the Licence in accordance with the provisions contained in section 19 or revoke the suspension of the Licence and restore the utility to the distribution licensee whose Licence had been suspended, as the case may be.

34.4 In a case where the Commission revokes the Licence under clause 34.3, the utility of the distribution licensee shall be sold within a period of one year from the date of revocation of the Licence in accordance with the provisions of section 20 of the Act and the amount realised after deducting the administrative and other expenses on the sale of utilities be remitted to the distribution licensee.

35. Dispute Resolution:

35.1 The Commission shall be entitled to adjudicate on the dispute or nominate person(s) as arbitrator(s) to settle disputes between the Distribution Licensee and any other licensees or between the Distribution Licensee and a generating company in pursuance of clause (f) of sub-section (1) of section 86 read with Section 158 of the Act and the regulations of the Commission.

35.2 The proceedings for adjudication and settlement of disputes under clause 35.1 above may be commenced and conducted by the Commission or the disputes may be referred to the arbitration of others, as the case may be, in accordance with the Conduct of Business Regulations specified by the Commission.

36. Miscellaneous Conditions:

36.1 All issues arising in relation to interpretation of these General Conditions and as to the terms and conditions thereof shall be matters for the determination by the Commission and the decision of the Commission on such issues shall be final, subject only to the right of appeal under section 111 of the Act.

36.2 The Commission may at the time of grant of Distribution Licence waive or modify the application of any of the provisions of these General Conditions, if it is in the public interest to do so in the opinion of the Commission, to be recorded in writing either in the order granting the Licence or by incorporating Special Conditions made applicable to a specific Distribution Licensee.

36.3 The General conditions contained herein shall apply to all applicants for grant of Distribution Licence after the coming into force of the Act and also to all deemed Distribution Licensees under section 14 proviso first, second, third and fifth of the Act.

CHAPTER IV – MISCELLANEOUS PROVISIONS

37. Issue of orders and directions:

Subject to the provisions of the Electricity Act, 2003 and these regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of these regulations and the procedure to be followed and various matters, which the Commission has been empowered by this regulation to direct, and matters incidental or ancillary thereto.

38. 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 or undertake or direct the licensees to do or undertake things, which in the opinion of the Commission is necessary or expedient for the purpose of removing the difficulties.

39. Power to amend:

The Commission may, at any time add, vary, alter, modify or amend any provisions of these regulations.

APPENDIX – 1

ASSAM STATE ELECTRICITY REGULATORY COMMISSION

FORM – 1: Application Form for Distribution Licence in the State of Assam

The applicant must submit the completed application in six copies to the Secretary, Assam State Electricity Regulatory Commission, along with non refundable application fee of Rupees 20,000 in form of a DD drawn in favour of Secretary, Assam State Electricity Regulatory Commission, payable at Guwahati.

PART-A: GENERAL INFORMATION OF APPLICANT

1. Details of Applicant

   a. Full Name of the Applicant :

   b. Full Address of the Applicant :

      (1) Registered Office Address

      (2) Local Office Address

   c. Contact Telephone Numbers :
      Fax Number(s) :
      Email ID :

2. Nature and Details of Ownership

(If company or partnership or organization)

   a. Company/ Firm/ Co-op Society/ Individual/ Others :

   b. Details of Incorporation/ Registration
      Place of Incorporation/ Registration :
      Year of Incorporation :
      Registration Number :

   c. Names and Addresses of Directors :

3. Principal Shareholders/ Partners/ Members :

4. Details of the area of supply for which the Licence is sought :

a. Boundaries of the proposed Area of Supply :

b. Coverage of the Distribution Network :

c. Arrangement proposed for Sourcing of Power :

i. Voltages :

ii. Source of Supply (Name of supplier) :

iii. Quantum of electricity proposed to be procured (Demand in MW and Energy in MU) :

iv. Purchase price at which electricity is proposed to be procured :

d. Supply of power:

i. Voltages:

ii. frequency:

iii. Categories of Distribution and supply:

e. Method and manner of establishing a forum for redressal of consumer grievances :

f. Funding arrangements (source and application) to meet the obligations :

5. Arrangement if any proposed with the existing distribution licensee in the area of distribution or supply

6. Arrangement with the Transmission Licensees and other distribution licensees for evacuation of electricity

7. Arrangement, if any, with Generating Companies

8. Resume of the Organisation giving details of

a. Management capability

b. Financial Strength(Detail as in 12 is necessary for own business)

c. Detailed business plan

9. Prior Experience (Details for Related Business for the past 3 years)

[*To be filled in by the applicant or by each participant separately in case of JVC / consortium (As applicable)*]

General Information	
Name & location of the project(s) developed/ implemented	
Brief description of project(s) developed/implemented	
Cost of the project(s) developed/implemented – Rs. Lakhs.	
Name & Address of the Client company(s) for whom the project(s) were developed/implemented	
Name, Designation & Address of authorized person of Client Co(s)	

10. Details of the assets and facilities required for the Business

(i) Is the applicant acquiring existing assets or creating new assets?

(ii) Funding of acquisition

Funding	

Funding	
Proposed means of finance Equity (Rs. Lakhs) Applicant Co-promoters Others Debt Domestic (Rs. Lakhs) Indian Financial Institutions Commercial Banks Others (specify) International (FC Million) Supplier's Credit Direct Borrowing Others (specify) Equivalent INR (with exchange rate used) Others	

Funding	
In case asset procurement/ project is proposed to be jointly funded by an external agency Name & Address of the agency, and contact details of the authorised person of the agency (*name, address, telephone/fax numbers, email etc.,*) Proposed equity from the agency (Rs. Lakhs) Agency's equity as a percentage of total equity (%) Nature of proposed tie-up between applicant and the other agency.	
Details of debt proposed for asset procurement / project Details of Lenders (*names & addresess*). Details of loan packages indicating the loan amount, currency, term of loan, interest rate, up-front fees, commitment charges etc. Whether any guarantee is being sought for the loans from any agency?. If yes, provide details	Yes/ No

EPC	
Whether the applicant is proposing to employ an EPC Contractor If yes, name, address & contact details of the same. Proposed contract value Foreign currency Equivalent INR (with exchange rate used)	Yes/ No

Other Contracts	
Whether the applicant is proposing to employ any contractor(s) for O&M work. If yes, name, address & contact details of the same. Period of the contract Details of the experience of the O&M contractor in similar business(es)	Yes/ No

Note :

1. *Consent letters of the other agencies & contractors to be associated with the applicant for the above project to be enclosed.*

2. *Necessary approvals and no objections to be obtained at appropriate time and forwarded to the Commission.*

11. Appropriate expertise (Personnel)

Name of Personnel	Qualification	Specialisation	Years of Experience	Status in the Firm
a.				
b.				
c.				
d.				
e.				

12. Financial Details of other business ventures of the applicant)

[*To be filled in by the applicant or by each participant separately in case of JVC / consortium (As applicable)*]

General Information					
Names of subsidiary business units	Products manufactured/ services				
Financial Indicators					
Fixed assets Gross fixed assets Accumulated depreciation Net fixed assets					
Equity Promoters' Government/ Financial Institutions Public Others					
Financial Indicators					
Liabilities Long Term					

Short Term					
Income Sale of power Others					
Expenses Admin. & general expense Repairs & maintenance Employee cost Interest & financial charges Long Term Short Term Others					
Overall turnover (Rs. Lakhs)					
Profits & returns (Rs. Lakhs) Net profits Dividends paid					
Operating ratios Return on Equity Return on Capital Employed Return on Net Fixed Assets					
Liquidity Ratio Debt Service Coverage Ratio Current Ratio Quick Ratio					
Capital Adequacy & Credit worthiness Debt/ Networth Debt/ Equity					
Turnover Ratio Total Asset Turnover Fixed Asset Turnover					

13. Baseline Information DISTRIBUTION(Business for which Licence is sought)

General Information	
Asset Base	
1. 33 KV Line — Ckt Km	
2. 33/11 KV Sub-Station — KVA	
3. 33/0.4 KV Sub-Station — KVA	
4. 11 KV Line — Ckt Km	
5. 11/0.4 KV Sub-Station — Nos.	
1000 KVA	
750 KVA	
500 KVA	
315 KVA	
250 KVA	
200 KVA	
100 KVA	
63 KVA	
25 KVA	
16 KVA	
5 KVA	
6. Over head Distribution Line —	
3 Phase 5 Wire — Ckt Km	
415 & 230 V. AC	
3 Phase 4 Wire — Ckt Km	
2 Phase 3 Wire — Ckt Km	
1 Phase 2 Wire — Ckt Km	

Metering Status Metered consumers (as a % of total consumers)	
Billing status Billing (as a % of total input)	
Estimated losses Technical losses (%) Commercial losses (%)	
Revenue realization Revenue realization per unit sale (Rs./ Unit) collection Efficiency (%)	

PART – B : LIST OF DOCUMENTS TO ACCOMPANY LICENCE APPLICATION

1. Information relating to previous-/existing Licence (if any), of the applicant with copy of Licence / sanction.

2. Copies of Company's Articles of Association, Memorandum of Association, Partnership deeds and similar constitutional documents.

3. Certification of incorporation/registration.

4. Certification for commencement of business.

5. Original Power of Attorney of the signatory confirming the authorization from the applicant or its Promoter.

6. Details of Income Tax registration.

7. 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 affirming that the Applicant is financially solvent

ii. Most recent Annual Financial Statements (including Profit/Loss statement, Balance Sheet, and Source and Application of Funds statement)

iii. Annual Audited Accounts for the past 3 years for the applicant and any Holding Company, Subsidiary or associated company

iv. Any accompanying notes and certifications on the above statements from a reputed chartered accountant

c. Any other documentary evidence to substantiate the financial capabilities, technical competence and others.

8. Data relating to the applicant's business proposals

i. Five year Business Plan (with projection) for the proposed business to which which the application relates

ii. Five year annual forecasts of costs, revenues, project financing and funding arrangements (clearly specifying the assumptions involved)

9. Detailed maps of the proposed area of distribution.

i. Detailed electrical distribution map (including information on substations and configuration of the system) and geographical map for the proposed area of distribution, drawn to scale of not less than 10 Cms to a Km or any other scale as may be approved by the Commission.

ii. The map shall clearly distinguish between the existing system and new facilities that shall be required for meeting the obligation to supply

iii. A list of all local authorities vested with the administration of any portion of the area of Distribution from whom any statutory clearances are required.

10. No objection certificates to distribute or supply in an area from the Central Government as per s. 15(2)(ii) of the Electricity Act 2003 or an acknowledgement for the filing of the application with the Central Government seeking such approval.

11. An approximate Statement describing any land, which the Applicant proposes to acquire for the purpose of the licence and the means of such acquisition

12. Acknowledgement of service of the copy of the application with the annexures and documents to the State Transmission Utility

Date Signature of the Applicant

APPENDIX – 2

PROFORMA FOR PUBLICATION OF LICENCE APPLICATION

UNDER REGULATION 8

NOTICE

Notice is hereby given to all interested persons that ..... (name and address of the applicant) has applied to the Assam State Electricity Regulatory Commission (the Commission) for grant of Licence for ..... (nature of the Licence) in the area ..... (specify the area of operation or supply), The application and other documents filed by the applicant can be inspected at the office of the applicant, at ..... and the copies of the same will be available from the applicant at a price not exceeding the normal photocopying charges.

Any person interested in objecting to or otherwise making representation in regard to the grant of Licence may forward the objections/representation to the Commission in two copies by hand delivery or by registered post and should serve a copy of the objection/representation to the applicant at the address mentioned above.

The person filing the objection/ representation should give the following particulars.

1. Name and full address
2. Grounds/reasons in support of the objection/representation together with documents or evidence, if available
3. Whether he wishes to be heard in person or through authorised representative at the time of hearing. 1600 301204

APPENDIX – 3

ASSAM ELECTRICITY REGULATORY COMMISSION

DISTRIBUTION LICENCE

1. The Assam Electricity Regulatory Commission (hereinafter referred to as "Commission"), in exercise of the powers conferred under Section 14 of the Electricity Act, 2003 (hereinafter referred to as "Act"), hereby grants the Licence to M/s ..... (hereinafter referred to as the Licensee) to construct, maintain and operate a distribution system and supply electricity in ..... (Name of Area of Supply), more specifically described in the schedule attached to this Licence, which shall be read as a part and parcel of this Licence, subject to the Act, the rules and the terms and conditions specified under the Assam Electricity Regulatory Commission (Procedure, Terms and Conditions for granting a Distribution Licence and other related matters) Regulations, 2005 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 distribution service agreements established under regulation 27 or customer supply agreements under regulation 26 of these regulations, the provisions of this Licence, as amended from time to time, shall apply.

3. This Licence is not transferable.

4. The grant of Licence to the Licensee shall not in any manner restrict the right of the Commission to grant a Licence to any other person within the same area for the distribution system other than the Project or Area of distribution described in the schedule attached to this Licence. The licensee shall not claim any exclusivity.

5. The Licence shall, unless revoked earlier, continue to be in force for a period of 25 (twenty five) years from the date of issue.

(By the Order of the Commission)

Secretary 29/4/05
Assam Electricity Regulatory Commission

GUWAHATI - Printed & Published by the Dy. Director (P&S), Directorate of Ptg. & Sty., Assam, Guwahati-21 (Ex-Gazette) No. 401 - 500 - 25 - 29 - 4 - 2005