

Name:	 UPES <small>UNIVERSITY WITH A PURPOSE</small>
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2018

Program: BA. LL.B. (Hons.) ENERGY LAWS

Semester: IX

Subject (Course): Regulatory Framework of Power Energy Sector

Max. Marks: 100

Course Code : LLBD505

Duration: 3 Hrs

No. of page/s: 3

SECTION A (Objective Type Questions/Definitions)

10x1=10

Q. No.	<i>Attempt all questions</i>	Marks	CO
1	Who is the current chairperson of Electricity Appellate Tribunal?	1	CO1
2	Define “ Wheeling”	1	CO1
3	Explain Section 6 of Electricity Act 2003	1	CO3
4	Any consumer, who is aggrieved by non-redressal of his grievances under Section 42 (5) EA 2003, may make a representation for the redressal of his grievance to an authority to be known as _____to be appointed or designated by the-----_.	1	CO2
5	Define "Electrical Inspector"	1	CO1
6	Who is the ex-officio chairman of Selection Committee?	1	CO1
7	The National Electricity Plan notified under sub-section___of section___of the 2003 Act.	1	CO1
8	_____ is responsible for interstate transmission and development of the national grid.	1	CO2
9	Who establishes the Central Advisory Commission?	1	CO1
10	Which section of the EA 2003 deals with arbitration	1	CO1

SECTION B(Short Answer Questions)

4x5=20

Q. No.	<i>Attempt any four</i>	Marks	CO
11	Identify eight areas/goals highlighted in the preamble of Electricity Act 2003	5	CO2
12	Elucidate the key observation of Standing Committee’s report on the Review of the National Electricity Policy on August 10, 2017.	5	CO3
13	Salient features of 2016 Tariff Policy	5	CO2
14	Discuss the main activities of PGCIL	5	CO3
15	Evaluate the concept ‘Power Trading’.	5	CO1

16	Explain the constitution and powers of Special Courts under the Electricity Act 2003	5	CO4
SECTION-C (Descriptive/Analytical Questions)			2x10=20
Q.No.	<i>Answer any Two</i>	Marks	CO
17	“Draft Electricity Amendment Act, 2018 proposes a slew of measures to bring transparency in power sector.” Discuss.	10	CO5
18	Spell out the procedure for grant of licence of transmission and distribution electricity prescribed as per the provisions of Act and regulations.	10	CO2
19	Assess the composition and functions Central Electricity Authority.	10	CO2
SECTION-D (Case Studies/ Application Based Questions)			2x25=50
Q.No.	<i>Both the questions are compulsory</i>	Marks	CO
20	<p>Mundra Ultra Mega Power Project (“MUMPP”) was conceived to be a huge power project which was to supply power to at least three states- Gujarat, Haryana and Rajasthan through the state power procurers. The tariff for the sale of power was to be determined through a competitive bidding process as per the electricity regulatory laws, which was undertaken. In the competitive bidding process, the bidders had the flexibility to choose escalable or non-escalable tariff (that is, tariff based on an increase in tariff formula). Both Adani and Tata quoted a non-escalable tariff. This was because the only major component that required an escalable tariff was an increase in fuel (coal) price. Since Adani and Tata had long term fuel supply agreements from coal mines in Indonesia at fixed/ predictable prices, there was no need to factor in price escalation. Accordingly the lowest tariff was arrived at and power producers began to sell power at the said tariff after executing Power Purchase Agreements (PPAs) with the state power procurers. In two-three years after the determination of tariff, there was a massive jolt to the power producers in the form of new regulations passed by the Indonesian Government. The effect of these regulations was that the coal price under the long term fuel supply agreements was to be benchmarked to the international prices instead of the then prevailing pricing mechanisms. This meant that the price under those agreements had drastically increased, thereby making the tariff at which these price producers sold price to the power procurers very unviable. It may be recollected that a non-escalable tariff was quoted because of the long-term fuel supply agreements.</p> <p>A. Describe the composition and functions of CERC and analyse the proceedings before the CERC and its decisions in this case</p> <p>B. Explain the composition and functions of APTEL and its findings on above said case</p> <p>C. Analyse the Supreme Court views on the grievances on the power producers on the force majeure as well as the change of law arguments.</p> <p>D. In the context of regulatory law, how the decision offers clarity on the extent to which a tribunal/ court can go in balancing the competing interests of</p>	<p>5</p> <p>5</p> <p>5</p> <p>5</p>	<p>CO2</p> <p>CO3</p> <p>CO4</p> <p>CO5</p>

	<p><i>protecting consumers on the one hand and preserving the efficacy of the industry sought to be regulated on the other.</i></p> <p><i>E. Why the decision of the Supreme Court has received considerable criticisms from the power industry?</i></p>	5	CO4
21	<p>Anis Ahmed filed a complaint before the District Consumer Protection Forum, Moradabad and claimed that he is a consumer of electricity having connection No.104427 with sanctioned load of 6.5 horse power. He alleged that the authorities of the U.P. Power Corporation Ltd. prepared a fictitious checking report dated 17th July, 2003 and falsely implicated the complainant that he had used more than sanctioned load of 10 H.P. in his factory and on the basis of fictitious report a proceeding was initiated on 15th April, 2004 followed by a bill No.5004369 dated 15th June, 2004 demanding a sum of Rs.2,11,451/-. He prayed to direct the appellant to correct the bill, withdraw the demand notice and to pay the costs. There are eleven similar cases were filed against U. P. Power Corporation Ltd. All the cases against the U.P. Power Corporation Ltd. were filed before the District Consumer Protection Forum-II, Moradabad. The decision having given in favour of the complainants. The U.P. Power Corporation Ltd moved before the State Consumer Disputes Redressal Commission, Uttar Pradesh, Lucknow which by its common judgment dated 31st January, 2007 1st February, 2007 dismissed all the revision petitions filed by the U.P. Power Corporation Ltd. For the said reason all the cases in which the question of jurisdiction of the Consumer Forum were raised, they were heard and decided by the National Commission initially by the impugned judgment dated 10th April, 2008/16th April, 2008, followed by other orders. Since the Moradabad District Forum, Uttar Pradesh State Commission, and the National Commission held the complaints to be maintainable. The corporation moved the Supreme Court.</p> <p><i>A. Discuss the observations of National Consumers Disputes Redressal Commission in its impugned majority judgment. What are the questions involved in this appeal?</i></p> <p><i>B. Discuss the observations of court on 'consumer' under Consumer Protection Act 1996 and Electricity Act 2003.</i></p> <p><i>C. Is it possible to have a complaint before the Consumer Forum against final order of assessment made under Section 126 of the Electricity Act, 2003 or action taken under Sections 135 to 140 of the Electricity Act, 2003? Answer the question with the help of Court's interpretive conclusions.</i></p> <p><i>D. Discuss the applicability as well as controversies associated with Sections 126 and 135 of the Electricity Act, 2003.</i></p> <p><i>E. Define the powers of assessing officer. Analyse the SC's observations on the provisional assessment is subject to a final assessment by the assessing officer after giving notice to the person who is supposed to have indulged in unauthorized use or theft of electricity.</i></p>	5	CO4
		5	CO4
		5	CO5
		5	CO2
		5	CO4

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SECTION A (Objective Type Questions/Definitions)

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Q. No.	<i>Attempt all questions</i>	Marks	CO
1	Define the "Open Access"	1	CO1
2	The National Electricity Plan notified under sub-section ___ of section ___ of the 2003 Act.	1	CO3
3	The annual average growth of electricity consumption in India is ___%	1	CO1
4	The Indian Constitution Entry ___ in List ___ of ___ Schedule and Article ___ the Union Government and State legislatures can legislate on electricity.	1	CO1
5	_____ is responsible for interstate transmission and development of the national grid.	1	CO2
6	Define "Stand Alone System"	1	CO1
7	What do you understand from wheeling of electricity?	1	CO3
8	Explain the "Tarang"	1	CO3
9	Define "Electricity Trader"	1	CO1
10	Who shall be the ex-officio convener of Selection Committee	1	CO1

SECTION B (Short Answer Questions)

4x5=20

Q. No.	<i>Attempt any four</i>	Marks	CO
11	How does the National Electricity Policy help in realising the aims and objectives of Electricity Act, 2003?	5	CO3
12	What are the seven areas of interventions envisaged in the National Energy Policy draft 2017?	5	CO3
13	Explain the constitution and powers of Special Courts under the Electricity Act 2003	5	CO4
14	Analyse the power of licensee to enter premises and to remove fittings or other apparatus of licensee	5	CO3

15	Discuss the composition of CEA	5	CO1
16	Evaluate the objects Central Advisory Committee	5	CO1
SECTION-C (Descriptive/Analytical Questions)		2x10=20	
Q.No.	<i>Answer any Two</i>	Marks	CO
17	Evaluate the composition and functions of CERC in light of recent Supreme Court judgement (State of Gujrat versus Utility Users Welfare Association, April 12, 2018)	10	CO4
18	Describe the complete procedure for determination of tariff order (terms and conditions and the guiding principles) with the help of provisions of the Act	10	CO3
19	Evaluate the composition and functions of electricity transmission entities, utilities and corporations in the country.	10	CO2
SECTION-D (Case Studies/ Application Based Questions)		2x25=50	
Q.No.	<i>Both the questions are compulsory</i>	Marks	CO
20	<p>In this case appellants had challenged the vires of the Central Electricity Regulatory Commission (Fixation of Trading Margin) Regulations, 2006 as null and void before the Appellate Tribunal for Electricity and had prayed for quashing of the said Regulations. The Tribunal, however, dismissed the appeals holding that its jurisdiction was restricted by the limits imposed by the parent Statute, i.e., the Electricity Act, 2003. By the impugned judgment, the Tribunal held that the appropriate course of action for the appellants is to proceed by way of judicial review under the Constitution.</p> <p>In view of the importance of the question, the matter was referred by a three-Judge Bench of SC to the Constitution Bench. While making reference to the Constitution Bench, the question formulated was - "whether the Tribunal has jurisdiction to decide the question as to the validity of the Regulations framed by the Central Commission?" Basically, the matters involve interpretation of Sections 111 and 121 of the 2003 Act.</p> <p>A. <i>Discuss the questions of law in this case</i></p> <p>B. <i>Whether capping of trading margins could be done by the CERC by making a regulation. What are the important provisions enables this act and also analyse the main observation of the Court in this issue?</i></p> <p>C. <i>Analyse the establishment and functions of Appellate Tribunal</i></p> <p>D. <i>Does the Appellate Tribunal has the power of judicial review? Highlight the relevant observations of the apex court in this matter.</i></p> <p>E. <i>"Law comes into existence not only through legislation but also by regulation and litigation. Laws from all three sources are binding", how the above statement is relevant in this particular case.</i></p>	5 5 5 5 5	CO4 CO2 CO1 CO4 CO5

21	<p>To improve the service quality and financial health in Indian power sector, several policy initiatives have been taken by the Union Government in recent years. Briefly evaluate the following policy initiatives.</p> <p><i>A. Integrated Power Development Scheme (IPDS)</i></p> <p><i>B. Ujwal DISCOM Assurance Yojana (UDAY)</i></p> <p><i>C. National Smart Grid Mission</i></p> <p><i>D. National Electricity Fund</i></p> <p><i>E. Deendayal Upadhyaya Gram Jyoti Yojana</i></p>	5	CO1
		5	CO2
		5	CO1
		5	CO1
		5	CO3