


Name:			
Enrolment No:			
<b>UPES</b> <b>End Semester Examination, May 2023</b>			
<b>Course: Law relating to Power sector</b> <b>Program: B.A. LL.B. (Hons.)</b> <b>Course Code: CLEL4004</b>		<b>Semester: VIII</b> <b>Time: 03 hrs.</b> <b>Max. Marks: 100</b>	
<b>Instructions: Read the Questions carefully before answering them.</b>			
<b>SECTION A</b>			
S. No.		Marks	CO
Q1	Mention the full form of the following Acronyms:  (i) NLDC (ii) RPO (iii) STU (iv) Gen Cos.	2	CO1
Q2	List the duties of Transmission Licensees.	2	CO1
Q3	State the concept of “Open Access”.	2	CO1
Q4	Discuss the conditions which needs to be effectuated before amendment of the license.	2	CO2
Q5	List the conditions where appropriate commission can revoke the license.	2	CO1
<b>SECTION B</b>			
Q6	Explain the powers of SERC.	5	CO2
Q7	Describe the legal framework for trading of Renewable Energy certificates.	5	CO2
Q8	Discuss the conditions of suspension of a license of distribution licensee and the sale of utility.	5	CO2
Q9	Describe the scheme of inter-state and inter-regional transmission of electricity as per the provisions of Electricity Act, 2003.	5	CO2
<b>SECTION-C</b>			
Q10	Discuss the organizational structure of CERC <b>and</b> outline the objectives of Central Advisory Committee appointed by CERC.	10	CO2

Q11	Examine the conditions of sale of a utility and its vesting in the purchaser according to the scheme of Electricity Act, 2003.	10	CO3
<b>SECTION-D</b>			
Q12	<p>Section 56 of the Electricity Act, 2003 outlines various conditions for penalizing a default by the electricity consumer and such provision also lays down various preconditions for exercising of the right to disconnect electricity of the defaulting consumer. Hon'ble Supreme Court in <i>Prem Cottex v. Uttar Haryana Bijli Vitran Nigam Limited</i> clearly distinguished the application of principles laid down in <i>Rahmatullah Khan</i> by Hon'ble Supreme Court.</p> <p><b>Mentioning about</b> the <u>elements of Section 56 of Electricity Act, 2003</u> and Prem Cottex Case, <b>weigh and appraise</b> the principles of law laid down by Hon'ble Supreme Court with respect to the following aspects:</p> <ul style="list-style-type: none"> <li>(i) The principle of "First Due",</li> <li>(ii) Period of Limitation,</li> <li>(iii) "Negligence" for payment of sum due, and</li> <li>(iv) Deficiency in Service.</li> </ul>	25 (5+5x4)	CO4
Q13	<p>Sikidri Thermal Power Station (STPS), a wholly owned subsidiary of NTPC is operating a power plant in the State of Madhya Pradesh. The MP DISCOM is buying electricity from such Power Station which is done Intra State. The Government of India has introduced two new components in the tariff structure which is laid down pursuant to the regulations formulated by CERC. The two new components are named as "Availability Based Tariff" (ABT) and "Unscheduled Interchange" (UI). Being aggrieved by the implementation of the additional tariff components, STPS now challenges the implementation of the aforementioned two tariff components before APTEL on the ground that CERC does not have jurisdiction to implement the components of the Tariff Structure along with violation of principles of natural justice. APTEL dismissed the petition because of which the now the matter is listed before Hon'ble Supreme Court of India.</p> <p>Answer the following as per the aforementioned paragraph:</p> <ul style="list-style-type: none"> <li>(i) Examine the different types of functions and powers given to CERC under the Electricity Act, 2003.</li> <li>(ii) Appraise the power of CERC in the background of Central Power Distribution Co. &amp; Ors. v. CERC &amp; Others to lay down ABT and UI <u>along with</u> the violation of principles of natural justice of SPTS in implementation of ABT and UI.</li> </ul>	25 (10+15)	CO3