

<b>Name:</b> <b>Enrolment No:</b>	 <b>UPES</b> UNIVERSITY WITH A PURPOSE
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<b>UNIVERSITY OF PETROLEUM AND ENERGY STUDIES</b> <b>End Semester Examination, May 2020</b>	
<b>Program:</b> LL.M (ENERGY LAW SPECIALIZATION) <b>Subject (Course):</b> Energy Law and Policy (Power) <b>Course Code :</b> CLEL7003	<b>Semester: II</b> <b>Max. Marks: 100</b> <b>Duration: 3 Hrs</b>

<b>SECTION A</b> <b>Attempt all the questions</b>		
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<b>Short Answer Questions/Definitions</b>		<b>6x5=30</b>
Word limit: 50 - 75		

1	Identify eight areas highlighted in the preamble of Electricity Act 2003	5
2	Main features of ‘Review of National Electricity Policy’	5
3	Define “Special Purpose Vehicle ”	5
4	Statutory requirements of captive generating plant	5
5	Have a detail discussion on Section 3 of Electricity Act 2003	5
6	Clarify the role of Power System Operation Corporation Limited (POSOCO)	5

<b>SECTION B (Attempt <u>any three</u>)</b>		<b>_3x10 =30</b>
Word limit: 150 – 200 <b>(Descriptive/Analytical Questions)</b>		

7	Describe the complete procedure for the determination of tariff order (terms and conditions and the guiding principles) with the help of provisions of the Act and regulations.	10
8	Define the ‘Open Access’. Analyse the issues pertaining to Open Access with the help of a case study.	10
9	Identify competition issues in the generation, transmission, and distribution of power and also derive the possible solutions to it.	10
10	Explain the powers of assessing officers. 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 with the help of relevant case laws	10

<b>SECTION C</b>		<b>4x10 =40</b>
Word limit: 150 – 200 <b>(Case Studies/ Application Based Questions)</b>		

	<p><i>Comprehend the extract and answer questions 11 - 14</i></p> <p>The common question, which arises for consideration before the apex court were, whether the expression “may” should be read as “shall”, i.e., whether it is mandatory to have a judicial mind presiding over these Commissions in the form of a Judge.</p> <p>The Division Bench of the Madras High Court vide judgment dated 7.2.2014 took the view in respect of the challenge laid to the selection process of the Chairman of the Tamil Nadu State Electricity Commission that there was no such mandatory requirement though there was an option to appoint a Judge.</p> <p>The Division Bench of the Gujarat High Court in a similar case in respect of the appointment of a Chairperson of the Gujarat State Regulatory Commission vide impugned order dated 8.10.2015 opined that it was so mandatory.</p> <p>The aforesaid judicial conflict being before the apex Court now, the challenges laid in different States were transferred to this Court through Transfer Petitions vide order dated 3.11.2015</p>	
A	<p><i>How does the Supreme Court address the following questions from the counsel: 5+5=10 Marks</i></p> <p>i) <i>Does the judgment in Tamil Nadu High Court make it mandatory for a Judge to be the Chairperson of the Commission? 5 Marks</i></p> <p>ii) <i>When the Act and the judgment do not make the appointment of a Judge as the Chairperson mandatory, and then is there any other material, which can be said to make the appointment of the Chairperson as a Judge mandatory? 5 Marks</i></p>	10
B	<p><i>What was the stand of the Attorney General in this case? How do the judges look at this issue from multiple perspectives</i></p>	10
C	<p><i>Analyse the rationale of the judgment and its implications in the composition and functions of Commissions</i></p>	10
D	<p><i>Identify the names of cases came before the High Courts and explain the facts of those cases. Does this judgment have a retrospective effect? If the answer is either yes or no, why does so?</i></p>	10