| Name:
Enrolment No: | UPES
UNIVERSITY WITH A PURPOSE |
|---|---|

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
Online End Semester Examination, May 2021

Course: Law Relating to the Power Sector   Semester: VIII
Program: BA. LL.B. (Hons.) ENERGY LAWS   Time 03 hrs.
Course Code: CLEL4002/ LLBD431   Max. Marks: 100

SECTION A

1. **Each Question will carry 5 Marks**
2. **Instruction: Complete the statement / Select the correct answer(s)**

S. No.	Question	CO
Q1	Who shall be the ex-officio chairperson of the Selection Committee? Explain the composition and role of the selection committee.	CO1
Q2	Discuss the relation between Section 43 and Section 57 of the electricity Act 2003	CO2
Q3	As per Indian Constitution Entry ___ in List ___ of ____ Schedule and Articles_____, the Union/State legislatures can legislate on electricity	CO1
Q4	The minimum requirement for "Electricity Trader"	CO1
Q5	The three important purposes of the Inter-State Transmission System	CO2
Q6	Distinguish the theft and unauthorized use of electricity under the EA 2003	CO2

SECTION B

1. **Each question will carry 10 marks**
2. **Instruction: Write short / brief notes**

Q7	Identify competition issues in the generation, transmission, and distribution of power and also derive the possible solutions to it.	CO3

Q8	Compare the major changes proposed in Electricity Amendment Bills in 2014, 2018 and 2020 and evaluate why these measures were got delayed?	CO3
Q9	Describe the terms, conditions and guiding principles for the determination of the electricity tariff order.	CO2
Q10	How the 2018 judgment of the Supreme Court settled the confusion prevailed on a contradictory judgment of two High Courts on the composition of Appropriate Commissions?	CO2
Q11	Evaluate the context in which the apex court came to the following conclusion that 'the exercise of delegated legislative power which is a part of an administrative process resembling enactment of law by the legislature whereas a quasi-judicial order comes from adjudication which is also part of administrative process resembling a judicial decision by a court of law.'	CO3

Section C

1. **The Question carries 20 Marks.**
2. **Instruction: Write long answer.**

Q12	*Read the extract and answer questions a - c*	
	In the competitive bidding process, the bidders had the flexibility to choose escalable or non-escalable tariffs (that is, a tariff based on an increase in tariff formula). In this case, two major electricity producers quoted a non-escalable tariff with their distributors. This was because the only major component that required an escalable tariff was an increase in fuel (coal) price. And both of them had entered multiple long-term fuel supply agreements from coal mines in a foreign country 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 the tariff, there was a massive jolt to the power producers in the form of new regulations passed by the foreign 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.

a. *Name the case and then write the contentions of the parties in detail at the different forums where the case had been traveled.*

b. *Analyse the Supreme Court views on the grievances on the power producers on the force majeure as well as the change of law arguments.*

c. *Describe the main features of the Power Purchase Agreement. In the context of regulatory law, how industry sought to be regulated on the other the apex court decision offers clarity on the extent to which a tribunal/ court can go in balancing the competing interests of protecting consumers on the one hand and preserving the efficacy of* the | CO4 |