

# UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

Vidyut Niyamak Bhawan, Near I.S.B.T., P.O.-Majra, Dehradun-248171

Dated: .....November, 2014

## UERC (Procedure for filing appeal before the Appellate Authority) Regulations, 2014

### Statement of Reasons

Section 127 of the Electricity Act, 2003 permits filing of an appeal before the Appellate Authority if a person is aggrieved by the final order made under section 126 of the Act in such manner and accompanied by such fee for filing as may be specified by the Commission.

To give effect to aforesaid provisions, the Commission has decided to issue the draft regulations prescribing the, procedure for filing an appeal to the Appellate Authority, the fee payable for filling an appeal and the manner in which the appeal is to be disposed of.

### Draft Regulations

In exercise of the powers conferred by section 127 read with clause (zo) of sub-section (2) of section 181 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, the Uttarakhand Electricity Regulatory Commission, makes the following regulations, namely:-

#### **1. Short Title and Commencement**

- (1) These regulations may be called the Uttarakhand Electricity Regulatory Commission (Procedure for filing appeal before the Appellate Authority) Regulations, 2014.
- (2) These shall come into force on the date of their publication in the Official Gazette.

#### **2. Definitions**

In these regulations, unless the context otherwise requires,-

- (a) "Act" means the Electricity Act, 2003;
- (b) "Appellate Authority" means the authority notified in accordance with clause (u) of sub-section (2) of section 176 of the Act;

- (c) "Assessing Officer" means the officer designated as such under section 126 of the Act;
- (d) "Commission" means the Uttarakhand Electricity Regulatory Commission;
- (e) The words and expressions used and not specifically defined herein, but defined in the Act, shall have the meaning assigned to them in the Act.

### 3. Filing of appeal

- (1) Any person aggrieved by the final order made by an Assessing Officer under section 126 of the Act, may, within 30 days of the said order, file an appeal before the Appellate Authority.
- (2) The appeal shall be filed in the form specified in the Schedule appended to these Regulations.
- (3) The Memorandum of Appeal shall be signed and verified in the manner specified in the Schedule appended to these Regulations.
- (4) No appeal shall be entertained unless an amount equal to half of the assessed amount is deposited in cash or bank draft with the licensee and documentary evidence of such deposit is enclosed with the appeal.
- (5) The appeal shall be accompanied by the following fee payable in the form of Bank Draft or Pay Order, drawn in favour of Appellate Authority :-

<b>Amount Assessed</b>	<b>Fee</b>
Upto Rs. 1,00,000	3% of the assessed amount subject to minimum of Rs. 500
Above Rs. 1,00,000	1.5% of the assessed amount subject to minimum of Rs. 3000

- (6) No appeal shall lie against the final order of the Assessing Officer when it is made with the consent of the parties.

### 4. Disposal of appeal

- (1) The Appellate Authority shall dispose of the appeal within 60 days from the date of filing of the appeal after hearing the parties. The copy of the order shall be sent to the Assessing Officer and the Appellant. The order of the Appellate Authority shall be final.
- (2) An interest of 16% per annum will be charged on the differential amount as per final order of the Appellate Authority after thirty days from the date of final order passed by the assessing

officer, compounded every 6 months.

- (3) In case the Appellate Authority holds that no case of unauthorized use of electricity is established, no further proceedings will be initiated by the licensee and the amount deposited by the appellant shall be refunded along with interest at the rate 16 percent per annum compounded every six months for the period from the date of deposit till the amount recovered is adjusted through adjustment in the electricity bills of the immediately succeeding months. The appellant may also opt for cash refund of the amount deposited by the appellant along with interest at rate of 16 percent per annum compounded every six months, till the payment of such amount is made by the licensee.
- (4) In case the amount payable as determined by the appellate authority is less than the amount already deposited by the person, the excess amount will be refunded by adjustment in the bills of immediately succeeding months along with interest at the rate of 16 percent per annum compounded every six months from the date of such excess deposit till the date of actual adjustment.

## **5. Miscellaneous**

- (1) Subject to the provisions of the Act and these regulations, the Commission may, from time to time, issue orders and directions in regard to the implementation of these regulations and procedure to be followed, on various matters, which the Commission has been empowered by these regulations to direct and matters incidental or ancillary thereto.
- (2) The Commission may, at any time, add, vary, alter, modify or amend any of the provisions of these regulations.
- (3) 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 permit the Appellate Authority to do or undertake things, which in the opinion of the Commission is necessary or expedient for removing the difficulties.

By the order of the Commission

(Neeraj Sati)  
Secretary

**APPEAL BEFORE THE APPELLATE AUTHORITY UNDER SECTION 127 OF THE ELECTRICITY ACT, 2003.**

Appeal against final order (AFO) of \_\_\_\_\_

AFO No. \_\_\_\_\_ of 200\_\_.

Between

(Name and address of the consumer)

..... Appellant

And

1. (Name and address of the Distribution Licensee)

2. (Name and address of the Assessing Officer)

.... Respondents

1. Details of Applicant

(a) Full Name of the Appellant:

(b) Full address of the Appellant:

(c) Name, designation and address of the Contact person:

(d) Contact Telephone Numbers :

Fax Number (s) :

Email ID :

2. Details of the Assessing Officer

(a) Name and designation:

(b) Address :

3. Address of the premises concerned :

4. Consumer No. and category of service :

5. Contracted load/demand

6. Date of inspection :

7. Connected Load at the time of inspection:

8. Nature of unauthorised use alleged:
9. Date of service of the provisional assessment order upon the appellant:
10. Whether the appellant has paid the fee of the Appellate Authority ? Yes/No:
11. Whether the Appellant has paid the one half of the disputed amount and if so enclose documentary proof of payment.
12. Whether there was any consent of the appellant to the final order ?
13. GROUNDS OF APPEAL

(State the grounds of the case on which the appeal is filed and the reason(s)) why the final order is unsustainable)

Prayer

It is, therefore, prayed that \_\_\_\_\_

\_\_\_\_\_

Appellant

**VERIFICATION:**

I, ..... (Name of the appellant) declare that the facts stated in the above Memorandum of Appeal are true to the best of my knowledge and belief; no part of the same are false and nothing material has been concealed therefrom.

Verified at ..... on this ..... day of .....

Place: \_\_\_\_\_ Name and Signature of the Appellant

Date: