

HARYANA ELECTRICITY REGULATORY COMMISSION

Notification

The 12th May, 2004

Regulation No.: HERC/ 03 /2004

PROCEDURE FOR FILING APPEAL BEFORE THE APPELLATE AUTHORITY

In exercise of the power conferred under Section 127 read with Clause (zo) of sub-section (2) of Section 181 of the Electricity Act, 2003, the Haryana Electricity Regulatory Commission hereby makes the regulations on procedure for filing appeal before the Appellate Authority.

1 Short title, Commencement and Interpretation

- (1) These Regulations may be called the Haryana Electricity Regulatory Commission (Procedure for filing appeal before the Appellate Authority) Regulations, 2004.
- (2) These Regulations shall extend to the State of Haryana.
- (3) These Regulations shall come into force on the date of their publication in the Haryana Gazette.
- (4) The Punjab General Clauses Act 1898 (1 of 1898), as applicable to the state of Haryana shall apply to the interpretation of these regulations.

2 Definitions

In these regulations, unless the context otherwise requires: -

- a) "Act" means the Electricity Act, 2003;
- b) "Appellate Authority" means the authority prescribed by the Central Government under sub-section (1) of Section 127 read with Clause (u) of sub-section (2) of Section 176 of the Act;
- c) "Commission" means the Haryana Electricity Regulatory Commission;
- d) All other expressions used herein but not specifically defined herein but defined in the Act shall have the meaning assigned to them in the Act. The other expressions used herein but not specifically defined in these regulations or in the Act but defined under the Haryana Electricity Reform Act, 1997 shall have the meaning assigned to them under the said Act, provided that such definitions in the Haryana Electricity Reform Act, 1997 are not inconsistent with the provisions of the Electricity Act, 2003.

3 Filing of appeal

- (1) Any person aggrieved by the final order made 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 made in the form specified in the Schedule.
- (3) The Memorandum of Appeal shall be signed and verified in the manner specified in the Schedule.
- (4) The appeal shall be accompanied by the following fee:

S.N.	Amount assessed	Fee
1	Up to Rs. 25,000	1.5 % of the assessed amount subject to minimum of Rs.100.
1	From Rs 25001/- Up to Rs. 1,00,000	2% of the assessed amount
2	Above Rs. 1,00,000	1.5 % of the assessed amount subject to minimum of Rs.2, 000.

- (5) The fee shall be paid in such form as the Appellate Authority may specify.
- (6) No appeal shall lie to the appellate authority against the final order made with the consent of the parties.
- (7) No appeal against an order of assessment under subsection (1) of section 127 of the Act shall be entertained unless an amount equal to one-third of the assessed amount is deposited in cash or by way of bank draft with the licensee and documentary evidence of such deposit has been enclosed along with the appeal.
- (8) When a person defaults in making payment of the assessed amount, he, in addition to the assessed amount, shall be liable to pay, on expiry of thirty days from the date of order of assessment, an amount of interest at the rate of sixteen percent per annum compounded every six months.
- (9) The appellate authority shall dispose of the appeal after hearing the parties and pass appropriate order within 45 days of receipt of the appeal and send copy of the order to the assessing officer and the appellant within 7 days of passing the order. In case there is a delay beyond 45 days in deciding the appeal, the appellate authority shall mention reasons for such delay.
- (10) The order of the appellate authority shall be final.
- (11) Appellate Authority may at their discretion award the refund, if applicable, of amount deposited with the licensee along with an interest of sixteen percent per annum within 30 days of passing the order.

4 Miscellaneous

- (1) Subject to the provisions of the Electricity Act, 2003 and these regulations, the Commission may, from time to time, issue orders and practice directions with regard to the implementation of these regulations and procedures to be followed.
- (2) The Commission may, at any time, add, vary, alter, modify or amend any of the provisions of these regulations.
- (3) These regulations shall stand amended in accordance with any amendment in the relevant provisions of the Act. In case of any inconsistency, the provisions of the Act shall prevail.

By order of the Commission

Sd/-
Secretary
HERC

Schedule

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

Appeal against final order of _____

AFO NO. _____ of 200

I Between

1. Appellant
(Full address of the Consumer
Including Consumer No., category of service)

AND

2.

Respondent

(Full address of the Respondent)

i. Name of the licensee

ii. Assessing officer

appeal under Section 127 of the Electricity Act 2003.

II Aggrieved by the final order of Assessment made under section 126 of the Electricity act 2003, Assessment order No. _____ of 200 _____, which was received by the Appellant on _____, the Appellant above named begs to present this Memorandum of Appeal on the following

Grounds

- 1.
- 2.
- 3.

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

III The value of appeal is Rs. _____ and a fee of Rs. _____ is paid by way of Demand Draft bearing No. _____ dated _____ as per section 127 of the Act read with Regulation 3(4).

IV The final order of assessment was not passed with the consent of both the parties as per sec 127(5) of the Electricity Act 2003.

V The appellant has paid the 1/3rd of the amount Rs. _____ by way of Cash/Cheque/Demand Draft bearing No. _____

dated_____ to the licensee as per Section 127(2) of the Electricity Act 2003. The proof of payment is enclosed.

Prayer

It is therefore, prayed that _____

Name & Signature of the Appellant

VERIFICATION

I, (name of appellant in full and in block letters), son/daughter of solemnly declare that to the best of my knowledge and belief, the information given in this appeal and the annexure and statements accompanying it are correct, complete and truly stated and verified and signed at on

Name & Signature of the Appellant

Place:

Date: