

GUJARAT ELECTRICITY REGULATORY COMMISSION (GERC)

PROCEDURE FOR FILING APPEAL BEFORE THE APPELLATE AUTHORITY

REGULATIONS

Notification: No. 1 of 2005

In exercise of the powers conferred under section 181 read with section 127 of the Electricity Act 2003 (36 of 2003) and all powers enabling it in that behalf, Gujarat Electricity Regulatory Commission hereby makes the following Regulations providing for procedure for filing appeal before the Appellate Authority.

Chapter I

Preliminary

1. Short Title, Extent and Commencement

These Regulations may be called the Gujarat Electricity Regulatory Commission (Procedure for filing Appeal before the Appellate Authority) Regulations, 2004.

These Regulations extend to the whole of the State of Gujarat.

These Regulations shall come into force on the date of their publication in the Gazette.

2. Definitions and Interpretation

2.1 In these Regulations, unless the context otherwise requires: -

- a) "Act" means the Electricity Act, 2003 (36 of 2003).
- b) "Appellate Authority" means the authority prescribed under sub-section (1) of Section 127 of the Act.
- c) "Commission" means the Gujarat Electricity Regulatory Commission.
- d) "Licensee" means a distribution licensee, as defined under the Act.
- e) "month" means calendar month.

- f) "Regulations" means the Gujarat Electricity Regulatory Commission (Procedure for filing Appeal before the Appellate Authority) Regulations, 2004.
- g) "State Act" shall mean the Gujarat Electricity Industry (Reorganisation and Regulation) Act, 2003.

Words and expressions used and not defined in these Regulations but defined in the Act or the State Act or the Rules framed thereunder shall have the meanings assigned to them in the said Act or the State Act or such Rules. Expressions used herein but not specifically defined in these Regulations or in the Act or the State Act or the Rules framed thereunder but defined under any law passed by a competent legislature and applicable to the electricity industry in the state shall have the meaning assigned to them in such law. Subject to the above, expressions used herein but not specifically defined in the Regulations or in the Act or the State Act or the Rules framed thereunder or in any other law passed by a competent legislature shall have the meaning as is generally assigned in the electricity industry. The Bombay General Clauses Act, 1904, shall apply for the purpose of the present Regulations.

2.2. Interpretation

In the interpretation of these Regulations, unless the context otherwise requires:

- a) words in the singular or plural term, as the case may be, shall also be deemed to include the plural or the singular term, respectively.
- b) the terms "include" or "including" shall be deemed to be followed by "without limitation" or "but not limited to" regardless of whether such terms are followed by such phrases or words of like import.
- c) references herein to the "Regulations" shall be construed as a reference to these Regulations as amended or modified by the Commission from time to time in accordance with the applicable laws in force.
- d) the headings are inserted for convenience and may not be taken into account for the purpose of interpretation of these Regulations.
- e) references to various statutes, regulations or guidelines shall be construed as including all provisions consolidating, amending or replacing such statutes, regulations or guidelines, as the case may be, referred to.

Chapter II

Procedure for Filing of Appeal

3. Filing of Appeal

- a) A person aggrieved by a final order made under section 126 of the Act, may, within 30 days of the order, file an appeal before the Appellate Authority.
- b) No appeal 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.
- c) The appeal shall be made in the form specified in the Schedule. ("Memorandum of Appeal") in duplicate.
- d) The Memorandum of Appeal shall be signed and verified in the manner specified in the Schedule.

4. Fees for Appeal

- a) The appeal shall be accompanied by the following fee:

Sr. No.	Amount Assessed	Fee
1.	Upto Rs. 100,000	Rs. 1000.
2.	Above Rs. 100,000	Rs. 2500

- b) The fee shall be paid in such form as the Appellate Authority may specify.

5. As far as may be practicable the Appellate Authority shall pass an order within 120 days from the date of filing an appeal.

Chapter III

Miscellaneous

6. Orders and Guidelines

Subject to the provisions of the Electricity Act, 2003, the Commission may, from time to time, issue orders and Guidelines with regard to the implementation of these Regulations and procedures to be followed.

7. Amendment

The Commission may, at any time, add, vary, alter, modify or amend any of the provisions of these Regulations.

AHMEDABAD

5th January, 2005

P.S.SHAH
SECRETARY

SCHEDULE

MEMORANDUM OF APPEAL

(In duplicate)

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

Appeal against final order (AFO) of _____

AFO NO. _____ of 200_

Between

1.

Appellant
(Full address of the Consumer
including SC No., category of
service)

AND

2.

Respondent
(Full address of the Respondent)
i. Name of the licensee
ii. Assessing officer
(Designation and address)

Appeal under Section 127 of the Electricity Act 2003

1. Details of Applicant

- a. Full Name of the Applicant:
- b. Full Address of the Applicant:
- c. Name, Designation & Address
of the Contact Person:
- d. Contact Numbers:
Telephone Number(s)

Mobile Phone Number

Fax Number(s):

Email ID:

e. Service No.

f. Category of service:

2. Details of the Distribution Licensee

a. Address of the concerned Sub-division/Section Office

b. Address of the concerned Division/Circle /Zone Office

3. Address of the premises concerned
4. Contracted Load/ Demand
5. Particulars of the meter installed
6. Date of Inspection
7. Connected load at the time of inspection
8. Nature of the unauthorised use alleged
9. Date of the provisional assessment notice
10. Amount provisionally assessed
11. Date of filing objection by the Appellant
against provisional assessment
12. Date of hearing of the objection by the
Assessing Officer

Grounds of Appeal

1.

2.

3.

(State the grounds of the appeal with a brief narration of relevant facts and submissions)

The disputed amount under appeal is Rs. _____ and a fee of Rs. _____ is paid by way of Cash / demand Draft bearing No. _____ dated _____ as per section 127 of the Act read with Gujarat Electricity Regulatory Commission (Procedure for filing Appeal before the Appellate Authority) Regulations, 2004 (No. __ of 2004).

The Final order was not passed with the consent of both the parties under Section 127(5) of the Electricity Act 2003.

The appellant has paid Rs. _____ being 1/3rd of the disputed amount by way of Cash / Demand Draft bearing No. _____ dated _____ to the licensee in accordance with Section 127(2) of the Electricity Act 2003; the proof of payment is enclosed.

Prayer

It is therefore, prayed that _____

Sd/-
Appellant

VERIFICATION*

I, _____, do hereby declare that what is stated in the above paragraphs is true to the best of my knowledge and information and I believe it to be correct.

Verified and signed

Name & Signature of the Appellant

Place:

Date:

(* To be affirmed before authorized authority e.g. Notary)