

Madhya Pradesh Electricity Regulatory Commission (Manner of Holding Inquiry by Adjudicating Officer) Rules, 2014

MADHYA PRADESH

India

Madhya Pradesh Electricity Regulatory Commission (Manner of Holding Inquiry by Adjudicating Officer) Rules, 2014

Rule

MADHYA-PRADESH-ELECTRICITY-REGULATORY-COMMISSION-MAN of 2014

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Madhya Pradesh Electricity Regulatory Commission (Manner of Holding Inquiry by Adjudicating Officer) Rules, 2014Published vide Notification No. F-3-49-2014-XIII, dated 09.01.2015Last Updated 10th February, 2020No. F-3-49-2014-XIII. - In exercise of the powers conferred by clause (1) of sub-section (2) of Section 180 read with sub-section (1) of Section 143 of the Electricity Act, 2003 (No. 36 of 2003), the State Government, hereby, makes the following rules regulating the procedure for holding the inquiry by an Adjudicating Officer, namely :-

1. Short title and Commencement.

(1)These rules may be called the Madhya Pradesh Electricity Regulatory Commission (Manner of Holding Inquiry by Adjudicating Officer) Rules, 2014;(2)They shall come into force from the date of their publication in the Madhya Pradesh Gazette.

2. Definition.

(1)In these rules, unless the context otherwise requires, -(a)"Act" means the Electricity Act, 2003 (No. 36 of 2003);(b)"Adjudicating Officer" means the Adjudicating Officer appointed by Madhya Pradesh Electricity Regulatory Commission under sub-section (1) of Section 143 of the Act;(c)"Commission" means Madhya Pradesh Electricity Regulatory Commission constituted under the Electricity Act, 2003 (No. 36 of 2003).(2)Words and expression used and not defined in these

rules but defined in the Act shall have the same meanings respectively assigned to them in that Act.

3. Manner of holding Inquiry by Adjudicating Officer.

(1) Whenever commission appoints an adjudicating officer under sub-section (1) of Section 143, a copy of the appointment order shall be provided to the person concerned. (2) In holding an inquiry under the Act, the Adjudicating Officer shall, in the first instance, issue a notice to the person concerned requiring him to show cause, within twenty one days from the date of issue of such notice, as to why an inquiry should not be held against him. (3) Every notice under sub-rule (2) shall indicate the nature of contravention alleged to have been committed. (4) If, after considering the reasons if any, shown by concerned person or where no reason is shown, the Adjudicating Officer is of the opinion that an inquiry should be held, he shall for Reasons to be recorded in writing, issue a notice for fixing a date for the appearance of that person either personally or through an authorized representative. (5) The Adjudicating Officer shall give an opportunity to the concerned person to produce such evidence as he may consider relevant and necessary for the inquiry. (6) If any person fails, neglects or refuses to appear before the Adjudicating Officer as required under sub-rule (2), the Adjudicating Officer shall have power to proceed with the inquiry in the absence of such person after recording the reasons for doing so. (7) The Adjudicating Officer, while holding an inquiry, shall follow as far as possible, the same procedure as is followed in the proceedings before the Commission in exercise of its powers and in discharge of its functions under the provisions of the said Act. (8) The Adjudicating Officer shall complete the inquiry as far as possible, within ninety days from the date of issue of notice to the concerned person. (9) Where the inquiry may not be completed within the aforesaid period, the Adjudicating Officer may, after recording reasons in writing, seek extension of time from the Chairperson of the Commission for a further period not exceeding sixty days. (10) Upon completion of the inquiry the Adjudicating Officer shall place his findings of enquiry along with proceedings to the Commission within fifteen days.