

The Delhi Electricity Regulatory Commission (Procedure for filing Appeal before the Appellate Authority) Regulations, 2005

DELHI

India

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Rule

THE-DELHI-ELECTRICITY-REGULATORY-COMMISSION-PROCEDURE of 2005

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The Delhi Electricity Regulatory Commission (Procedure for filing Appeal before the Appellate Authority) Regulations, 2005 Published vide Notification No. F.8(20)/DERC/2005-06/3104 dated 28th November, 2005 [28th November, 2005] In exercise of powers under Section 127(1) read with Section 181(2)(zo) of the Electricity Act, 2003, the Delhi Electricity Regulatory Commission hereby makes the following Regulation providing for the procedure for filing the appeal before the Appellate Authority from the final order made by the Assessing Officer under Section 126 of the said Act.

1. Short title, commencement and interpretation.

(1) These Regulations may be called the Delhi Electricity Regulatory Commission (Procedure for filing Appeal before the Appellate Authority) Regulations, 2005. (2) These Regulations shall come into force on the date of its 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 under Section 127 read with Section 176(2)(u) of the Act; (c) "Assessing Officer" means the assessing officer designated under Section 126 of the Act; (d) "Commission" means the Delhi Electricity Regulatory Commission; (e) "Licensee"

means a Distribution Licensee authorised to operate and maintain a distribution system and supply electricity to consumers in the concerned area of supply; and (f) Words and expressions used but 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 a 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 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 Memorandum of Appeal shall be accompanied by a documentary evidence of deposit of a sum with the licensee, equal to one-third of the assessed amount, as provided under section 127(2) of the Act. (5) The memorandum of appeal shall be accompanied by the following fee:

Amount assessed Fee

Up to Rs. 1 lakh 3% of the assessed amount subject to minimum of Rs 100/-.

Above Rs. 1 lakh Rs 3000/- plus 0.5% of the assessed amount above Rs One lakh.

(6) The fee shall be paid in such form as the Appellate Authority may direct.

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 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 such thing not being inconsistent with the provisions of the Act, which appears to be necessary or expedient for the purpose of removing the difficulties.

Schedule

[See regulation 3(2)] 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 Distribution Licensee)

2. (Address of the Assessing Officer) . Respondents

Appeal under Section 127 of the Electricity Act, 2003

1. Details of Applicant

a. Full Name of the Appellant :b. Full Address of the Appellant :c. Name, Designation & Address Of the Contact Person :d. Contact Telephone Numbers : Fax Number(s) : E-mail ID :

2. Details of the Distribution Licensee

a. Name of the concerned Divisional Engineerb. Address of the office of the Divisional Engineer

3. Details of the Assessing Officer

a. Name/Designationb. Address

4. Address of the premises concerned.

5. Connected Load.

6. Particulars of the meter installed.

7. Date of Inspection.

(Attach copy of the inspection report)

8. Date of the provisional assessment.

9. Amount provisionally assessed.

10. Date of the representation by the Appellant against provisional assessment.

11. Date of hearing of the representation by the Assessing Officer and date of final order. (Certified copy of the final order is to be attached).

12. Whether there was any consent of the Appellant to the final order.

13. Nature of the unauthorised use alleged.

14. Gist of the decision of the assessing officer.

15. Whether the appellant has deposited the one third of the disputed amount and if so the details thereof. (Documentary evidence of such deposit)

16. GROUNDS OF CHALLENGE.

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

17. Details of Fees

PRAYERIt is therefore, prayed that

AppellantVERIFICATIONI, the Appellant declare that the facts stated in the above Memorandum of Appeal are true to my knowledge (or based on information from . and believed by me to be true); no part of the same are false and nothing material has been concealed therefrom.Verified at .. on this day ofAppellantPlace :Date :