

Orissa Electricity (Manner of Service of Provisional Assessment Order) Rules, 2004

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Rule

ORISSA-ELECTRICITY-MANNER-OF-SERVICE-OF-PROVISIONAL-ASSESSMENT-ORDER-RULES-2004

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Orissa Electricity (Manner of Service of Provisional Assessment Order) Rules, 2004Published vide Notification No. 10382-R. & R.-2-20/2004, O.G.E. No.1365, dated 11.10.2004No.10382-R. & R.-II-20/2004 - In exercise of the powers conferred by Clause (K) of Sub-section (2) of Section 180 of the Electricity Act, 2003, the Government of Orissa hereby makes the following rules for the manner of service of the provisional assessment order, namely :-

1. Short title and commencement.

(1)These rules may be called Orissa Electricity (Manner of Service of Provisional Assessment Order) Rules, 2004.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

(1)In rules, unless the context otherwise requires,-(a)'Act' means the Electricity Act, 2003;(b)'Assessing Officer' means the person designated as such by the State Government under Section 126 of the Act;(c)'Commission' means the Orissa Electricity Regulatory Commission;(d)'Provisional Assessment Order' means the order made by the Assessing Officer under Sub-section (1) of Section 126 of the Act;(e)'Government' means the Government of Orissa; and(f)'Unauthorized use of Electricity' shall have the meaning as defined in the explanation to Section 126 of the Act;(2)Words and expressions used but not defined herein but defined in the Act shall have the same meaning as assigned to them in the Act.

3. Manner of service of provisional order of assessment.

(1)The provisional order of assessment shall be served on the person indulging in unauthorized use of electricity by any of following manners-(a)by hand delivery and acknowledgement taken from the person receiving the provisional assessment order;(b)by registered post with acknowledgment due;(c)by delivery through courier with acknowledgement due;(d)by affixing the provisional order of assessment and the premises on the assessee in the presence of the witnesses, if there is no person in the said premises to whom it can be served with reasonable diligence or if any such person refuses to or avoids receiving the provisional order of assessment in the aforesaid manners.(e)by publication in the newspaper having circulation in the place where the premises or place of unauthorised use is situated, when the Assessing Officer is satisfied that it is not reasonably practicable to serve the provisional order of assessment the person in any of the manner mentioned above; and(f)by sending to the address of the consumer registered with the Distribution Licensee and in other cases at the place where the person ordinarily resides or works for gain if the person to be served with the provisional order of assessment is a consumer of the Distribution Licensee.

4. Service of provisional order of assessment.

- The provisional order of assessment shall be served on the following persons/institutions namely :- (a)to the head of office/institution/organization, as the case may be, where the appropriate Government is the addressee;(b)to the Director/Secretary/Principal Officer of the Company or any officer-in-charge of the local office of the Company with a copy to the Registered office of the Company where a Company is the addressee; and(c)to the usual or last known place of abode or business of the person where any other person is the addressee.

5. Format of the Provisional Order.

- The provisional order of assessment shall be in the form contained in the schedule appended to these rules with such additional particulars as the Assessing Officer may consider appropriate.

6. Power to remove difficulties.

- If any difficulty arises in giving effect to any of the provisional of these rules the State Government may by general or special order direct the Assessing Officer to take suitable action not being inconsistent with the provisions of the Act and Rules, which appears to the Government to be necessary or expedient for the purposes of removing difficulties.

Schedule

Provisional Order[Under Section 126(2) of Electricity Act, 2003]

1. Name, designation and official address of the Assessing Officer :

2. Provisional Order No.

3. Date of the Order :

4. Premises/Place/books inspected :

5. Particulars of electricity connection :

(a) Meter No. : (b) Connected Load :

6. Name of the Consumer :

7. Name of the Occupier :

8. Date of Inspection :

9. Nature of unauthorized use of electricity (give description of the authorized use of electricity. Copy of the Inspection Note of the Inspecting Officer is attached.)

10. Names and address of the persons indulging in unauthorised use of electricity

11. Names and addresses of the persons who have benefited by such unauthorised use of electricity.

12. Electricity charges payable for such unauthorized use of electricity under the provisional assessment with the following details :-

(a) Quantum of electricity being unauthorised used determined on best judgement basis; (b) The presumption that such unauthorized use has continued for a period of 3 months immediately before the date of inspection in the case of domestic and agriculture service and for a period of 6 months immediately before the date of inspection in case of other services; (c) The relevant category of consumers under which the assessment is being made; and (d) one-half time of the rate applicable to such category and calculation thereof.

13. Reasons in support of the best judgement of unauthorized use of electricity (Give detailed reasons).

14. Documents relied on by the Assessing Officer in making the provisional assessment.

15. The electricity charges payable for unauthorized use of electricity has been determined on the presumption that such unauthorized use had continued for a period of 3 months/ 6 months (as the case may be) as provided under Sub-section (5) and at the rate of one-half times as provided in Sub-section (6) of Section 126 of the Electricity Act, 2003.

Place :Date :Seal and signature of the Assessing Officer