

**ORISSA ELECTRICITY REGULATORY
COMMISSION
(PROCEDURE FOR FILING APPEAL
BEFORE THE APPELLATE AUTHORITY)
REGULATIONS, 2004**

THE ORISSA GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

NO.709, CUTTACK, FRIDAY, MAY 28, 2004 / JAISTHA 7, 1926

ORISSA ELECTRICITY REGULATORY COMMISSION
BHUBANESWAR
NOTIFICATION

The 21st May 2004

No.LAW/LD/Reg-3/2004 - In exercise of powers under Section 127(1) read with Section 181(2)(zo) of the Electricity Act, 2003, the Orissa Electricity Regulatory Commission hereby makes the regulation providing for 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 Orissa Electricity Regulatory Commission (Procedure for filing appeal before the Appellate Authority) Regulations, 2004.
- (2) These Regulations shall be applicable to the Distribution Licensees in their respective areas of supply in the State.
- (3) 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 sub-section (1) of Section 127 read with Section 176(2)(u) of the Act;
- (c) "Assessing Officer" means the assessing officer appointed under Section 126 of the Act.
- (d) "Commission" means the Orissa Electricity Regulatory Commission;
- (e) "Licensee" means a Distribution Licensee authorized 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 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 the following fee:

<u>Amount assessed</u>	<u>Fee</u>
Up to Rs. 1 lakh	-- 1% of the assessed amount.
Above Rs. 1 lakh	-- 0.75% of the assessed amount.

- (5) 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 practice 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 any thing not being inconsistent with the provisions of the Act, which appears to be necessary or expedient for the purpose of removing the difficulties.

(BY ORDER OF THE COMMISSION)

(M.R.HAZRA)
SECRETARY

SCHEDULE

[See Reg. 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. (Name and 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) :
Email ID :

2. Details of the Distribution Licensee

- a. Name of the concerned Divisional Engineer
- b. Address of the office of the Divisional Engineer

3. Details of the Assessing Officer

- a. Name
- b. Address

4. Address of the premises concerned

5. Connected Load

6. Particulars of the meter installed

7. Date of Inspection.
(The copy of the inspection report)

8. Name and address of the Inspecting Officer

9. Date of the provisional assessment

- 10. Amount provisionally assessed
- 11. Date of the representation by the Appellant against provisional assessment
- 12. Date of hearing of the representation by the Assessing Officer and date of final order.
(True copy of the final order is to be enclosed)
- 13. Nature of the Unauthorized use alleged
- 14. Gist of the decision of the assessing officer
- 15. Whether any amount assessed paid /deposited relating to the period in issue and if so the details thereof
- 16. Whether the appellant has paid the one third of the disputed amount and if so the details thereof
- 17. Whether there was any consent of the Appellant to the final order.
- 18. GROUNDS OF CHALLENGE
- 19. (State the grounds of the case on which the appeal is filed and the reason(s) why the final order is unsustainable)
- 20. Details of Fees

PRAYER

It is therefore, prayed that _____

Appellant

VERIFICATION

I, 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 of

Appellant

Place:
Date :
