



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
ASSAM ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

Dated the 22nd November, 2017

AERC (PROCEDURE FOR FILING APPEAL BEFORE THE APPELLATE AUTHORITY) REGULATIONS, 2017

No. AERC 636/2017/44.— In exercise of powers conferred by Section 181(2)(zo) read with Section 127(1) of the Electricity Act, 2003 and all other powers enabling it in this behalf and after previous publication, the Assam Electricity Regulatory Commission hereby makes the following Regulations providing for the procedure for filing appeal before the Appellate Authority, namely:-

1. Short title, commencement and interpretation –

- (1) These Regulations may be called the Assam Electricity Regulatory Commission (Procedure for filing Appeal before the Appellate Authority) Regulations, 2017.
- (2) These Regulations extend to the whole of the State of Assam.
- (3) These Regulations shall come into force on the date of its publication in the Assam 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 by the State Government under Section 127 read with Section 176(2)(u) of the Act and Rules made thereunder;
- (c) “Assessing Officer” means the assessing officer designated under Section 126 of the Act ;
- (d) “Commission” means the Assam Electricity Regulatory Commission ;

(e) “Licensee” means a Distribution Licensee as defined under the Act.

Words and expressions used but not specifically defined herein but defined in the Act or the Rules / Regulations framed thereunder shall have the meaning assigned to them in the Act or the Rules /Regulations framed thereunder. The other expression used herein but not specifically defined in these Regulations or in the Act or the Rules/ Regulations framed thereunder, but defined in any law passed by a competent legislature and applicable to the electricity industry in the State shall have the same meaning assigned to them in such law. Subject to the above, expressions used herein but not specifically defined in these Regulations or in the Act or the Rules /Regulations framed thereunder or in any other law passed by a competent legislature shall have the meaning as is generally assigned in the electricity industry.

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 documentary evidence of deposit of a sum with the licensee equal to half of the assessed amount, as provided under section 127(2) of the Act.
 - (5) The Memorandum of Appeal shall be accompanied by such fee as has been specified in the AERC (Payment of Fees, etc) Regulations, 2015 and its subsequent amendments.
 - (6) The fee shall be paid in such form as the Appellate Authority may direct.
4. As far as practicable, the Appellate Authority shall pass an order within 120 days from the date of the Appeal. The Appellate Authority shall record in writing the reason(s) for any delay beyond the specified period.

5. Reporting –

The licensee shall be required to furnish information to the Commission within one month from the end of every six months in a year regarding the status of disposal of appeals, in a manner, as specified in Appendix-A.

6. Miscellaneous –

- (1) Subject to the provisions of the Electricity Act, 2003, the Commission may, from time to time, issue orders and directions in regard to the implementation of these Regulations and procedures to be followed.
- (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.

(By order of the Commission)

Sd/-

S.K. Roy, Secretary
Assam Electricity Regulatory Commission

SCHEDULE
[See Reg. 3(2)]
APPEAL BEFORE THE APPELLATE AUTHORITY
UNDER SECTION 127 OF THE ELECTRICITY ACT, 2003.

Appeal against final order No. _____ dated _____ of
Assessing Officer Mr/ Ms _____, Place _____

Between

1. (Name and address of the Consumer) Appellant

AND

2. (Name and address of Distribution Licensee)

3. Assessing Officer
(Designation and address)

..... 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. Address of the premises concerned:
3. Connected Load/ Contracted Demand:
4. Particulars of the meter installed:
5. Date of Inspection:
(Copy of the inspection report to be attached)
6. Nature of unauthorized use alleged:
7. Date of the provisional assessment:
8. Amount provisionally assessed:
9. Date of the representation by the Appellant against provisional assessment:
10. Date of hearing of the representation by the Assessing Officer:
11. Date of final order:
(Copy of the final order is to be attached along with a copy of representation).

12. Whether there was consent of the Appellant to the final order:
13. Whether the Appellant has deposited half of the disputed (assessed) amount:
14. **FOUNDATIONS OF APPEAL.**

(State the grounds of the case on which the appeal is filed with a brief narration of relevant facts and submissions).

15. Details of fee paid to the Authority.

PRAYER

It is therefore, prayed that _____
_____.

Name & Signature of the Appellant

VERIFICATION*

I, the Appellant declare that the facts stated in the above Memorandum of Appeal are true to the best of my knowledge and information and believe it to be correct.

Verified and signed

Name & Signature of the Appellant

Place :

Date :

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

List of Enclosures:

1. Copy of the order of the Assessing Officer.
2. Copy of the Inspection Report.
3. Evidence of deposition of fee.
4. Evidence of deposition of half of the amount assessed to the licensee.
5. Copy of representation against provisional assessment order.
6. _____

APPENDIX-A

STATUS OF DISPOSAL OF APPEALS BY APPELLATE AUTHORITY

Choose the period of reporting:

1st January to 30th June, ____ (Year)

1st July to 31st December, ____ (Year)

Information regarding the Appellate Authority				
Sl. No.	Name of Member(s)	Designation	Contact Address	Phone/ e-mail

Sl. No.	Disposal of Appeals	No.
1.	No. of Appeals outstanding at the beginning of the period	
2.	No. of Appeals received during the period	
3.	No. of Appeals disposed during the period	
4.	No. of Appeals pending at the end of the period	
5.	No. of Appeals pending for more than 120 days	
6.	No. of Appeals disposed of in favour of the Appellant (consumer)	
7.	No. of Appeals disposed of in favour of the Respondent (licensee)	