

KERALA STATE ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

No.1/1/KERC-2005/V *Dated, Thiruvananthapuram October 7, 2005*

STATEMENT OF OBJECTS AND REASONS

Section 127 of the Electricity Act, 2003 deals with the procedure for appeal to the Appellate Authority against the final order of the Assessing Authority issued under Section 126 for unauthorised use of electricity. The person aggrieved by the final order may prefer an appeal within 30 days of the said order in such form and verified in such manner and accompanied by such fee as may be specified by the State Commission.

In exercise of the power conferred under Section 127 read with Clause (zo) of sub-section (2) of Section 181 of the Electricity Act, 2003, the Kerala State Electricity Regulatory Commission hereby makes the following regulations, namely:-

1. Short title and commencement.- (1) These Regulations may be called the Kerala Electricity (Procedure for filing appeal before the Appellate Authority) Regulations, 2005.

(2) They shall come into force from the date of publication in the official gazette .

2. Definitions.- (1) In these Regulations, unless the context otherwise requires,

- (a) "Act" means Electricity Act, 2003 (Central Act 36 of 2003);
- (b) "Appellate Authority" means the authority prescribed under Sub section (1) of Section 127.
- (c) "Commission" means The Kerala State Electricity Regulatory Commission.
- (d) "Licensee" means a Distribution Licensee authorised to operate and maintain a distribution system of supplying electricity to consumers in the concerned area of supply;
- (e) "Month" means the calendar month. The period of about 30 days between the two consecutive meter readings shall also be regarded as a month for purpose of billing;
- (f) "Schedule" means schedule to this regulation;

(2) All other expressions used herein 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) A person aggrieved by a final order made under section 126 of the Act, may, within 30 days of the order, file an appeal before the Appellate Authority.

(2) No appeal shall be entertained unless an amount equal to one third of the assessed amount is deposited in cash or bank draft with the licensee and documentary evidence of such deposit has been enclosed along with the appeal.

(3) The appeal shall be made in the form specified in the Schedule and shall be accompanied by a copy of the order of the assessing officer, appealed against.

(4) The Memorandum of Appeal shall be signed and verified in the manner specified in the Schedule.

(5) The appeal shall be accompanied by the following fee:

<u>Amount assessed</u>	<u>Fee</u>
Up to Rs. 1,00,000	2% of the assessed amount subject to minimum of Rs.500
Above Rs. 1,00,000	1% of the, assessed amount subject to minimum of Rs.2, 000

(6) The fee shall be paid by way of cash or Demand Draft.

Schedule

**APPEAL BEFORE THE APPELLATE AUTHORITY UNDER SECTION 127
OF THE ELECTRICITY ACT, 2003**

**Appeal against final order No.....dated.....
of.....**

I. Between

1.

Appellant
(Full address of the Consumer
including Consumer No., category of
service)

AND

2.

Respondent
(Full address of the Respondent)
i. Name of the licensee
ii. Assessing officer

II 1. Details of Appellant:

- a. Full Name of the Appellant;
- b. Full Address of the Appellant:
- c. Contact Telephone Number(s):
Fax Number(s):
e-mail ID:

2. Details of the Distribution Licensee

- a. Address of the concerned Section Office
- b. Address of the concerned Sub Divisional office

3. Details of the Assessing Officer

- a. Name and designation
- b. Address

4. Address of the premises concerned
5. Contracted Load/ Demand
6. Particulars of the meter installed
7. Date of Inspection
8. Nature of the unauthorised use alleged
9. Date of the provisional assessment notice
10. Amount provisionally assessed
11. Date of filing objection by the Appellant against provisional assessment
12. Date of hearing of the objection by the assessing Officer
13. Amount as per final order of assessment.

III. GROUNDS OF APPEAL

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

- IV The assessed amount under appeal is Rs. _____. A fee of Rs. _____ is paid by way of Cash / demand Draft bearing No. _____ dated _____ as per section 127 of the Act read with Regulation No. of 2005 .
- V The Final order was not passed with the consent of both the parties as per sec 127(5) of the Electricity Act 2003.
- VI The appellant has paid Rs. _____ being 1/3rd of the disputed amount by way of Demand Draft bearing No. _____ dated _____ to the licensee as per Section 127(2) of the Electricity Act 2003. The proof of payment is enclosed.
- VII Whether the appellant desires to engage an advocate / counsel, if so the particulars of the advocate/counsel.

Prayer

It is therefore, prayed that _____

Appellant

VERIFICATION

I declare that what is stated in all the above paragraphs is true to the best of my knowledge and information and I believe it to be correct. Verified and signed at..... on

Place:

Name & Signature of the Appellant

Date: