

<sup>1</sup>[The Himachal Pradesh Electricity Regulatory Commission (Procedure for filing Appeal before the Appellate Authority) Regulations, 2005]

**Amended, repealed or otherwise affected by:-**

1. (*First Amendment*) *Regulations, 2008 notified vide Not. No. HPERC/416 dated 15<sup>th</sup> November, 2008 published in the R H.P. dated 18<sup>th</sup> November, 2008 at p.4780. For Hindi text see R H.P. dated 15<sup>th</sup> November, 2008 at p. 4779.*

**NOTIFICATION**

Dated: Shimla, the 23<sup>rd</sup> March, 2005

**No: HPERC/No.416:-** In exercise of the powers conferred by section 127 read with clause (zo) of sub-section (2) of section 181 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, the Himachal Pradesh Electricity Regulatory Commission, after previous publication, makes the following regulations, namely:-

**1. Short title and commencement.**- (1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Procedure for filing Appeal before the Appellate Authority) Regulations, 2005.

(2) These shall come into force on the date of their publication in the Rajpatra, Himachal Pradesh,

**2. Definitions.**- In these regulations, unless the context otherwise requires,-

- (a) “**Act**” means the Electricity Act, 2003;
- (b) “**Appellate Authority**” means the authority prescribed under sub-section (1) of section 127, read with clause (u) of sub-section (2) of section 176 of the Act;
- (c) “**Assessing Officer**” means the assessing officer designated under section 126 of the Act;
- (d) “**Commission**”means the Himachal Pradesh 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) the words and expressions used and not specifically defined herein, but defined in the Act, shall have the meaning assigned to them in the Act.

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<sup>1</sup> Published in the R H.P. (Extra) dated 24<sup>th</sup> March, 2005 at p. 4164-4167. For Hindi text see R.H.P. (Extra) dated 24<sup>th</sup> March, 2005 at p. 4159-4163.

**3. Filing of Appeal.**- (1) Unless the final order is made with the consent of the parties, 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) No appeal shall be entertained unless an amount equal to <sup>1</sup>[half] of the assessed amount is deposited in cash or bank draft with the licensee and documentary evidence of such deposit has been enclosed alongwith the appeal.

(3) The appeal shall be made in the form specified in the Schedule.

(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 payable in cash or bank draft drawn in favour of appellate authority:-

| Amount Assessed    | Fee  |
|--------------------|--|
| Upto Rs. 1,00,000  | 3% of the assessed amount subject to minimum of Rs. 500/-    |
| Above Rs. 1,00,000 | 1.5% of the assessed amount subject to minimum of Rs. 3000/- |

**4. Miscellaneous.**- (1) Subject to the provisions of the Act 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 or undertake or permit the appellate authority to do or undertake things, which in the opinion of the Commission is necessary or expedient for removing the difficulties.

**By Order of the Commission**  
-Sd-  
**Secretary**

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<sup>1</sup> Subs. for the word "one third" vide Not. No. HPERC/416 dated 15<sup>th</sup> November, 2008 published in the R.H.P. dated 18<sup>th</sup> November, 2008 at p. 4780. For Hindi text see R.H.P. dated 15<sup>th</sup> November, 2008 at p. 4779.

**SCHEDULE**

**[see regulation 3(3)and (4)]**

**APPEAL BEFORE THE APPELATE 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 the Distribution Licensee)
2. (Name and address of the Assessing Officer) ....Respondents

**1. Details of Applicant**

- (a) Full Name of the Appellant:
- (b) Full address of the Appellant:
- (c) Name, designation and address of the Contact person:
- (d) Contact Telephone Numbers :

Fax Number (s) :

Email ID :

**2. Details of the Distribution Licensee**

- (a) Address of the concerned sectional officer:
- (b) Address of the concerned Sub-Divisional Officer:

**3. Details of the Assessing Officer**

- (a) Name and designation:
- (b) Address :

**4. Address of the premises concerned:**

**5. Consumer Account No. and category of service:**

**6. Connected Load:**

7. Contracted load/demand
8. Particulars of the meter installed:
9. Date of inspection:
10. Date of service of the provisional assessment order upon the appellant:
11. Amount provisionally assessed:
12. Date of filing of objections by the appellant against provisional assessment:
13. Date of hearing of the objections by the assessing officer:
14. Date of final assessment order:
15. Whether the appellant has paid the fee of Rs. \_\_\_\_\_ as per section 127 of the Act read with sub-regulation 3 (5) and if so enclose documentary proof of payment:
16. Whether the Appellant has paid the one third of the disputed amount as per section 127 of the Electricity Act, 2003, and if so enclose documentary proof of payment.
17. Whether there was any consent of the appellant to the final order ?

**18. GROUNDS OF APPEAL**

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

**PRAYER**

It is, therefore, prayed that \_\_\_\_\_

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Appellant

**VERIFICATION:**

I, ..... (Name of the appellant) declare that the facts stated in the above Memorandum of Appeal are true to the best of my knowledge (and information and I believe it to be true); no part of the same are false and nothing material has been concealed therefrom.

Verified at ..... on this ..... day of .....

Place: Name and Signature of the Appellant

Date: