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THE ANDHRA PRADESH GAZETTE

PART – II EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 45] HYDERABAD, WEDNESDAY, MARCH 10, 2004

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.,

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
PROCEDURE FOR FILING APPEAL BEFORE THE APPELLATE AUTHORITY

Regulation No.4 of 2004

INTRODUCTION:

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 u/s 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.

The draft regulation specifying the form, manner of verification and fee payable for preferring the said appeal, was published in the A.P. Gazette on 10.12.2003 seeking comments/suggestions and a press release was also issued inviting comments/suggestions from interested parties by 31.12.2003. The Commission received comments and suggestions from two organisations representing various interests and two distribution licensees.

The Commission has considered these comments and suggestions and made suitable changes in the draft Regulation, wherever necessary.

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, and all powers enabling it in that behalf, the Andhra Pradesh Electricity Regulatory Commission hereby makes the following regulation providing for procedure for the filing appeal before the Appellate Authority.

1. Short title, commencement and interpretation

- (1) This Regulation may be called the Andhra Pradesh Electricity Regulatory Commission (Procedure for filing appeal before the Appellate Authority) Regulation 2004.
- (2) This Regulation shall be applicable to the Licensees in their respective areas of supply in the State of Andhra Pradesh.
- (3) This Regulation shall come into force from the date the Commission may by notification appoint for the purpose.

2 Definitions

In this Regulation, 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.
- c) "Commission" means the Andhra Pradesh 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) 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. The other expressions used herein but not specifically defined in this Regulation or in the Act but defined under the Andhra Pradesh Electricity reform Act, 1998 shall have the meaning assigned to them under the said Act, provided that such definitions in the Andhra Pradesh Electricity Reform Act, 1998 are not inconsistent with the provisions of the Electricity Act, 2003.

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.
- 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:

Amount assessed	Fee
Up to Rs. 1,00,000	3% 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.3, 000

- 6) The fee shall be paid in such form as the Appellate Authority may specify.

4. Miscellaneous

- 1) Subject to the provisions of the Electricity Act, 2003 and this Regulation, the Commission may, from time to time, issue orders and practice directions with regard to the implementation of this Regulation and procedures to be followed.
- 2) The Commission may, at any time, add, vary, alter, modify or amend any of the provisions of this Regulation.

(BY ORDER OF THE COMMISSION)

S. SURYA PRAKASA RAO,
Secretary.

Schedule

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

Appeal against final order (AFO) of _____

AFO NO. of 200

1. Between

1.

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

AND

2.

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

Appeal under Section 127 of the Electricity Act 2003

II 1. Details of Applicant

- a. Full Name of the Applicant:
- b. Full Address of the Applicant:
- c. Name, Designation & 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 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 un authorised 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

III. GROUND(S) OF APPEAL

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

IV The disputed amount under appeal is Rs. _____ and a fee of Rs. _____ is paid by way Cash / demand Draft bearing No. _____ dated _____ as per section 127 of the Act read with Regulation No. _____ of 2003 .

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.

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 and verified and signed at..... on

Place:

Name & Signature of the Appellant

Date: