

Bhopal, Dated: 4 th September, 2004

No.2385/MPERC/2004. In exercise of powers under Section 127 read with Clause (zo) of sub-section (2) of Section 181 of the Electricity Act, 2003, the Madhya Pradesh Electricity Regulatory Commission hereby makes the regulation providing for procedure for filing the appeal before the Appellate Authority, namely.

**PROCEDURE FOR FILING APPEAL BEFORE THE APPELLATE AUTHORITY
REGULATION 2004**

1. Short title, commencement and interpretation

- (1) These Regulations may be called the Madhya Pradesh Electricity Regulatory Commission (Procedure for filing appeal before the Appellate Authority) Regulations 2004.
- (2) These Regulations extend to the whole of the State of Madhya Pradesh.
- (3) These Regulations shall come into force on the date of their publication in the Madhya Pradesh Gazette.

2. Definitions

In these Regulations, unless the context otherwise requires:-

- (a) "Act" means the Electricity Act, 2003 (No. 36 of 2003);
- (b) "Appellate Authority" means the authority prescribed by the Central Government under sub-section (1) of Section 127 read with Clause (u) of sub-section (2) of Section 176 of the Act.
- (c) "Commission" means the Madhya Pradesh Electricity Regulatory Commission;
- (d) "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;
- (e) 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 these Regulations or in the Act but defined under any law passed by the Parliament applicable to electricity industry in the State. In such law subject to the above, the expression used herein but not specifically defined in these Regulations or in the Act or any law passed by the Parliament shall have the meaning as is generally assigned to it in the electricity supply industry.

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 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 on non-judicial stamp paper of Rs. 5/- (Rs. Five only).

(4) 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

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

4. Reporting

Distribution licensee shall be required to furnish information to the Commission within one month of the end of the quarter, the status of the disposal of the appeal cases by the Appellate Authorities and for this purpose the number of appeals pending at the beginning of the quarter, new appeals filed during the quarter, the number of appeals disposed off during the quarter and the number of appeal cases that remains to be decided at the end of the quarter shall be reported. The number of pending cases at the end of the quarter should be categorized age-wise showing the appeals pending for less than six months, pending for over six months but less than one year and those pending for over one year. This information should be provided to the Commission in respect of different levels of Appellate Authorities notified by the State Government i.e. Assistant Engineer/Executive Engineer/ Superintending Engineer etc.

5. 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 with 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.

By Order of the Commission

ASHOK SHARMA, Dy. Secy.

Schedule

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

Appeal against final order No. _____ dated _____ of Assessing Officer

Shri _____ Place _____.

I. 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. Aggrieved by the final order Assessment order No. _____ of 200 _____ which was received by the Appellant on _____, the Appellant above named begs to present this Memorandum of Appeal on the following grounds:-

Grounds

1.

2.

3.

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

III. The value of 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 the MPERC (Procedure for filing Appeal before the Appellate Authority), Regulations, 2004.

IV. The Final order was not passed with the consent of both the parties as per sec 127(5) of the Electricity Act, 2003.

V. The appellant has paid the 1/3rd of the amount Rs. _____ 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.

VI. Prayer

It is therefore, prayed that _____

Name and signature of the 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: **LIST OF ENCLOSURES:-**

1. True copy of the order of the Assessing officer.
2. Reference of disposition of fee.
3. Reference of deposition of 1/3rd amount of the assessed amount.
4. _____
5. _____
6. _____