

**JOINT ELECTRICITY REGULATORY COMMISSION
(FOR THE UT OF J&K AND THE UT OF LADAKH)
To be published in Extra-Ordinary Part III, Section 4
DRAFT NOTIFICATION**

Jammu, the _____ 2023

No. JERC-JKL/Reg/2023/..... —In the exercise of powers under Section 127 (1) read with Section 181 (2) (zo) of the Electricity Act, 2003, the Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh hereby makes the following Regulations providing for procedure for filing appeal before the Appellate Authority from the final order passed by the Assessing Officer under Section 126 of the said Act: —.

1. Short Title and Commencement:

- (1) These regulations may be called The Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh (Procedure for filing Appeal before the Appellate Authority) Regulations, 2023.
- (2) These Regulations shall be applicable to the Distribution Licensees in their respective areas of supply in the whole of the UT of Jammu & Kashmir and the UT of Ladakh.
- (3) These regulations shall come into force from the date of their publication in the Official Gazette.

2. Definitions

In these regulations, unless the context otherwise requires: —

- a) “Act” means the Electricity Act, 2003 (36 of 2003);
- b) “Appellate Authority” means the authority notified under sub-section (1) of Section 127 read with Section 176 (2) (u) of the Act;
- c) “Assessing Officer” means the assessing officer appointed under Section 126 of the Act;
- d) “Commission” means the Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh.
- e) “Licensee” means a Distribution Licensee authorized to operate and maintain a distribution system and supply electricity to consumers in the concerned area of supply;
- f) “Officer” means an Officer of the Commission;
- g) “Regulations” means the Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh (Procedure for filing Appeal before the Appellate Authority) Regulations, 2023; and
- h) Words and expressions used and not defined in these regulations but defined in the Act shall have the meanings assigned to them in the Act. Expressions used herein but not specifically defined in these regulations or in the Acts but defined under any law passed by a competent legislature and applicable to the electricity industry in the state/UT shall have the meaning assigned to them in such law.

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 order, file an appeal before the Appellate Authority.
- (2) No appeal against the final order of assessment under (1) above shall be entertained unless the aggrieved consumer/person deposits one—third of the amount under (1) by the way of cash or bank draft above with the licensee, documentary evidence and encloses receipt 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 Memorandum of Appeal shall be accompanied by the following fee:

Amount Assessed	Fee
Up-to Rs. 1 lakh	1% of the assessed amount subject to a minimum of Rs. 250 (two hundred and fifty only)
Above Rs. 1 Lakh	0.75% of the assessed amount subject to a minimum of Rs 1000 (One thousand only)

- (6) The fee shall be paid by a crossed bank draft or banker cheque in favour of the Appellate Authority may direct.
- (7) As far as may be practicable the Appellate Authority shall pass an order within 120 days from the date of filing an appeal.

4. Miscellaneous:

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

**V.K.Dhar, (JKAS)
Secretary, JERC
J&K and Ladakh**

**SCHEDULE
APPEAL BEFORE THE APPELLATE AUTHORITY UNDER SECTION 127(1) OF THE ELECTRICITY
ACT, 2003**

Appeal against final order under section 126

Appeal against final order of _____

Vide No. _____ of 202 _____

(Name and address of the Consumer including Consumer No.& Consumer category)

Appellant

AND

1. (Name and address of the Assessing Officer including designation)
2. (Name and address of the licensee)

Respondents

Appeal under Section 127 of the Electricity Act, 2003

3. Details of Appellant
 - 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)
Email-Id
Service No.
Category of Service
4. Details of the Distribution Licensee
 - a. Name of the concerned Divisional Engineer/ Section Officer
 - b. Address of the office of the Divisional Engineer/ Service Officer
5. Details of the Assessing Officer
 - a. Name
 - b. Designation
 - c. Address of the Office.
6. Address of the premises concerned
7. Contracted Load/Sanctioned Load
8. Connected Load (as per inspection report)
9. Particulars of the meter installed
10. Date of Inspection
(Copy of the inspection report to be enclosed)
11. Name and address of the Inspecting Officer
12. Date of the provisional assessment
13. Amount provisionally assessed
14. Date of the representation by the Appellant against provisional assessment
15. Date of the hearing of the representation by the Assessing Officer and date of the final order. (True copy of the final order is to be enclosed)
16. Nature of the unauthorized use alleged
17. Gist of the decision of the assessing officer
18. Whether any amount assessed paid/deposited relating to the period in issue and if so the details thereof

- 19. Whether the appellant has paid one-half of the disputed amount and if so the details thereof
- 20. Grounds of Challenge
- 21. (State the grounds of the case on which the appeal is filed and the reason(s) why the final order is unsustainable)
- 22. Details of Fees

PRAYER

It is, therefore, prayed that

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Name and Signature of the Appellant

VERIFICATION

I, (Name of appellant in full and block letters) son/daughter/wife of _____ solemnly declare that the facts stated in the above Memorandum of Appeal are true to my knowledge (or based on information from and believed by me to be true); no part of the same is false and nothing material has been concealed therefrom and I believe it to be correct and verified and signed at _____ on _____.

Place:
Date:

Name and signature of the Appellant

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. _____