

TELANGANA ELECTRICITY REGULATORY COMMISSION

'PROCEDURE FOR FILING APPEAL BEFORE THE APPELLATE AUTHORITY'

DRAFT REGULATION, 2024

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 Officer issued under Section 126 for unauthorised use of electricity. The person aggrieved by the final assessment order may prefer an appeal within thirty (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 Central Government viz., Ministry of Power (MoP), Government of India (GoI) in exercise of the powers conferred by clause (u) of sub-section (2) of Section 176 of the Electricity Act, 2003 (36 of 2003) notified on 16.04.2004 read with its amendment notification dated 07.09.2006 that "*Appellate Authority – for the purpose of appeal under Section 127, the State Government may, by notification in the Official Gazette, constitute an Appellate Authority consisting of one or more persons such that one of the persons shall have knowledge of matters related to assessment of electricity charges and none of them shall be directly related to the affairs of the territorial jurisdiction of the licensee or supplier of the electricity*".

Whereas, the State Government vide G.O.Ms.No.144, Energy (Power-III) Department, dated 31.12.2003 read with its amendment G.O.Rt.No.70, Energy (PR.III) Department, dated 10.03.2004 has under explanation (a) of sub-section (6) of Section 126 of the Electricity Act, 2003 has designated the Officers of Licensees viz., '*Superintending Engineer/Assessments and Chief Engineer/Operation/Zone*' as Appellate Authorities for purpose of exercising the power of investigations and enforcement under Section 126 of the Electricity Act, 2003.

And whereas, the Governor of Telangana, in exercise of the powers conferred by Section 101 of the Andhra Pradesh Reorganisation Act, 2014 (6 of 2014) notified Telangana Adaptation of Laws Order, 2016 vide G.O.Ms.No.43, Law(F), dated 01.06.2016 for adaptation of the laws (*includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instruments having, immediately before the appointed day i.e., 2nd day of June, 2014, the force of law in the whole of the State of Andhra Pradesh*) in the combined State of Andhra Pradesh as on 02.06.2014 (the appointed day) to the State of Telangana.

Soon after its formation, the Commission had notified '*Adoption*' Regulation No.1 of 2014 on 10.12.2014 for adoption of previously subsisting regulations, decisions, directions or orders, licenses and practice directions, as such, all the Regulations framed by the erstwhile APERC shall continue to apply for the State of Telangana, which includes '*Procedure for filing appeal before the Appellate Authority*' Regulation, 2004 [Regulation No.4 of 2004].

The Commission notices that Regulation No.4 of 2004 is required to be modified and opines to make new Regulation instead of amending the existing, to incorporate changes in line with the Electricity (Amendment) Act 2007 (Act 26 of 2007) dated