

Draft Notification

No. JERC –

Date : XX 12.2024

In exercise of the powers conferred by Section 27(A) of the Energy Conservation Act, 2001, the Joint Electricity Regulatory Commission for discharge of its function under the Energy Conservation Act, 2001 as amended on 20th Dec 2022, hereby makes the Joint Electricity Regulatory Commission for the State of Goa and the Union Territories (For holding inquiry to be conducted by Adjudicating Officer) Regulations, 2024.

Chapter I

General

1. Short title, commencement, and extent

- (i) These Regulations may be called the Joint Electricity Regulatory Commission for the State of Goa and the Union Territories (For holding inquiry to be conducted by Adjudicating Officer) Regulations, 2024.
- (ii) These Regulations shall come into force on the date of their publication in the Official Gazette.
- (iii) These Regulations shall extend to the whole of the State of Goa and the Union Territories of Andaman & Nicobar Islands, Chandigarh, Dadra and Nagar Haveli and Daman & Diu, Lakshadweep and Puducherry.

2. Definitions

- (i) In these Regulations, unless the context otherwise requires:
 - (a) ‘Act’ means the Energy Conservation Act, 2001 (52 of 2001) amended from time to time;
 - (b) ‘Adjudicating Officer’ means the Adjudicating Officer appointed by the Commission under Section 27(A) of the Act;
 - (c) ‘BEE’ means Bureau of Energy Efficiency;
 - (d) ‘Designated Agency’ means any agency designated under Clause (d) of section 15 of the Energy Conservation Act;⁻¹⁻
 - (e) ‘Designated Consumer’ means any consumer specified under Clause (e) of Section

14 of the Energy Conservation Act;

- (f) 'Interlocutory Application' means an application filed in any petition or proceeding already instituted before the Adjudicating Officer but does not include an application for review;
- (g) 'Proceedings' means proceedings of all nature that the Adjudicating Officer may decide to initiate or hold in the discharge of its function under the Act;
- (ii) Words and expressions occurring in these Regulations and not defined herein but defined in the Energy Conservation Act shall bear the same meaning as respectively assigned to them in the Energy Conservation Act.

3. Scope:-

These Regulations shall be applicable for conducting enquiries by Adjudicating Officer on receiving complaints regarding violation of provisions of Section 14 and/ or Section 15 of the Act in the manner as specified in these Regulations.

4. Adjudicating Officer's office, office hours and sittings:-

- (i) The Adjudicating Officer shall function from his office at the Joint Electricity Regulatory Commission.
- (ii) The Adjudicating Officer may hold sittings for hearing matters at the headquarters or at any other place on days and times to be specified by the Adjudicating Officer.

5. Seal of the Adjudicating Officer

- (i) There shall be a separate seal indicating that it is the seal of the Adjudicating Officer. The impression of the seal shall be certified and kept on record of the Adjudicating Officer.
- (ii) The design of the seal shall be as given below:
- (iii) Every order or communication made, notice issued or certified copy granted by the Adjudicating Officer shall be stamped with the seal of the Adjudicating Officer.

Chapter II

General Rules Concerning the Proceedings before the Adjudicating Officer

6. Authorised representative to appear before Adjudicating Officer:-

- (i) A person may appear himself or may authorize any of his employees to appear before the Adjudicating Officer and to act and plead on his behalf.
- (ii) A person may authorize an advocate or a registered consultant or a member of any statutory professional body holding a certificate of practice to act and plead on his behalf before the Adjudicating Officer.

7. Initiation of Proceedings: -

When the Adjudicating Officer initiates the proceedings, it shall be by a notice issued by the office of the Adjudicating Officer and the Adjudicating Officer may give such orders and directions as may be deemed necessary, for service of notices to the affected or interested persons for filing of the replies and rejoinders in opposition or in support of the petition in such form as the Adjudicating Officer may direct.

8. Petitions before the Adjudicating Officer:-

- (i) All petitions shall contain a clear and concise statement of facts with material particulars, the reliefs sought, the applicable provisions of law and the basis for such reliefs.
- (ii) All petitions to be filed before the Adjudicating Officer shall be typewritten, or printed neatly and legibly on one side of white paper and every page shall be consecutively numbered. The Adjudicating Officer may permit or seek copies of the petition to be filed in an electronic form, on such terms and conditions as the Adjudicating Officer may specify.
- (iii) The contents of the petition shall be divided appropriately into paragraphs, which shall be numbered serially.
- (iv) The petition shall be accompanied by documents, supporting data and statements relevant to the matters in issue in the petition.

9. General headings:-

The general heading in all petitions before the Adjudicating Officer and in all advertisements and notices shall be as per Form 1 (Appendix-I).

10. Affidavit in support:-

- (i) The petition filed shall be verified by an affidavit, and the affidavit shall be as per Form 2 (Appendix-II)
- (ii) The affidavit shall be drawn up in first person and shall state the full name, age, occupations and address of the person swearing on the affidavit (hereinafter referred to as the deponent) and the capacity in which he is signing and shall be signed and sworn before a person lawfully authorized to take and receive affidavits.
- (iii) Every affidavit shall clearly and specifically indicate that the statements are true to the-
 - a) Knowledge of the deponent; and/or
 - b) Information received by the deponent; or
 - c) Belief of the deponent.
- (iv) Where any statement in affidavit is stated to be true based on the information received by the deponent, the affidavit shall also disclose the source of the information and a statement that the deponent believes that information to be true.

11. Presentation and scrutiny of the petitions, etc:-

- (i) The fee specified by the Commission in chapter III of these Regulations shall be paid along with the petition.
- (ii) The receipt of the petition shall be duly entered in the register maintained for the purpose by the office of the Adjudicating Officer.
- (iii) No petition shall be refused for defect in the pleadings or in their presentation, without giving an opportunity to the person filing the petition to rectify the defect, within the time which may be given for the purpose.
- (iv) A person aggrieved in regard to the presentation or receipt of the petition may request the Commission Secretary for appropriate order.
- (v) As soon as the petition and all necessary documents are filed and the defects and objections, if any, removed and the petition scrutinized, accepted and numbered, the petition shall be placed before the Adjudicating Officer for preliminary consideration;

- (vi) The Adjudicating Officer may admit the petition for hearing. The Adjudicating Officer shall not pass an order refusing admission without giving the person concerned an opportunity of being heard. The Adjudicating Officer may, if he considers appropriate, issue notice to such other person or persons, as he may desire for the hearing of petition for admission.
- (vii) If the Adjudicating officer admits the petition, he may give such orders and directions as may be deemed necessary, for service of notices to the respondents if any in the petition and also to other affected or interested parties as the Adjudicating Officer may consider appropriate for the filing of replies and rejoinder in opposition or in support of the petition in such form as the Adjudicating Officer may direct.

12. Service of notices and summons issued by the Adjudicating Officer:-

- (i) Any notice or summons to be issued by the Adjudicating Officer may be served by any one or more of the following modes as may be directed by the Commission:-
 - a) Service by the petitioner or any other party in the proceedings; or
 - b) By hand delivery through a messenger; or
 - c) By registered post with acknowledgment due.
- (ii) Every notice or summons required to be served on or delivered to any person may be sent to the person or his agent empowered to accept service at the address furnished by him in the petition or its registered office.
- (iii) In the event any matter is pending before the Adjudicating Officer and the person to be served has authorized a representative to appear for or represent him in matter, such representative shall be deemed to be duly empowered to take service of the notices and summons on behalf of the person concerned in all matters and the service on such representatives shall be taken as due service on the person to be served. It shall be the duty of such representative to duly inform the persons whom he represents of the service of the notices.
- (iv) The Adjudicating officer may also give directions for effecting service in any other manner he considers appropriate. The Adjudicating officer shall be entitled to decide in each case the person who shall bear the cost of such service or publication. The Adjudicating Officer may place notice of any proceedings on the website of the Commission.

- (v) In default of compliance with the requirements of the Regulations or directions of the Adjudicating Officer as regards the service of notices, summons or processes or the publication, the adjudicating Officer may either dismiss the petition or give such other or further directions, as it thinks fit.
- (vi) No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person provided that the Adjudicating Officer is satisfied that such service is in other respects sufficient, and no proceeding shall be invalidated by reason of any defect or irregularity in the service or publication unless the Adjudicating officer, on an objection taken, is of the opinion that injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so.

13. Filing of reply, disposition, objections, etc:-

- (i) In the reply filed, the respondent shall specifically explain admit or deny the facts stated in the notice of enquiry or the petition and may also state such additional facts, as he considers necessary for a decision in the manner.
- (ii) The reply shall be signed and verified and supported by an affidavit in the same manner as in the case of the petition. The respondent shall also indicate in the reply whether he wishes to participate in the proceedings and be orally heard.
- (iii) The respondent shall serve a copy of the reply along with the documents duly attested to be true copies, on the petitioner or his authorized representative and file proof of such services with the office of the Adjudicating Officer at the time of filing the reply.
- (iv) Where the respondent states additional facts as may be necessary for a decision in the matter, the Adjudicating Officer may allow the petitioner to file rejoinder to the reply filed by the respondents. The procedure mentioned above for filing of the reply shall apply mutatis mutandis to the filing of the rejoinder.

14. Hearing of the matter: -

- (i) The Adjudicating Officer may determine the stages, the manner, the place, date and the time of the hearing of the matter considered appropriate by him, consistent with such specific timing requirements as are set forth in the Act or otherwise not less than four

weeks. The Adjudicating Officer may curtail aforesaid period of four weeks looking to the need to expeditiously decide the matter.

- (ii) The Adjudicating Officer may direct the parties to file written note of arguments or submissions in any proceeding before the Adjudicating officer within a time, as the Adjudicating officer considers appropriate.

15. Power of the Adjudicating Officer to call for further information, evidence, etc.: -

- (i) The Adjudicating Officer may, at any time before passing orders on the matter, require the parties or any one or more of them or any other person whom the Adjudicating Officer considers appropriate to produce such documentary or other evidence as the Adjudicating Officer may consider relevant for the purpose of enabling the Adjudicating Officer to pass orders.
- (ii) The Adjudicating Officer may direct the summoning of the witnesses, discovery and production of any document or other material objects producible in evidence, requisitioning of any public record from any office, examination by an officer the books, accounts or other documents or information in the custody or control of any person which the Adjudicating Officer considers relevant for the matter.
- (iii) The Adjudicating Officer may, if he considers appropriate, allow any of the parties to produce further evidence in the matter considering the evidence brought on record under sub-regulations (i) and (ii) above.

16. References of issues to others: -

At any stage of the proceedings, the Adjudicating Officer may refer such issue or issues in the matter, as he considers appropriate to persons including, but not limited to the Officers of the Commission and or the Government agency/body whom the Adjudicating Officer considers as qualified to give expert or specialized advice or opinion.

17. Procedure to be followed where any party does not appear: -

- (i) When, on the date and the time fixed for hearing or any other date or time to which such hearing may be adjourned, if any party or his authorized representative does not appear when the matter is called for hearing, the Adjudicating Officer may, in his discretion,

either dismiss the petition for default when the petitioner or the person who moves the Adjudicating Officer for hearing is absent or proceed ex parte to hear and decide the petitions in the absence of the other party.

- (ii) Where a petition is dismissed in default or decide ex parte, the person aggrieved may file an application within 30 days from the date of such dismissal or being proceeded ex parte, as the case may be, for recall of the order passed, and the Adjudicating Officer may recall the order on such terms as he thinks fit, if the Adjudicating Officer is satisfied that there was sufficient cause for the non-appearance of the aggrieved person when the petition was called for hearing.

18. Inspection of records and supply of certified copies:-

- (i) The records of proceeding shall be open to the inspection of the parties or their authorized representatives either during the proceedings or after the orders are passed, subject to payment of fees and compliance with such other terms as the Commission may direct.
- (ii) The records of every proceeding, except those parts which for reasons specified by the Adjudicating officer are confidential or privileged, shall be open to inspection by persons other than the parties to the petition either during the proceeding or after the orders have been passed, subject to such person complying with such terms as the Commission may direct from time to time including in regard to time, place and manner of inspection and payment of fees.
- (iii) A person shall be entitled to obtain certified copies of the orders, decisions, directions and reasons in support thereof given by the Adjudicating Officer as well as the pleadings and papers and other parts of the records of the Adjudicating Officer to which he is entitled to inspect under Regulations (i) and (ii) above subject to payment of fees and compliance with such other terms as the Commission may direct.

Chapter III
FEES

19. Fees on Applications and Petitions: -

- (i) A fee of Rs. 3,00,000/- (Rupees Three Lakh only) shall be applicable towards petition fee for proceedings before the Adjudicating Officer under these Regulations.
- (ii) A fee of Rs. 50,000/- (Rupees Fifty Thousand only) shall be applicable towards Interlocutory Application before the Adjudicating Officer under these Regulations.

CHAPTER IV
MISCELLANEOUS

20. Interim orders: -

The Adjudicating Officer may make such interim orders, as he considers appropriate, at any stage of the matter or proceedings pending before him.

21. Review of the decisions, directions, and orders: -

- (i) The Adjudicating Officer may on its own motion or on the application of any of the person or parties concerned, within 60 days from the date of making any decision, direction, or order, review such decision, direction or order and pass such appropriate order as the Adjudicating officer thinks fit.
- (ii) An application for such reviews shall be filed in the same manner as a petition under chapter II of these Regulations.

22. Power to remove difficulties: -

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Adjudicating Officer with the approval of the Commission may, by general or special order, do anything not being inconsistent with the provisions of the act which appears to him to be necessary or expedient for the purpose of removing the difficulties.

By order of the Commission
S. D. Sharma, Secy. (I/c)

FORM-1

General Heading for Proceedings

BEFORE THE JOINT ELECTRICITY REGULATORY COMMISSION (FOR THE STATE OF
GOA AND UNION TERRITORIES)

CASE No.
(To be filled by the Office)

IN THE MATTER OF:

(Gist of the purpose of the petition or application)

AND

IN THE MATTER OF

(Names and full addresses of the petitioners/applicants and names and full addresses of the
respondents)

FORM-2

BEFORE THE JOINT ELECTRICITY REGULATORY COMMISSION FOR THE STATE OF
GOA AND UNION TERRITORIES

FILE NO.

CASE NO. (To be filled by the Office)

In the matter of

(Gist of purpose of petition and legal provision)

And In the matter of:

(Name and full address of the Petitioners/ applicant and names and full address of the respondents)

Affidavit

I, Sh./Smt. _____, (S/o, W/o, D/o) Sh. _____(aged _____ years),
(occupation)_____, residing at _____), the deponent named above do hereby
solemnly affirm and state on oath as under:-

1. That the deponent is the Managing Director / Director who is authorized as per the resolution of the company dated ____ (In case the Petitioner is a Company) and is acquainted with the facts deposed to below.
2. I, the deponent named above do hereby verify that the contents of the paragraph Nos. 1 of the affidavit and those of the paragraph No..... of the accompanying petition are true to my personal knowledge and those of the paragraph

Nos.....of the accompanying petition are based on the perusal of records and those of the paragraph Nos. of the accompanying petition are based on information received and those of the paragraph Nos. of the accompanying petition are based on the legal advice which I believe to be true and verify that no part of this affidavit is false and nothing material has been concealed.

(Deponent)

I, _____ Advocate, _____, do hereby declare that the person making this affidavit is known to me through the perusal of records and I am satisfied that he is the same person alleging to be deponent himself.

Advocate

Solemnly affirmed before me on this day of 200 at a.m. / p.m. by the deponent who has been identified by the aforesaid Advocate.

I have satisfied myself by examining the deponent that he understood the contents of the affidavit which has been read over and explained to him. He has also been explained about section 193 of Indian Penal Code that whoever intentionally gives false evidence in any of the proceedings of the Commission or fabricates evidence for purpose of being used in any of the proceedings shall be liable for punishment as per law.