

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

15.06.2007 and also to facilitate on line payments for deposition of half (½) of the final assessed amount and fee by the Appellant.

Now, therefore, in exercise of the powers conferred by Section 127 read with clause (zo) of sub-section (2) of Section 181 of the Electricity Act, 2003 (36 of 2003), and all powers enabling it in that behalf, the Telangana Electricity Regulatory Commission hereby makes the following **Draft** Regulation specifying the procedure for filing the appeal before the Appellate Authority, namely:

1. Short title, commencement and interpretation

- (1) This Regulation may be called the "Telangana Electricity Regulatory Commission (Procedure for filing appeal before the Appellate Authority) Regulation, 2024.
- (2) This Regulation shall come into force on the date of its publication in the Telangana Gazette.
- (3) This Regulation shall be applicable to the Licensees in their respective areas of supply in the State of Telangana.

2. Definitions

- (1) In this Regulation, unless the context otherwise requires:
 - (a) '**Act**' means the Electricity Act, 2003 (No.36 of 2003) and its subsequent amendments thereof;
 - (b) '**Appellate Authority**' means an officer of licensee so designated by the State Government
 - (c) '**Assessing Officer**' means the authority prescribed under sub-section (1) of Section 127 read with clause (u) of sub-section (2) of Section 176 of the Act.
 - (d) '**Commission**' or '**TGERC**' means the Telangana Electricity Regulatory Commission constituted under sub-section (1) of Section 82 of the Act;
 - (e) '**Licensee**' means a distribution Licensee authorised to operate and maintain a distribution system of supplying electricity to consumers in the concerned area of supply;
 - (f) '**Month**' means the calendar month. The period of about thirty (30) days between the two (2) consecutive meter readings shall also be regarded as a month for purpose of billing;
- (2) Words and expressions used and not defined herein but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Procedure for filing of Appeal

- (1) A person aggrieved by a Final Assessment Order of the Assessing Officer made under Section 126 of the Act, may, within thirty (30) days of the said order, file an appeal before the Appellate Authority.
- (2) The appeal shall be made in the form specified in Schedule-A of this Regulation.

- (3) No appeal shall lie to the appellate authority in cases where the Final Assessment Order passed by the Assessing Officer was with the consent of the parties.
- (4) No appeal shall be entertained unless an amount equal to half ($\frac{1}{2}$) of the final assessed amount is deposited in cash or by way of bank draft with the Licensee or on line payment through licensee's web portal or any digital mode of payment authorised by the licensee and documentary evidence of such deposit has been enclosed along with the appeal.
- (5) The Appeal shall be signed and verified in the manner specified in the Schedule-A of this Regulation.

4. Fee for Appeal

- (1) The appeal shall be accompanied by the following fee:

Sl. No.	Amount Assessed	Fee
1)	Upto Rs.1,00,000/-	3% of the assessed amount subject to minimum or Rs.500/-
2)	Above Rs.1,00,000/-	1% of the assessed amount subject to minimum of Rs.3,000/-

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

5. Disposal of Appeal

- (1) The Appellate Authority shall dispose of the appeal after hearing the parties within sixty (60) days from the date of filing of the appeal and shall send copy of the order to the Appellant and the Assessing Officer.
- (2) The order of the Appellate Authority shall be final.

6. Default in making Payment

- (1) When a person defaults in making payment of assessed amount, such person, in addition to the assessed amount shall be liable to pay, on expiry of thirty (30) days from the date of order of assessment an amount of interest at the rate of sixteen percent (16%) per annum compounded every six (6) months.

7. Reporting

- (1) The Licensee shall be required to furnish information to the Commission within One (1) month of the end of the quarter showing the status of the disposal of the appeal cases by the Appellate Authority as shown in Schedule-B giving quarterly details of -
 - a) The number of appeals pending at the beginning of the quarter, the new appeals filed during the quarter, the number appeals disposed of during the quarter and the number of appeals pending at the end of the quarter.
 - b) The number of appeals pending at the end of the quarter should be categorized age-wise showing the appeals pending for less than six (6) months, pending for six (6) months and over but less than One (1) year and those pending for and over One (1) year.

- (2) This information should be provided to the Commission in respect of different levels of Appellate Authorities notified by the State Government i.e., Superintending Engineer (Assessments)/Chief Engineer (Operation).

8. Miscellaneous

- (1) **Power to amend**: The Commission may, at any time, add, vary, alter, modify or amend any of the provisions of this Regulation.
- (2) **Power to issue orders and practice directions**: Subject to the provisions of the Electricity Act, 2003 and this Regulation, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of this Regulation and procedures to be followed.
- (3) **Power to relax**: The Commission may by general or special order, for reasons to be recorded in writing and after giving an opportunity of hearing to the parties likely to be affected, may relax any of the provisions of this Regulation on its own motion or on an application made before it by an interested person.
- (4) **Power to remove difficulties**: If any difficulty arises in giving effect to the provisions of this Regulation, the Commission may, by general or special order, make such provisions not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.
- (5) **Repeal and Savings**: The 'Adoption' Regulation, 2014 (Regulation No.1 of 2014) to the extent relating to 'Procedure for filing appeal before the Appellate Authority' Regulation 2004 (Regulation No.4 of 2004) stands repealed on and from the date this Regulation is published in the Telangana Gazette to the extent relating to the matters covered in this Regulation out of Regulation No.1 of 2014. Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken including any rule, notification, inspection, order or notice made or issued or any confirmation or declaration made or any permission, authorisation or exemption granted or any document or instrument executed or any direction given under the repealed Regulation shall, in so far as it is not inconsistent with the provisions of this Regulation, be deemed to have been done or taken under the corresponding provisions of this Regulation and shall be deemed to be not invalid by virtue of such repeal.

(BY ORDER OF THE COMMISSION)

Hyderabad
14.10.2024


V. Ramchander
Commission Secretary

SCHEDULE-A

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

Appeal against Final Order (AFO) of _____

AFO No. ___ of 20 ___

Between

[Name and full address of the consumer, S.C.No., category of service, contact No., email id, etc.]
... Appellant

AND

1. [Full name and full address of the Licensee]

2. [Full address of the Assessing Officer]

... Respondents

Appeal under Section 127 of the Electricity Act, 2003

Details of the Case in brief:

Sl. No.	Description	Particulars
1	Name of Appellant	
2	Address, contact number and email id	
3	Address of premises/place of connection	
4	Purpose of connection	
5	Service Connection No.	
6	Tariff category	
7	Connected Load/Contracted Demand	
8	Particulars of the meter installed	
9	Address of the concerned Section Office	
10	Address of the concerned Sub-Divisional Office	
11	Date of Inspection	
12	Nature of irregularity reported	
13	Date of provisional assessment order	
14	Amount of provisionally assessed electricity charges payable	
15	Date of filing objection to the Final Assessing Officer by the Appellant against provisional assessment	
16	Date of hearing of the objection by the Assessing Officer	
17	Name, designation and address of the Assessing Officer in relation to the appeal	

Aggrieved by the Final Assessment Order No. ___ of 20 ___, which was received by the Appellant on _____ (dd/mm/yyyy), the Appellant above named present this Memorandum of Appeal on the following:

Grounds

- 1.
- 2.
- 3.

[state the grounds of the case on which the appeal is filed and why the final order is unsustainable]

The value of appeal i.e., Final Assessed Amount is Rs._____ and a fee of Rs._____ is paid by cash/by way of bank draft bearing No._____ dated _____ as per Section 127 of the Electricity Act, 2003 read with this Regulation.

The Final Assessment Order was not passed with the consent of both the parties as per Section 127(5) of the Electricity Act, 2003.

The appellant has paid Rs._____ being half of the final assessed amount, by cash/ by way of bank draft bearing No. _____ dated _____ to the Licensee or on line payment though licensee's web portal or any digital mode of payment authorised by 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, _____ son of _____ aged ___ years residing at _____ do hereby declare that what is stated in 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 _____(place) on _____(date in format dd/mm/yyyy).

Name & Signature of the Appellant

List of Enclosures:

1. True copy of the order of the Final Assessing Officer
2. Reference of disposition of fee
3. Reference of deposition of half of the final assessed amount
4. _____
5. _____

SCHEDULE-B

*Status of the disposal of the appeal cases by the Appellate Authority
(Quarterly information to be furnished by the Licensee to the Commission within One (1) month of the end of the quarter)*

Report for: 1st /2nd /3rd /4th Quarter

Date of submission: _____

Sl. No.	Designation of the Appellate Authority	No. of Appeals pending at the beginning of the quarter	New Appeals filed during the quarter	No. of appeals disposed of during the quarter	Age-wise number of appeals pending at the end of the quarter			Total pending cases
					Pending for less than six (6) months	Pending for six (6) months and over but less than One (1) year	Pending for (1) year and over	
1)	Chief Engineer or Chief General Manager/ Operation/Zone							
2)	Superintending Engineer/ Assessments							

Name of Reporting Officer: _____

Designation: _____