

**Maharashtra Electricity Regulatory Commission
(Procedure for filing appeal before the Appellate Authority)
Regulations, 2004**

ELECTRICITY ACT, 2003

No MERC/Legal/111/2004/1086 In exercise of the power conferred on it under Section 127 read with clause (zo) of sub-section (2) of Section 181 of the Electricity Act, 2003, the Maharashtra Electricity Regulatory Commission hereby makes the regulations providing for the procedure for filing appeal before the Appellate Authority.

1. Short title, extent and commencement

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

2 Definitions

- (1) In these Regulations, unless the context otherwise requires:-
 - (a) "Act" means the Electricity Act, 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 Maharashtra 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, where relevant;
- (2) Words or expressions occurring in these Regulations and not defined herein but defined in the Act shall have the meanings assigned to them under the Act.

3. Filing of appeal

(1) A person aggrieved by a final order made under section 126 of the Act, may, within thirty (30) days of the order, file an appeal before the Appellate Authority.

(2) The appeal shall be filed in the form specified in the Schedule to these Regulations.

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

Fees : 1% of the assessed amount subject to minimum of Rs.200 and maximum of Rs. 10,000.

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

4. Miscellaneous

(1) Subject to the provisions of the Act 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 to, vary, alter, modify or amend any of the provisions of these regulations.

A.M. Khan,
Secretary,
Maharashtra Electricity Regulatory Commission,
Mumbai.

Mumbai, 10th June, 2004

Schedule

Form of Appeal
(Regulation 3(2))

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

Appeal against final order of _____

NO. of 200

1. Appellant
(Full address of the Consumer including SC No., category of service)

AND

2. Respondent
(Full address of the Respondent)

S.No.	Particulars
1.	Name of Appellant
2.	Address, Telephone No.(including STD Code) Mobile No.
3.	Address of place of meter in relation to the appeal.
4.	Amount of Bill under Appeal
5.	Date of bill in relation to the Appeal
6.	Date of receipt of bill in relation to the Appeal (Annex the acknowledged bill as received by the consumer)
7.	Period of bill in relation to the Appeal (From _____ to _____)
8.	Due date for payment of Assessed Bill
9.	Date of the requisition made by the Consumer for payment of 1/3 amount after intimating in writing to the Licensee for preferring an Appeal for Assessed Bill

10.	Date of requisition given to the Consumer by the Licensee for payment of 1/3 amount.
11.	Date of receipt of requisition by the Consumer issued by Licensee for payment of said 1/3 amount.
12.*	Date of installation of meter
13.*	Type of meter installation
14.*	Meter multiplier
15.*	Voltage of electrical installation
16.	Particulars of electrical instruments installed in relation of this appeal
17.*	Meter heating load HP. KW.
18.	Amount of bill as per provisional order
19.	Amount of bill as per final order
20.	Amount deposited
21.	Last date for preferring an appeal by the Consumer
22.	Name of the Licensee and Bill Center in relation to the Appeal.
23.	Date of filing of an appeal by the Consumer before Appellate Authority
24.*	Prescribed reasons for assessing bill amount – <ul style="list-style-type: none"> i. Meter not working/Meter is not working due to fire ii. Meter is out of order/CTPT is not working/out of order iii. Electricity theft – <ul style="list-style-type: none"> a) by passing meter b) continuing supply by shutting down the meter c) tampering with meter d) continuing the supply without installing meter. iv. a) Use unauthorized electric load. Consumption of electricity for purposes other than as approved
25.	Name, designation and address of the Assessing Officer in relation to this appeal

Note – (*) If known to the consumer.

Appeal under Section 127 of the Electricity Act 2003

I. Aggrieved by the final assessment order No. _____ of 200 _____ which was received by the Appellant on _____, the Appellant above named begs to present this Memorandum of Appeal. The facts of the case are given below:

(give here a concise statement of facts in chronological order together with supporting documents annexed serially and correlated and highlighted in the body of the appeal. Each paragraph should contain, as neatly as possible, a separate issue, fact or otherwise).

Grounds

- 1.
- 2.
- 3.

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

II 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 Regulation 3(3) of the Maharashtra Electricity Regulatory Commission (Procedure for filing appeal before the Appellate Authority) Regulations, 2004.

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

IV The appellant has paid an amount equal to one third of the assessed amount being Rs. _____ by way of cash/demand draft bearing No. _____ dated _____ to the licensee as per Section 127(2) of the Electricity Act 2003. The documentary evidence of such deposit has been enclosed along with the appeal.

V. Reliefs/ Interim Reliefs Sought

VI. Jurisdiction of the Appellate Authority

(The appellant requires to declare that the matter of the appeal falls within the jurisdiction of the Appellate Authority.)

VII. Limitation

(The appellant is further required to declare that the appeal is within the limitation as prescribed in section 127(1) of the Electricity Act, 2003)

VIII. Matter not pending with any other court, etc

(The appellant is further required to declare that the matter regarding which this appeal has been made is not pending before any court of law or any other authority.)

Prayer

It is therefore, prayed that _____

Appellant

VERIFICATION

I, son ofaged.....residing at do solemnly affirm and declare that statements made in paragraphsof the appeal are true to my knowledge and belief and statements made in paragraphs to are based on information and I believe them to be true.

Solemnly affirm at on this ...day ofthat the contents of the above appeal are true to my knowledge, no part of it is false and nothing material has been concealed.

Place:

Name & Signature of the Appellant

Date :

Identified before me