

**KERC (General & Conduct of Proceedings) Regulations, 2000**

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**NOTIFICATION**

THE 10 JAN, 2000

In exercise of the powers conferred on it by section 56 of THE KARNATAKA ELECTRICITY REFORM ACT, 1999 (Act No. 25 of 1999) and all powers enabling it in that behalf, the Karnataka Electricity Regulatory Commission hereby make the following regulations, namely:

**KERC (General & Conduct of Proceedings) Regulations, 2000**

**Chapter - I : GENERAL**

**1. Short title, Commencement and Extent**

1. These regulations may be called the 'Karnataka Electricity Regulatory Commission (General and Conduct of Proceedings) Regulations, 2000'.
2. They shall come into force from the date of their publication in the official Gazette.
3. They extend to the whole of the State of Karnataka.

**2. Definitions**

1) In these Regulations, unless the context otherwise requires:

- a)'Act' means the Karnataka Electricity Reform Act, 1999;
- b)'Chairman' means the Chairman of the Karnataka Electricity Regulatory Commission;
- c)'Commission' means the Karnataka Electricity Regulatory Commission;
- d)'Consumer Forum' or 'Consumer Fora' means such consumer forum or consumer fora as has been recognised by the Commission under Regulation 18;
- e)'Member' means a member of the Karnataka Electricity Regulatory Commission;
- f)'Officer' means an Officer of the Karnataka Electricity Regulatory Commission;
- g)'Petition' shall mean and include all petitions, applications, complaints, appeals, replies, rejoinders, supplemental pleadings, other papers and documents filed before the Commission;
- h.)'Proceedings' shall include proceedings of all nature that the Commission may

hold in the discharge of its functions under the Act;

i.) 'Receiving Officer' means the officer designated by the Commission in terms of Regulation 23(1);

j.) 'Regulations' mean the Karnataka Electricity Regulatory Commission (General and Conduct of Proceedings) Regulations, 1999;

k.) 'Seal' means the common seal and the official seal of the Commission as contemplated in Part B of the Schedule to the Act, wherever applicable.;

l.) 'Secretary' means Secretary of the Karnataka Electricity Regulatory Commission.

2) Words or expressions occurring in these Regulations and not defined herein above shall bear the same meaning as in the Act.

### **3. Commission's offices, office hours and sittings**

1) Unless otherwise directed, the headquarters and other offices of the Commission shall open daily, except on Saturdays, Sundays and holidays notified by the Commission. The headquarters and other offices of the Commission shall open at such hours as the Commission may direct from time to time.

2) Where the last day for doing of any act falls on a day on which the office of the Commission is closed and by reason thereof the act cannot be done on that day, it may be done on the next day on which the office is open.

### **4. Language**

1) The proceedings of the Commission shall be conducted in English or Kannada.

2) Petitions, documents or other matters contained in any language other than English or Kannada shall be accepted by the Commission only if the same is accompanied by a translation thereof in English.

3) Any translation which is agreed to by the parties to the Proceedings or which any of the parties may furnish with an authenticity certificate of the person who had translated it into English may be accepted by the Commission as a true translation.

### **5. Use of the Seal**

(1) The Seal of the Commission shall be kept in the custody of the Secretary or Officer as shall be designated by the Secretary for this purpose

(2) Every order made, notice issued or certified copy granted by the Commission shall be stamped with the appropriate Seal of the Commission and shall be authenticated by the Secretary or an Officer designated for the purpose.

### **6. Conduct of Business**

In the conduct of its business and in the discharge of its functions under the Act, the Commission may, adopt one of the following methods:

a) Hold Proceedings under Chapter II;

b) Subject to Section 9(7), by circulation of papers

### **7. Functions of the Secretary**

1. The Secretary, who is the Principal Officer of the Commission, shall exercise his powers and perform his duties under the control of the Chairman. In particular and without prejudice to the generality of the above provisions, the Secretary shall have the following powers and perform the following duties, viz;

- a. To supervise and guide the functioning of all the Officers and Staff of the Commission.
- b. To prepare or cause to be prepared briefs and summaries of all pleadings presented by various parties in each case before the Commission in discharge of its functions;
- c. To assist the Commission in the proceedings relating to the powers exercisable by the Commission;
- d. To ensure execution of the orders passed by the Commission; and
- e. To collect from the State Government or other offices, companies or firms or any other party as may be directed by the Commission, such information as may be considered useful for the purpose of efficient discharge of the functions of the Commission under the Act and place the said information before the Commission.
- f. To keep in his custody the Seal and records of the Commission.

(2) The Secretary, with the approval of the Chairman of the Commission, may delegate to any Officer of the Commission any function required by these regulations or otherwise, to be exercised by the Secretary.

(3) In the absence of the Secretary, such other Officer of the Commission, as may be nominated by the Chairman, may exercise all the functions of the Secretary.

## **8. Powers of Review, Revision etc.**

(1) The Commission may, either on its own motion or on an application made by any interested or affected party, within 90 days of the making or issuing of any decision, direction, order, notice or other document or the taking of any action in pursuance of these Regulations, review, revoke, revise, modify, amend, alter or otherwise change such decision, direction, order, notice or other document issued or action taken by the Commission or any of its Officers.

(2) An application under sub-regulation (1) shall be filed in the same manner as a Petition under Chapter-II of these Regulations.

## **9. Confidentiality**

Subject to Section 38 of the Act, the Commission may, by order, direct that any information, documents and other papers and materials produced before the Commission or any of its Officers, consultants, representatives or otherwise which may come into their possession or custody, shall be confidential or privileged and shall not be available for inspection or supply of copies, and the Commission may also direct that such document, papers or materials shall not be used in any manner except as specifically authorised by the Commission.

## **10. Issue of orders and practice directions**

Subject to the provisions of the Act and these Regulations, the Commission may, from time to

time, issue orders and practice directions in regard to the implementation of the Regulations and procedure to be followed on various matters which the Commission has been empowered by these Regulations to specify or direct.

### **11. Saving of inherent power of the Commission**

(1) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Commission.

(2) Nothing in these Regulations shall bar the Commission from adopting a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.

(3) Nothing in these Regulations shall, expressly or impliedly, bar the Commission from dealing with any matter or exercising any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

(4) In the exercise of its powers under the Act and in the discharge of its functions, the Commission shall as circumstances may permit, be guided by the principles of natural justice.

### **12. Power to remove difficulties**

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 it to be necessary or expedient for the purpose of removing the difficulties.

### **13. Power to dispense with the requirement of the Regulations**

The Commission shall have the power, for reasons to be recorded in writing and with notice to the affected parties, dispense with the requirements of any of the Regulations in specific cases subject to such terms and conditions as may be specified.

### **14. Extension or abridgment of time prescribed**

Subject to the provisions of the Act, the time prescribed by these Regulations or by order of the Commission for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reason by order of the Commission.

### **15. Effect of non-compliance**

Failure to comply with any requirement of these Regulations shall not invalidate any proceedings merely by reason of such failure unless the Commission is of the view that such failure has resulted in miscarriage of justice

KERC (General & Conduct of Proceedings) Regulations, 2000

**Chapter - II : PROCEEDINGS BEFORE THE COMMISSION**

**16. Proceedings before the Commission**

The Commission may, from time to time, hold such Proceedings as it considers appropriate, for the discharge of its functions under the Act, provided that all matters which the Commission is required under the Act to undertake and discharge through hearing of the affected parties shall be done only through Proceedings.

**17. Representation at Proceedings**

(1) A party to any Proceedings under this Chapter may be represented before the Commission in one of the following manners:

- a) In person;
- b) Through an authorised employee
- c) Through an authorised professional who may be an Advocate or a Chartered Accountant, or a Cost and Works Accountant or a Company Secretary holding a certificate of practice.

The representation of a party at the Proceeding shall include the right to act and plead on his behalf, provided that such right shall at all times be subject to such terms and conditions as the Commission may specify from time to time.

(2) The Commission may be represented at any Proceeding by such Officer or Officers of the Commission or such other person or persons as the Commission may appoint to represent the matter as the Commission's representative in the proceedings.

**18. Consumer Interests**

(1) In exercise of its powers under the proviso to Sub-Section (2) of Section 8 of the Act and without prejudice to its right to recognise other Consumer Fora under that Section, the Commission hereby recognises as a Consumer Forum authorised to initiate and appear before the Commission in any Proceedings under these Regulations, any society registered under the laws of the State for the registration of societies, and having for its objects, inter alia, protection of the interests of consumers.

(2) The Commission may, for the sake of timely completion of proceedings, direct grouping of Consumer Fora who have a common interest so that they can make collective affidavits.

(3) The Commission may appoint any Officer or any other person to represent the interest of the consumers in general or any class or classes of consumers as the Commission may consider appropriate. If any person, not being an Officer is appointed as above, the Commission may direct payment to such person of such fee, cost and expenses by such of the parties to the proceedings as the Commission may consider appropriate.

(4) The Commission may, in appropriate cases, permit any individual with specialised knowledge of the issues concerned to participate in any proceedings before the Commission.

## **19. Initiation of Proceedings**

Proceedings may be initiated under these Regulations in one of the following manners:

- (a) Suo motu by the Commission;
- (b) Upon a petition being filed by any affected party

Provided that the term 'affected party' shall mean only a party having a substantial cause in the interest of the public at large or a segment of the public, and shall include a Consumer Forum. Provided however that the Commission shall have the power to rule that any party is not an affected party for the purpose of these Regulations.

## **20. Initiation of Proceedings Suo Motu**

(1) When the Commission initiates the Proceedings suo motu, it shall be by a notice of inquiry (hereinafter referred to as the "Notice of Inquiry") issued by the office of the Commission.

(2) While issuing the Notice of Inquiry, the Commission may pass such orders and directions as may be deemed necessary for service of notices to the affected or interested parties and for the filing of replies and rejoinders in opposition or in support of the petition in such form as the Commission may direct.

(3) The Commission may, if it considers appropriate, issue orders for advertisement of the Notice of Inquiry inviting comments from the public or any class of persons on the issue involved in the Proceedings in such form as the Commission may direct in such order.

(4) While issuing the Notice of Inquiry the Commission may, in suo motu proceedings and other appropriate cases, designate an Officer of the Commission or any other person whom the Commission considers appropriate to present the matter in the capacity of a Petitioner in the case.

## **21. Initiation of Proceedings through presentation of Petitions**

(1) All petitions shall be filed in 6 (Six) copies together with sufficient number of copies for service on the respondent, if any, and all such copies shall be complete in all respects. Such fees as may be prescribed by the Commission by order shall be payable along with the petition. The orders/directions issued by the Commission for the prescription of the fees payable on Petitions shall be displayed for the inspection and information of the public at every office of the Commission.

(2) All petitions to be filed before the Commission shall be type written, cyclostyled or printed neatly and legibly on one side of white paper and every page shall be consecutively numbered. The contents of the petition shall be divided appropriately into separate paragraphs, which shall be numbered serially. Notwithstanding the aforesaid, the Commission may, at its discretion allow a petition to be presented in an electronic form, such as in a floppy disc or through e-mail, subject to such conditions as the Commission may, prescribe by way of directions to the petitioner.

(3) The Petition shall be accompanied by all the documents that are relied upon by the Petitioner. If presented through an agent, the document authorising the said agent to represent the petitioner, including the vakalatnama in the case of an advocate, shall be filed

along with the Petition, if not already filed on the record of the case.

(4) Every Petition filed shall be verified by an affidavit and every such affidavit shall be in Form 2. Every affidavit shall be signed and notarised. Where any statement in the affidavit is stated to be true to 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.

## **22. General headings**

The general heading in all petitions before the Commission and in all advertisements and notices shall be in Form 1 hereto.

## **23. Presentation and Admission of Petitions**

(1) Petitions may either be presented by the petitioner in person or through an authorised representative, or sent by registered post to the headquarters of the Commission or such other filing centre as may be designated and notified by the Commission from time to time. All Petitions shall be received by an Officer designated by the Commission as the Receiving Officer, who shall enter the details of the Petition in a record to be maintained for that purpose.

(2) If the Petition is found to be in order, the Receiving Officer shall stamp the Petition and enter the date of receipt thereon. The Receiving Officer shall also issue an acknowledgement with stamp and date to the person filing the Petition. In case the Petition is received by registered post the date on which the Petition is actually received at the office of the Commission shall be taken as the date of the presentation of the petition. The Receiving Officer may decline to accept any Petition which is not in conformity with the provisions of the Act or the Regulations or directions given by the Commission or otherwise defective or which is presented otherwise than in accordance with the Regulations or directions of the Commission. Provided however that 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 such time as may be granted by the Receiving Officer for this purpose. The Receiving Officer shall advise in writing the person filing the Petition of the defects in the Petition filed.

(3) A party aggrieved by any order of the Receiving Officer in regard to the presentation of Petition may request the matter to be placed before the Commission for appropriate orders.

(4) If the Commission finds the Petition to be defective, it may issue such directions as are necessary for rectifying the Petition. Once the defects are rectified to the satisfaction of the Commission, the Commission may admit the Petition for hearing without requiring the attendance of the party filing the Petition. The Commission shall not pass an order refusing admission without giving the party concerned an opportunity of being heard. The Commission may if it is considered appropriate, issue notice to such person or persons as may be considered necessary to hear the Petition for admission. If the defects are not removed after notice, the Commission may reject the Petition without any further Proceedings.

(5) If the Commission admits the Petition, it may give such orders and directions as may be deemed necessary, for service of notices to the respondent and other affected or interested parties in the Petition for the filing of replies and rejoinders in opposition or in support of the Petition in such form and manner as the Commission may prescribe.

## **24. Service of notices and processes issued by the Commission**

(1) Any notice or process issued by the Commission may be any one or more of the following modes as may be directed by the Commission:

a) by hand delivery/courier;

b) under a certificate of posting;

c) by registered post acknowledgement due;

d) by facsimile transmission or electronic mail (e-mail)

e) by publication in newspaper in cases where the Commission is satisfied that it is not reasonably practicable to serve the notices, processes, etc. on any person in the manner mentioned above;

f) in any other manner as may be considered appropriate by the Commission. The Commission shall be entitled to decide in each case the person (s) who shall bear the cost of such service and publications.

(2) Every notice or process required to be served on or delivered to any person may be sent to that person or his agent empowered to accept service at the address furnished by him for service or at the place where the person or his agent ordinarily resides or carries on business or personally works for gain.

(3) In the event any matter is pending before the Commission and the person to be served has authorised an agent or representative to appear for and represent him or her in the matter, such agent or representative shall be deemed to be duly empowered to take service of the notices and processes on behalf of the party concerned in all matters and the service on such agent or representative shall be taken as due service on the person to be served.

(4) Where a notice is served by a party to the proceedings on any other party either in person or through registered post, an affidavit of service shall be filed by the party with the Commission giving details of the date and manner of service of notices and processes.

(5) Where any Petition is required to be advertised it shall be advertised within such time as the Commission may direct and, unless otherwise directed by the Commission, in one issue each of a daily newspaper in English language and two daily newspapers in Kannada language having circulation in the area specified by the Commission.

(6) In default of compliance with the requirements of the Regulations or directions of the Commission as regards the service of notices, summons or processes or the advertisement and publication thereof, the Commission may either dismiss the Petition or give such other or further directions, as Commission considers appropriate.

(7) 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 Commission is satisfied that such service is in other respects sufficient and no Proceedings shall be invalidated by reason of a defect or irregularity in the service or publication unless the Commission, on an objection taken, is of the opinion that substantial injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so.

## **25. Filing of reply and other documents by the Respondents**

(1) Each respondent intending to contest the Notice of Inquiry or the Petition filed against him shall file his reply to the Notice of Inquiry or the Petition in 6 (six) sets along with the documents

relied upon by him, within such period, not exceeding 21 (twenty one) days from the date of service of petition upon the respondent, as may be fixed by the Commission.

(2) In the reply filed under sub-regulation (1), the respondent shall specifically admit, deny or explain the facts stated in the notice of inquiry or the Petition and may also state such additional facts as he considers necessary for a just decision of the case. The reply shall be signed and verified and supported by affidavit in the same manner as in the case of a Petition. The respondent shall also indicate in the reply whether he wishes to participate in the proceedings and be orally heard.

(3) The respondent shall serve a copy of the reply along with the documents referred to in sub-regulation (1) duly attested to be true copies on the petitioner or his authorised representative and file proof of such service with the office of the Commission at the time of filing the reply.

(4) The Commission may, if so satisfied, allow filing of the reply after the expiry of the prescribed period.

(5) Where the respondent wishes to state additional facts as may be necessary for the just decision of the case, the Commission may allow the petitioner to file a 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.

## **26. Filing of objections etc. by the public**

(1) Every person who intends to file objections or comments in regard to a matter pending before the Commission, pursuant to the advertisement or publication issued for the purpose (other than the persons to whom notices, processes, etc. have been issued calling for reply) shall deliver to the Receiving Officer, the statement of objections or comments in triplicate along with evidence in support thereof within the time fixed for the purpose.

(2) The Commission may permit such person or persons as it may consider appropriate to participate in the proceedings before the Commission, if on the report received from the Receiving Officer, the Commission considers that the participation of such person or persons will facilitate the proceedings and the decision in the matter.

(3) Unless permitted by the Commission, the person filing objections or comments shall not be entitled to participate in the Proceedings. However, the Commission shall be at liberty to take into account the objections and comments filed after giving such opportunity to the parties in the proceedings as the Commission considers appropriate to deal with the objections and comments.

## **27. Hearing of the matter**

(1) The Commission may determine the manner, the place, the date and the time of the hearing of the matter.

(2) (i) The Commission may decide the matter on the pleadings of the parties or may at its sole discretion call for the parties to produce evidence by way of affidavit or lead oral evidence.

(ii) If the Commission directs evidence of a party to be led by way of affidavit, the Commission may as and when the Commission considers it to be necessary, grant an opportunity to the other party to cross-examine the deponent of the affidavit.

(iii) The Commission may, if considered necessary or expedient, direct that the evidence of any

of the parties be recorded by an Officer or person designated for the purpose by the Commission.

(iv) The Commission may direct the parties to file written notes of arguments or submissions in the matter.

## **28. Power of the Commission to call for further information, evidence, etc.**

(1) The Commission 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 Commission considers appropriate, to produce such documentary or other evidence as the Commission may consider necessary for the purpose of enabling it to pass orders.

(2) The Commission may direct the summoning of the witnesses, discovery and production of any document or other material objects producible in evidence, requisitioning any public record from an office, examination by an Officer of the books, accounts or other documents or information in the custody or control of any person which the Commission considers relevant for the matter.

## **29. Reference of issues to others**

(1) At any stage of the Proceedings, the Commission shall be entitled to refer such issue or issues in the matter as it considers appropriate to persons including, but not limited to, the Officers and consultants of the Commission whom the Commission considers as qualified to give expert or specialised advice or opinion on such issue or issues.

(2) The Commission may nominate from time to time any person including, but not limited to the Officers and consultants to visit any place or places for inspection and report on the existence or status of the place or any facilities therein.

(3) The Commission, if it thinks fit, may direct the parties to appear before the persons designated in clause (1) or (2) above to present their respective views on the issues or matters referred to.

(4) The report or the opinion received from such person shall form a part of the record of the case and parties shall be given the copies of the report or opinion given by the person designated by the Commission. The parties shall be entitled to file their version either in support or in opposition to the report or the opinion.

(5) The Commission shall duly take into account the report or the opinion given by the person and the reply filed by the parties while deciding the matter and if considered necessary, examine the person giving the report or the opinion. Provided however that the Commission shall not be bound by the report or the opinion given as conclusive.

## **30. Procedure to be followed where any party does not appear**

(1) When, on the date fixed for hearing of the Petition or on any other date to which such hearing may be adjourned, any party or his authorised representative does not appear when the matter is called for hearing, the Commission may, in its discretion, either dismiss the Petition for default when the petitioner or the person who moves the Commission for hearing is absent or proceed to hear and decide the petition ex parte.

(2) Where a Petition is dismissed in default or decided ex parte, the person aggrieved may file an application within 30 days from the date of receipt of the order of such dismissal or proceeding held ex parte, as the case may be, for recall of the order passed, and the

Commission may recall the order on such terms as it thinks fit, if the Commission is satisfied that there was sufficient cause for the non-appearance when the Petition was called for hearing.

### **31. Orders of the Commission**

(1) No member shall exercise his vote on a decision unless he was present during all substantial hearings of the Commission on the matter.

(2) The Commission shall pass orders on the Petition in writing and the Members of the Commission who heard the matter and voted on the decisions will sign the orders.

(3) The reasons given by the Commission in support of the orders, including those by a dissenting Member, if any, shall form a part of the order and shall be available for inspection and supply of copies in accordance with these Regulations.

(4) All orders and decisions issued or communicated by the Commission shall be certified by the signature of an Officer empowered in this behalf by the Chairman and shall bear the Seal of the Commission.

(5) A copy of every interim order granting or refusing or modifying interim reliefs and every final order passed on any Petition or Notice of Inquiry shall be communicated to the petitioner or the applicant and to the respondents and other parties concerned in the Petition under the signature of an Officer empowered in this behalf by the Chairman or the Secretary, free of cost.

### **32. Fines and Charges**

In any order passed in pursuance of Proceedings, the Commission may levy such fines or charges as the Commission may deem appropriate for acts (including omissions to act) of non-compliance or violation by any party of any of the provisions of the Act, the rules framed thereunder, the Regulations or the directions or orders of the Commission. Provided that no fine or charge levied in pursuance of this Regulation shall exceed Rs.5 lakhs for the first act of non-compliance or violation, or Rs.20 Thousand for each day during which the non-compliance or violation continues Provided further that such fine or charge shall be commensurate with the level of damage or other harm caused by such non-compliance or violation in each case.

### **33. Inspection of records and supply of certified copies**

(1) Records of every Proceeding, except those parts which for reasons specified by the Commission in terms of Section 38 of the Act are confidential, shall be open to inspection by any person subject to such person complying with such terms as the Commission may direct by order from time to time including in regard to time, place and manner of inspection and payment of fees.

(2) Any person shall be entitled to obtain certified copies of the orders, decisions, directions and reasons in support thereof given by the Commission as well as the pleadings and papers and other parts of the records of the Commission to which he is entitled, subject to payment of fees and compliance with such other terms as the Commission may direct.

### **34. Continuance of Proceedings after death, etc.**

(1) Where in any Proceedings any of the parties to the proceedings dies or is adjudicated as an insolvent or in the case of a Company under liquidation/winding up, the Proceedings shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or

other legal representative of the party concerned.

(2) The Commission may, for reasons to be recorded, treat the Proceedings as abated in case the Commission so directs and dispense with the need to bring the successors-in-interest to come on record.

(3) In case any person wishes to bring on record the successor-in-interest, etc. the application for the purpose shall be filed within 90 days from the event requiring the successor-in-interest to come on record.

### **35. Proceedings to be open to public**

The proceedings before the Commission shall ordinarily be open to the public. However, admission to the hearing room during Proceedings shall be subject to the availability of sitting accommodation, provided that the Commission may, if it thinks fit, and for reasons to be recorded in writing, order at any stage of the proceedings of any particular case that the public generally or any particular person or group of persons shall not have access to or be or remain in, the room or building used by the Commission.

### **36. Publication of Petition**

(1) Where any application, petition, or other matter is required to be published under the Act or these regulations or as per the directions of the Commission, it shall, unless the Commission otherwise orders or the Act or Regulations otherwise provide, be advertised not less than 5 days before the date fixed for hearing.

(2) Except as otherwise provided, such advertisement shall give a heading describing the subject matter in brief.

(3) Such advertisement to be published shall be approved by the Officer of the Commission designated for the purpose.

### **37. Costs**

(1) Subject to such conditions and limitations as may be directed by the Commission, the cost of all Proceedings shall be awarded at the discretion of the Commission and the Commission shall have full power to determine by whom or out of what funds and to what extent such costs are to be paid and give all necessary directions for the aforesaid purposes.

(2) The costs shall be paid within 30 days from the date of the order or within such time as the Commission, may, by order, direct. The order of the Commission awarding costs shall be executed in the same manner as the decree/order of a Civil Court.

### **38. Enforcement of order passed by the Commission**

The Secretary shall ensure execution of the orders passed by the Commission in accordance with the provisions of the Act and the Regulations and if necessary,

may seek the orders of the Commission for directions.

KERC (General & Conduct of Proceedings) Regulations, 2000

**Chapter - III : INVESTIGATION, INQUIRY, COLLECTION OF INFORMATION, ETC.,**

**39. Collection of information**

1. The Commission may make such order or orders as it may consider appropriate in terms of Section 10 of the Act for collection of information, inquiry, investigation, entry, search and seizure and without prejudice to the generality of its powers in regard to the following:
  - a. The Commission may, at any time, direct the Secretary or any one or more Officers or consultants or any other person as the Commission considers appropriate to study, investigate or furnish information with respect to any matter within the purview of the Commission under the Act.
  - b. The Commission may for the above purpose give such other directions as it may deem fit and specify the time within which the report is to be submitted or information furnished.
  - c. The Commission may issue or authorize the Secretary or an Officer to issue directions to any person to produce before it and allow to be examined and kept by an Officer of the Commission specified in this behalf the books, accounts, etc. or to furnish to an Officer information, etc. as provided in Sub-Section (2) of Section 10 of the Act.
  - d. The Commission may, for the purpose of collecting any information particulars or documents which the Commission consider necessary in connection with the discharge of its functions under the Act, issue such directions and follow any one or more of the methods provided for in Sub-Section (1) of Section 10 of the Act.
  - e. If any such report or information obtained as specified in Section 10 of the Act or in these Regulations appears to the Commission to be insufficient or inadequate, the Commission or the Secretary or an Officer authorized for the purpose may give directions for further inquiry, report and furnishing of information.
  - f. The Commission may direct such incidental, consequential and supplemental matters which may be considered relevant in connection with the above, be attended to.
2. In connection with the discharge of the functions under Section 10 of the Act and the Regulations, the Commission may, if it thinks fit, direct a notice of inquiry to be issued and proceed with the matter in a manner provided under Chapter II of these Regulations.

**40. Assistance of Experts**

1. The Commission may, at any time, take the assistance of any institution, consultant, experts, engineers, chartered accountants, advocates, surveyors and such other technical and professional persons, as it may consider necessary, and ask them to study, investigate, inquire into any matter or issue and submit report or reports or furnish any information. The Commission may determine the terms and conditions for engagement

of such professionals.

2. If the report or information obtained in terms of the above Regulations or any part thereof is proposed to be relied upon by the Commission in forming its opinion or view in any proceedings, the parties in the proceedings shall be given a reasonable opportunity for filing objections and making submissions on the report or information.

## Regulations

### **KERC (General & Conduct of Proceedings ) Regulations, 2000 - Amendment Regarding Appeals from Electrical Inspectorate**

**KARNATAKA ELECTRICITY REGULATORY COMMISSION, BANGALORE**

**NOTIFICATION**

**THE 7TH JUNE 2000**

In exercise of the powers conferred on it by section 56 of **THE KARNATAKA ELECTRICITY REFORM ACT, 1999 (Act No.25 of 1999)** and all powers enabling it in that behalf, the Karnataka Electricity Regulatory Commission hereby amends the Karnataka Electricity Regulatory Commission (General and Conduct of Proceedings) Regulations, 2000 to add the following chapter.

#### **Chapter - IV**

#### **APPEALS FROM ELECTRICAL INSPECTORATE**

##### **41. Electrical Inspectors**

For the purposes of this chapter, the term "**Electrical Inspector/s**" or "**Electrical Inspectorate**" shall mean the office of Electrical Inspectors appointed in terms of Section 36(1) of the Indian Electricity Act, 1910 and shall include the Chief Electrical Inspector having jurisdiction over the whole of the state of Karnataka, the Electrical Inspector having jurisdiction over a particular designated area within the State and the Deputy Electrical Inspector having jurisdiction over such area.

##### **42. Decisions from which appeals shall lie**

An appeal shall lie to the Commission from such decisions of the Electrical Inspectorate as are passed in exercise of their powers under the Indian Electricity Act, 1910, and the Electricity Supply Act, 1948.

##### **43. Time Frame for filing appeal**

An appeal under this chapter shall be filed within one month of the communication of the impugned decision by the Electrical Inspectorate. Provided that this period may be extended by the Commission at its discretion by not more than 30 days in matters where the appellant has been unable to file the appeal within time for reasons beyond his/her control.

#### **44. Form of Appeals and Appellate Proceedings**

(1) An appeal against an order of the Electrical Inspectorate under this chapter shall be prepared in the format prescribed in Form 3 hereto and shall be submitted in six copies. Every appeal shall be verified by an affidavit.

(2) Each appeal shall be filed along with proof of payment of fees of Rs.1000/- to the Commission.

(3) The appellate Proceedings under this chapter shall be conducted in accordance with the procedure prescribed in Chapter II above for the conduct of Proceedings.

**By order of the Commission**

**Sd/-**

**Secretary to Commission**

KERC (General & Conduct of Proceedings) Regulations, 2000

**FORM I**

( See Regulation 22)

**General Heading for proceedings  
BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION,  
BANGALORE**

CASE NO.

(To be filled by the Office if number has not earlier been assigned)

**IN THE MATTER OF:**

(Gist of the purpose of the petition or application)

**AND**

**IN THE MATTER OF:**

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

KERC (General & Conduct of Proceedings) Regulations, 2000

**FORM 2**

(See Regulation 21 (4))

**BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION,  
BANGALORE**

CASE NO.

(To be filled by the Office if number has not earlier been assigned)

**IN THE MATTER OF:**

(Gist of the purposes of the petition or application)

**AND**

**IN THE MATTER OF:**

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

Affidavit verifying the petition (specify nature of petition)

I,....., son of .....  
aged.....residing at .....  
.....do solemnly affirm and say as follows:

1 I am a  
Director/Secretary/.....of.....Ltd.  
The petitioner in the above matter and am duly authorised by the said petitioner to make this affidavit on its behalf.

Note: This paragraph is to be included in cases where the petitioner is the Company.

2 The statements made in paragraphs.....of the petition herein now shown to me and marked with the letter 'A' are true to my knowledge and the statements made in paragraphs ..... are based on information received and I believe them to be true.

Solemnly affirmed at.....on this day of.....that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Identified before me by