

PROCEDURE FOR HOLDING INQUIRY BY ADJUDICATING OFFICER RULES, 2004

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PROCEDURE FOR HOLDING INQUIRY BY ADJUDICATING OFFICER RULES, 2004

In exercise of the powers conferred by clause (v) of Sub-section (2) of Section 176 of the Electricity Act, 2003 (36 of 2003), the Central Government hereby makes the following rules regulating the procedure for holding the inquiry by an adjudicating officer, namely:

1. Short title and commencement :-

(1) These rules may be called the Procedure for Holding Inquiry by Adjudicating Officer Rules, 2004.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

(1) In these rules unless the context otherwise requires

(a) "Act" means the Electricity Act, 2003;

(b) "adjudicating officer" means the adjudicating officer appointed under Sub-section (1) of Section 143 of the Act;

(c) "section" means a section of the Act.

(2) Words and expression used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in that Act.

3. Procedure for holding Inquiry by adjudicating officer :-

(1) Whenever the Central Commission appoints an adjudicating officer, a copy of the appointment order shall be provided to the

person concerned.

(2) In holding an inquiry under the Act, the adjudicating officer shall, in the first instance, issue a notice to the person concerned requiring him to show cause within twenty one days from the date of issue of such notice, as to why an inquiry should not be held against him.

(3) Every notice under Sub-rule (2) shall indicate the nature of contravention alleged to have been committed.

(4) If, after considering the cause, if any, shown by concerned person or where no cause is shown, the adjudicating officer is of the opinion that an inquiry should be held, he shall for reasons to be recorded in writing, issue a notice for fixing a date for the appearance of that person either personally or through an authorised representative.

(5) The adjudicating officer shall provide an opportunity to the concerned person to produce such evidence as he may consider relevant and necessary for the inquiry.

(6) If any person fails, neglects or refuses to appear before the adjudicating officer as required under Sub-rule (2), the adjudicating officer may proceed with the inquiry in the absence of such person after recording the reasons for doing so.

(7) The adjudicating officer, while holding an inquiry, shall follow as far as possible the same procedure as is followed in the proceedings of the Central Commission in exercise of its powers and in discharge of its functions under the provisions of the Act.

(8) The adjudicating officer shall complete the inquiry within sixty days from the date of his appointment.

(9) Where the inquiry may not be completed within the period of sixty days, the adjudicating officer may, after recording reasons in writing, seek extension of time from the Central Commission for a further period of sixty days.