

**Karnataka Electricity Regulatory Commission,
Bangalore.
Notification No.D/07/ AA /4 dated: 25th March 2005**

**KERC (PROCEDURE FOR FILING APPEAL BEFORE THE APPELLATE AUTHORITY)
REGULATIONS, 2005**

Preamble:

In exercise of the powers conferred by section 181(2) (zo) read with sub-Section (1) of section 127 of the Electricity Act 2003 (Central Act 36 of 2003) and all powers enabling it in that behalf, the Karnataka Electricity Regulatory Commission hereby makes the following Regulations, namely: -

1. Short title, commencement and interpretation.

- a) These Regulations shall be termed as K.E.R.C. (Procedure for filing appeal before the Appellate Authority) Regulations, 2005.
- b) They shall come into force with effect from the date of notification in the official gazette of the State of Karnataka.
- c) They shall extend to the whole State of Karnataka.

2 Definitions.

In these Regulations, unless the context otherwise requires: -

- (a) "Act" means the Electricity Act, 2003.
- (b) "Appellate Authority" means the person designated by the State Government under sub-section (1) of Section 127 as Appellate Authority in pursuance of Government of India notification No.G.S.R.265 (E) Dated: 16th April, 2004.
- (c) "Assessing officer" means an officer of the State Government or Board or licensee, as the case may be, designated as such by the State Government;
- (d) "Commission" means the Karnataka Electricity Regulatory Commission;
- (e) "Consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the

business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;

- (f) “KER Act” means Karnataka Electricity Reforms Act 1999;
- (g) “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;
- (h) ‘R.R. No.’ or ‘REVENUE REGISTER NUMBER.’ means the number assigned to the Consumer’s installation.

The words and expressions used and not defined in these regulations but defined in the Act/KER Act shall have the meanings as assigned to them in the Acts. In case of inconsistency in the words and expressions used between the Act and KER Act, the provisions in the Act shall always prevail.

3. Filing of appeal

- (1) A person aggrieved by a final order of assessment of the Assessing officer made under section 126 of the Act may file an appeal before the Appellate Authority, within 30 days of that order.
- (2) The appeal shall be made in the form specified in the Schedule.
- (3) The Memorandum of Appeal shall be signed and verified in the manner specified in the Schedule.
- (4) The appeal shall be accompanied by fee shown in the table below:

Sl.No.	Amount assessed	Fee
(i)	Up to Rs. 1,00,000/-	1% of the assessed amount subject to minimum of Rs. 100/-
(ii)	Above Rs. 1,00,000/-	1% of the assessed amount subject to minimum of Rs. 2, 000/-

- (5) The fee shall be remitted in the form of cash / demand draft to the Appellate Authority and receipt be obtained.
- (6) No appeal against an order of assessment under sub-section (1) of Section 127 of the Act shall be entertained unless an amount equal to one third of the assessed amount is deposited in cash or by way of bank draft with the licensee and documentary evidence of such deposit has been enclosed along with the appeal.

4. Repeal: Section 44.00 of the K.E.R.C. (Electricity Supply & Distribution) Code 2000-01 is repealed.

5. Miscellaneous.

1. Subject to the provisions of the Electricity Act, 2003 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, vary, alter, modify or amend any of the provisions of these regulations.

By the order of the Commission

Sd.

Secretary, K.E.R.C.

Schedule

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

Appeal against final assessment order No.----- Dated.-----of the Assessing officer made under section 126 of the Act

Appeal No..... of 200....

I Between

1. Appellant

(Full name and address of the Consumer including the RR No. and category of service)

AND

2. Respondent

(Full name and address of the Respondent)

- (i) Name of the Licensee
- (ii) Name & Address of the Assessing officer

Appeal under section 127 of the Act

II Aggrieved by the final assessment order No.----- Dated. ----- which was received by the Appellant on -----, the above Appellant presents this Memorandum of Appeal on the following grounds:

Grounds: (State the grounds of the case on which the Appeal is filed and why the final assessment order is unsustainable)

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III The value of the Appeal is Rs. ----- and a fee of Rs. ---- is paid vide Receipt No.----- Dated----- as per Section 127(1) of the Act read with Regulation No. 3(4) of the K.E.R.C. (Procedure for filing appeal before the Appellate Authority) Regulations, 2005.

IV An amount of Rs.-----, equal to one third of the assessed amount is deposited vide Receipt No.----- Dated ----- with the licensee as per Section 127(2) of the Act and Xerox copy of the above Receipt is enclosed along with this appeal.

V The final assessment order was not passed with the consent of both the Licensee and the consumer as per Section 127(5) of the Act.

VERIFICATION:

The statements made in the above paragraphs are true to the best of my knowledge and belief.

Enclosures:

1. Copy of the Assessment Order
2.
3.etc.,

PRAYER

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Signature of the Appellant

(Name of the Appellant)

Date: