

# KERALA STATE ELECTRICITY REGULATORY COMMISSION

No. 607/DD (T)/BEE/2015/KSERC/      dated, Thiruvananthapuram, 13<sup>th</sup> July 2016

The Kerala State Electricity Regulatory Commission, in exercise of powers conferred under Section 27 of the Energy Conservation Act, 2001 and all other enabling provisions in this behalf, hereby makes the following notification on appointment of Adjudicating officer under Energy Conservation Act, 2001.

## NOTIFICATION

The Energy Conservation Act (EC Act), 2001 was notified by the Ministry of Power, Government of India on 29<sup>th</sup> September 2001. The objective of the Act is *to provide for efficient use of energy and its conservation and matters connected therewith or incidental thereto*. Bureau of Energy Efficiency (BEE) was established with effect from 1<sup>st</sup> March 2002 by the Central Government to discharge various functions as envisaged under the EC Act, 2001. The Energy Conservation Act 2001 also assigns specific responsibilities to the Central Government and State Governments to achieve the objective of efficient use of energy and conservation of energy. Section-14 of the Energy Conservation Act-2001 and its amendment dated 24-08-2010 prescribe the powers of the Central Government to facilitate and enforce efficient use of energy and its conservation, and the section 14A of the EC Act, 2001 deals with the powers of the Central Government to issue energy saving certificate to the designated consumer. Section-15 of the EC Act-2001 prescribes the powers of the State Government to enforce certain provisions for enabling efficient use of energy and its conservation.

Section-26 of the EC Act-2001 deals with penalty for not complying with the provisions under the EC Act, 2001 act by the designated consumers and the Section-27 of the EC Act-2001 deals with the Power to adjudicate. Section 27 of the EC Act 2001 authorizes

the Commission to appoint any of its members to be an adjudicating officer. The Energy Conservation (Manner of holding enquiry) Rules, 2009 provides the detailed procedure for holding inquiry by an Adjudicating officer (AO).

The clause 27 of the Energy Conservation Act 2001 reads as follows:

*27(1) For the purpose of adjudging section 26, the State Commission shall appoint any of its members to be an adjudicating officer for holding an inquiry in such manner as may be prescribed by the Central Government, after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.*

*(2) While holding an inquiry the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry, and if, on such inquiry, he is satisfied that the person has failed to comply with the provisions of any of the clauses of the sections specified in section 26, he may impose such penalty as he thinks fit in accordance with the provisions of any of those clauses of that section:*

*Provided that where a State Commission has not been established in a State, the Government of that State shall appoint any of its officer not below the rank equivalent to a Secretary dealing with legal affairs in that State to be an adjudicating officer for the purposes of this section and such officer shall cease to be an adjudicating officer immediately on the appointment of an adjudicating officer by the State Commission on its establishment in that State:*

*Provided further that where an adjudicating officer appointed by a State Government ceased to be an adjudicating officer, he shall transfer to the adjudicating officer appointed by the State Commission all matters being adjudicated by him and thereafter the adjudicating officer appointed by the State Commission shall adjudicate the penalties on such matters.*

In compliance of the Section 27 of the Energy Conservation Act, 2001, the Kerala State Electricity Regulatory Commission hereby appoints Sri K Vikraman Nair, Member, Kerala State Electricity Regulatory Commission as Adjudicating Officer for holding inquiry in matters related to the Energy Conservation Act, 2001 and will be holding inquiry in such manner as may be prescribed by the central government.

Sd/-

**S. Venugopal**  
Member

Sd/-

**K.Vikraman Nair**  
Member

Sd/-

**T.M.Manoharan**  
Chairman

Approved for issue

Santhosh Kumar.K.B  
Secretary