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ENERGY DEPARTMENT

NOTIFICATION

The 21st August 2005

No. 8720–R&R-II-36/2004—In exercise of the powers conferred by Section 180 read with clause (1) of sub-section (2) of the Electricity Act, 2003 the State Government do hereby make the following rules regarding the manner of holding the inquiry by an Adjudicating Officer namely :—

1. Short title and commencement—

- (1) These rules may be called the manner of Holding Inquiry by Adjudicating Officer Rules, 2005.
- (2) They shall come into force on the date of their publication in the *Orissa 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) “Commission” means the Orissa Electricity Regulatory Commission;
- and
- (d) “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 the Act.

3. Manner of holding inquiry by Adjudicating Officer—

- (1) While 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 thirty days from the date of issue of such notice, as to why an inquiry shall not be held.

- (2) Every notice under sub-rule (1) shall indicate the nature of contravention alleged to have been committed along with a copy of the petition.
- (3) 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 authorized representative.
- (4) 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.
- (5) If any person fails, neglects or refuses to appear before the Adjudicating Officer as required under sub-rule (1), the Adjudicating Officer may proceed with inquiry in absence of such person after recording the reasons for doing so.
- (6) The Adjudicating Officer, while holding an inquiry, shall follow as far as possible the same procedure laid down in Orissa Electricity Regulatory Commission (Conduct of Business) Regulations, 2004.
- (7) The Adjudicating Officer shall complete the inquiry within a period of ninety days from the date of initiation of inquiry.
- (8) In case the inquiry is not completed within the aforesaid period, the Adjudicating Officer shall record reasons for such delay in writing and shall complete the inquiry within a further period of thirty days.

By order of the Governor

ASIT TRIPATHY

Commissioner-*cum*-Secretary to Government