

**DRAFT MERC (PROCEDURE FOR FILING APPEAL BEFORE THE APPELLATE AUTHORITY) (FIRST AMENDMENT) REGULATIONS, 2004**

**EXPLANATORY MEMORANDUM**

**13 June, 2018**

1. In exercise of the power conferred on it under Section 127 read with clause (zo) of sub-section (2) of Section 181 of the EA, 2003, the Maharashtra Electricity Regulatory Commission vide notification No. MERC/Legal/111/2004/1086 has published the regulations for the procedure for filing appeal before the Appellate Authority.

As stipulated in the Electricity Act, 2003, Schedule of the MERC (Procedure for filing appeal before the Appellate Authority) Regulations, 2004 i.e. “Form of Appeal (Regulation 3(2))” at Sr.No.9, 10 and 11 of the principal Regulations reads as follows:

*“...9. Date of the requisition made by the Consumer for payment of 1/3 amount after intimating in writing to the Licensee for preferring an Appeal for Assessed Bill*

*10. Date of requisition given to the Consumer by the Licensee for payment of 1/3 amount.*

*11. Date of receipt of requisition by the Consumer issued by Licensee for payment of said 1/3 amount....”(Emphasis added)*

The point IV of the Schedule read as follows:

*“IV. The appellant has paid an amount equal to one third of the assessed amount being Rs.\_\_\_\_\_ by way of cash/demand draft bearing No.\_\_\_\_\_ dated \_\_\_\_\_ to the licensee as per Section 127(2) of the Electricity Act 2003. The documentary evidence of such deposit has been enclosed along with the appeal” (Emphasis added)*

2. The Electricity (Amendment) Act, 2007 has published on 28 May, 2007 wherein Section 127 of the Electricity (Amendment) Act, 2007 stipulates that:

***“Section 127. (Appeal to Appellate Authority):***

*....*

*(2) No appeal against an order of assessment under sub-section (1) shall be entertained unless an amount equal to 3[half 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....”(Emphasis added)*

**In Section 127 of the principle Act, in sub-section (2), for the words (one third of the assessed amount”, the words “half of the assessed amount” is substituted.**

3. In view of the above, the Commission now proposes to substitute the word “1/3” or “one third”, with the word “half” in the Schedule of the MERC (Procedure for filing appeal before the Appellate Authority) Regulations, 2004 as follows:

*“....9. Date of the requisition made by the Consumer for payment of half amount after intimating in writing to the Licensee for preferring an Appeal for Assessed Bill*

*10. Date of requisition given to the Consumer by the Licensee for payment of half amount.*

*11. Date of receipt of requisition by the Consumer issued by Licensee for payment of said half amount....”*

*“IV. The appellant has paid an amount equal to half of the assessed amount being Rs.\_\_\_\_\_ by way of cash/demand draft bearing No.\_\_\_\_\_ dated\_\_\_\_\_ to the licensee as per Section 127(2) of the Electricity Act 2003. The documentary evidence of such deposit has been enclosed along with the appeal”*