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PART IV-A

Rules and Orders (Other than those published in Part I, I-A and I-L) made
by the Government of Gujarat under the Central Acts.

ENERGY & PETROCHEMICALS DEPARTMENT

Notification

Sachivalaya, Gandhinagar, 23rd April, 2008.

ELECTRICITY ACT, 2003.

No. GU/2008/18/ELA/1105/444/K. —In exercise of the powers conferred by clause (1) of sub-section (2) of section 180 read with sub-section (1) of section 143 of the Electricity Act, 2003 (36 of 2003), the Government of Gujarat hereby makes the following rules, namely:-

1. **Short title and commencement :-** (1) These rules may be called the Gujarat Electricity Regulatory Commission (Manner of holding Inquiry by Adjudicating Officer) Rules, 2008.
(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 (36 of 2003);
 - (b) "Adjudicating Officer" means the Adjudicating Officer appointed under sub-section (1) of section 143 of the Act;
 - (c) "State Commission" means the Gujarat Electricity Regulatory Commission, constituted under sub-section (1) of Section 82;
 (2) Words and expressions 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) Whenever the State Commission appoints an Adjudicating Officer under sub-section (1) of section 143 for the purpose of adjudging under the Act, the appointment order shall be in writing and the copy of the appointment order shall be provided to the person concerned.
(2) In holding an inquiry under the Act. The adjudicating officer shall, issue a notice to the person against whom inquiry is to be held, 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 non-compliance of directions by such person.

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- (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 authorized representative.
 - (5) The Adjudicating Officer shall give an opportunity to such 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 (1), the adjudicating officer may proceed with the inquiry in the absence of such person after recording the reasons thereof.
 - (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 State 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 as far as possible, within a period of sixty days from the date of his appointment and where the inquiry may not be completed within the period of sixty days, the Adjudicating Officer may, after recording the reasons in writing, seek extension of time from the State Commission for a further period of sixty days.

By order and in the name of the Governor of Gujarat,

K. H. CHORERA,
Under Secretary to Government.