

“बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001.”



पंजीयन क्रमांक “छत्तीसगढ़/दुर्ग/ त.क. 114-009/2003/20-1-03.”

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 4]

रायपुर, शुक्रवार, दिनांक 5 जनवरी 2007 – पौष 15, शक 1928

Chhattisgarh State Electricity Regulatory Commission

Civil Lines, G.E. Road, Raipur - 492 001 (C.G.)

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No. 18/CSERC/2006, In exercise of the powers conferred by Section 181 (2) (zn) read with section 130 of the Electricity Act, 2003, the Chhattisgarh State Electricity Regulatory Commission hereby makes the following regulations relating to Manner of Service and Publication of Notice:

1. Short Title and Commencement

- 1.1 These Regulations shall be called the Chhattisgarh State Electricity Regulatory Commission (Manner of Service and Publication of Notice) Regulations, 2006.
- 1.2 These Regulations shall extend to the whole of the State of Chhattisgarh.
- 1.3 These Regulations shall come into force from the date of their publication in the Chhattisgarh Rajpatra.

2. Definition

- 2.1 '**Act**' means Electricity Act, 2003 (36 of 2003)
- 2.2 '**Commission**' means the Chhattisgarh State Electricity Regulatory Commission.
- 2.3 '**Material**' means and includes any/all oral, written or documentary information received by the Commission from any person or any other source.

- 2.4 **'Notice'** means notice issued or published by the Commission under section 130 of the Act.
- 2.5 **'Order'** means order of the Commission given under section 129 of the Act.
- 2.6 Unless the context otherwise requires, the words and expressions in these Regulations, shall bear the same meaning as defined in the Electricity Act, 2003 (36 of 2003), and the Chhattisgarh State Electricity Regulatory Commission (Conduct of Business) Regulations 2004.

3. Service of Notices and Processes

- 3.1 Where the Commission, on the basis of material in its possession, is satisfied that a licensee including a deemed licensee is contravening, or is likely to contravene, any of the conditions in his licence; or conditions for grant of exemption or the licensee or the generating company has contravened, or is likely to contravene, any of the provisions of the Act, it shall, by an order give such directions, in the manner herein after provided, as its considers necessary, for the purpose of securing compliance with that condition(s) or provision(s).
- 3.2 In determining the direction to be issued, the Commission shall have regard, in particular to: -
- (a) the extent to which the contravention or likely contravention by the licensee will affect the achievement of the objects and purposes of this Act;
 - (b) the extent to which any person is likely to sustain loss or damage in consequence of anything which is likely to be done, or omitted to be done, in contravention of the relevant condition or requirement, and
 - (c) the extent to which there is any other remedy available in respect of the alleged contravention of the relevant condition(s) or requirement.
- 3.3 If the Commission proposes to issue a direction, it shall give a notice to the licensee or to the generating company. :
- (a) stating that it proposes to issue a direction and
 - (b) containing the following:
 - (i) the relevant conditions or requirement that the proposed direction is intended to secure compliance of ;
 - (ii) the acts of commission or omissions which in its opinion constitute contravention of that condition or requirement;
 - (iii) the extent to which any person is likely to sustain loss or damage, if any, in consequence of such act of commission or omission
 - (iv) other facts which in its opinion justify the proposed direction; and

- (v) the likely effects of the proposed direction;
 - (vi) the notice shall also specify the period within which the licensee or the generating company or the persons likely to be affected, or affected, may make representations or objections to the proposed order. The notice period shall not be less than seven days.
- 3.4 Any notice or process to be issued by the Commission may be served by any one or more of the following modes, as may be directed by the Commission:
- (1) service by the petitioner or any other party in the proceedings,
 - (2) by hand delivery through a messenger;
 - (3) by registered post with acknowledgement due or speed post;
 - (4) through electronic medium by e-mail or fax; and
 - (5) in cases where the Commission is satisfied that it is not reasonably practicable to serve the notice, processes, etc. on any person in the manner mentioned in (1) to (4) above, notice may be served by publication in newspaper.
- 3.5 Every notice or process required to be served on or delivered to any person may be sent to the person or his agent authorized to accept service at the address furnished by him for service, or at the place where the person or his agent ordinarily resides or carries on business.
- 3.6 In the event of any proceeding pending before the Commission in which the person to be served is a party and his presence is required and he has authorised a representative to appear for or represent him in the matter, such representative shall be deemed to be duly authorised to take service of the notices and processes on behalf of the person concerned in all matters and the service on such representative shall be taken as due service on the person to be served. It shall be the duty of such representative to duly inform the person whom he represents of the service of the notices.
- 3.7 Where any notice is required to be published for the purpose of bringing any matter to the knowledge of persons likely to be affected by it, it shall be published within such time and in such manner as the Commission considers appropriate. The notice shall be published in one issue each of a daily newspaper in Hindi language and in English language having wide circulation in the area specified by the Commission. In case English newspaper is not published from the area, the notice will be published in two Hindi newspapers.
- 3.8 The Commission may also effect service, or give directions for effecting service, in any other manner it considers appropriate. The Commission may place notice of any proceedings on the public notice board in its office and in its website. The Commission shall be free to decide in each case the person(s) who shall bear the cost of such service or publication.

3.9 Service or publication of notice shall not be deemed invalid by reason of any defect in the name or description of a person provided that the Commission is satisfied that such service in other respects is sufficient; and no proceeding shall be invalidated by reason of any defect or irregularity in the service or publication unless the Commission, on an objection filed in this regard, is of the opinion that injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so.

4. Power to Amend

The Commission may, at any time add, vary, alter, modify or amend any provisions of these regulations.

5. Savings

5.1 Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary to meet the ends of justice or to prevent abuses of the process of the Commission.

5.2 Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Act, a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters, and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters differently.

Note: In case of any difference in the interpretation or understanding of the provisions of the Hindi version of these Regulations with that of the English version (the original version), the latter will prevail and in case of any dispute in this regard, the decision of the Commission shall be final and binding.

By the order of the Commission

**(Ajay Srivastava)
Dy. Secretary**

परिशिष्ट -1

घोषणा पत्र तथा शपथ पत्र के प्रारूप प्रारूप 1

मैं (व्यक्ति का नाम) आयोग में(पद का नाम) के पद पर कार्यरत हूँ, सत्यनिष्ठा पूर्वक घोषित करता हूँ कि मैंने (सूचना प्राप्त करने वाले व्यक्ति का नाम) को आयोग द्वारा जारी सूचना पत्र की तामील कर दी है । तामील उसके पते पर कर दी है । सूचना पत्र संबंधित व्यक्ति के/उसके (संबंधित व्यक्ति से रिश्ता) के हाथों में देकर सूचना पत्र की दूसरी प्रति में उसके हस्ताक्षर लिये ।

नाम व पद

(हस्ताक्षर)

प्रारूप 2

मैं (व्यक्ति का नाम) आयोग में(पद का नाम) के पद पर कार्यरत हूँ, सत्यनिष्ठा पूर्वक घोषित करता हूँ कि मैं (सूचना प्राप्त करने वाले व्यक्ति का नाम) के पते पर सूचना पत्र देने गया था । मौके पर मुझे (संबंधित व्यक्ति का नाम) स्वयं/उसका (संबंधित व्यक्ति से रिश्ता) उपस्थित मिला, जिसको सूचना पत्र देने का मैंने प्रयास किया तो उसने सूचना पत्र लेने से इंकार किया । अतः लेने से इंकार करने के संबंध में पृष्ठांकन के साथ अनिर्वहित सूचना पत्र एतद् द्वारा वापस करता हूँ ।

नाम व पद

(हस्ताक्षर)

प्रारूप 3
शपथ पत्र

- मैं (शपथकर्ता का नाम) आत्मज
- आयु वर्ष निवासी (पता) शपथपूर्वक निम्नलिखित कथन करता हूँ :-
1. मुझे आयोग द्वारा दस्ती तामील के रूप में नोटीस की तामील (सूचना पत्र से संबंधित व्यक्ति का नाम) को करने का निर्देश दिया गया था ।
 2. यह कि मैं, आयोग के निर्देशानुसार (सूचना प्राप्त करने वाले व्यक्ति का नाम) केपते पर सूचना पत्र देने गया था । मैंने (सूचना प्राप्त करने वाले व्यक्ति का नाम) को आयोग द्वारा जारी सूचना पत्र की तामील उसके पते पर कर दी है । सूचना पत्र संबंधित व्यक्ति के/उसके (संबंधित व्यक्ति से रिश्ता) के हाथों में देकर सूचना पत्र की दूसरी प्रति में उसके हस्ताक्षर लिये ।

अथवा

यह कि मैं, आयोग के निर्देशानुसार (सूचना प्राप्त करने वाले व्यक्ति का नाम) केपते पर सूचना पत्र देने गया था । मौके पर मुझे (संबंधित व्यक्ति का नाम) स्वयं/उसका (संबंधित व्यक्ति से रिश्ता) उपस्थित मिला, जिसको सूचना पत्र देने का मैंने प्रयास किया तो उसने सूचना पत्र लेने से इंकार किया । अतः लेने से इंकार करने के संबंध में पृष्ठांकन के साथ अनिर्वहित सूचना पत्र एतद् द्वारा वापस करता हूँ ।

(हस्ताक्षर)
शपथकर्ता

सत्यापन

मैं (शपथकर्ता का नाम) उपरोक्त शपथकर्ता सत्यापित करता हूँ कि उपरोक्त कंडिका 1 व 2 के कथन मेरे व्यक्तिगत ज्ञान में सत्य व सही है ।

शपथकर्ता

(हस्ताक्षर)