NOTIFICATION

New Delhi, the 25th February, 2009

G.S.R. 25.—In exercise of the powers conferred by Section 56 of the Energy Conservation Act, 2001 (52 of 2001), the Central Government hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Energy Conservation (Manner of holding inquiry) Rules, 2009.

(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 Energy Conservation Act, 2001;

(b) "adjudicating officer" means the adjudicating officer appointed under Section 27;

(c) "section" means section of the Act;

(2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Manner of holding inquiry by an adjudicating officer.—(1) Whenever the State Commission appoints an adjudicating officer, a copy of the appointment order shall be provided to the person concerned.

(2) In holding the inquiry, the adjudicating officer shall, issue a notice containing the particulars of violations under section 26 to the person concerned requiring him to appear before the adjudicating officer within twenty one days from the date of issue of such notice.

(3) The adjudicating officer shall provide an opportunity to the concerned person to present his case.

(4) If the person concerned fails, neglects or refuses to appear before the adjudicating officer as required under sub-rule (2), the adjudicating officer may proceed with the inquiry in the absence of such person after recording the reasons for so doing.

(5) The adjudicating officer, while holding 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.

(6) The adjudicating officer shall complete the inquiry within sixty days from the date of issue of the notice referred to in sub-rule (2).

(7) Where the inquiry may not be completed within the period of sixty days, the adjudicating officer may, after recording reasons in writing, seek extension of time from the State Commission for a further period of sixty days.

(8) On completion of inquiry, the adjudicating officer shall record his findings and impose penalty accordingly.

[F. No. 10/2/08-EC]

DEVENDER SINGH, Jt. Secy.

IndiaCode