

**GOVERNMENT OF INDIA
POWER
LOK SABHA**

UNSTARRED QUESTION NO:1309
ANSWERED ON:17.08.2012
ELECTRICITY ACT, 2003
Yadav Shri Om Prakash

Will the Minister of POWER be pleased to state:

- (a) whether the Government has taken any punitive step under section 143 and 149 of Electricity Act 2003;
- (b) if so, the details of punitive action taken under the above sections of Electricity Act, 2003;
- (c) if not, the reasons therefor; and
- (d) the remedial measures taken by the Government in this regard?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI K.C. VENUGOPAL)

(a) to (d) : Section 143(1) of the Electricity Act, 2003 empowers the Appropriate Commission to appoint any of its Member as an adjudicating officer for holding an inquiry in such manner as may be prescribed by the Appropriate Government, after giving the person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty. Further, section 149(1) of the Act provides 'where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of having committed the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the Commission of such offence.'

As per the information made available by the Central Electricity Regulatory Commission (CERC), the Commission has initiated proceeding in a number of cases under sections 143 and 149. The details of the proceeding initiated are at Annex-I and II respectively.

In the Petition No. 52/2008, a penalty of Rs.5000/- was imposed by CERC vide order dated 15.03.2009 on CMD, Bihar State Electricity Board (BSEB) under section 149 which has been set aside by the Appellate Tribunal of Electricity (APTEL) on the ground that the Commission does not have power under Section 149 of the Act. The Commission has challenged the order of the Appellate Tribunal before the Supreme Court which has been admitted and is pending for hearing and disposal.