

Power of the Commission to Pass Orders and Enforce Decisions

Interim Orders for securing compliance.-

(1) Where the Commission is satisfied that a licensee is contravening or is likely to contravene any condition of his license, it shall by final order under section 29 and if it thinks it appropriate, in accordance with sub-section(2) by interim order, issue such directions as it deems proper for securing compliance.

(2) In determining whether it is appropriate that an interim order be made, the Commission shall have regard, in particular to,-

- The extent to which the contravention or likely contravention by the licensee will affect the achievement of the objects and purposes of this Act.;
- 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 , before a final order can be made; and
- The extent to which having regard to the following provisions of this section herein after made there is any other remedy available in respect of the alleged contravention of a relevant condition of license.

(3) Where the Commission proposes to make an interim order, it shall give notice to the licensee,-

(a) Stating that it proposes to make the order;

(b) Setting out,-

- The relevant conditions or requirements which the proposed order is intended to secure compliance,
- The acts or omissions which in its opinion constitute contravention of any condition or requirement,
- Other facts which in its opinion, justify the making of the proposed order, and
- The effects of the proposed order;

(c) specifying the period (being not less than 5 days from the date of receipt of notice) within which the licensee may make representations or objections to the proposed order.

(4) Subject to the provisions contained in sub-section (5) and ~~2~~ having considered any representations or objections from the licensee pursuant to clause (c) of sub-section (3), the Commission may make an interim order at any time after expiry of the period referred to in clause (c) of sub-section (3) if,-

- The Commission has reason to believe that the licensee to whom the order relates has contravened or is contravening or is likely to contravene any condition of the licence;
- The provisions made by the order are requisite for the purpose of securing compliance with that condition or requirement.

(5) The Commission may not make an interim order if it is satisfied that the licensee has agreed to take and is taking all such steps as the Commission considers that the licensee should take to secure compliance with the condition or requirement in question.

(6) An interim order,-

- Shall require the licensee to whom it relates (according to the circumstances of the case) to do, or not to do, such things as are specified in the order or are of a description so specified;
- Shall take effect from such time, being the earliest practicable time, as is determined by the order; and
- May be revoked, modified or rescinded at any time by the Commission, but in any event shall cease to have effect at the end of the period specified in the order unless before the expiry of said period the Commission after following the procedure set out in section 29 declares the interim order to be a final order.

(7) As soon as practicable after making an interim order, the Commission shall,-

- Serve a copy of the order on the licensee to whom the order relates;
- Publish the order in such manner as it considers appropriate for the purpose of bringing it to the attention of the persons likely to be affected by it ;and
- Commence proceedings to declare the interim order to be a final order, in accordance with section ~~2~~ 29.

Final orders for securing Compliance.-

(1) If the Commission proposes to make a final order or to declare an interim order to be a final order, the Commission shall give notice, -

- Stating that it proposes to make the final order or to declare the interim order to be a final order;
- Setting out the information referred to in clause(b) of sub-section (3) of section 28 in respect of the proposed final order; and
- Specifying the period (being not less than 60 days from the date of publication of the notice) within which representations or objections to the proposed order may be made;

and shall consider any representations or objections that are duly made and not withdrawn. The Commission shall publish notice of such representations or objections and specify a period (being not less than 30 days from the date of publication of the notice) within which further representations or objections may be made.

(2) A notice under sub-section (1) shall be given,-

- By publishing the notice in such manner as the Commission considers appropriate for the purpose of bringing the matters, to which the notice relates, to the attention of persons likely to be affected by them; and
- By serving a copy of the notice and a copy of the proposed final order on the licensee to whom the order relates.

(3) The Commission shall not modify the proposed final order as a result of any representations or objections received following publication of the notice referred to in sub-section (1), except,-

- With the consent to the modification of the licensee to whom the proposed final order relates ; and
- After complying with the requirements of sub-section (4).

(4) The requirements mentioned in sub-section (3) are that the Commission shall,-

- Serve on the licensee to whom the proposed final order relates such notice as appears to the Commission requisite of its proposal to modify the proposed final order, together with details of such modifications;
- In that notice specify the period (being not less than 30 days from the date of the service of the notice) within which representations or objections to the proposed modifications can be made; and
- Consider any representations or objections, which are duly made and not withdrawn within 10 days of the receipt thereof.

(5) The provisions of clauses (a) and (b) of sub-section (6) of section 28 shall apply to final orders.

(6) As soon as practicable after making a final order, the Commission shall with respect to the final order, follow the procedure set out in clauses (a) and (b) of sub-section (7) of section 28.

(7) The Commission may revoke a final order at any time, but before revoking a final order the Commission shall give notice,-

- Stating that it proposes to revoke the order and setting out its effect; and
- Specifying the period (being not less than 30 days from the date of delivery of the notice) within which representations or objections to the proposed revocation may be made, and shall consider any representations or objections which are duly made and not withdrawn within 10 days of the receipt thereof.

(8) If, after giving a notice under sub-section (7), the Commission decides not to revoke the final order to which the notice relates, it shall give notice of its decision to the concerned persons.

(9) A notice under sub-section (7) or sub-section (8) shall be given in accordance with the procedure set out in clauses (a) and (b) of sub-section (7) of section 28.

Effect and enforcement of Interim and Final Orders and emergency provision.-

(1) Without prejudice to section 49 of this Act, all orders and directions, interim or final, passed by the Commission shall be enforceable in law as if it were a decree passed by a Civil Court.

(2) The Commission may take such assistance of the police and other authorities in the State as may be required to effectively enforce the orders and directions given by it.

(3) The Commission may give orders or directions for vesting of the management and control of any undertaking of the licensee with the assets, interests and rights of the undertaking with any other person or authority pending any inquiry and passing of interim or final orders in the matter, if the Commission considers, taking into account the objects and purposes of this Act and the need to maintain continued supply of electricity in an efficient and safe manner to the consumer, if necessary and expedient to pass such orders or give such directions. Such directions or orders shall not be questioned on the ground that no prior notice of or hearing on the intention to pass the order or direction was given to the licensee . The Commission shall however give opportunity to the licensee and hear the licensee before passing further orders in terms of sections 28 and 29 of this Act.

Fines and Charges.-

(1) The Commission shall have power to impose such fines and charges as may be prescribed by the Commission in the regulations for non-compliance or violation on the part of the generating companies, licensees or other persons, of the provisions or requirements of this Act or, rules and regulations framed thereunder or the directions given or orders passed by the Commission from time to time and such fines or charges may extend to rupees five lakhs for an act of non-compliance or violation and in the event of continuance of such acts of violations or non compliance by the generating companies, licensees or other persons, a further amount not exceeding rupees twenty thousand per day for the period during which the non-compliance or violation persists.

(2) The Commission shall have power, while making an interim or final order under this Part, be entitled to direct that compensation be paid by the person, guilty of violation or non-compliance as provided in sub-section (1), to the person or persons affected by such violation or non compliance.

(3) The fines, charges and compensation which may be imposed by the Commission under this section shall be in addition to and without prejudice to any other action that may be taken or initiated under any other law for the time being in force against the person committing any non compliance or violation of the provisions of this Act, rules or regulations.