

# THE ELECTRICITY (REMOVAL OF DIFFICULTIES) NINTH ORDER, 2005<sup>1</sup>

Whereas the Electricity Act, 2003 (36 of 2003) (hereinafter referred to as the Act) came into force on the 10th June, 2003;

And whereas sub-section (3) of section 181 of the Act requires that the regulations made by the State Commissions shall be subject to the conditions of previous publication;

And whereas there is no specific provision in the Act for such previous publication;

And whereas some State Commissions have made regulations without meeting the requirement of previous publication under sub-section (3) of section 181 of the Act and various actions have been taken under such regulations;

And whereas difficulties have arisen regarding the validity of various actions taken under the regulations made by State Commissions without meeting the requirement of previous publication;

Now, therefore, the Central Government in exercise of its powers conferred by section 183 of the Act hereby makes this order, in respect of such regulations and actions taken thereunder, not inconsistent with the provisions of the Act, to remove the difficulties, namely:—

**1. Short title and commencement.**—(1) This order may be called the Electricity (Removal of Difficulties) Ninth Order, 2005.

(2) It shall come into force on the date<sup>2</sup> of their publication in the Official Gazette.

**2. Previous publication of regulations made by the State Commissions.**—Regulations made by the State Commissions, before the commencement of this order, without meeting the requirement of the previous publication under sub-section (3) of section 181 of the Act shall again be published as draft regulations for the information of persons likely to be affected thereby for inviting the objections or suggestions following the procedure prescribed under the Electricity (Procedure for Previous Publication) Rules, 2005, and shall be finalised after considering such objections or suggestions received.

**3. Action taken under regulations.**—Any action taken under the regulations made by the State Commissions, before the commencement of this order, without following the requirement of previous publication shall not be deemed invalid merely on the ground of non-compliance of previous publication of regulations.

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1. Vide S.O. 799(E), dated 9th June, 2005, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 9th June, 2005.

2. Came into force on 9-6-2005.