

# THE PROCEDURE FOR CONDUCTING INQUIRY AGAINST A MEMBER OF APPROPRIATE COMMISSION RULES, 2004<sup>1</sup>

*In exercise of the powers conferred by clause (1) of sub-section (2) of section 176 of the Electricity Act, 2003 (36 of 2003) the Central Government hereby makes the following rules for regulating the procedure for conducting an inquiry against a Member of the Appropriate Commission, namely:—*

**1. Short title and commencement.**—(1) These rules may be called the Procedure for Conducting Inquiry Against a Member of Appropriate Commission Rules, 2004.

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

**2. Definitions.**—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Electricity Act, 2003;

(b) “section” means a section of the Act;

(c) “Registrar” means Registrar of the Appellate Tribunal.

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

**3. Procedure for conducting inquiry.**—(1) The Appropriate Government shall make a reference alongwith imputation of charges and other relevant information for the purpose of conducting such inquiry to the Chairperson of the Appellate Tribunal in pursuance of the provisions of sub-section (2) of section 90 of the Act.

(2) On receipt of a reference under sub-rule (1) Chairperson of the Appellate Tribunal shall issue a notice to the Member concerned to appear before him on the time and date specified in the notice.

(3) A copy of the charges preferred against the Member shall be supplied along with the notice.

(4) The Chairperson of the Appellate Tribunal may seek assistance of an expert or expert agency for investigating into the charges against the Member.

(5) For the purposes of discharging his functions under these rules, the Chairperson of the Appellate Tribunal may summon such witnesses or records as he may consider necessary.

(6) After hearing the views of the Member, Chairperson shall forward his findings to the Appropriate Government.

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1. *Vide* G.S.R. 370(E), dated 21st June, 2004, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 21st June, 2004.

2. Came into force on 21-6-2004.