APPELLATE TRIBUNAL FOR ENERGY CONSERVATION (PROCEDURE , FORM, FEE AND RECORD OF PROCEEDING) RULES, 2012

R&-33004/99 REGD.NO.DL-33004/99 I Che Gazette of •tidia 3101 Nu 3101 EXNAORDINARY PART 11-—Section 3—Sub-section (i) PUBUSHED BY Aun-10RffY 28, 2012/3-1TVTW 7, 1934 NEW DELHI, THURSDAY, JUNE 28, 2012/ASADHA 7, 1934 28 2012 2003 (2003 36) 120 3q-ETRT (2) ( ) 2001 (2001 52) 56 (1) 56 (2) (Ä) 31 (2) 1. 2. 2335 GI/2012 (frz:n, 2012 I (9 (9 r) '3TfÄfizrq• 2001 (2001 52) t; 31 (1) t; 30 1961 (1961 25) t; ' 3Éra å, 3Tfiüä t; 3ÉlFT 3fiü< t 2 3. 4. 5. 6. 7

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54. THE GAZEITE OF INDIA : EXTRAORDINARY [PART IPSEC.dT0u, GTIg, frzrr fiat q-rg, (2) (3) (4) (5) 57 62 [.q•m 3(i)] 15 qftq, a-lurrq-8 - (1) 31 (2) zn zrr 55. 56. 57. (2) (3) (4) (2) a-rat ii 16 58. 59. 60

61. THE GAZEITE OF INDIA .EXTRAORDINARY [PART II—SEC. 3(i)] - (1) fizrq 57 (1) (2) 10.30 3.00 GRT GIN, GTIVTTI — Ä€ra--PT 3TfÄq:jrQ, 10.30 12.30 2.30 4.30 GRT dT€ru (2) (3) (4) geTVTT, Q5T Rtié [qm ll—.g 3(i)] 17 SEC. .30 62 63. 64. 65. 66. 67. fifä Grå Rig -$ frg Rfü qg afi RfÄ Q; fifi Rfä 2335 GI/2012—3 18 THE GAZEITE OF INDIA : EXTRAORDINARY Rfå GRT 7TH gg Rig NfÄ zn? Rfå [PART [I—SEC. (2) (3) 68. 69. q•rg, OTTI frg — 8TßN Rig 19 'i 70. 71. 72. 73. 74. 75. 30)] - 7 'Gqf ø#röT Orr - 1908(1908 5) xix, 3 frg - zrr 3TQT R5--qT I - qai zrr. & tram Q5T 01.:rräET- NT q5T THE GAZEITE OF INDIA : EXTRAORDINARY 3Tü1N-12 [PARI 76. 77. 78. 79. ft-q-rq, $1 (1908 5) (3) fivq $1 9 g-qraz qTg I fäg 1 GTVTT- qrVITl (2) qi-a - (1) Rig qg Ng qrg-tTTl 3(i)] 21 80. 81. 82. 31arrq-13 - 1908 (1908 (5)) 16 qqa-TT qt&Tr — q€ra-T[q-rrr 83. R-g - Ng gqftg Rg Trg Rg fig 7Tg 84. - zrr zn 85. Ng - (1) IO qrvrrl t i; 2 86. 87. 88. 90. 91

92. THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 30)] - GRT 11 (2) fig t ageT (ZIFT RT@r) $1 gg OTT - a, Rig qTVTTI 3tR 23 93. - 94. (1) 95. 96. (2) 311Nfh $T Rrg I GIRT, 2ft, (2) (3) frg qw*--å EffVTTI 24 THE GAZETrE OF INDIA : EXTRAORDINARY [PART II—SEC. 97. 98. 99. 100. 101. 102. $T 7Ttru, $1 *rrrl 3TtFTT •q- fizrt fäg 2.5 grRrg g-4 (30.5 21.5 - fan ftri 30)] 103. 104 105. 106. qTVTTl (4) Rfä 5 qrgrrrl ZIT a-Fu a-T2ßT 3ifrq 3üa-TT frzrr 6 @5VTT- Rig 107. - gg aft, qgi 11 su 26 (ii) (iii) (v) (vi) (vil) (viii) (ix) (x) (xi) (xii) THE GAZETTE OF INDIA EXTRAORDINARY (huq 2 20 (6), 22 (1), 55 (1) 31 (2) Fiqg Zif? 3Tüfi qtq 3(i)] Rq-l 20 31 (1) (2) 2000 2001 „...31..... . 31Tzi-rr) 2001 2. 31T2?T, 3. 4. (vi) fig t • (ii) 28 5. 6. 8. 9. 10. (iii) (iv) (v) (vi) THE GAZETTE OF INDIA EXTRAORDINARY q-RR, [PART IPSEC. 3(i)] 31 $1 (2) t, 45 qfigl 7221 (zrgi @T1tg) I a-Fq 29 .1- 5 fie 11. 12. 13. 14. 15. 16. 17. 18. 19. 2. 3. 4. t etR fifi-au t qfrgl] tFT$T @ ? THE GAZEITE OF INDIA : EXTRAORDINARY 20. 21. gg frg 2012 t Ehvrr @ÄUTTAi) -qfi zrr [PART [I—SEC. 3(i)] FT-2 20 2003

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6. HMTI 2335 Gli2012—6 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—Sæ. 30)) qilT/.. 11 87 Rio..... (fizrq 103 ..q< 200 ..2012.....:..... GRT xi. 10/2/11-# 43 MINISTRY OFR)WER NOTIFICATION the 28åJune,2012 GS.R. exercise of the powers conferred by sub-section (l) of section 56 and clauses (r) and (Tof sub-section (2) of section 56, sub-section (2) of section 3 1 and section 3 1 A of the Energy Conservation Act, 2001 (52 of 2001), read with clause (i) of sub-section (2) of section 120 of the Electricity Act,2003 (36 of 2003), the Central Government hereby makes the following rules, narnely:- CHAPTER 1 PRELIMINARY I. Short title and commencement.- (I)These rules may be called the Appellate Tribunal for Energy Conservation (Procedure, Form, Fee and Record of Proceedings) Rules, 2012. (2)They shall come into force on the date of their publication in the Official Gazette. 2. (l) In these rules, unless the context otherwise requires,- (a) (b) (9) (d) (e) (O (g) (h) "Act" means the Energy Conservation Act, 2001 (52 of 2001); "Appeal" means an appeal preferred under sub-section (l) of section 31 ; " Appellate Tribunal" means the Appellate Tribunal for Energy Conservation referred to in section 30 of the Act; "legal practitioner" means an advocate who is entitled to practice the profession of law under the Advocates Act, 1961 (25 of 1961); S*locutory application" means an application in any appeal or original petition in the proceedings already instituted in the Appellate Tribunal, but not being a for execution of the order or direction of the Appellate Tribunal; "Registmr" means the Registrår of-the Appellate Tribunal and includes any other officer or suff member of the said Appellate Tribunal to whom the powers and functions of Registrar may be delegated Or assigned or who is authorised to act as such, by the Chairperson of the Appellate Tribunal from time to time; "Registry*' means Registry of the Appéllate Tribunal; "section" means a section of the Act; "Schedule" means Schedule annexed to these rules. (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. YI I-ft] THE GAZETTE OF INDIA EXTRAORDINARY [PART IPSEC. 30)) 3.Computation of time period.- Where a period is prescribed by the Act and these rules or under any Other law or is fixed by the Appellate Tribunal for doing any act, in computing the time, the day from which the said period is to be reckoned shall be excluded, and if the last day expires on a day when the office of the Appellate Tribunal is closed, that day and any succeeding days on which the Appellate Tribunal remains closed shall also be excluded

4. Forms.- The forms specified in these rules shall, with such modifications or variations as the circumstances of each case may require, be used for the purpose mentioned therein and where no such

form is specified to cover a contingency, a form as may be approved by the Registrar, shall be used

5. Format of order, direction, rule, etc.- Every rule, direction, order, summons, warrant or other mandatory process shall be issued in the name of the Chairperson and shall be signed by the Registrar or any other officer specifically authorised in that behalf by the Chairperson, with the day, month and year of signing and shall be sealed with the seal of the Appellate Tribunal

6. Offcial seal of Appellate Tribunal.- The official seal of the Appellate Tribunal shall be such, as Chairperson may from time to time specify and shall be in the custody of the Registrar

7. Custody of the records.- The Registrar shall have custody of the records of the Appellate Tribunal and no record or document filed in any cause or matter shall be allowed to be taken out of the custody zofthe Appellate Tribunal without its leave: Provided that an offcial of the Appellate Tribunal may remove any official paper or record fcr offcial purposes from the Appellate Tribunal with the prior written approval of the Registrar 8. Sitting hours of Appellate Tribunal.- The sitting hours of the Appellate Tribunal shall ordinarily be from 10.30 AM. to 1.15 P.M. and from 2.15 P.M. to 5.00 P.M. subject to any order made by the Chairperson and this shall not disable the Bench of the Appellate Tribunal to extend its sitting as it deems fit

9. Working hours of Appellate Tribunal.- (l) The offce of the Appellate Tribunal shall remain open on all working days from 10.00 A.M. to 5.30 P.M. (2) The filing counter of the Registry shall be open on all working days from 10.30 AM to 5.00 P.M. IO. Calendar.- The Calendar of days of working of the Appellate Tribunal in a year shall be as decided by the Chairperson and Members of the Appellate Tribunal

11. Motion cases.- All urgent matters filed before 12 noon shall be listed. before the Appellate Tribunal on the following working day, if it is complete in all respects as provided in these rules and in exceptional cases, it may be received after 12 noon but before 3.00 P.M. for listing on the following day, with the permission of the Appellate Tribunal or its Chairperson

12. Power to exempt.- The Appellate Tribunal may on sufficient cause being shown, the parties from compliance with any requirement of these rules and may give such directions in matters Of practice and procedure, as it may consider just and expedient on the application moved in this behalf to render substantial justice

13. Power to extend time.- The Appellate Tribunal may extend the time appointed by these rules or fixed by any order, for doing any act or taking any proceeding, upon such terms, if any, as the justice of the case may require, and any extension may be ordered, although the application there for is made until after the expiration of the time appointed or allowed. 30)] it as ite nd ng or tice 3(i)] CHAPTER 11 POWERS OF REGISTRAR 14. Powers and functions of Registrar.- The Registrar shall have the following powers and functions, namely:- (a) registration of appeals, petitions and applications; (b) to receive applications for amendment Of appeal or petition or application or subsequent proceedings; (c) to receive applications for fresh summons or notices and regarding services thereof; (d) to receive applications för fresh summons or notice and for short date summons and notices; (e) to receive applications for substituted service Of summons or notices; (O to receive applications for seeking orders concerning the admission and inspection Of documents; (g) transmission ofa direction or order to the civil court as directed by the Appellate Tribunal with the specified certificate(s) for execution; and (h) such other incidental matters as the Chairperson of the Appellate Tribunal may direct from time to time

15. Power of adjoumment.- All adjournments shall normally be sought before the concerned BenCh in court and in extraordinary circumstances, the Registrar may, if so directed by the Appellate Tribunal in chambers, shall at any time adjourn any matter and lay the same before the Appellate Tribunal in chambers

16. Delegation of powers by Chairperson of the Appellate Tribunal The Chairperson of Appellate Tribunal may assign or delegate to a Deputy Registrar or to any other officer all or some of the functions required by these rules to be exercised by the Registrar

CHAPTER Ill PROCEDURE FOR INSTITUTION OF PROCEEDINGS, PETITIONS, APPEALS, ETC

17. Procedure for appeal.- (I) Every appeal, petition, application, caveat petition, objection or counter presented to the Appellate Tribunal shall be in English and in case it is in some other Indian language, it shall be accompanied by a copy translated in English ånd shall be fairly and legibly type written,

lithographed or printed in double space on one side Of standard petition paper with an inner margin Of about four centimeters width on top and with a right margin of two and a half centimeters (2.5cms), and left margin of five centimeters(5cm), duly paginated, indexed and stitched together in paper book form. (2) The cause title shall state "In the Appellate Tribunal For Energy Conservation" and shall specify the jurisdiction, Appellate, Original or Special Original respectively under sub-section (l) of section 31 and section 31A of the Act read with section 121 of the Electricity Act, 2003 in which it is presented and also set out the proceedings or order of the authority against which it is preferred. THE GAZETIE OF INDIA : EXTRAORDINARY [PART 11—SEC. 30)) (3) Appeal, petition, application, counter, and objections shall be divided into paragraphs and shall be numbered consecutively and each paragraph shall contain as nearly as may be, a separate fact or allegation or point. (4) Where Saka or other dates are used, corresponding dates of Gregorian calendar shall also be given. (5) Full name, parentage, description of each party and address and in case a party sues or is being sued in a representative character, shall also be set out at the beginning Of the appeal, or petition or application and need not be repeated in the subsequent pleadings in the same appeal or petition or application. (6) The names of parties shall be numbered consecutively and a separate line should be allotted to the narne and description of each party and these numbers shall not be changed and in the event of the death of a party during the pendency of the appeal or petition or matter, his legal heirs or representative, as the case may be, if more than one shall be shown by sub-numbers and where fresh parties are brought in, they may be numbered consecutively in the particular category, in which they are brought in. (7) Every pleading shall state immediately after the cause title, the provision of law under which it is 18. Particulars to be set out in address for service.- The address for service Of summons shall be filed with every appeal, petition, application or caveat on behalf of a party and shall, as far as possible, contain the following particulars, namely:- (a) name of the road, street, lane and Municipal Division or Ward, Municipal Door c*her number of the house; (b) name Of the town or village; (c) post offce, postal district and PIN Code; and (d) any other particular necessary to identiO• the such as numtrr, mobile number and e-mail address, if any

19. Initialing alteration.- Every interlineation, eraser, correction or deletion in any appeal, petitbn, application or document shall be initialed by the party or his recognised agent or advocate presenting it

20. Presentation of appeal or petition.- ( ) Every appeal, petition, caveat, interlocutory *cation and documents shall be presented in triplicate by the appellant, petitioner, applicant, or respondent, as the case may be, in person or by his duly authorised agent or by an advocate duly appointed in this behalf in the

Form I, Form 11, or Form Ill, as the case may be, with stipulated fee at the filing counter non compliance of this may constitute a valid ground to refuse to entertain the same. (2) Every appeal or petition shall be accompanied by a certified copy of impWEd (3) All such documents filed in the Appellate Tribunal shall be accompmied by an index in containing their details and the amount of fee paid thereon. (4) Sufficient number of copies of the appeal, petition or application shall be filed for service on the opposite party. 3(i)] (5) In the pending matters, all applications shall be presented aner serving copies thereof in advance on the opposite side or his or her advocate on record. (6) The processing fee as specified in the Schedule, with required number of envelopes of sufficient siæ and notice forms as prescribed shall be filed along with memorandum of appeal. 21. of copies to be filed.- The appellant, petitioner, applicant .or respondent shall file three autimticated copies of appeal, petition, application, counter, or objections, as the case may be, and stull deliv« me copy to each ofthe opposite party

22. Lodging Of caveat.- (I) The respor+'t may lodge a caveat in triplicate in any appeal, petition or application may be instituted before Nte Appellate Tribunal by paying the fee specified in the Schedule after fro,yarding a copy by registered post or serving the same on the expected petitioner or appellant and the caveat shall be in

Form IV and contain details and particulars of orders or directions, details of authority against whose orders or directions the appeal or petition is being instituted by the expected appellant or petitioner with full address for service on other side, so that the appeal or could be served before the appeal, petition or interim application is taken up: Provided that this shall not affect the jurisdiction of the Appellate Tribunal to pass interim crers in case of urgency. (2) TIE shall remain valid for a period of ninety days the date Of its filing

23. Endorsement and verification.- At the foot of every petition, or pleading there shall appear the name and signature of the on record, if any, who hs drawn the same and also the name Of the senior advocate, who may have settled it and every appeal or. shall be signed and verified by the party concerned in the manner provided by these rules

24. Translation of document.- (I) A document other than in English language intended to be used in any proceeding before the Appellate Tribunal shall be received by the Registry wcompanied by a copy in English, which is agreed to by both the parties or certified to be a true translated copy by üocate engaged on behalf Of parties in the case or by any other @dvocate engaged in the case or not or if the advocate engaged in the case authenticates such certificate prqared by a translator approved for the purpose by the Registrar on payment of such charges as he may order. (2) Appeal, petition or other.proceeding shall not be set down for hearing until and unleSs all parties confirm that all the documents filed on which they inend to rely are in English or have translated into English and required number Of copies are filed into the Appellate Tribunal

25. Endorsement and scr.utiny of petition or appeal or document.-(l) Ihe person in charge of the counter shall immediately on receipt Of petition, appeal, application or document affix the date stamp of Appellate Tribunal thereon and also on the additional copies of the index and return the acknowledgement to the pany and he shall also affix his initials on tile stamp amxed on the first page ofthe copies and enter the particulars of all such documents in the register after daily filing and assign a diary number which shall be entered below the date stamp and thereafter cause it to be sent for (2) If, on scrutiny, the appeal, petition, application or document is found to be defective, such document shall, after notice to the party, be returned for compliance and if there is a frilure to comply within seven days from the date of return the same shall be placed before the Registrar may pass appropriate orders. (3) The Registrar may for sufficient cause return the said document for rectification or amendment to the party filing the same, and for this purpose may allow to the party concerned such reasonable time as he may consider necessary or extend the time for compliance. 47 2 48 THE GAZEITE OF INDIA EXTRAORDINARY [PART IPSEC. (4) Where the party fails to take any step for the rernoval of the defect within the time fixed for the same, the Registrar may, for reasons to be recorded in writing, decline to register the pleading or document

26. Registration of proceedings admitted.- On admission of appeal, petition, caveat or application, the same shall be numbered and registered in the register maintained in this behalf and its number shall be entered therein. 27. Ex-parte amendments.- In every appeal, petition or application, the arithmetical, grammatical, clerical and such other errors may be rectified on the orders of the Registrar without notice to parties

28. Calling for records.- On the admission of appeal, petition or application, the Registrar shall, if so directed by the Appellate Tribunal, call for the records from the respective adjudicating officer, the Central Government, the State Government or any other authority under the Act, as the case may be, in relation to any proceedings and retransmit the same at the conclusion ofthe proceedings before the Appellate Tribunal or at any time

29. Production of authorisation for and on behalf of association.- Where an appeal, application, petition or other proceeding purported to be instituted by or on behalf of an association, the person persons who sign(s) or verify(ies) the same shall produce along with such application, for verificatim by the Registry, atrÜetopy of the resolution ofthe association empowering such person(s) to do so: Provided that the Registrar may at any time call upon the party to produce such further materials as he deems fit for satisfying himself about due authorisation: Provided further that it shall set out the list of members for whose benefit the proceedings are instituted

30. Interlocutory applications.- Every interlocutory application for Stay, direction, condonation Of delay, exemption from production of copy of order appealed against or extension of time prayed for in pending

matters shall be in specified form and the requirements sp€cified in that behalf sinll be complied with by the applicant, besides filing an affidavit supporting the application

31. Procedure on production of defaced, torn or damaged documents.- When a document prod1Eed along with any pleading appears to be defaced, torn, or in any way damaged or otherwise its condition or appearance requires special notice, a mention regarding its condition and appearance shall be made by the party producing the same in the index of such pleading and the same shall be verified and initialed by the officer authorised to receive the same CHAPTER IV CAUSE LIST 32. Preparation and publication of daily cause list.- (I) The Registry shall prepare and publish on the Notice Board of the Registry before the closing of working hours on each working day the cause list for the next working day and subject to the directions of the Chairperson Of the Appellate Tribunal listing of cases in the daily cause list shall be in the following order of priority, unless otiErwise ordered by the concerned Bench, namely;- (a) cases for "pronouncement of orders"; (b) cases for "clarification"; (c) cases for "admission"; qTGT : (d) cases for "orders or directions"; (e) part-heard cases, latest part-heard having precedence; and (O cases posted as per numerical order or as directed by the Bench. (2) The title of the daily cause list shall consist of the number of the appeal or petition, the day, date and time of the court sitting, court hall number and the quorum indicating the names of the Chairperson, Judicial Member and Technical Members constituting the Bench. (3) Against the number of each case listed in the daily cause list, the following shall be shown, namely;- (a) names of the legal practitioners appearing for both sides and setting out in brackets the rank of the parties whom they represent; (b) names of the parties, if unrepresented, with their ranks in brackets. (4) The objections and special directions, if any, of the Registry shall be briefly indicated in the daily cause list in remarks' column, whenever compliance is required

33. Carry forward of cause list and adjournment of cases on account of non sitting of Bench.- (l) If by reason of declaration of holiday or for any other unforeseen reason, the Bench does not function for the day, the daily cause list for that day shall, unless otherwise directed, be treated as the daily cause list for the next working day in addition to the cases already posted for that day. (2) When the sitting of a particular Bench is cancelled for reason of inability of Member (s) of the Bench, the Registrar shall, unless otherwise directed, adjourn the cases posted before that Bench to a convenient date and the adjournment, posting or directions shall be notified on the Notice Board

CHAPTER V RECORD OF PROCEEDINGS 34. Diaries.- Diaries shall be kept by the clerk-in-charge in such form as may be specified in each appeal or petition or application, which shall be written legibly and the said diary in the main file shall contain a concise history of the appeal qr petition or application, the substance of the order(s) passed thereon and in execution proceedings it shall contain a complete record of all proceedings in execution of order, direction or rule and shall be checked by the Deputy Registrar and initialed once in a fortnight

35. Order sheet.- (I) Order sheets shall be maintained in every proceedings and shall contain all orders passed by the Appellate Tribunal from time to time (2) All orders passed by the Appellate Tribunal shall be in English and the same shall be signed by the Members of the Appellate Tribunal constituting the Bench: Provided that the routine orders, such as call for the records, put up with records, adjourned and any other order as may be directed by the Member of the Appellate Tribunal shall be signed by the Court (3) The order sheet shall also contain the reference number of the appeal, petition, application, date Of order and all incidental details including short cause title thereof. 2335 GI/2012--7 49 THE GAZETTE OF INDIA : EXTRAORDINARY [PART LI—SEC. 3(i)] In'l 36. Maintenance of court diary.- (I) The Court Master of the Bench concerned shall maintain legibly a court diary, wherein he shall record the proceedings of the court for each sitting with respect to the applications or petitions or appeals listed in the daily cause list. (2) The matters to be recorded in the court diary shall include details as to whether the case is adjourned, or part-heard or heard and disposed of or heard and orders reserved, as the case may be, along with dates of next sitting, wherever applicable

37. Statutes or citations for reference.- The parties or legal practitionets shall, before the commencement of the proceedings for the day, furnish to the Court Master a list of law journals, reports. statutes and other citations, which may be needed for reference or xerox copy of full text thereof

38. Calling Of eases in court.- Subject to the orders of the Bench, the Court Master shall call the cases listed in the cause list in the serial order

39. Regulation Of court work.- (1) When the Appellate Tribunal is holding a sitting, the Deputy Registrar shall ensure that - (a) no inconvenience or wastage of time is caused to the Bench in making available the services of Court Master or Stenographer or peon or attendant; (b) the Court Master ensures that perfect silence is maintained in and around the court hall and no disturbance whatsoever is caused to the functioning of the Bench and that proper care is taken to maintain dignity and decorum of the court. (2) When the Bench passes order or issues directions, the Court Master shall ensure that the records of the case along with proceedings or orders Of the Bench are transmitted immediately to the Registry and the Registry shall veriW the case records received from the Court Master with reference to the cause list and take immediate steps to communicate the directions or orders of the Bench to all concerned

CHAPTER V i MAINTENANCE OF REGISTERS 40. Registers to be maintained.- The following Registers shall be maintained and posted on a day to day basis by the Registry Of the Appellate Tribunal by such officer or officers as the Registrar may, subject to any order Of the Chairperson of the Appellate Tribunal, direct:- (a) Register of appeals; (b) Register of petitions; (c) Register of original petitions; (d) Register Of original special petitions; (e) Register of unnumbered petitions or appeals; (O Register of caveats lodged; and (g) Register of interlocutory applicatipns; 41. Arrangement of records in pending matters.— The record Of appeal or pection shall be divided into che following four parts and shall be collated and maintained:- (a) main file : (appeal or petition being kept separately); (b) miscellaneous application file; (c) process file; and (d) execution file. 3(i)] 42. Contents of main file.- •me main file shall be kept in thc following order and it shall be maintained as permanent record till ordered to be destroyed under these rules:- (a) index; (b) order sheet; (c) final order or judgment; (d) memo of appeal or petition, as the case may, be together with any schedule annexed thereto; (e) counter or reply or objection, if any; (f) (i) oral evidence bas€a on affidavit or proof" affidavit (ii) evidence taken on commission; and (iii) documentary evidence; (g) Written arguments

43. Contents of process file.- The process file shall contain the following items, namely:- (a) index; (b) powers of attorney or vakalatnama; (c) summons and other processes and affidavits relating thereto; (d). applications for summoning witness; (e) letters calling records; and (O all other miscellaneous papers such as postal acknowledgements

44. Execution file.- The execution file shall contain the following items, namely,- (a) index; (b) the order sheet; (c). the execution application; (d). all processes and other papers connected with such execution proceedings; (e) transmission of order to civil court, if ordered; and (O. result Of execution

45. File for miscellaneous applications.- For all miscellaneous applications there may be only one file with a title page prefixed to it and immediately after the title page, the diary, the miscellaneous applications, supporting affidavit, the order sheet and all other documents shall be filed

46. Destruction of record.- Record of the Appellate Tribunal, except permanent record, shall be ordered to be destroyed by the Registrar or Deputy Registrar after six years from the final conclusion Of the proceedings and if any appeal is filed under section 45, the same shall be destroyed after obtaining prior order of the Chairperson of the Appellate Tribunal. Explanation.-For purpose Of Rule 46 permanent record shall include order. appeal register. petition register and such other record as may be ordered to be included by Ihe Chairperson of the Appellate Tribunal

CHAPTER VII SERVICE OF PROCESS, APPEARANCE OF RESPONDENTS AND OBJECTIONS 47. Issue of notice,- (l) Where notice of an appeal or petition for caveat or interlocutory application is issued by the Appellate Tribunal, copies of the same, the affidavit in support thereof and if so ordered by the Appellate Tribunal the copy of other documents filed therewith. if any, shall be served along with the notice on the other side. (2) The aforesaid copies shall show the date Of presentation of the appeal or petition for caveat or interlocutory application and the name of the advocate. if any, of such party with his full address for service and the interim order, if any. made thereon. 51 52 THE GAZETTE OF INDIA : EXTRAORDINARY [PART IPSEC. 3(i)] (3) The Appellate Tribunal may order for issuing notice in appropriate cases and also permit the party concerned for service of said notice on the other side by dasti and in such case, deliver the notice to such party and it is for such party to file affidavit of service with proof. (4) Acknowledgement before the date fixed for return of notice 48. Summons.- Whenever summons or notice is ordered by private service, the appellant or applicant or petitioner, as the case may be, unless already served on the other side in advance, shall arrange to serve the copy of all appeals or petitions or

applications by registered post or courier service and file affidavit of service with its proof of acknowledgement before the date fixed for hearing

49. Steps for issue of fresh notice- If any notice is returned un-served in the circumstances not specified in rule 47, that fact and the reason thereof shall be notified immediately on the notice board of the Registry and the applicant or petitioner or his advocate shall within seven days from the date of such notification take steps to serve the notice afresh

50. Consequence of failure to take steps for issue of fresh notice.- Where, after a summon has been issued to the other side and returned un- served and the applicant or petitioner or appellant, as the case may be, fails to take necessary steps within a period as ordered by the Appellate Tribunal from the date of return of the notice on the respondent(s), the Registrar shall post the case before the Bench for further directions or for dismissal for non prosecution

51. Entries regarding service of notice or process.- The judicial branch of the Registry shall record in the column in the order sheet "Notes of the Registry", the details regarding completion of service of notice on the respondents, such as date of issue of notice, date of service, date of return of notice, if un served, steps taken for issuing fresh notice and date of completion of services

52. Default of appearance of respondent and consequences.- Where the respondent, despite effective service of summons or notice on him does not appear before the Appellate Tribunal on the date fixed for hearing, the Appellate Tribunal may proceed to hear the appeal or application or petition ex parte and pass final order on merits: Provided that the Appellate Tribunal may seek the assistance of any counsel as it deems fit in case the matter involves intricate and substantial question of law having wide ramifications

53. Filing of objections by respondent, form and consequences.- (I)The respondent, if so directed, shall file objections or counter within the time allowed by the Appellate Tribunal and the objections or counter shall be verified as an appeal or petition and wherever new facts are sought to be introduced with the leave of the Appellate Tribunal for the first time, the same shall be affirmed by a supporting affidavit. (2) the respondent, if permitted to file objections or counter in any proceeding shall also file three copies thereof after serving copies of the same on the appellant or petitioner or their advocate on record or authorised representative, as the case may be

54. Sitting of vacation Bench and posting of cases.- (I) When the Appellate Tribunal is closed for vacation. the vacation Bench shall sit on such days as may be specified by Chairperson of the Appellate Tribunal or in his absence, the senior most Member available. (2) During the vacation, only the matters which are required to be immediately or promptly dealt with, shall be received in the Registry and the Registrar on being satisfied about the urgency, shall order registration and posting of such cases. (3) Inspection of records may be permitted during the vacation according to rules 57 to 62 [qrrr 53 (4) Certified copies may also be supplied during the vacation, under these rules. (5) Nothing in this rule shall disable the vacation Bench from taking the appeal or petition for final hearing, if so directed by the Bench

CHAPTER Vill FEE ON PETITION, APPEAL, PROCESS FEE AND AWARD OF COSTS 55. Fee payable on appeal or petition, etc.- (I) Fee for filing appeal or petition under sub-section(2) of section 31 or interlocutory application, application, enclosures or annexures, lodging caveat and process fee shall be, as specified in the Schedule Of fee annexed to these rules. (2) The fee and process fee shall be deposited by way of demand draft to be drawn in favour of the Pay and Accounts Officer, Ministry of Power, payable at New Delhi. (3) The Appellate Tribunal may, to advance the cause of justice and in suitable cases, waive payment of such fee or portion thereof, taking into consideration the economic condition or indigent circumstances of the appellant or petitioner or applicant or such other reason, as the case may be. (4) The Central Government shall review the fee specified for various purposes after every two years and the Schedule of fee may be amended by a notification

56. Award of costs in proceedings.- (I) Whenever the Appellate Tribunal deems fit, it may award costs for meeting the legal expensesofthe respondent on defaulting party. (2) The Appellate Tribunal may in suitable cases direct appellant or respondent to bear the cost of litigation of the other side, and in case of abuse of process of court, impose exemplary costs on defaulting party

CHAPTER IX INSPECTION OF RECORDS 57. Inspection of the records.- (I) The parties to any case or their counsel may be allowed to inspect the record of the case by making an application in writing to the

Registrar accompanied by inspection fee specified in the schedule. (2) Subject to such terms and conditions as may be specified by the Chairperson by a general or special order, a person who is not a party to the proceeding, may also be allowed to inspect the proceedings after obtaining the permission of the Registrar in writing

58. Grant of inspection.- Inspection of records ofa pending or decided case before the Appellate Tribunal shall be allowed only on the order of the Registrar

59. Application for grant of inspection.- (I) Application for inspection of record under sub- rule (I) and sub-rule (2) of rule 57. shall be in the Form V annexed to these rules and presented at the filing counter of the Registry between 10.30 AM and 3.00 PM on any working day and two days before the date on which inspection is sought, unless otherwise permitted by the Registrar. (2) The Registry shall submit the application with its remarks before the Registrar, who shall on consideration of the same, pass appropriate orders. (3) Inspection of records of a pending case shall not ordinarily be permitted on the date fixed for hearing of the case or on the preceding day. "ITIE GAZETTE OF INDIA : EXTRAORDINARY IPARI 60. Fee payable for inspection.- Fee for inspection of records as specified in the Schedule shall be payable by way of demand draft to be drawn in favour of the Pay and Accounts Officer, Ministry of Power, New Delhi on any application for inspection of records of a pending or decided case

61. Mode of inspection.- (I) On grant Of permission for inspection of the records, the Deputy Registrar shall arrange to procure the records Of the case and allow inspection Of such records on the date and time fixed by the Registrar between 10.30 AM and 12.30 PM and between 2.30 PM and 4.30 PM in the immediate presence of an officer authorized in that behalf. (2) The person inspecting the records shall not in any manner cause dislocation, mutilation, tampering or damage to the records in the course of inspection. (3) The person inspecting the records shall not make any marking on any record or paper so inspected and taking notes, if any, of the documents or records inspected may be done only in pencil. (4) The person supervising the inspection, may at any time prohibit further inspection, if in his opinion, any of the records are likely to be damaged in the process of inspection or the person inspecting the records has violated or attempted to violate the provisions Of these rules and shall immediately make a report about the matter to the Registrar and seek further orders from the Registrar and such notes shall be made in column (8) of the Inspection Register

62. Maintenance of register of inspection.- The Deputy Registrar shall cause to maintain a Register for the purpose of inspection Of documents or records and shall obtain therein the signature of the person making such inspection on the Register as well as on the application on the conclusion Of inspection

CHAPTER X APPEARANCE OF LEGAL PRACrlTIONERS 63. Appearance of legal practitioners.- Subject to as hereinafter provided, no legal practitioner shall be entitled to appear and act, in any proceeding before the Appellate Tribunal unless he files into Appellate Tribunal a vakalatnama in

Form VI annexed to these rules, duly executed by or on behalf of the party for whom he appears

64. Nomination or engagement of another legal practitioner or accredited energy auditor.- Where a legal practitioner who has filed the Vakalatnama engages or nominates accredited energy auditor or another legal practitioner to appear and argue his client's case but not to act for the client, the Appellate Tribunal may permit such other legal practitioner or accredited energy auditor to appear and argue on an oral request being made before commencement Of the proceedings

65. Consent for engaging another legal practitioner.-: A legal practitioner proposing to file a Vakalatnama in any pending case or proceeding before the Appellate Tribunal in which there is already a legal practitioner on record, shall do so only with the written consent of the legal practitioner on record or when such consent is refused, with the permission of the Appellate Tribunal after revocation of Vakalatnama on an application filed in this behalf. which shall receive consideration only aner service of such application on the advocate already on record

66. Restrictions on appearance.- A • legal practitioner who has tendered advice in connection with the institution of any case or other proceeding before the Appellate Tribunal or has drawn pleadings in connection with any such matter or has during the progress of any such matter acted for a party, shall not, appear in such case or proceeding or other matter arising there from or in any matter connected therewith for any person whose interest is opposed to that of his former client, except with the prior permission of the Appellate Tribunal. 55 67. Form and execution of Vakalatnama.- (I) Every Vakalatnama authorising a legal practitioner to plead and act shall be as in

Form VI annexed to these rules and the name of the legal practitioner so appointed shall be inserted in the Vakalatnama before it is executed and it shall be dated at the time of its execution and acceptance and its execution shall be attested by an advocate or notary or a gazetted officer serving in connection with the affairs Of the Union or of any State in India or a legal practitioner other than the legal practitioner accepting the Vakalatnama. (2) The authority attesting the Vakalatnama under sub rule (l) shall certify that it has been duly executed in his presence and subscribe his signature giving his name and designation and attestation shall be made only after the name of the legal practitioner is inserted in the Vakalatnama before its execution and when a Vakalatnama is executed by a party who appears to be illiterate, blind or not acquainted with the language of the Vakalatnama, the attester shall certify that the Vakalatnama was read, translated and explained in his presence to the executant, in the language known to such executant, that he seemed to understand it and that he' signed or affixed his thumb mark in his presence with full knowledge and understanding. (3) Every Vakalatnama shall contain an endorsement of acceptance by the legal practitioner in whose favour it is executed and shall also bear his address for service and if the Vakalatnama is in favour Of more than one legal practitioner, it shall be signed and accepted by all of them, giving the address for service of any one of them

68. Restriction on party's right to be heard.- The party who has engaged a practitioner to appear for him before the Appellate Tribunal shall not be entitled to be heard in. unless permitted by the Appellate Tribunal

69. Professional dress for the advocate.- While appearing before the Appellate Tribunal, the Advocate shall wear the same professional dress as prescribed for appearance before the court ror wear a coat with a tie or a close coat

CHAPTER X1 AFFIDAVITS 70. Title Of affidavits.- Every affidavit shall be in Form VII and shall be titled as 'Sln the Appellate Tribunal for Energy Conservation" followed by the cause title Of the application or other proceeding in which the affidavit is sought to be used

71. Form and contents of affidavit.- The affidavit shall conform to the requirements Of order XIX, rule 3 of Civil Procedure Code, 1908 (5 of 1908)

72. Persons authorised to attest.- Affidavits shall be sworn or affirmed before any Judicial Magistrate or Civil Judge or Registrar and Deputy Registrar of the Appellate Tribunal or Notary or District Registrar or Sub-Registrar, who shall affix his official seal or the Chief Ministerial Officer Of any civil or criminal court in the State or any advocate

73. Affidavits of illiterate, blind persons.- Where an affidavit is sworn or affirmed by any person who appears to be illiterate, blind or unacquainted with the language in which the affidavit is written, the attestor shall certify that the affidavit was read, explained or translated by him or in his presence to the deponent and that he seemed to understand it, and made his signature or mark in the presence of the attester in

Form No. VIII annexed to these rules 74. Identification of deponent.- If the deponent is not known to the attester, his identity shall be testified by a person known to him and the person identifying shall affix hjs signature in token thereof. THE GAZETTE OF NDIA : EXTRAORDINARY [PART II—SEC. 3(i)] 15. Annexure to the affidavit.- Document accompanying an affidavit shall be referred to therein as Annexure number and the attester shall make the endorsement thereon that this is the document marked putting the Annexure number in the affidavit and the attester shall sign therein and shall mention his name and designation

CHAPTER XII DISCOVERY, PRODUCTION AND RETURN OF DOCUMENTS 76. Application for production of documents, form Of summons.-(l) Except otherwise provided hereunder, tlE discovery or production and return of documents shall be regulated by the provisions ofthe CodeofCivil Procedure, 1908 (5 of 1908). (2) An application for summons to produce documents shall be on plain paper setting out the document(s) the production of which is sought, the relevancy of the document(s) and in case where the production of a certified copy would serve the purpose, whether application was made to the p•oper officer and the result thereof. (3) A summons for production of documents in the custody of a publiC officer other than a court shall be in Form [X annexed to these rules and shall be addressed to the concerned Head of the Department or such other authority as may be specified by the Appellate Tribunal

77. Suo motu summoning of documents.- Notwithstanding anything contained in these rules, the Appellate Tribunal may, suo motu, issue summons for production of public documents or Other documents in the cUstody Of a public Officer

78. Marking of documents.- (l)The documents when produced shall be marked as follows (a) if relied upon by the appellant's or petitioner's side, they shall be numbered as 'A' series; (b) if relied upon by the respondent's side, they shall be marked as 'B' series; (c) the Appellate Tribunal exhibits shall be marked as 'C' series; (2) The Appellate Tribunal may direct the applicant to deposit in Appellate Tribunal by way Of demand draft or Indian Postal Order drawn in favour of the Pay and Accounts Officer, Ministry of Power, New Delhi, a sum sufficient to defray the expenses for transmission of the records before the summons is issued

79. Return and transmission of documents.- (1) An application for return of the documents produced shall. be numbered and such application shall not be entertained after the destruction of the records. (2) The Appellate Tribunal may, at any time, direct the return of documents produced subject to such conditions it dams fit

CHAPTER XIII EXAMINATION OF WITNESSES AND ISSUE OF COMMISSIONS 80. Procedure for examination of witnesses, issue of Commissions.- The provisions of the Orders XVI and XXVI of the Code of Civil Procedure, 1908 (5 of 1908), shall mutatis mutandis apply in the 3(i)] matter of summoning and enforcing the atiendance of any person and examining him on oath and issuing commission for the examination of witnesses or for production of documents

81. Examination in camera.- The Appellate Tribunal may in its discretion examine any witness in camera 82 Form of oath or affirmation to witness.- Oath shall be administered to a witness in the following form: "I do swear in the name of God/solemnly affirm that what I shall state shall be truth, the whole truth and nothing but the truth"

83. Form of oath or affirmation to interpreter.- Oath or solemn affirmation shall be administered to the Interpreter in the following form before his assistance is taken for examining a witness : "I do swear in the name of God/ solemnly affirm that I will faithfully and truly interpret and explain all questions put to and evidence given by witness and translate correctly and accurately all documents given to me for translation." 84. Officer to administer oath.- The oath or affirmation shall be administered by the Court Officer or the Commissioner of Oaths

Form X annexed to these rules. (2) Each page of the deposition shall be initialed by the Members constituting the Bench. (3) Corrections, if any, pointed out by the witness may, if the Bench or Commissioner is satisfied, be carried out and duly ihitialed and if not satisfied, a note to that effect be appended at the bottom of the deposition

86. Numbering of witnesses.- The witnesses called by the applicant or petitioner shall be numbered consecutively as P Ws and those by the respondents as R Ws

87. Grant of discharge certificate.- Witness discharged by the Appellate Tribunal may be granted a certificate in

Form XI annexed to these rules, by the Registrar

88. Witness batta payable.- (I) Where the Appellate Tribunal issues summons to a Government servant to give evidence or to produce documents, the person so summoned may draw from the Government, traveling and daily allowances admissible to him as per rules. (2) Where there is no provision for payment of traveling Allowances and daily Allowance bv tho employer to the person summoned to give evidence or to produce documents, he shall be entitled to be paid as batta, (a sum found by the Registrar sufficient to defray the traveling and other expenses), having regard to the status and position of the witness and the party applying for the summons shall deposit with the Registrar the amount of batta as estimated by the Registrar well before the summons is issued and if the witness is summoned as a court witness, the amount estimated by the Registrar shall be paid as per the directions of the Appellate Tribunal. (3) The aforesaid provisions would govern the payment of battato the interpreter as well

89. Records to be furnished to commissioner.- The Commissioner shall be furnished by the Appellate Tribunal with such of the records of the case as the Appellate Tribunal considers necessary for executing the Commission and original documents shall be furnished only if a copy does not serve the purpose or cannot be obtained without unreasonable expense or delay and delivery and return of records shall be made under proper acknowledgement. 2335 GI/2012—8 57 58 THE GAZETTE OF INDIA : EXTRAORDINARY [PART IL—SEC- 3(i)] 90. Taking of specimen handwriting, signature, etc.-The Commissioner may, if necessary, take specimen of the handwriting, signature or fingerprint Of any witness examined before him. CHAMÆR XIV PRONOUNCEMENT OF ORDERS 91. Order.- The final decision of the Appellate Tribunal on an application or petition before it shall be described as Judgement

92. Operative portion Of order.- All orders or directions Of the Bench shall be stated in clear and precise terms in the last paragraph of the order

93. Corrections.- The Member Of the Bench who has prepared the order shall initial all corrections and affix his initials at the bottom of each page

94. Pronouncement of order.- (l) The Bench shall, as far as possible, pronounce the order immediately after the hearing is concluded. (2) When the orders are reserved. the date for pronouncement of order shall be notified in the cause list, which shall be a valid notice of intimation of pronouncement. (3) Reading of the operative portion of the order in the open court shall be deemed to be pronouncement Of the order. (4) Any order reserved by a Circuit Bench of the Appellate Tribunal may also be pronounced at the principal place of sitting of the Bench in one of the aforesaid modes as exigencies of the situation require 95. Pronouncement of order by any one Member of the Bench.- (I) Any Member of the Bench may pronounce the order for and on behalf of the Bench. (2) When an order is pronounced under this rule, the Court Master shall make a note in the order sheet, that the order of the Bench consisting of Chairperson and Members of the Appellate Tribunal was pronounced in open court on behalf of the Bench consisting of two or three Members

96. Authorising any member to pronounce order.- (I) Ifthe Members of the Bench who heard the case are not readily available or have ceased to be Members of the Appellate Tribunal, the Chairperson of the Appellate Tribunal may authorise any other Member to pronounce the order on his behalf after being satisfied that the order has been duly prepared and. signed by all the Membeis who heard the case and the order pronounced by the Member so authorised shall be deemed to be duly pronounced. (2) The Member so authorised for pronouncement of the order shall affix his signature in the order sheet of the case stating that he has pronounced the order as provided in this rule. (3) If the order cannot be signed by reason of death, retirement or resignation or for any other reason by any one of the Members of the Bench who heard the case, it shall be deemed to have been released from part-heard and listed afresh for hearing

97. Making of entries by Court Master.- Immediately on pronouncement of an order by the Bench, the Court Master shall make necessary endorsement on the case file regarding the date of such pronouncement, the nature of disposal and the constitution of the Bench pronouncing the order and he shall also make necessary entries in the court diary maintained by him. 59 98. Transmission of order by Court Master.- (I) The Court Master shall immediately on pronouncement of order, transmit the order with the case file to the Deputy Registrar. (2) On receipt of the order from the Court Master, the Deputy Registrar shall after due scrutiny, satisfy himself that the provisions of these rules have been duly compiled with and in token thereof affix his initials with date on the outer cover of the order and the Deputy

Registrar shall thereafter cause to transmit the case file and the order to the Registry for taking steps to prepare copies and their communication to the parties

99. Format of order.- (I) All orders shall be neatly and fairly typewritten in double space on one side only on durable foolscap folio paper of metric A-4 size (30.5. cm long and 21.5 cm wide) with left side margin of five centimetres (5 cm) and right side margin of two and a half centimetres (2.5cm) and corrections, if any, in the order shall be carried out neatly and sufficient space may be left both at the bottom and at the top of each page of the order to make its appearance elegant. (2) Members constituting the Bench shall affix their signatures in the order of their seniority from right to left

100. Indexing of case files after disposal.- After communication of the order to the parties or legal practitioners, the offcial concerned shall arrange the records with pagination and prepare in the index sheet in the form which shall be specified by the Appellate Tribunal and he shall affix initials and then transmit the records with the index initials to the records room

101. Transmission of files or records or orders.- Transmission of files oi records of the cases or orders shall be made only after obtaining acknowledgement in the movement register maintained at different sections or levels as per the directions of the Registrar 102. Copies of orders in library.- (l) The officer in charge of the Registry shall send copies of every final order to the library. (2) Copies of all orders received in each month shall be kept at the library in a separate folder, arranged in the order of date of pronouncement, duly indexed and stitched. (3) At the end of every year, a consolidated index shall also be prepared and kept in a separate flle in the library. (4) The order folders and the indices may be made available for reference in the library to the legal practitioners

CHAPTER XV SUPREME COURT ORDERS 103. Register of Special Leave Petitions or Appeal.- (I) A register in Form XII shall be maintained in regard to Special Leave Petitions or appeals against the orders of the Appellate Tribunal to the Supreme Court and necessary entries thérein be promptly made by the judicial branch. (2) The register shall be placed for scrutiny by the Chairperson of the Appellate Tribunal in the first week of every month

104. Placing of Supreme Court orders before Appellate Tribunal.- Whenever an interim or final order passed by the Supreme Court of India in an appeal or Other proceeding preferred against a decision of the Appellate Tribunal is received, the same shall forthwith be placed before the Chairperson and Members for information and kept in the relevant case file and immediate attention of the Registrar shall be drawn to the directions requiring compliance. THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] 105. Registrar to ensure compliance of Supreme Court orders.- It shall be the duty of the Registrar to take expeditious steps to comply with the directions of the Supreme Court CHAPTER WI MISCELLANEOUS 106. Filing through electropic media.- The Appellate Tribunal may allow filing of appeal, petition or application through electronic media such as online filing and provide for rectification of defects by e- mail or net and in such filing, these rules shall be adopted as nearly as possible on and from a date to be notified separately and the Chairperson of the Appellate Tribunal may issue instructions in this behalf from time to time

107. Removal of difficulties and issue of directions.- Notwithstanding anything contained in the rules, wherever the rules are silent or no provision is made, or in case of any consistency in the provision, the Chairperson may issue appropriate directions to remove diffculties and issue such orders or circulars to govern the situation or contingency that may arise in the working of the Appellate Tribunal. SCHEDULE [See rule 55(1)] (Fees) Suffect of fee (i) in respect of appeal under sub-section (2) of section 31 where the respondents are four or less; and where respondents exceed four (ii) If proceedings are instituted by more than one appellants/petitioners, or fee payable on such association, a all tition. iii Review tition. (iv)Execution petition. (v)Transmission of order or direction to civil court for execution. (vi)For lodging caveat. (vii) Interlocutory application. (viii Vakalatnama/authorisation court fee payable (ix)Copying charges for furnishing certified copy. (x)One time process fee payable with each appeal/petition/interlocutory application/every proceeding instituted ion fee xi Ins xii Enclosure/Annexure Court Fee Amount of fee Rupees fifty thousand; an additional -fee of rupees five thousand shall be paid for respondent, Rupees fifty thousand. thousand. s thi Rupees five thousand. Rupees three thousand. Rupees three thousand. Rupees one thousand. Rupees twenty- five. Rupees twenty- five per page. Rupees two thousand. five hundred. Ru ees Twen five. each 3(i)] 61

FORM I See rule 201 Memorandum of Appeal preferred under sub-sections (I) and (2) of section 31 of The Energy Conservation Act, 2001. IN THE APPELLATE TRIBUNAL FOR ENERGY CONSERVATION AT NEW DELHI APPELLATE JURIDICTION APPEAL NO. OF 200 CAUSE TITLE Between A.B. And C.D. Appellant (s) . Respondent(s) [including appropriate commission/adjudicating officer J (with short address) I. Details of Appear [Appeal under section ...31. ...of the Energy Conservation Act, 2001against impugned order of the (adjudicating officer) dated passed under section .of the Energy Conservation Act, 2001 2. Date on which the order appealed against is communicated and proof thereof, if any

3. The address of the appellant for service is as set out hereunder: (i) Postal address including PIN code (ii) Phone number (iii) E-mail (iv) Fax No.(v) Mobile number. (vi) Address of Counsel with Phone No., Fax NO., e-mail and mobile number 4. The address of the respondents for service of all notices in the appeal are as set out hereunder (i) Postal address including PIN code (ii) Phone number (iii) E-mail (iv) Fax number (v) Mobile number (vi) Address of counsel with phone number, fax number, e-mail and mobile number. THE GAZEITE OF INDIA : EXTRAORDINARY 5. Jurisdiction of the Appellate Tribunal [PART IPSEC. 3(i)] The appellant declares that the subject matter of the appeal is within the jurisdiction of this Appellate Tribunal

6. Limitation The Appellant's declare that the appeal is within the period specified in sub-section (2) of section 31 of the Act.(Explain how the appeal is within the period prescribed in case the appeal is preferred aner the expiry of 45 days from the date of order/direction/decision against which this appeal is preferred) and in case the appeal barred by limitation, the number of days of delay should be given along with interlocutory application for condonation of delay

7. Facts of the case The of the case are given below • (give here a concise statement of facts in a chronological order followed by elaboration of issues including the question of law arising in the appeal. Each paragraph should deal with, as far as possible, a separate issue)

8. Fomulate (i) the facts in issue or specify the dispute between the parties and (ii) summarize the questions of law that arise for consideration in the appeal (a) Facts in issue (b) Question of law 9, Grounds raised with legal provisions.IO. Matters not previously filed or pending with any other court The appellant further declares that the appellant had not previously filed any writ petition or suit regarding the matter in respect of which this appeal G preferred before any court or any other authority, nor any such writ petition or suit is pending before any of them. [In case the appellant previously had filed any such writ petition or suit, the stage at which it is pending and, if decided, the outcome of the same should be specified and a copy of the order should also be annexed]. I I. Specify below explaining the grounds for such relief (s) and the legal provisions, if any, relied upon

12. Details of interim application, if any, preferred along with appeal

13. Details of appeal/s, if any preferred before this Appellate Tribunal against the same impugned order/direction, by respondents with numbers, dates... and interim order, if any passed in that appeal (if known)

14. Details of index 63 [An index containing the details of the documents in chronological order relied upon is enclosed l

15. Particulars of fee payable and details of bank draft in favour of Pay and Accounts Officer, Ministry of Power, New Delhi. In respect of the fee for appeal. Name of the Bank Date

16. List of enclosures 2.3

4. Branch—payable at Delhi. DD Nu 17. Whether the order appealed as communicated in original is filed ? If not, explain the reason for not filing the same

18. Whether the appellant's is ready to file written submissions/arguments before the first hearing after serving the copy of the same on respondents

19. Whether the copy of mernorandum Of appeal with all enclosures has been forwarded to all respondents and all interested parties, if so, enclose postal receipt/courier receipt in addition to payment of specified process fee

20. Any other relevant or material particulars / details which the appellant(s) deems necessary to set out

21. Reliefs sought In view of the facts mentioned in para 7 above, points in dispute and questions of law set out in para 8, the appellant prays for the following relief (s) : (a) (b) (c) Dated at Counsel for Appellant(s) this day of 20. Appellant (s) DECLARATION BY APPELLANT The appellant(s) above named hereby solemnly declare (s) {liat nothing rhaterial has been concealed or suppressed and further declare(s) that the enclosures and typed set of material papers relied upon and filed herewith are true copies of the original(s)/fair reproduction of the originals / true translation thereof. Verified at Counsel for Appellant (s) on this at Verification day of 20 Appellant(s) (Name of the appellant) S/o. W/o. D/o. [indicate any one, as the case may be the office of age resident of working as in do hereby verify that the THE GAZETTE OF INDIA : EXTRAORDINARY [PART to contents Of the paras knowledge/derived from official record) and para are true to my personal to are believed to be true on legal advice and that I have not suppressed any material facts. Date Place Signature of the appellant or authorised officer

FORM 11 See Rule 20 J Petition under sections 31 (6)/31A of the Energy Conservation Act,2001 read with section 121 of the Electricity Act, 2003 BEFORETHE APPELLATE TRIBUNAL FOR ENERGY CONSERVATION AT NEW DELHI (Original Jurisdiction) Original/Original Special Petition Between .of20..... A.B. And C.D. .. Petitioner(s) .. Respondent(s) [including appropriate commission/adjudicating officer J (with address) The petitioner/s above named beg's to prefer this original petition for issue of orders or instructions or directions under sections 31 (6)/31A of the Act read with section 121 of the Electricity Act,2003 and state as follows l. The address for service on the petitioner is

2. The address for service on respondent/s appropriate commission/adjudicating officer is fare.. 3.Whether direction/order/rule/instruction sought for is within jurisdiction of the Appellate/Tribunal under section 31 (6)/3tA read with section 121 of the Electricity Act,2003 4.Set out the details and explain the circumstances under which the present original petition is being moved 5. Set out the details of representations/demands made on the respondent /appropriate Commission/State designated agency and reply/orger received

6. Set out the grievance or prejudice caused to the petitioner and consequences of not issuing directions/orders/instructions prayed for

7. Set out the basis of claims, legal contentions/grounds based on which reliefs are sought for

8. Whether proceedings, if any already instituted before other forums and the result of the proceedings.9 Whether any other remedy is available under the Energy Conservation Act, 2001 or any other statutory provision of law or rule, if so, why not invoked. (set out in detail) IO, Whether petition in respect of reliefs prayed for any proceeding is pending before the Appellate Tribunal at the instance of respondents / or any other third party

11. Particulars of fee payable and details of bank draft in favour of the Pay and Accounts Officer, Ministry of Power, New Delhi. In respect of the fee for appeal. Name of the Bank 1. DD No. 2

3. Branch —payable dated 11. List of enclosures and copies filed (1) (2) (3) (4) 12. Whether the copy of memorandum of petition with all enclosures has been forwarded to all respondents and all interested parties, if so, enclose postal receipt/courier receipt in addition to payment of process fee as specified by these rules

13. Any other material particular which the petitioner deems relevant for the petition may also be set out

14. Relief sought for • (a) (b) (c) Dated at this day Counsel for Petitioner(s) DECLARATION of 20. Petitioner(s) The petitioner (s) above named hereby solemnly declare (s) that nothing material has been concealed or suppressed and further declare that the enclosures and typed set of material papers relied upon and filed herewith are original or fair reproduction of originals or true translation thereof. Verified at dated at this day Counsel for Petitioner(s) VERIFICATION of 20 Petitioner (s) (Name of the petitioner) S/o.W/o.D/o. (indicate any one, as the case may be) working as age in the office of resident of that the contents of the paras to knowledge / derived from official record) and para alé true to my personal to are believed to be true on legal advice and that I have not suppressed any material facts Date • Place : Signature of the Petitioner or authorised officer p 2s4 THE GAZETTE OF NDIA : EXTRAORDINARY

FORM Ill t See rule 20 | INTERLOCUTORY APPLICATION [PART 11—SEC. 301 BEFORE THE APPELLATE TRIBUNAL FOR ENERGY CONSERVATION I A NO. OF 20 In Appeal/OriginaI Petition No. of20. Set out the Appeal no. Appeal / Petition short cause title Set out the Appeal No. Cause Title — Interlocutory Application CAUSE TITLE of 20 20 Petition for stay/direction/dispense with/condone delay/callinq records The applicant above named state/s as follows l. Set out the relief (s) 2. Brief facts 3. Basis on which interim orders prayed for 4. Balance of convenience, if any . (All interlocutory applications shall be supported by an affidavit swom by the applicant/on its behalf and attested by a Notary Public). DECLARATION The applicant above named hereby solemnly declare that nothing material has been concealed or suppressed and further declare that the enclosures and typed set of material papers relied upon and filed herewith are true copies of the originals or fair reproduction of the originals or true translation thereof. verified at—dated at Counsel for Applicant this day VERIFICATION of 20 Applicant (Name of the applicant) S/o.WIo.D/o. (indicate any one, as the case may be) the office of age resident of that the contents of the paras to in working as do hereby verify are true to my personal knowledge / derived from official record) and para to are believed to be true on legal advice and that I have not suppressed any material facts. Date . Place: Signature of the Appellant/Petitioner or authorised officer 67 FORM [See rule 22] CAVEAT PETTION Memorandum of Caveat Before the Appellate Tribunal for Energy Conservation (Caveat No. of 20) CAUSE TITLE Between And CD .Expected AppellantlPetitioner Set out details of the order against which appeaVappIication/petition is expected in the matter of dispute between AB and CD. 2. (a) Address for service on the caveator (b) Address for service on the Counsel for the caveator 3. Specify the authority who passed the order with reference number and date (enclose copy of order appealed against)

4. Set out the details of expected Appellant (s)/Petitioner (s) With address (i) (iii) 5. Prayer : Let no orders be passed in the appeal expected to be filed or any interlocutory application that may be preferred by the expected Appellant/Petitioner without service of notice on the caveator. The caveator undertakes to accept service of appeal or petition or application and. appear before this Appellate Tribunal on the date and time at which the appeal/petition/application is moved by Respondent/expected appellant/petitioner. Dated at New Delhi Counsel for Caveator of (Month) 20 Caveator Verification The caveator above named state and verify that the contents of this caveat lodged are true and correct. Verified at New Delhi on This day of 20 Caveator 68 THE GAZETTE OF INDIA EXTRAORDINARY

FORM NO. V See rule 59] Pending/Disposed of APPELLATE TRIBUNAL FOR Energy Conservation BENCH Application No. in of 200 Applicant/s!3 party/AppellantJPetitioner vs Respondent's [PART 11—SEC. Application for Inspection of documents/records under rule 57 I hereby apply for grant of permission to inspect the documents/records in the above case The details are as follows I. Name and address of the person seeking inspection • 2. Whether he is a party to the case/his legal practitioner and if so, his rank therein

3. Details of the papers/documents sought to be inspected

4. Reasons for seeking the Inspection 5. The date and duration of the inspection sought for 6. Whether fee is paid and if so, the mode of payment. ..

7. If a third party, whether a vakalanama has been filed with court fee stamp Place Office Use : Granted inspection for verification : ..state that the above facts are true and correct. hours on Applicant 'rejected. Registrar APPELLATE TRIBUNAL' FOR ENERGY CONSERVATION Endorsement afier inspection: the applicant above named inspected the documents/records on presence of Mr. . between inspection is completed/concluded Hrs on . ..in the .and Dated ... .day. .20. Applicant/Counsel 69

Form VI [See rule 67] FORM OF VAKALATNAMA APPELLATE TRIBUNAL FOR ENERGY CONSERVATION BENCH Appeal/Petition [No. of 200 Appellant/s Respondent's ..Appelläntt No.. .1Respondent No.. above appeal/petition do hereby appoint and retain Shri . . ..,..in the to appear; plead and act for me/us in the above appeal/petition and to conduct and prosecute all proceedings that may be taken in respect thereof and applications for return of documents, enter into compromise and to draw any moneys payable to me/us in the said proceeding and also to appear in all applications for review and for leave to the Supreme Court of India in all applications for review of judgment. Place • Date Executed in my presence. *Signature with date (Name and designation) (Address for service on the counsel for AppellanURespondent. Furnish Full address.. Phone no . Fax no. Signature of the Pany "AcÉepted" *Signature with date (Name and Designation) *The following certification to be given when the party is unacquainted with the language of the vakalatnama or is blind or illiterate:- The contents of the vakalatnama were truly and audibly read over/translated into.. . .EngIish/Hindi... .language known to the party executing the vakalatnama and he seems to have understood the same. Signature with date (Name and designation) THE GAZETTE OF INDIA : EXTRAORDINARY Form VII [See rule 70] APPELLATE TRIBUNAL FOR ENERGY CONSERVATION BENCH Appeal/Petition/ 'NO. of 20 Appellant/Applicant Respondent's AFFIDAVIT ..years, son/daughter/wife of ..aged. ..(name and occupation of the deponent). .. [PART IPSEC. . .do hereby swear in the name of residing at (full address) . God/solemnly affirm and state as follows Contents of paragraphs nos. contents of Paragraphs nos.. Para. I Para. 2 Para. 3 ...are within my personal knowledge and . are based on information received by me which I believe the same to be true (state the source of information wherever possible and the grounds for belief, if any). Place No. of corrections on page nos. Identified by Sworn/solemnly affirmed before me on this the . *To add endorsement in Form No. when necessary Signature of the deponent Name in Block Letters Before me „day of Signature (Name and designation of the attesting authority with seal) 71 .4 APPELLATE TRIBUNAL FOR ENERGY CONSERVATION FORM see rule 73 Certification when deponent is unæquainted with the language of the afidavit or is blind or illiterate. Contents of the affidavit were truly and audibly read over/translated into language known to the deponent and he seems to have understood the same and affixed his signature/mark. (Signature) Name and designation with date. FORM IX See rule APELLATE TRIBUNAL FOR ENERGY CONSERVATION AppeaVPetition No.. Between (By Advocate Shri and ..BENCH OF 20... . .AppellanVPetitioner Respondent/s (By Advocate Shri Under Section 31 A of the Energy Conservation Act2001 read with section 120 of Electricity Act 2003 rlw Civil Procedure Code Whereas the Appellate Tribunal suo motu or on consideration of the request made by Shri ".....(Appellant/Petitioner No.) having been satisfied that production Of thé following documents/records under your control/custody is necessary for proper decision of the above case, you are hereby directed to cause production of the said documents/records before this Appellate Tribunal 'forward duly authenticated copies thereof on or before the .day of.. .20.. (Enter description of documents requisitioned) "By Order of AppellateTribunal Registrar Date • 72 rHE GAZEITE OF INDIA : EXTRAORDINARY FORM X See rule 85 J APPELLATE TRIBUNAL FOR ENERGY CONSERVATION [PART IPSEC. 3(i)) Appeal/Petition No.. Deposition of PWIRW I. Name : ..BENCH of 20.. 2, Father's/Mother's/Husband's name • 3. Age 4. Occupation 5. Place of residence and address • 6. Name of the officer administering the Oath / affirmation : 7. Name of the interpreter if any, duly sworn/ solemnly affirmed • Duly sworn/ solemnly/ affirmed Examination-in-chief : By Date Cross examination : By Re-examination, if any: (Signature of the witness on each page) Statement of witness as recorded was read over/translated to the witness, who admitted it to be correct. Signature of the Member of the Appellate Tribunal with date FORM NO. Xl See Rule 87 CERTIFICATE OF DISCHARGE Certified that Tribunat as a witness/in/ No. .. appeared before this Appellate ..of 20.. appellant]petitioner/respondent/as court witness on this and that he was relieved at on behalf of the ..day of . .200 He was paid/not paid any travelling allowance. and daily allowance/Batta of Signature of the Registrar (Seal Of the Appellate Tribunal) FORM NO.XII (See rule 1031 Appellate Tribunal for Energy Conservation Register Of Special Leave Petition(SLPs)/Appeals to Supreme Court (SC) Sl. No No. of SLP/ appea befor e the Supre Rs.. Date No. of the case appeale against Name of Applicant Respond ent Date of dispatch of records to SC Date of receipt Of records from SC SLP dismiss ed/ allowed With Interi Directi on tf any, With date Final In tie appeal with date Direct- ion If any, for complia nce by Appellat Tribuna Remark taken for lianc [F. No. 10/2/11-ECJ JYOTI ARORA, Jt.

secy. Printed by the Manager. Government of India Press. Ring Road. Mayapun, New Delhi-110064 and Published by the Controller Of Publications. Delhi-1 10054.