

Miscellaneous

Recovery of fees, fines and charges.- The Commission shall have the power to recover all sums due under this Act, whether by way of licence fees, fines or charges, in accordance with the provisions of the Rajasthan Public Demands, Recovery Act, 1952 (Act No. 5 of 1952), as if any such sum were a public demand as defined in that Act or as arrears of land revenue under the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956) and hand over the amount due to the person or authority concerned.

Application of fine and charges.- The Commission or Court imposing the fine and charges under this Act may direct that the whole or any part thereof shall be applied in or towards payment of the costs of the proceedings.

No part of the fines or penalties imposed to be passed on.- The licensee, Generating Companies and others on whom the fines, charges, penalties are imposed under this Act, shall not, directly or indirectly, pass the same to the consumers in the form of tariff or charges payable.

Protection of action taken in good faith,- No suit, prosecution or other legal proceedings shall lie against the Government or the Commission or any officer of State Government or any Member, officer or other employees of the Commission for anything which is in good faith done or intended to be done under this Act or the rules or regulation made thereunder.

Bar of jurisdiction.- Save as otherwise provided under this Act, no order or proceeding made under this Act or rules or regulations framed thereunder shall be appealable and no Civil Court including Arbitral Tribunal exercising powers under the Arbitration and Conciliation Act, 1996 (Central Act No. 26 of 1996) shall have jurisdiction in respect of any matter which the Commission or the Appellate Authority under this Act is empowered by or under this Act to decide or determine.

Power to remove difficulties.-

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

Proceedings before Commission.- All proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860) and the Commission shall be deemed to be a Civil Court for the purposes of section 345 and section 346 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).

Members and staff of Commission to be public servant.- The Chairperson, Members, officers and other employees of the Commission shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

Power of the Commission to make regulations.-

(1) The Commission may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder, to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such regulations

may provide for all or any of the following matters, namely:-

- (a) the duties and powers of the Secretary of the Commission;
- (b) the salary, allowances and other conditions of service of the Secretary, other officers and employees of the Commission;
- (c) the method and manner of selection of the officers and other employees of the Commission;
- (d) the terms and conditions of consultant appointed under sub-section (5) of section 8;
- (e) the procedure in regard to transaction of business at the meetings of the Commission including the quorum at such meetings;
- (f) the terms and conditions for the operation and maintenance of power system and electric supply lines;
- (g) the manner in which charges for energy may be determined under sub-section (2) of section 26;
- (h) the fines and charges under section 31;
- (i) the circumstances in which the licensees are to inform the consumers of their rights;
- (j) the standards of performance in relation to any duty arising under clause (a) of sub-section (1) of section 33 or otherwise in connection with the electricity supply to the consumers;
- (k) the circumstances in which the licensees are to be exempted from any requirements of the regulations or of section 33; and
- (l) the practice or procedure to be followed in connection with adjudication and settlement in arbitration proceedings

58 Power of the State Government to make rules.-

(1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of the Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :-

- (a) the salary, allowances and other conditions of service of the Members;
- (b) the form and the manner in which and the authority before whom the oath of office and secrecy should be subscribed to the Chairperson and Members;
- (c) the form in which and the fee with which the application may be made to the Commission by any person seeking license;
- (d) the manner in which and the particulars with which the notice of application shall be published by the person applying for the license;
- (e) the manner in which and the particulars with which the notice of application seeking any alterations or amendments in the license shall be published by the Licensee;
- (f) the manner in which and the particulars with which the Commission shall publish the proposed alterations or amendments in a license;
- (g) the date before which in each year, the form in which and the particulars with which the annual statement of accounts shall be prepared and rendered to the Commission by the licensee;
- (h) the form in which and the time at which the commission shall prepare its budget;
- (i) the form in which annual statement of accounts should be prepared by the Commission;
- (j) the form in which and time at which annual report shall be furnished by the Commission to the State Government; and
- (k) any other matter which is to be or may be prescribed or in respect of which provision is to be made by the rules

