

Offences and Penalties

Arbitration by the Commission.-

Punishment for Non-Compliance of Orders or directions under this Act. – Whoever fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction, or contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or any rules or regulations made there under shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to rupees one lakh, or with both, in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to rupees four thousand for every day during which the failure continues after conviction for the first such offence.

Punishment for non-compliance of directions given by the Commission. – In case any complaint is filed before the Commission by any person or if the Commission is satisfied that any person has contravened any directions issued by the Commission under this Act, rules or regulations made there under, the Commission may after giving such person an opportunity of being heard in the matter, by order in writing direct that without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty which shall not exceed rupees one lakh for each contravention and in case of a continuing contravention with an additional penalty which may extend to rupees six thousand for every day during which the contravention continues after first contravention of such direction.

Offences by Companies . -

(1) Where an offence under this Act has been committed by a company, every person who, at the time, the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purposes of this section , -

“Company” means a body corporate and includes a firm or other association of individuals; and “Director” in relation to a firm, means a partner in the firm.

Inconsistency in laws.-Nothing contained in this Act or any rule or regulation made thereunder or any instrument having effect by virtue of this Act, rule or regulation shall have effect in so far as it is inconsistent with any provisions of the Consumer Protection Act, 1986 (Central Act No 68 of 1986) or the Atomic Energy Act, 1962 (Central Act No. 33 of 1962).

Cognizance of offences.- No Court shall take cognizance of any offence punishable under this Act, except upon a complaint in writing; made by the Commission or by any other officer duly authorised by the Commission for this purpose.

Penalties and proceedings not to prejudice other actions.-The proceedings and actions under this Act against a person contravening the provisions of this Act or orders passed by the

Commission shall be in addition to and without prejudice to actions that may be taken or initiated under any other law for the time being in force including the Indian Electricity Act, 1910 (Central Act No. 9 of 1910) and the Electricity (Supply) Act, 1948 (Central Act No. 54 of 1948)