

SIKKIM STATE ELECTRICITY REGULATORY COMMISSION

Powers of the Appropriate Commission.

Section 94 (1) of the Act states that " The Appropriate Commission shall , for the purposes of any inquiry or proceedings under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely-

- (a). summoning and enforcing the attendance of any person and examining him on oath;
- (b). discovery and production of any documents or other materiel object producible as evidence;
- (c). receiving evidence on affidavits;
- (d). requisitioning of any public record;
- (e). issuing commission for examination of witnesses;
- (f). reviewing its decisions , directions and orders;
- (g). any other matter which may be prescribed.

(2) The Appropriate Commission shall have the power to pass such interim order in any proceeding, hearing or matter before the Appropriate Commission, as that Commission may consider appropriate.

(3) The Appropriate Commission may authorise any person , as it deems fit, to represent the interest of the consumers in the proceedings before it.

Section 95. Proceedings before the Commission.

All proceedings before the Appropriate Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Appropriate Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1973).

Section 96. Powers of entry and seizure.

The Appropriate Commission or any officer, not below the rank of a Gazetted Officer specially authorised in this behalf by the Commission , may enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found , and may seize any such document or take extracts or copies therefrom subject to the provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) , insofar as it may be applicable.

Section 97. Delegation.

The Appropriate Commission may, by general or special order in writing , delegate to any member, Secretary, Office of the Appropriate Commission or any other person subject to such terms and conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the powers to adjudicate disputes under section 79 and section 86 and the powers to make regulations under section 173 or section 176) as it may deem necessary.