



BUREAU OF ENERGY EFFICIENCY (BEE)

Enforcement Manual

to implement activities under

Energy Conservation Act, 2001



2019
DRAFT

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Chapter 1: Introduction

The Energy Conservation (EC) Act, 2001 (52 of 2001) herein referred to in this manual as the Act was enacted on 29th Sept, 2001 and was published in the Gazette of India, Extraordinary, Part II, Section (I) (i) on the 1st October 2001 (**Annexure 1A**). Sections 1 to 29 and 46 to 62 of the Act came in to force with effect from 1st March, 2002 vide S.O. 268 (E) dated 1st March, 2002 (**Annexure 1B**). The said Act was amended vide the Energy Conservation (Amendment) Act, 2010 (28 of 2010) dated 24th Aug, 2010 (**Annexure 1C**). Section 30 of the Act, which talks about the establishment of Appellate Tribunal for Energy Conservation, was substituted by a new 'section vide the Energy Conservation (Amendment) Act, 2010', whereby the Appellate Tribunal established under Section 110 of the Electricity Act, 2003, shall hear the appeals against the orders of the adjudicating officer or the Central Government or the State Government or any other authority under the Act. Further, section 31 (A) was inserted and the other sections namely 32 to 43 were omitted vide the Energy Conservation (Amendment) Act, 2010 (28 of 2010). The amended section 30 and other sections 31, 44 and 45 of the Act came in to force with effect from 28th June, 2012 vide S.O. 1433 (E) dated 28th June, 2012 (**Annexure 1D**).

The Central Government established the Bureau of Energy Efficiency, herein referred to in this manual as the Bureau, with effect from 1st March 2002 vide S.O. 269(E), dated 1st March, 2002 (**Annexure 1E**). The Central Government established the Governing council of the Bureau vide S.O. 1472 dated 4th May, 2002 (**Annexure 1F**). The mission of the Bureau is to assist in developing policies and strategies with a thrust on self-regulation and market principles, within the overall framework of the Act with the primary objective of reducing energy intensity of the Indian economy.

The Central Government in consultation with the Bureau has notified the Perform, Achieve and Trade (PAT) scheme under National Mission for Enhanced Energy Efficiency (NMEEE) under Section 14 (g), Standard and labeling (S&L) scheme under Section 14 (a), (b) and (d) and Energy Conservation Building Code (ECBC) scheme under Section 14 (p) of the Act. The Bureau has also developed programmes for the certification of Energy Auditor (EA) and Energy Manager (EM) and accreditation of Accredited Energy Auditor (AEA) for industrial sector and building sector to establish a cadre of energy professionals in the country. The Rules and Regulations of these programmes define the roles and responsibilities of different stakeholders, in order to ensure that these Rules and Regulations are followed in letter and spirit by all people involved in the implementation of the aforesaid programmes. If any person fails to comply with the provisions of clauses specified in section 26 (1) and (1A) of the Act, he shall be liable to a penalty specified in those sub-section for each such failure, by following a due process of inspection by an inspecting officer appointed under section 17, inquiry by an adjudicating officer appointed under section 27 and if found guilty, he shall be liable to a penalty specified under section 26 (1) and (1A) taking into account the factors specified in section 28 of the Act.

The provisions relating to inspection, inquiry, adjudication and imposition of penalty are intended to facilitate the implementation of various programmes initiated under the Act, with a view to enforce such provisions for efficient use of energy and its conservation.

The enforcement of the provisions of the Act and the authority competent to enforce such provisions under the Act include the following, namely:-

Section 15 (d)

*“15 The State Government may, by notification, in consultation with the Bureau -
..... (d) designate any agency as designated agency to coordinate, regulate and enforce provisions of this Act within the State;”*

Section 17

“17 (1) The designated agency may appoint, after the expiry of five years from the date of commencement of this Act, as many inspecting officers as may be necessary for the purpose of ensuring compliance with energy consumption standards specified under clause (a) of section 14 or ensure display of particulars on label on equipment or appliance specified under clause (b) of section 14 or for the purpose of performing such other functions as may be assigned to them. “

The additional functions, referred to in Section 17 (1), as assigned to the Inspecting Officer vide S.O. 1861 (E) dated 27th July 2010 are as under, namely:-

S.O. 1861(E).-In exercise of the powers conferred by clause (i) of Section 14 of the Energy Conservation Act, 2001 (52 of 2001), the Central Government, in consultation with the Bureau of Energy Efficiency, hereby provides that the matters specified in clauses (c), (d), (h), (I), (k), (n), (r), and (s) of Section 14 referred to in Section 26 of the said Act shall also be the subject-matter of inspection under sub-section (2) of Section 17 of the aforesaid Act.

*(2) Subject to any rules made under this Act, an inspecting officer shall have power to –
(a) inspect any operation carried on or in connection with the equipment or appliance specified under clause (b) of section 14 or in respect of which energy standards under clause (a) of section 14 have been specified;*

(b) enter any place of designated consumer at which the energy is used for any activity and may require any proprietor, employee, director, manager or secretary or any other person who may be attending in any manner to or helping in, carrying on any activity with the help of energy-

(i) to afford him necessary facility to inspect -

(A) any equipment or appliance as he may require and which may be available at such place;

(B) any production process to ascertain the energy consumption norms and standards;

(ii) to make an inventory of stock of any equipment or appliance checked or verified by him;

(iii) to record the statement of any person which may be useful for, or relevant to, for efficient use of energy and its conservation under this Act.

(3) An inspecting officer may enter any place of designated consumer, -

(a) where any activity with the help of energy is carried on; and

(b) where any equipment or appliance notified under clause (b) of section 14 has been kept, during the hours at which such place is open for production or conduct of business connected therewith.

(4) An inspecting officer acting under this section shall, on no account, remove or cause to be removed from the place wherein he has entered, any equipment or appliance or books of account or other documents.”

The scope of the inspection referred to in Section 17 has been widened to cover all the provisions specified in Section 26 of the Act vide S.O. 1861 (E) dated 27th July, 2010 (**Annexure 1G**). The Central Government has framed Energy Conservation (Inspection) Rules, 2010 referred to in section 17 (2) notified vide G.S.R 645 (E) dated 27th July, 2010 in the official gazette on the 30th July, 2010 (**Annexure 1H**).

The Inspection Rules, 2010 were first amended vide G.S.R. 645 (E) dated 26th August 2011 and the second amendment was notified on 7th January, 2019 vide G.S.R. 13 (E) (**Annexure 1I**).

The Inspecting Officer while undertaking Inspection under section 17, for ensuring compliance with the provisions of Section 26 (1) and (1A) shall inter-alia investigate the role of the Company under default and its officers as referred to in Section 48 of the Act.

Section 26

“26 (1) If any person fails to comply with the provision of clause (c) or the clause (d) or clause (h) or clause (i) or clause (k) or clause (l) or clause (r) or clause (s) of section 14

or clause (b) or clause (c) or clause (h) of section 15, he shall be liable to a penalty which shall not exceed ten lakh rupees for each such failure and, in the case of continuing failure, with an additional penalty which may extend to ten thousand rupees for every day during which such failure continues:

PROVIDED that no person shall be liable to pay penalty within five years from the date of commencement of this Act.

[(1A) If any person fails to comply with the provision of clause (n) of section 14, he shall be liable to a penalty which shall not exceed ten lakh rupees and, in the case of continuing failure, with an additional penalty which shall not be less than the price of every metric ton of oil equivalent of energy, prescribed under this Act, that is in excess of the prescribed norms.]

(2) Any amount payable under this section, if not paid, may be recovered as if it were an arrear of land revenue. “

Section 48

“48 (1) Where a company makes a default in complying with the provisions of clause (c) or clause (d) or clause (h) or clause (i) or clause (k) or clause (l) or clause (n) or clause (r) or clause (s) of section 14 or clause (b) or clause (c) or clause (h) of section 15, every person who at the time of such contravention 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 have acted in contravention of the said provisions and shall be liable to be proceeded against and imposed penalty under section 26 accordingly:

PROVIDED that nothing contained in this sub-section shall render any such person liable for penalty provided in this Act if he proves that the contravention of the aforesaid provisions was committed without his knowledge or that he exercised all due diligence to prevent the contravention of the aforesaid provisions.

(2) Notwithstanding anything contained in sub-section (1), where any contravention of the provisions of clause (c) or clause (d) or clause (h) or clause (i) or clause (k) or clause (l) or clause (n) or clause (r) or clause (s) of section 14 or clause (b) or clause (c) or clause (h) of section 15 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 have contravened the said provisions and shall be liable to be proceeded for imposition of penalty accordingly”

Explanation – For the purposes of this section, “company” means a body corporate and includes a firm or other association of individuals.

As per Section 27 of the Act, an Adjudicating Officer (AO) shall be appointed by the State Electricity Regulatory Commission (SERC) for the purpose of adjudication and holding an inquiry against any person who fails to comply with the provisions specified in Section 26 (1) and 26 (1A).

Section 27

“27 (1) For the purpose of adjudging under section 26, the State Commission shall appoint any of its members to be an adjudicating officer for holding an inquiry in such manner as may be prescribed by the Central Government, after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.

(2) While holding an inquiry, the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry, and if, on such inquiry, he is satisfied that the person has failed to comply with the provisions of any of the clauses of the sections specified in section 26, he may impose such penalty as he thinks fit in accordance with the provisions of any of those clauses of that section:

PROVIDED that where a State Commission has not been established in a State, the Government of that State shall appoint any of its officers, not below the rank equivalent to a Secretary dealing with legal affairs in that State to be an adjudicating officer for the purposes of this section and such officer shall cease to be an adjudicating officer immediately on the appointment of an adjudicating officer by the State Commission on its establishment in that State:

PROVIDED FURTHER that where an adjudicating officer appointed by a State Government ceased to be an adjudicating officer, he shall transfer to the adjudicating officer appointed by the State Commission all matters being adjudicated by him and thereafter the adjudicating officer appointed by the State Commission shall adjudicate the penalties on such matters”

The Central Government has prescribed in terms of sub-section (1) of Section 27, Energy Conservation (Manner of holding inquiry) Rules, 2009, vide G.S.R. 25 dated 25th February 2009 and amended vide G.S.R. 139 dated 25th August 2010 (**Annexure 1J**). Section 27 which deals with the power to adjudicate has been supplemented with these Rules.

On adjudication and after holding an inquiry, the AO shall record his findings and if he is satisfied on the basis of his findings that the person has failed to comply with the provisions of any of the

clauses specified in sub-section (1) and (1A) of section 26 of the Act, he may impose penalty as per the provisions of sub-section (2) of section 27 read with section 28.

Section 28

“28 While adjudicating the quantum of penalty under section 26, the adjudicating officer shall have due regard to the following factors, namely:-

- (a) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default;*
- (b) the repetitive nature of the default. “*

No person shall be held liable for failure to comply with any of the provisions specified in section 26 (1) and 26 (1A) of the Act unless such a failure has been examined conclusively through a procedure defined in this manual. This manual is intended to serve as a guide for the different stakeholders associated with the various Energy Efficiency Programs, to understand their role and responsibilities and also identifies possible events of violations, for various Energy Efficiency Programs and brings out step wise procedure and requisite formats to manage all such violation in line with the provisions of the Act.

Chapter 2: Enforcement of the Act through Inspection, Adjudication, Inquiry and Imposition of Penalty

2.1 Need for Inspection and Adjudication

- 2.1.1 The power of inspection contained in section 17 of the Act is of executive nature and does not empower the inspecting officer to levy penalty on his own. The process of Inspection shall be followed by the Inspecting Officer (IO) as referred to in section 2.2 of this Chapter of the Manual.
- 2.1.2 Inspecting Officer has been given a facility to make consultation with the Accredited Energy Auditor or professional organization as per Energy Conservation (Inspection) Rules, 2010, to strengthen his inspecting capabilities for dealing with matters relating to ongoing inspection. After he has completed the inspection he is required to submit an inspection report to the SDA. Once the SDA is satisfied that there is a *prima-facie* case of violations of the provisions mentioned in section 26 (1) or 26 (1A) of the Act, the SDA will direct Inspecting Officer to file the case before the respective SERC and prove its non-compliance before the Adjudicating Officer. The person accused of non-compliance with the provisions of the Act, shall be given an equal opportunity to contest the non-compliance put forth by the Inspecting Officer before the Adjudicator.
- 2.1.3 The Adjudicating Officer is a very senior level officer i.e. of the rank of a Member of State Electricity Regulatory Commission who will conduct an inquiry in accordance with the Energy Conservation (Manner of Holding Inquiry) Rules, 2009 (**Annexure 1J**). On completion of inquiry, the Adjudicating Officer shall record his findings and if he is satisfied on the basis of his findings that the person has failed to comply with the provisions of any of the clauses of section specified in section 26 (1) and 26 (1A), he may impose penalty as per the provision of sub-section (2) of section 27, keeping in view the factors specified in section 28 of the Act.
- 2.1.4 The provisions specified in Section 26 (1) and (1A) of the Act for non-compliance are also applicable to Companies and the persons in charge of, and were responsible for the conduct of the business of the Companies who have acted in contravention of the said provisions shall also be liable to be proceeded against for imposition of penalty.
- 2.1.5 The relevant clauses of Section 14 and 15, mentioned under Section 26 of the Act, which results into imposition of penalty are mapped with the relevant Rules and Regulations notified under the Act and is attached as **Appendix I**.

2.2 Process of Inspection

- 2.2.1 The process of inspection would be initiated on occurrence of violation of relevant clauses of section 14 and 15 of the Act as detailed in various chapters of this manual. The process of inspection would be as per the Inspection Rules, 2018 (**Annexure 1I**)
- 2.2.2 SDA may, appoint inspecting officer under the sub-section (1) of section 17 of the Act from amongst its officers holding a post equivalent or in the rank of Under Secretary to the state government, and having minimum professional experience of three years in the field of energy conservation or energy efficiency in the State designated agencies or any Department or Office of the Central Government or a State Government.
- 2.2.3 The inspecting officer should be a 'graduate engineer' who has obtained a bachelor's degree in Engineering from an University incorporated by an Act of the Central or State Legislature in India or other educational institutions established by an Act of Parliament or declared to be deemed Universities under section 3 of the University Grants Commission Act, 1956 (3 of 1956) or any degree recognised by the All India Council for Technical Education as equivalent or has obtained a bachelor's degree in Engineering from any foreign University or institution recognised by the Central Government.
- 2.2.4 The inspecting officer shall record reasons for undertaking inspection and clearly bring out the need for discharge of his duty. The SDA, after being satisfied that there are adequate reasons for undertaking such inspection, issue the authority and direction to the inspecting officer to carry out the inspection.
- 2.2.5 SDA shall intimate the decision for undertaking inspection to the Director-General of the Bureau, within a period of fifteen days.
- 2.2.6 The inspecting officer, after recording reasons in writing, shall, wherever necessary, can make consultation with accredited energy auditor, laboratory or professional organization approved by the Bureau.
- 2.2.7 After undertaking inspection, Inspecting Officer shall prepare an inspection report, bringing out clearly the violations of the provisions of the Act or rules or regulations made thereunder along with his recommendations on the action to be taken in the matter. The report for inspection of processes and equipment shall be made in the Form 1 format and for inspection of designated consumers shall be made in Form 2 format as given in Inspection Rules, 2018 (**Annexure 1I**). The report shall be submitted to SDA within 10 days from starting the inspection.

- 2.2.8 SDA shall examine the inspection report submitted by the inspecting officer and if it is satisfied on such examination and forms an opinion on the basis of the material facts contained in the said report that there is conclusive material in support of non-compliance with any of the provisions referred to in section 26.
- 2.2.9 SDA shall within two months from the date of receipt of inspection report, give directions to the inspecting officer, to file a case before the State Commission against the person concerned for such non-compliance under section 27 and submit all material facts to prove its non-compliance against the said person, during the inquiry held by the adjudicating officer appointed by the State Commission for the purpose of imposing any penalty specified under section 26.

2.3 Process for Adjudication

- 2.3.1 The adjudication procedure would be initiated on occurrence of non-compliance events detailed in various chapters of this manual and is listed at **Annexure 2A**.
- 2.3.2 SDA through its Inspecting Officer, shall prepare a Petition by taking into account all the facts and materials on record, collect evidence or documents and list of persons(s) acquainted with the facts and circumstances of the case, relevant to the subject matter of inquiry and their role in the events of non-compliance.
- 2.3.3 The said Inspecting Officer shall file the Petition before the respective SERC against the concerned person and ensure that the evidence or documents are produced in support of noncompliance by the concerned person (i.e. designated consumer or the permittee manufacturer or trader or distributor or importer or the owner of the building) under the Act.
- 2.3.4 The respective SERC, on receipt of Petition, examine it to ensure that it is complete in all respect, admit the same, and appoint an Adjudicating Officer under section 27 of the Act for holding an inquiry under the Inquiry rules.
- 2.3.5 On completion of inquiry, the said Adjudicating Officer shall record his findings and if he is satisfied on the basis of his findings that the person has failed to comply with the provisions of any of the clauses specified under section 26 (1) and 26(1A), he shall impose penalty under sub-section (2) of section 27, taking into account the provisions of section 28 of the Act. The illustration for determining the loss for the identified non-compliances are annexed as **Appendix LXII**.

2.3.6 SERC's approval is solicited for the proposed procedure for adjudication under the Act, as per the details of the responsible entity, requisite actions to be undertaken along with the timeline and data required in the table below:

Procedure for Adjudication			
Responsible Entity	Activity	Timeline	Data Required/ Forms/ Formats
SDA	SDA shall examine the inspection report submitted by the Inspecting Officer and if the said SDA is satisfied with the fact that there was conclusive material in support of non-compliance with any of the provisions contained in section 26 (1) and 26 (1A), it shall give directions to the Inspecting officer, under intimation to the Bureau (DG, BEE) to file the case through a Petition, before the concerned State Electricity Regulatory Commission (SERC) against the concerned person(s) under Section 27.	SDA shall define the timelines to meet the deadline for filling the petition to SERC within 2 months.	Letter conveying the direction of SDA to Inspecting Officer for filing of Petition in the format as given Appendix II
Inspecting Officer	Prepare and file a Petition along with the fees before the SERC within two months from the date of receipt of inspection report by SDA Contents of the Petition The Petition shall contain clear and concise statement of facts with material particulars, applicable provisions of law, the prayer sought and basis of such prayers. The Petition shall be complete in all respects and shall be accompanied by such documents, forms, notices, responses by concerned person(s) and any other supporting data and statements relevant to the subject matter of the Petition. The Petition shall be in conformity with the Conduct of Business Regulations of respective SERC. A copy of the inspection report shall also be attached to the Petition. Affidavit in support The Petition shall be verified by an affidavit and shall be signed and sworn before a person lawfully authorized to take and receive affidavits. The affidavit shall indicate statements which are true to the knowledge, information received and belief of the person making the affidavit. The affidavit shall also disclose the source of any information indicated in the affidavit. Copies of Petition and Petition Fees Requisite number of copies of Petition as per requirement specified in the Conduct of Business Regulations of the respective SERC shall be submitted	Within 2 months from the date of receipt of inspection report by the SDA	Petition as per Appendix III (Along with forms /notices /responses which support non-compliance) Affidavit as per Appendix IV to be prepared and signed by Authorized Officer of SDA

Procedure for Adjudication			
Responsible Entity	Activity	Timeline	Data Required/ Forms/ Formats
	along with the fees for filing of the Petition notified by the SERC in its Fees and Fines Regulations. (Annexure 2C) One copy of the Petition shall be submitted to DG-BEE.		
SERC (Receiving Officer)	Scrutinize the Petition and check if the Petition is complete in all respects and is in conformity with the relevant regulations of SERC.	NA	NA
If the Petition is incomplete and defective then,			
SERC (Receiving Officer)	Receiving Officer shall advise the Inspecting Officer of the SDA on the defects identified in the Petition and give appropriate time to rectify the defects and re-submit the Petition.	NA	Issue notice as per respective formats of SERC Appendix V
Inspecting Officer	Rectify the defects and inconsistencies in the Petition, as per the notice issued by Receiving Officer (SERC) and submit the Petition complete in all respects to the Receiving Officer of the SERC.	Within the timeline specified by the respective SERC	Petition as per Appendix III (addressing the defects identified in the notice)
If the Petition is complete in all respects			
SERC (Receiving Officer)	The Petition shall be duly registered and shall be given a number and placed before the Commission for admission.	NA	NA
SERC (The Commission)	Shall admit the Petition and proceed the Petition to the Adjudicating Officer who has been appointed for adjudication of non-compliances under Energy Conservation Act, 2001 (In case Adjudicating Officer is already appointed for such purposes).	NA	Order for appointment of AO as per Appendix VI
SERC (The Commission)	Send the copy of the order of appointment of Adjudicating Officer under Act to all the concerned parties (Petitioner, Respondent(s)).	NA	Copy of appointment Order of AO
Adjudicating Officer (AO)	Shall Issue notice to the concerned person containing the particulars of violation under Section 26 (1) and 26 (1A) to the person concerned requiring him to appear before the Adjudicating Officer within twenty-one days from the date of issue of such notice.	NA	Issue notice as per respective formats of SERC

Procedure for Adjudication			
Responsible Entity	Activity	Timeline	Data Required/ Forms/ Formats
	Shall provide an opportunity of being heard to the concerned person(s) to present their case.		
Concerned Person(s) (CPs)	Shall reply to the notice issued by AO and justify as to why an inquiry should not be held against him with regard to the particulars of violations stated in the notice. In the reply filed, the concerned person(s) shall specifically admit, deny or explain the facts stated in the notice and may also state such additional facts as he considers necessary for a just decision in the matter. The reply shall be signed and verified and supported by affidavit. Shall appear before the Adjudicating Officer in person, justifying the non-compliance alleged against him	Within 21 days from issuance of notice from the Adjudicating Officer	Appendix VII
If the concerned person does not appear before the Adjudicating Officer in the notice time			
Adjudicating Officer (AO)	Shall proceed with the inquiry against the concerned person in the absence of such person and shall record reasons in writing for doing so. The concerned party may file an application within 30 days of such decision and AO may recall the order if AO is satisfied that there was sufficient cause for the non-appearance of the concerned person, when the petition was called on for hearing.	NA	NA
If the concerned person appears before the Adjudicating Officer along with the reply to the notice issued by AO			
Adjudicating Officer (AO)	Shall give an opportunity to the concerned person to be heard and justify his case and produce documents/proofs/material on record which become grounds for validating that there was no such non-compliance carried out by the concerned person against the provisions of the Energy Conservation Act. Shall hear pleadings of both the parties (Petitioner and the Respondent) during the hearing. May direct both the parties to provide documents in support of statements made during hearing of the matter.	NA	NA

Procedure for Adjudication			
Responsible Entity	Activity	Timeline	Data Required/ Forms/ Formats
Adjudicating Officer (AO)	May require the parties to produce such documents or other material objects as evidence as necessary for the purpose of enabling AO to pass orders. May direct the summoning of the witnesses and examine them on oath, discovery and production of any document or other material objects to be produced in evidence, requisition of any public record from any office, examination by an officer of the Commission, the books, accounts or other documents or information in the custody or control of any person. May allow any of the parties to adduce such further documentary or other evidence in regard to evidence made available by any of the parties or other persons. The evidences may be received by way of affidavit. May refer such issue or issues to the officers and consultants of the Commission whom the Commission considers as qualified to give expert or specialized advice or opinion and nominate such persons to visit any place or places for inspection and report on the existence or status of the place or any facilities therein. Report of such persons shall form a part of the record of the case. May take into account the report or opinion made by the third party. However, he shall not be bound by the report or the opinion and shall be entitled to take such decision as he may consider appropriate in the matter. May conduct another round of hearing based on the facts and material record which were not present at the time of first hearing. All parties involved in the matter are required to attend the hearing and the same process shall be followed as mentioned above during the first hearing.	NA	Procedure as defined in the Conduct of Business Regulations while holding an inquiry in exercise of its powers and in discharge of its functions
Adjudicating Officer (AO)	Shall record his findings and pass order on the Petition under his seal and signature. The Order shall be a speaking-order and shall include all the submissions/responses of all the parties involved in the case and all other reasons considered by the AO for passing such order. The Order shall also include references made to third party during the proceedings. Shall complete the inquiry within sixty days from the date of issue of the notice. If the inquiry may not be completed within the period of sixty days, the	Within 60 days from date of issuance of notice to concerned person	Order issued by AO in the matter

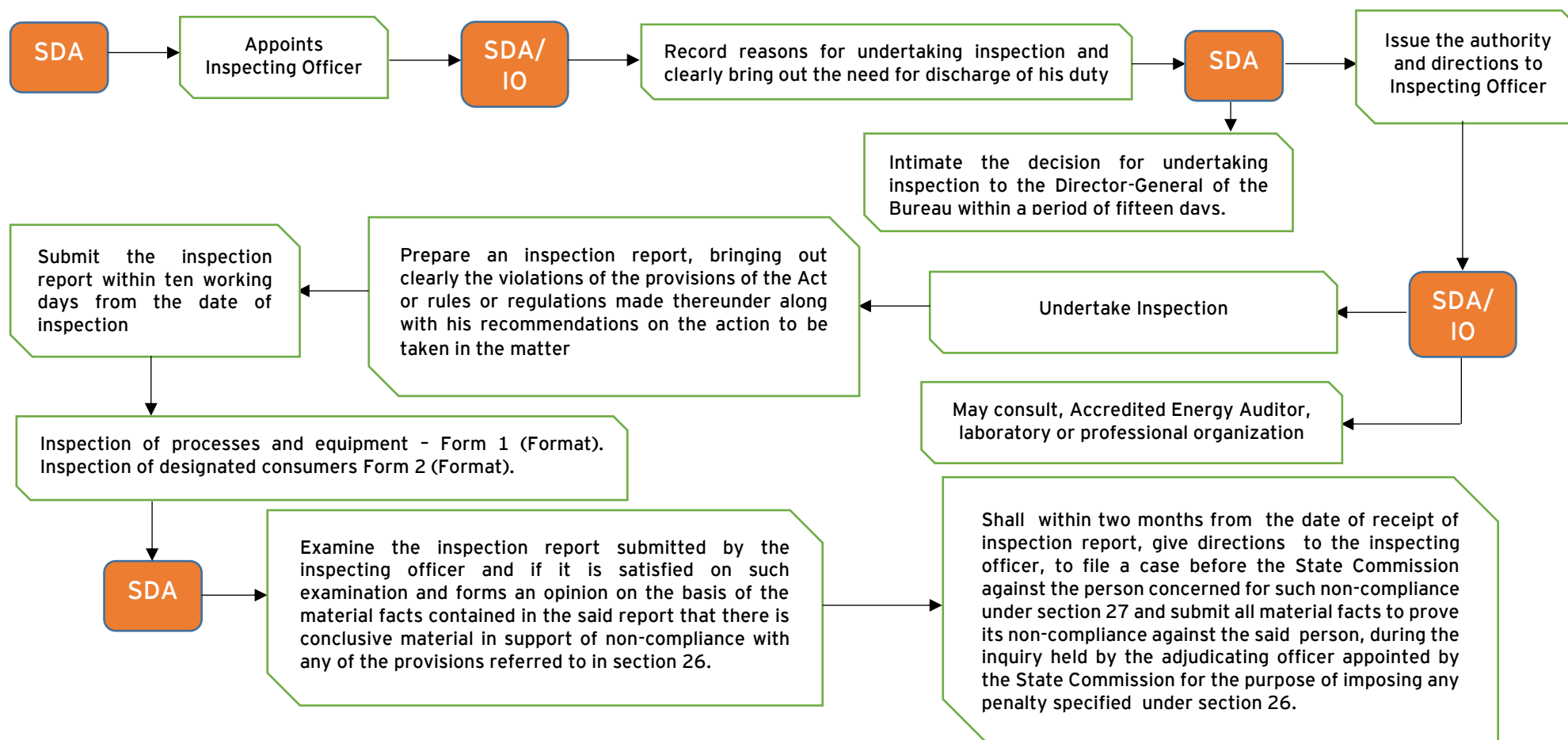
Procedure for Adjudication			
Responsible Entity	Activity	Timeline	Data Required/ Forms/ Formats
	Adjudicating Officer may after recording reasons in writing, seek extension of time from the SERC for a further period of sixty days. All final orders of the Adjudicating Officer shall be communicated to the parties in the proceeding.		
Concerned Person (s) or SDA	The Concerned Person or SDA can file an appeal before the Appellant Tribunal for Energy Conservation if the said person is not satisfied with the Order of the AO.	Within 45 days from the date on which a copy of the Order issued by AO is received by aggrieved person	Form I of Appellate Tribunal of Energy Conservation (Procedure, form fees and record of proceedings) Rules, 2012

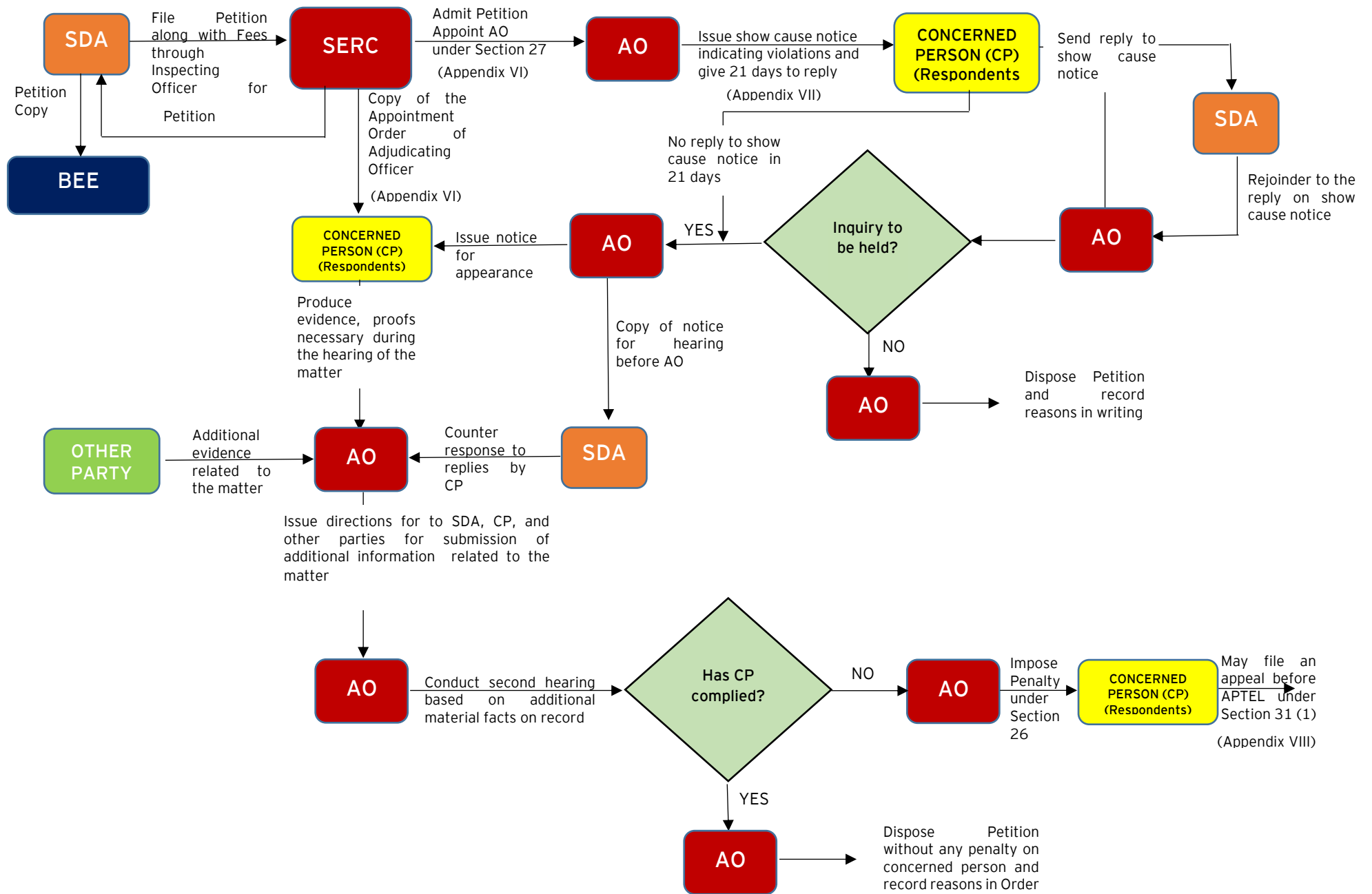
*Timelines mentioned above are in accordance with the Manner of Holding Inquiry Rules, 2009

2.4 Appeal before the Appellate Tribunal for Energy Conservation

- 2.4.1** The concerned party (i.e. the designated consumer, the permittee, the owner of the building) or the SDA has the right, under Section 31 (1) of the Act to appeal before the 'Appellate Tribunal for Energy Conservation' against the Order issued by Adjudicating Officer appointed by SERC.
- 2.4.2** The detailed procedure for filing the appeal before the Appellate Tribunal for Energy Conservation has been explained in Chapter 3 of this manual.
- 2.4.3** The following flow chart is a pictorial representation of the process to be followed by respective stakeholders for the purpose of inspection, adjudication, holding an inquiry and imposing a penalty under the Act and appeal before the Appellate Tribunal for Energy Conservation.

Inspection Process





Chapter 3: Appellate Tribunal for Energy Conservation

3.1 Appellate Tribunal for Energy Conservation

Section 30

¹[“30. Appellate Tribunal

The Appellate Tribunal established under section 110 of the Electricity Act, 2003 (36 of 2003) shall, without prejudice to the provisions of the Electricity Act, 2003 (36 of 2003), be the Appellate Tribunal for the purpose of this Act and hear appeals against the orders of the adjudicating officer or the Central Government or the State Government or any other authority under this Act.”

3.2 Procedure for filing an Appeal to Appellate Tribunal for Energy Conservation

3.2.1 The Ministry of Power vide notification G.S.R. 510 (E) dated 28th June 2012 has notified Appellate Tribunal for Energy Conservation (Procedure, Form, Fee and Record of Proceeding) Rules, 2012, wherein all the procedures for filing an appeal and the proceedings to be carried out by the Appellate Tribunal for Energy Conservation for passing a judgment under this Act is detailed out. (**Annexure 3A**).

3.2.2 The relevant provisions of the Act in this regard are reproduced below.

Section 31

“31. Appeal to the Appellate Tribunal

31 (1) Any person aggrieved, by an order made by an adjudicating officer or the Central Government or the State Government or any other authority under this Act, may prefer an appeal to the Appellate Tribunal for Energy Conservation:

1. substituted by Act No. 28 of 2010 dated 24th August 2010. Prior to substitution, existed proviso read as under:

The Central Government shall, by notification, establish an Appellate Tribunal to be known as the Appellate Tribunal for Energy Conservation to hear appeals against the orders of the adjudicating officer or the Central Government or the State Government or any other authority under this Act.

PROVIDED that any person, appealing against the order of the adjudicating officer levying any penalty, shall, while filing the appeal, deposit the amount of such penalty:

PROVIDED FURTHER that where in any particular case, the Appellate Tribunal is of the opinion that the deposit of such penalty would cause undue hardship to such person, the Appellate Tribunal may dispense with such deposit subject to such conditions as it may deem fit to impose so as to safeguard the realisation of penalty.

(2) Every appeal under sub-section (1) shall be filed within a period of forty-five days from the date on which a copy of the order made by the adjudicating officer or the Central Government or the State Government or any other authority is received by the aggrieved person and it shall be in such form, verified in such manner and be accompanied by such fee as may be prescribed:

PROVIDED that the Appellate Tribunal may entertain an appeal after the expiry of the said period of forty-five days if it is satisfied that there was sufficient cause for not filing it within that period.

[The Central Government has notified the Appellate Tribunal for energy conservation (Procedure, Form, Fee and Record of Proceedings), Rules, 2012 under G.S.R 510 (E), dated 25th June, 2012.]

(3) On receipt of an appeal under sub-section (1), the Appellate Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order appealed against.

(4) The Appellate Tribunal shall send a copy of every order made by it to the parties to the appeal and to the concerned adjudicating officer or the Central Government or the State Government or any other authority.

(5) The appeal filed before the Appellate Tribunal under sub-section (1) shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within one hundred and eighty days from the date of receipt of the appeal:

PROVIDED that where an appeal could not be disposed of within the said period of one hundred and eighty days, the Appellate Tribunal shall record its reasons in writing for not disposing of the appeal within the said period.

(6) The Appellate Tribunal may, for the purpose of examining the legality, propriety or correctness of any order made by the adjudicating officer or the Central Government or

the State Government or any other authority under this Act, as the case may be, in relation to any proceeding, on its own motion or otherwise, call for the records of such proceedings and make such order in the case as it thinks fit.

31 (A) The provisions of Sections 120 to 123 (both inclusive) of the Electricity Act, 2003 (36 of 2003) shall, mutatis mutandis, apply to the Appellate Tribunal in the discharge of its functions under this Act as they apply to it in the discharge of its function under the Electricity Act, 2003 (36 of 2003). ”

- 3.2.3** Any person preferring for an appeal has a right to take assistance of legal practitioner or an accredited auditor to present his case before the Appellate Tribunal. The relevant Section of the Act is produced as below.

Section 44

“44 (1) A person preferring an appeal to the Appellate Tribunal under this Act may either appear in person or take assistance of a legal practitioner or an accredited energy auditor of his choice to present his case before the Appellate Tribunal, as the case may be.

(2) The Central Government or the State Government may authorise one or more legal practitioners or any of its officers to act as presenting officers and every person so authorised may present the case with respect to any appeal before the Appellate Tribunal as the case may be.”

- 3.2.4** The person filing an appeal shall submit the form and fees as prescribed in Section 56 (2) (r) of the Act as reproduced below.

Section 56

“56 (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:-

(r) the form of and fee for filing such appeal under sub-section (2) of section 31;

The relevant procedure for appeal to Appellate Tribunal has been referred in clause 3.2.2.

3.3 Appeal to the Supreme Court

- 3.3.1 The concerned party (i.e. the designated consumer, the permittee, the owner of the building) or the SDA has the right, under Section 45 of the Act to appeal before the Supreme Court, against the Order issued by Appellate Tribunal.

Section 45

“45 Appeal to Supreme Court

Any person aggrieved by any decision or order of the Appellate Tribunal, may, file an appeal to the Supreme Court within sixty days from the date of communication of the decision or order of the Appellate Tribunal to him, on any one or more of the grounds specified in Section 100 of the Code of Civil Procedure, 1908. (5 of 1908):

PROVIDED that the Supreme Court may, if it is satisfied that the Appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.”

- 3.3.2 For filing of appeal before the Hon’ble Supreme Court, the procedure defined in the code of Civil Procedure, 1908 is to be followed. The Appellate Tribunal shall keep record of all such cases in a register. The Appellate Tribunal shall also take necessary steps if an interim or final order is passed by the Supreme Court of India in an appeal or other proceeding, which is against the decision of the Appellate Tribunal. It is pertinent to mention that an appeal from the order of Appellate Tribunal shall only lie before the Honorable Supreme Court of India, if the same involves a substantial question of law. A substantial question of law means a question either regarding the law for energy conservation or energy efficiency or a procedural question, which needs indulgence by the Honorable Supreme Court having either been left open or wrongly adjudicated by Appellate Tribunal.
- 3.3.3 The Supreme Court has also a very wide appellate jurisdiction over all Courts and Tribunals in India in as much as it may, in its discretion, grant special leave to appeal under Article 136 of the Constitution from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any Court or Tribunal in the territory of India.
- 3.3.4 The procedure adopted by Hon’ble Appellate Tribunal for Energy Conservation after filing an appeal is described with the details of responsible entity, requisite actions to be undertaken along with the timeline and data required in the table below.

(<https://supremecourtofindia.nic.in/jurisdiction>)

Procedure for filling an Appeal and passing a Judgment			
Responsible Entity	Activity	Timeline	Data Required/ Forms/ Formats
Appellant (SDA/Concerned Person)	Prepare and file an Appeal before the Hon'ble Appellate Tribunal for Energy Conservation within 45 days from the issuance of the Order by the Adjudicating Officer Contents of the Appeal The Appeal shall be filed as specified in Section 31 (2) of the EC Act, 2001 and shall be as per Form I of the Energy Conservation (Procedure, Form, Fee and Record of Proceeding) Rules, 2012. The Appeal shall be in accordance with the Rule 17, 18, 20, 23 of Energy Conservation (Procedure, Form, Fee and Record of Proceeding) Rules, 2012 of and is to be presented in triplicate by the appellant or his duly authorized agent or by any advocate appointed on his behalf. The Appeal shall be filed with the stipulated fees as per Rule 20 (1) as specified in the Schedule of the Energy Conservation (Procedure, Form, Fee and Record of Proceeding) Rules, 2012. Every appeal shall be accompanied by a certified copy of the impugned order as per Rule 20 (2). One copy shall be delivered to each of the opposite party as per Rule 20 (4). A caveat appeal can also be filed in similar fashion, as per Form IV of Energy Conservation (Procedure, Form, Fee and Record of Proceeding) Rules, 2012, in case an appeal is already instituted with the Tribunal. The caveat appeal is valid for 90 days as per Rule 20 (2) from the date of filing. The appeal shall contain clear and concise statement of facts with material particulars, applicable provisions of law, the prayer sought and basis of such prayers. The Appeal shall be complete in all respects and shall be accompanied by such documents, forms, notices, responses by concerned person and any other supporting data and statements, relevant to the matters in the Appeal. The Appellant may file Interlocutory Application for stay, direction, condonation of delay, exemption from production of copy of order appealed against or extension for time prayed for in pending matters as per Form III along with the affidavit supporting the application. Affidavit in support	Within 45 days from the issuance of Order by Adjudicating Officer	Appeal as per Form I of Appellate Tribunal of Energy Conservation (Procedure, form fees and record of proceedings) Rules, 2012 (along with copy of impugned order and all supporting documents validating the case) Affidavit as per Form VII of Appellate Tribunal of Energy Conservation (Procedure, form fees and record of proceedings) Rules, 2012 in the name of Authorized Representative of the Appellant

Procedure for filling an Appeal and passing a Judgment			
Responsible Entity	Activity	Timeline	Data Required/ Forms/ Formats
	The Appellant shall be verified by an affidavit as notified in Form VII of Energy Conservation (Procedure, Form, Fee and Record of Proceeding) Rules, 2012 and shall be signed and sworn before a person lawfully authorized to take and receive affidavits. The affidavit shall indicate statements which are to true to the knowledge, information received and belief of the person making the affidavit. The affidavit shall also disclose the source of any information indicated in the affidavit Copies of Appeal and Appeal Fees Three authenticate copies of Appeal shall be submitted along with the processing fees for filing of the Appeal notified in the schedule of Energy Conservation (Procedure, Form, Fee and Record of Proceeding) Rules, 2012. The fees shall be in the form of demand draft. One copy each shall also be delivered to the opposite party with sufficient copies before the Tribunal		
Registrar	Scrutinize the Appeal and check if the Appeal is complete in all respects and in conformity with the relevant rules of Energy Conservation (Procedure, Form, Fee and Record of Proceeding) Rules, 2012	NA	NA
If the Appeal is incomplete and defective			
Registrar	Shall advise the Appellant on the defects identified in the Appeal and give appropriate time to rectify the defects.	NA	Issue notice showcasing the defects as per Appendix VIII
Appellant	Rectify the defects and inconsistencies in the Appeal, as per the notice issued by Registrar and submit the Appeal by lodging all necessary documents and rectifying all objections.	NA	Appeal as per Form I of Appellate Tribunal of Energy Conservation (Procedure, form fees and record of proceedings) Rules, 2012

Procedure for filling an Appeal and passing a Judgment			
Responsible Entity	Activity	Timeline	Data Required/ Forms/ Formats
			(addressing the defects identified in the notice)
If the Appellant could not rectify the defects in stipulated time			
Registrar	Shall decline to register the pleading or document and may record the reasons for the decline in writing		NA
IF the Appeal is complete in all respects			
Registrar	The Appeal shall be numbered and registered in the register maintained in this behalf and number shall be entered therein. The Appeal shall be placed before the Tribunal for admission.	NA	NA
Registrar	On the admission of the Appeal, the Registrar, on directions of the Appellate Tribunal, shall call for the records from the respective adjudicating officer, in relation to any proceedings and retransmit the same at the conclusion of the proceedings before the Appellate Tribunal or at any time.	NA	Issue notice to the Adjudicating Officer as per Appendix IX signed by Court Master
Adjudicating Officer (AO)	Shall provide all the documents and requisite data and others records for reasons in writing with respect to the impugned order on which the Appeal has been filed by the Appellant and shall be in accordance with the Section 31 (6) /31 (A) of the Act and shall be submitted in accordance with Form II of Energy Conservation (Procedure, Form, Fee and Record of Proceeding) Rules, 2012	NA	Reply to the notice of Registrar as per Appendix X
Tribunal	Issue notice to the parties for filing of information/data under affidavit with respect to the Appeal. Also summon the parties for the date of presentation and direct parties to file affidavit of service with its proof of acknowledgement before the date fixed for hearing	NA	Notice to parties as per Appendix XI
Appellant/ Respondent	Shall serve the notice of the appeal and shall provide all requisite data under affidavit. Also name of the advocate. If any, of such parties along with his full address for service and the interim order, if any. made thereon	NA	NA
If the notice is returned unserved			

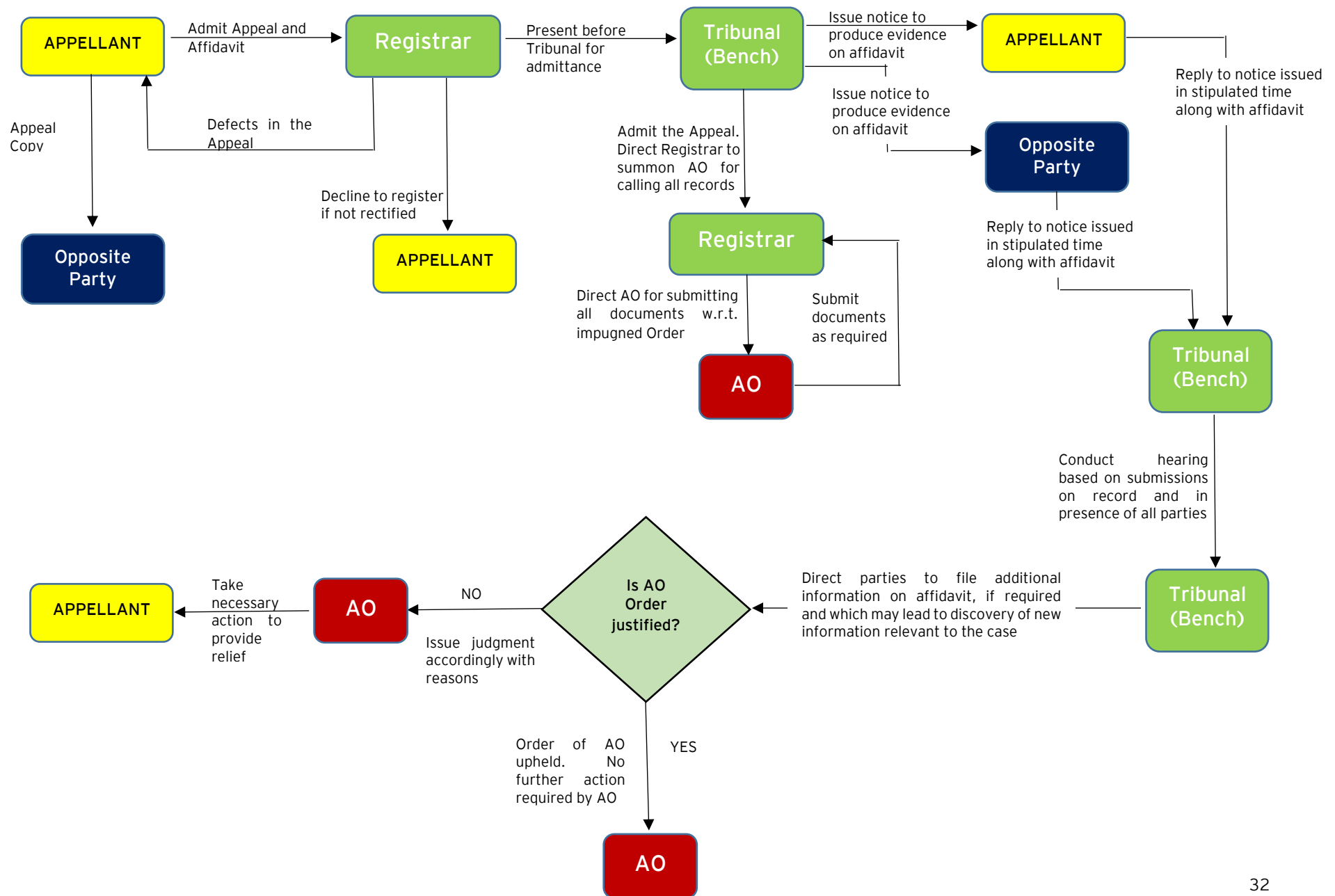
Procedure for filling an Appeal and passing a Judgment			
Responsible Entity	Activity	Timeline	Data Required/ Forms/ Formats
Registrar	The facts and reasons for notice being unserved shall be notified immediately on the notice board of the Registry and the applicant or petitioner or his advocate shall within seven days from the date of such notification take steps to serve the notice afresh		NA
If the Appellant fails to take necessary steps after return of notice			
Registrar	Shall post the case before the Bench for further directions or for dismissal for non-prosecution.	NA	NA
If notice is served with all requisite documents and affidavit by the Appellant			
Registrar	Shall put up the appeal for proceedings of the court before the Appellate Tribunal and update the cause list accordingly, with respect to the Appeal	NA	NA
Clerk-in-charge	Shall record the appeal in diaries before coming up for proceedings. The diary shall contain a concise history of the appeal or 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	NA	NA
Legal Practitioners of the Parties	The parties or legal practitioners 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	NA	NA
On the day of proceedings of the Appeal before the Appellate Tribunal			
Court Master	To record the proceedings of the court for each appeal in court diary. It shall contain 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. To also 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 verify 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.	NA	NA

Procedure for filling an Appeal and passing a Judgment			
Responsible Entity	Activity	Timeline	Data Required/ Forms/ Formats
Respondent	If directed by the Tribunal, the respondent 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. The objection or counter shall file three copies thereof after serving copies of the same on the appellant or petitioner or their advocate on record or authorized representative, as the case may be	NA	NA
On hearing all parties and examining all facts on record			
Tribunal	May pass a judgement on such Appeal. The Judgement should include all orders or directions of the Bench in clear and precise terms in the last paragraph. The Member of the Bench who has prepared the order shall initial all corrections and affix his initials at the bottom of each page. The Bench shall, as far as possible, pronounce the order immediately after the hearing is concluded.	Within 180 days of admittance of Appeal	NA
Court Master	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. 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. The Court Master shall immediately on pronouncement of order, transmit the order with the case file to the Deputy Registrar.	Within 180 days of admittance of Appeal	NA
Registrar	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	Within 180 days of admittance of Appeal	NA

Procedure for filling an Appeal and passing a Judgment			
Responsible Entity	Activity	Timeline	Data Required/ Forms/ Formats
If the Concerned party does not appear on the date of hearing			
Tribunal	Where the respondent, despite effective service of summons or notice on him does not appear before the Appellate Tribunal on the date is fixed for hearing, the Appellate Tribunal may proceed to hear the appeal or application or petition ex parte and pass final order on merits	Within 180 days of admittance of Appeal	NA

3.4 Proceedings before the Hon'ble Appellate Tribunal for Energy Conservation

- 3.4.1** The following flow chart is a pictorial representation of the process to be followed by respective stakeholders before passing a judgment by the Hon'ble Appellate Tribunal for energy Conservation under the EC Act, 2001:



Chapter 4: Designated Consumer under the Act

4.1 Identification of Designated Consumer

4.1.1 Clause (g) of section 2 of the Act defines designated consumer as any consumer specified under Clause (e) of Section 14.

4.1.2 Clauses (e) and (f) of Section 14 of the Act provides that

“the Central Government may, by notification, in consultation with the Bureau, (e) specify, having regard to the intensity or quantity of energy consumed and the amount of investment required for switching over to energy efficient equipment and capacity of industry to invest in it and availability of the energy efficient machinery and equipment required by the industry, [any user or class of users of energy in the energy intensive industries and other establishments as specified in the Schedule as a designated consumer] for the purposes of the Act;”

(f) alter the list of Energy Intensive Industries specified in the Schedule;

4.1.3 The Central Government also has power to alter the list of energy intensive industries as provided in the following clause.

4.1.4 The list of energy intensive industries and other establishments specified in the Schedule is as follows:

- 1) Aluminum
- 2) Fertilizers
- 3) Iron and Steel
- 4) Cement
- 5) Pulp and Paper
- 6) Chlor Alkali
- 7) Sugar
- 8) Textile
- 9) Chemicals
- 10) Railways
- 11) Port Trust
- 12) Transport Sector (Industries and Services)
- 13) Petrochemical, Gas Crackers, Naphtha Crackers and Petroleum Refineries;

14) Thermal power stations, hydel power stations, electricity transmission companies and distribution companies;

15) Commercial buildings or establishments

4.1.5 Clause (h) of Section 14 of the Act provides that the Central Government, may, by notification, in consultation with the Bureau shall

direct, having regard to quantity of energy consumed or the norms and standards of energy consumption specified under clause (a), the Energy Intensive Industries specified in the Schedule to get energy audit conducted by an accredited energy auditor in such manner and intervals of time as may be specified by regulations.

4.1.6 The Central Government in consultation with the Bureau has provided, vide notification number S.O. 394 (E) dated the 12th March, 2007 published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) dated 19th March, 2007 as amended from time to time, that only those energy intensive industries and establishment having annual energy consumption specified therein shall be notified as designated consumer under the Act (**Annexure 4A**). The details of annual energy consumption notified as on 01st April, 2018 is indicated in the following table:-

Industry wise threshold for notification of DC

Relevant S.O.	Sector	Minimum annual energy consumption [Threshold] in (MTOE)
S.O. 394 (E) dated 12 March 2007	Aluminum	7500
	Cement	30000
	Chlor- Alkali	12000
	Fertilizer	30000
	Iron & Steel	30000
	Paper & Pulp	30000
	Textile	3000
	Thermal Power Plant	30000
S.O. 3542 (E) dated 29th December, 2015 (Annexure 4B)	Railways	70000
	Petroleum Refinery	90000
	Electricity Distribution Companies	86000

S.O. 1388 (E) dated 2nd May, 2017 (Annexure 4C)	Hotels under commercial buildings or establishments	1000
S.O. 3600 (E) dated 15th November, 2017(Annexure 4D)	Petrochemical (Gas Crackers and Naphtha Crackers)	100000

- 4.1.7** Every energy intensive Industries whose annual energy consumption is equal to or greater than the threshold limit specified in the notifications referred to in para 4.1.6 and the table thereunder, shall be deemed to become designated consumer and consequently he shall be considered liable under Section 26 for imposition of penalty for his failure to comply with obligation of designated consumer specified in para 4.2 of this Manual.

4.2 Obligations of Designated Consumer

- 4.2.1** The following clauses of section 14 of Act identifies functions and obligations of the designated consumer:

Section 14: The Central Government may, by notification, in consultation with the Bureau -

Clause (l): direct any designated consumer to designate or appoint energy manager in charge of activities for efficient use of energy and its conservation.

Clause (l): direct any designated consumer to submit a report, in the form and manner as may be prescribed, on the status of energy consumption at the end of the every financial year to designated agency;

Clause (i): direct, if considered necessary for efficient use of energy and its conservation, any designated consumer to get energy audit conducted by an accredited energy auditor;

Clause (k): direct any designated consumer to furnish to the designated agency, in such form and manner and within such period, as may be prescribed, the information with regard to the energy consumed and action taken on the recommendation of the accredited energy auditor;

4.2.2 OBLIGATION 1

- 4.2.2.1** The Central Government in consultation with the Bureau has notified vide S.O. 318 (E) dated 2nd March, 2007 (Annexure 4E) issued under the clause (l) of section 14 of the said Act has directed that every designated consumer shall –

(i) designate or appoint an energy manager having the minimum qualification specified in Energy Conservation (Minimum Qualification for Energy Manager) Rules, 2006 and

certified under the Bureau of Energy Efficiency (Certification Procedures for Energy Managers) Regulations, 2010.

*(ii) submit a report to the concerned State Designated Agency with a copy to Bureau of Energy Efficiency on the status of energy consumption at the end of each financial year within three months of the close of that financial year as prescribed in the Energy Conservation (The Form and Manner for Submission of Report on the Status of Energy Consumption by the Designated Consumers) Rules, 2007, notified vide, G.S.R. 174 (E), dated 2nd March, 2007 and published in the Gazette of India, Extraordinary, Pt. II Sec. 3(i), dated 5th March, 2007 and as amended from time to time (**Annexure 4F**).*

4.2.2.2 G.S.R. 174 (E) was amended vide G.S.R. 891 (E), dated 19th November, 2015 to provide for the "Sector Specific Pro-forma" covering eight sectors specified in section F of Form 1 applicable to designated consumers (**Annexure 4G**).

4.2.2.3 The said amendment rules further provides that Designated Consumer shall furnish the data in Form 1 from the Sector Specific Proforma, applicable to a designated consumer and the applicable Sector Specific Pro-forma, duly filled in, shall also be annexed to Form 1.

4.2.2.4 The rules notified under G.S.R. 174 (E) are being further amended for inclusion of Sector Specific Proforma for other 5 sectors, namely Railways, Petroleum Refinery, Electricity Distribution Companies, Hotels under commercial buildings or establishments and Petrochemical (Gas Crackers and Naphtha Crackers) is under process.

4.2.2.5 The Energy Conservation (the Form and Manner for submission of report on the status of energy consumption by the designated consumer) Rules, 2007 duly amended by G.S.R. 891 (E) dated 19th November, 2015 (**Annexure 4H**) specifies that:

furnish in electronic form to the concerned state designated agency with a copy to Bureau, a report on the status of energy consumption for the financial year ending on the 31st March of every calendar year on or before the 30th June of the said calendar year in Form 1.

ensure that the data furnished in Form I under the S.O. 318 (E) dated 2nd March 2007 shall be duly authenticated by the energy manager designated or appointed by the designated consumer, the Chief Executive or his authorized nominee before sending to state designated agency or the Bureau.

4.2.3 OBLIGATION 2

4.2.3.1 S.O. 1378 (E) dated 27th May, 2014 (**Annexure 4I**) issued under the clause (i) of section 14 of the Act, directs under clause (a) of the said notification that every designated consumer shall get energy audit conducted by an accredited energy auditor, in accordance with the Bureau of Energy Efficiency (Manner and Intervals of Time for Conduct of Energy Audit) Regulations, 2010, notified vide, 02/11(6) /05-BEE, dated 28th April, 2010, published in the Gazette of India, Pt. III, Sec. 4, dated 28th April, 2010 (**Annexure 4J**).

4.2.3.2 The regulations inter-alia provides that every designated consumer shall:

have its first energy audit conducted, by an accredited energy auditor within 18 months of the notification issued vide S.O. 1378 dated 27th May, 2014 by the Central Government;

get subsequent energy audit conducted after three years from the date of submission of previous energy audit report by the accredited energy auditor;

4.2.3.3 Accredited energy auditor shall conduct the energy audit in-accordance with the manner specified in the Regulations, 2010 and ensure to –

verify the information submitted to the designated agency under the Energy Conservation (the Form and Manner for Submission of Report on the Status of Energy Consumption by the Designated Consumers) Rules, 2007 as amended from time to time for the previous two years to establish validated data on annual energy consumption and prepare a report in Form 1 for the year preceding to the year for which energy audit report shall be prepared and submitted;

prepare the energy audit report containing recommendations on energy saving measures, their cost benefit analysis;

prepare an action plan jointly with the energy manager for implementation of energy saving measures, which are technically viable, financially attractive and within the financial means of the designated consumer by following the procedure specified in sub-regulation (4) of Regulation 4 and 5 of the Audit Regulations, 2010 and submit a report in Form 2 to the management of the designated consumer as per Audit Regulations, 2010.

evaluate the implementation of each recommended energy saving measure in the previous audit report and shall submit the details of energy conservation measures implemented, investment made and savings in energy achieved and progress made in the implementation of other recommendations in Form 3, to the management of the designated consumer.

4.2.4 OBLIGATION 3

4.2.4.1 S.O. 1378 (E) dated 27th May, 2014 issued under clause (k) of section 14 of the Act, directs under clause (b) of the said notification that every designated consumer shall furnish details of information on energy consumed and details of the action taken on the recommendations of accredited energy auditor to the concerned designated agency, in accordance with the Energy Conservation (Form and Manner and Time for Furnishing Information with Regard to Energy Consumed and Action Taken on Recommendation of Accredited Energy Auditor) Rules, 2008, notified vide G.S.R. 486(E), dated 26th June, 2008, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 30th June, 2008 (**Annexure 4K**).

4.2.4.2 The aforesaid rule specifies the form and time limit for furnishing of information by the designated consumer, whereby every designated consumer within three months of the submission of energy audit report by the accredited energy auditor shall furnish the information based on the said audit report, in Form 1, Form 2 and Form 3 after getting the same authenticated by the concerned accredited energy auditor and the energy manager appointed or designated by the designated consumer, in electronic form, to the designated agency as specified below:-

Form 1 containing details of validated data on energy consumed, product-wise specific energy consumption, duly verified and signed by the appointed or designated energy manager.

Form 2 containing details of action taken on recommendations of accredited energy auditor for improving energy efficiency of the plant of designated consumer, duly verified and signed by the energy manager and accredited energy auditor.

Form 3 containing details of energy efficiency improvement measures implemented, investment made and energy savings achieved and progress made in the implementation of other recommendations duly verified and signed by the energy manager and accredited energy auditor.

4.2.5 Buildings as Designated Consumer

- 4.2.5.1** Clause (r) and clause (s) of section 14 of the Act give the following directions to the designated consumers in the building or building complex:

“14 The Central Government may, by notification, in consultation with the Bureau,-

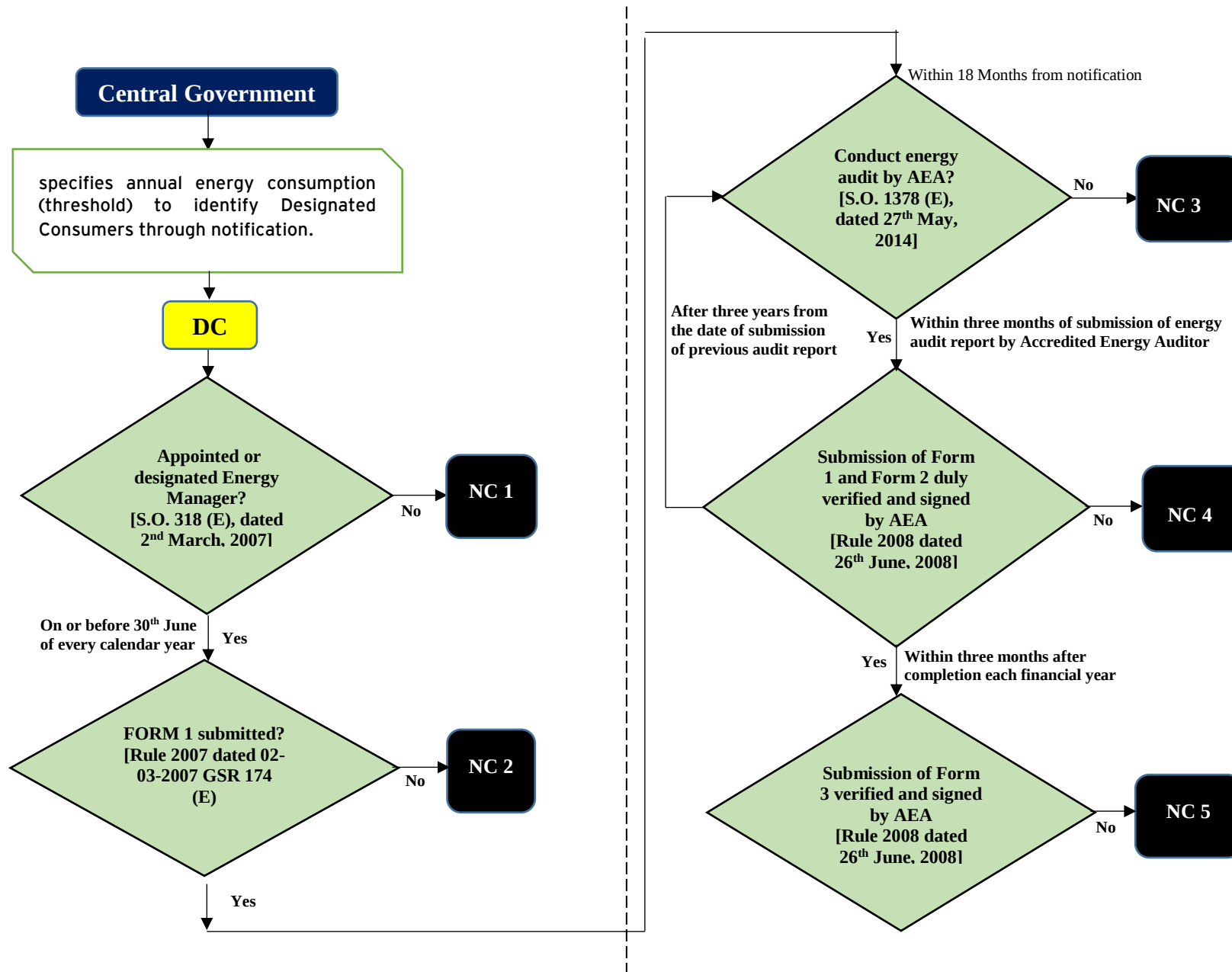
...(r) direct every owner or occupier of the building or building complex, being a designated consumer to comply with the provisions of energy conservation building codes for efficient use of energy and its conservation; “

...(s) direct, any designated consumer referred to in clause (r), if considered necessary, for efficient use of energy and its conservation in his building to get energy audit conducted in respect of such building by an accredited energy auditor in such manner and intervals of time as may be specified by regulations.

- 4.2.5.2** As soon as the Central Government in consultation with the Bureau notify directions as provided in clause (r) and clause (s) as aforesaid, the Building owners declared as designated consumers shall meet aforesaid obligations in addition to the appointment or designation of energy manager and submission of status of energy consumption report in Form I, Form 2 and Form 3.

4.3 Conditions for occurrence of non-compliance events

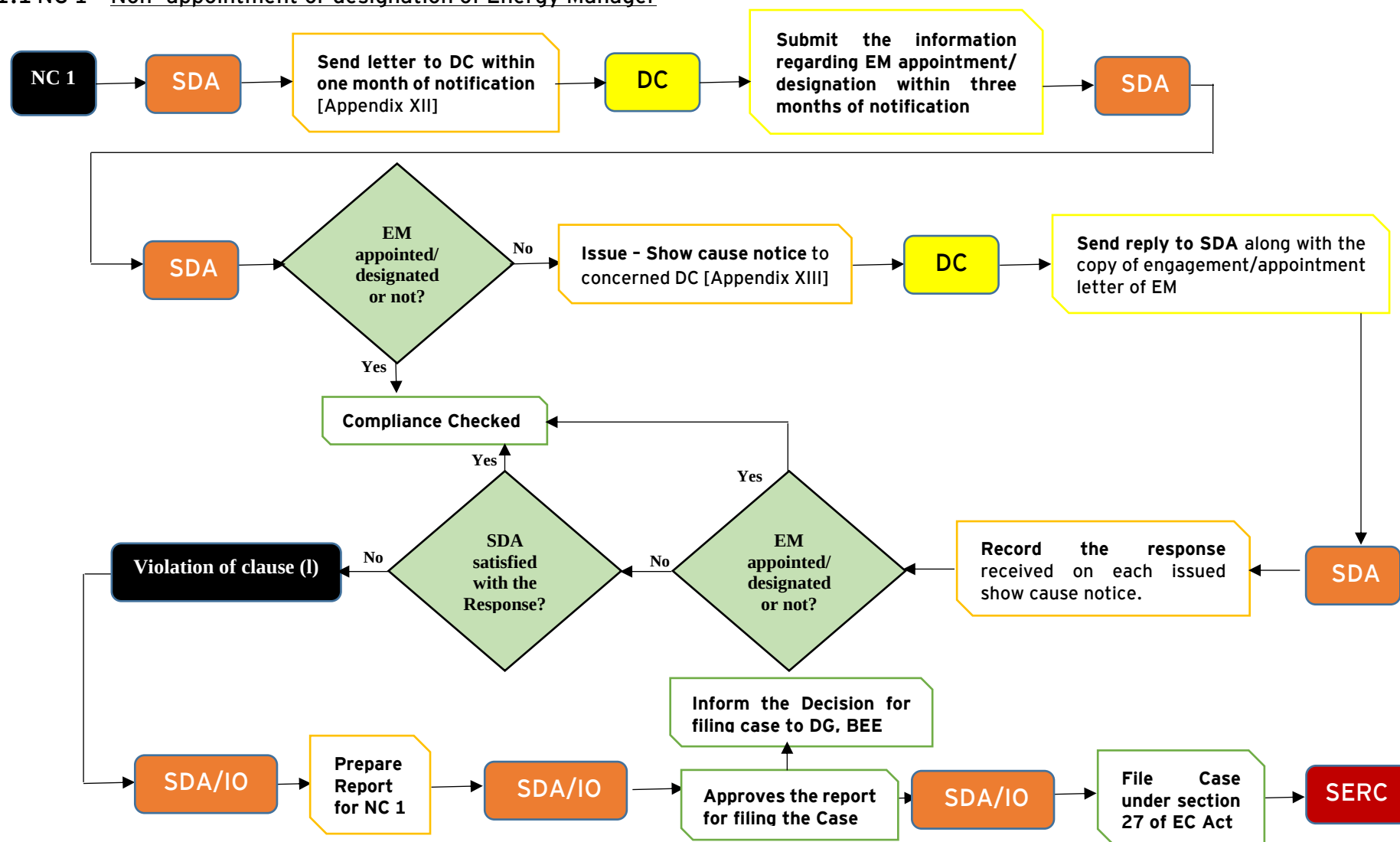
- 4.3.1** This section details the process flow and step by step activity related to management of the events of violations, under this chapter, in line with the previous section:



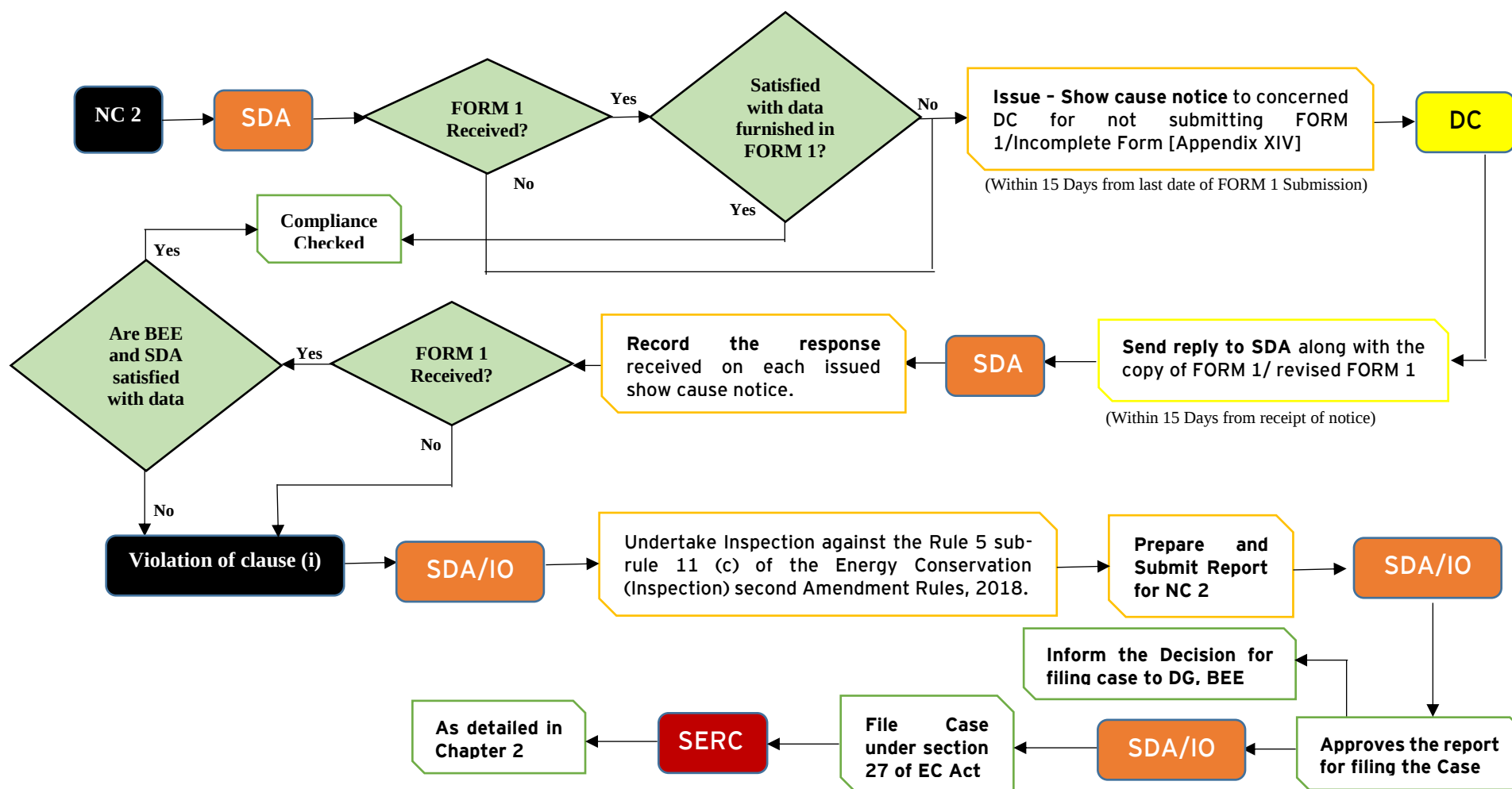
4.4 Procedure for Enforcement

4.4.1 The following flowchart is a pictorial representation of the process to be followed for the non-compliance events listed in the previous Section.

4.4.1.1 NC 1 - Non- appointment or designation of Energy Manager

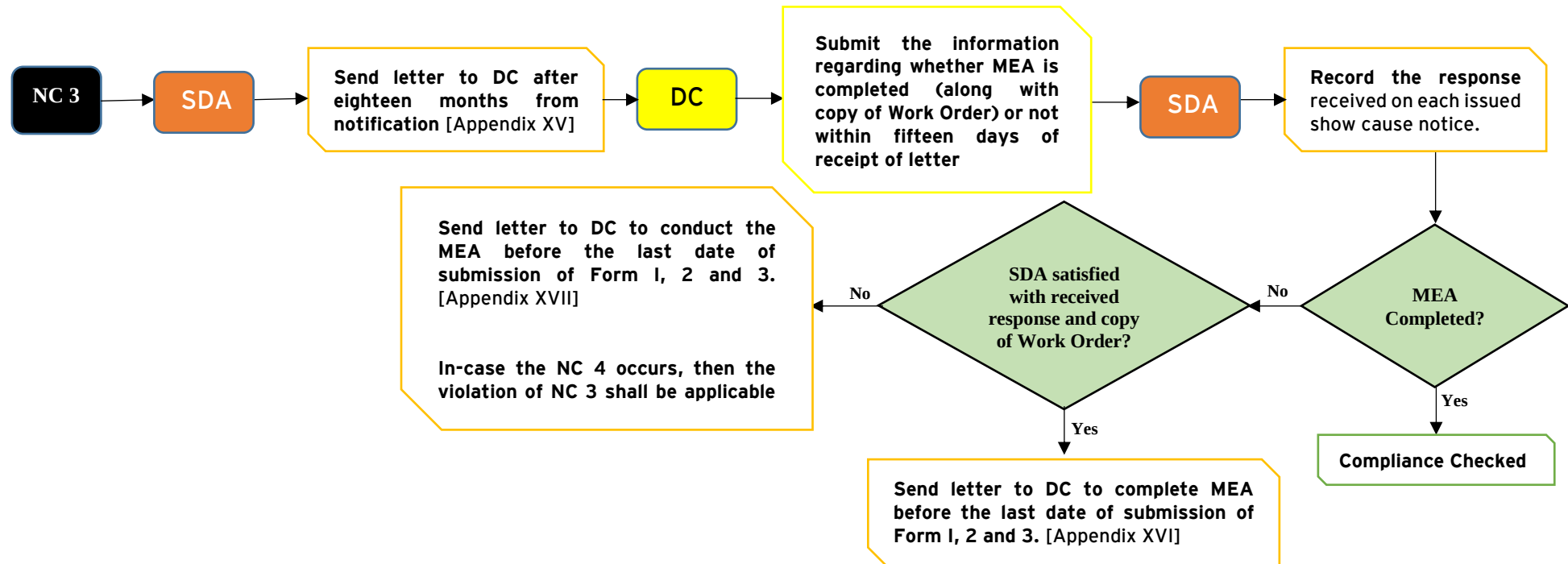


4.4.1.2 NC 2 - Non- Submission of FORM 1



Section 48 of EC Act is applicable, wherever there is non-compliance by any Company or any officer(s) in-charge responsible for conduct of the business of the company

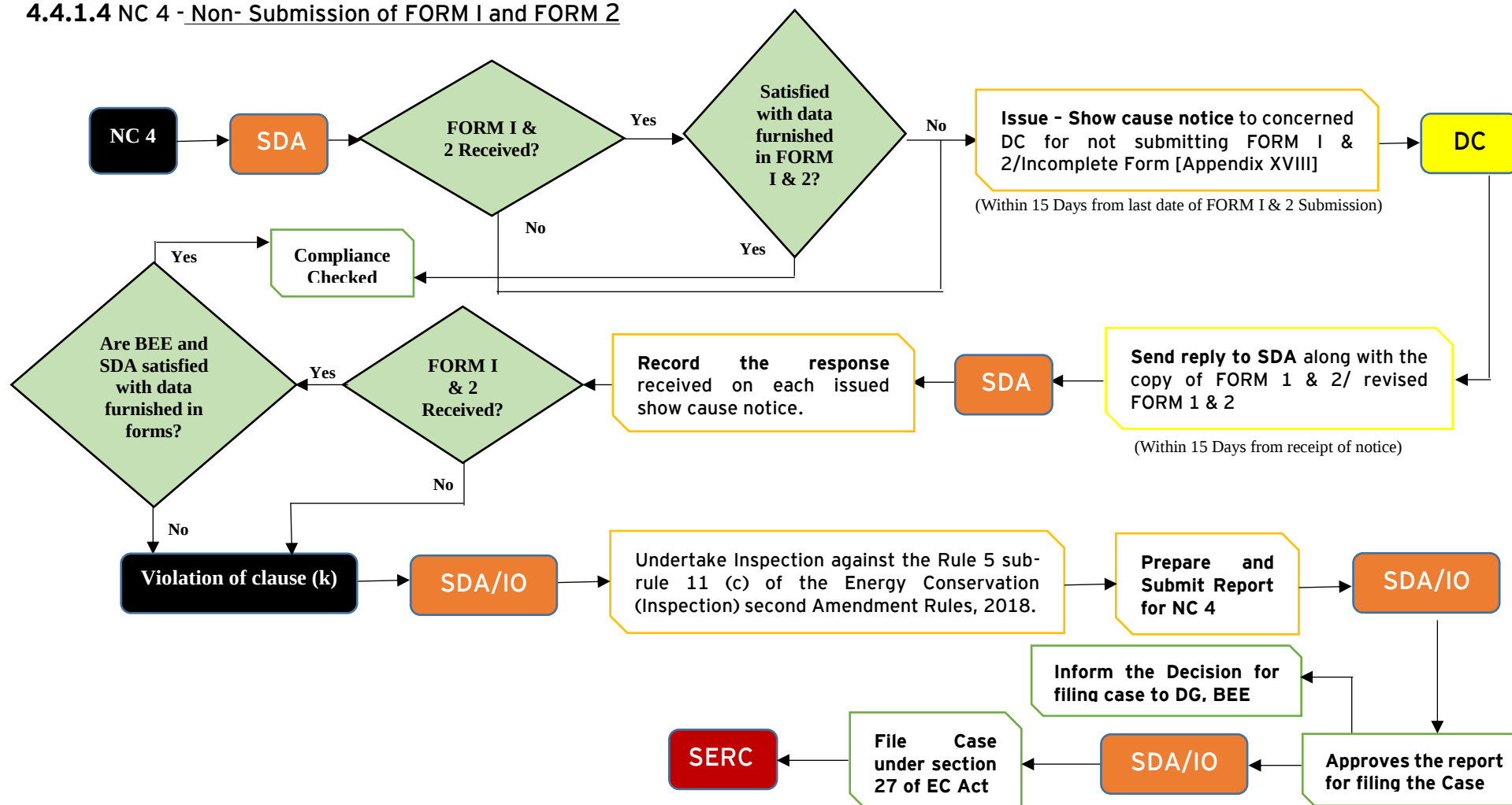
4.4.1.3 NC 3 - Mandatory Energy Audit (MEA) not conducted



Note: SDA may remind DC of their obligation under EC Act prior to compliance period.

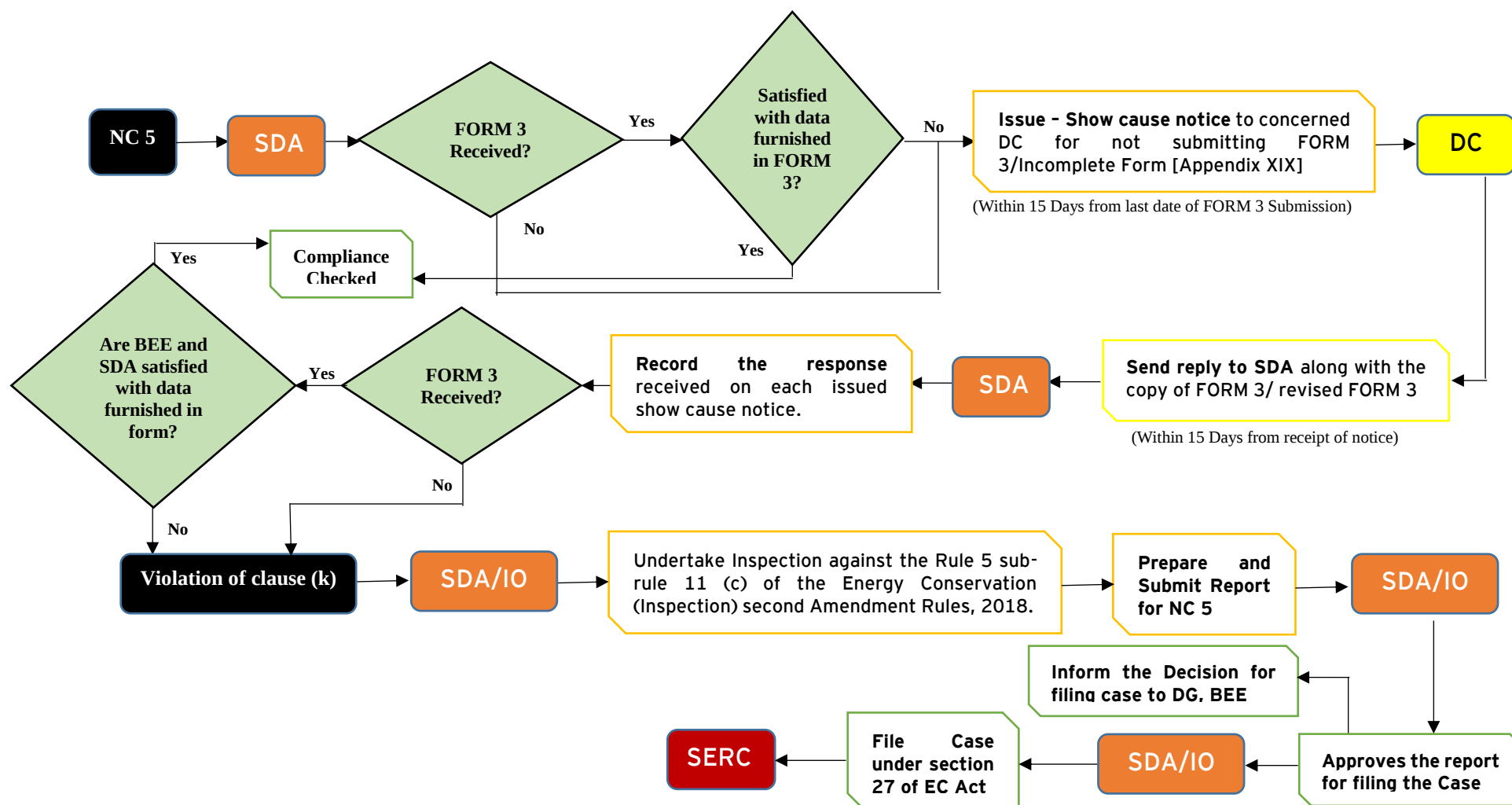
Section 48 of EC Act is applicable, wherever there is non-compliance by any Company or any officer(s) in-charge responsible for conduct of the business of the company

4.4.1.4 NC 4 - Non- Submission of FORM I and FORM 2



Section 48 of EC Act is applicable, wherever there is non-compliance by any Company or any officer(s) in-charge responsible for conduct of the business of the company

4.4.1.5 NC 5 - Non- Submission of FORM 3



Section 48 of EC Act is applicable, wherever there is non-compliance by any Company or any officer(s) in-charge responsible for conduct of the business of the company

4.5 Process for Adjudication

- 4.5.1** SDA shall initiate adjudication procedure for violations under the Act, against the designated consumer who has failed to comply with the provisions of clause 14 (i), (k), (l) (r) and (s) of the Act in the above mentioned compliance requirement. The initiation of proceedings shall be through filing of Petition before the State Electricity Regulatory Commission by the Inspecting Officer of SDA.
- 4.5.2** SDA through its inspecting officer, shall prepare a Petition by taking into account all the facts and materials on record, collect evidence or documents and list of persons(s) acquainted with the facts and circumstances of the case, relevant to the subject matter of inquiry.
- 4.5.3** The said inspecting officer shall file the approved petition before the State Commission (SERC) against the concerned person(s) including the defaulting Company and their officers, covered in Section 48 of the Act and ensure the evidence or documents are produced before the Adjudicating Officer in support of noncompliance by the designated consumer as per procedure detailed in Chapter 2 of the Manual.

Chapter 5: Perform, Achieve and Trade (PAT) Scheme

5.1 Background

- 5.1.1 The Perform, Achieve and Trade (PAT) scheme is one of the initiatives under National Mission for Enhancing Energy Efficiency (NMEEE), which was notified on 30 March, 2012. PAT scheme is designed to accelerate implementation of cost-effective measures in energy efficiency in large energy-intensive industries. PAT scheme establishes a market to achieve twin objectives of financial incentives, thereby reducing cost and compliance to energy efficiency targets, through certification of energy savings that can be traded. The genesis of PAT scheme flows out of the provisions of clauses (f), (g), (k), (la), (laa) of Section 56, read with clauses (g) and (o) of Section 14 and sub-section (1) of Section 14(A) and 14(B) of the Act (inserted by Act 28 of 2010, sec.7 (w.e.f. 24-8-2010) and empowers Central Government to implement PAT scheme and measures thereof.
- 5.1.2 The key goal of PAT is to mandate specific energy consumption improvements for the energy intensive industries. The scheme builds on the large variations in energy intensities of different units in almost each notified sector, ranging from among the best in the world to some of the most inefficient units. The scheme is designed to achieve improvements in the energy intensity of each unit. The energy intensity reduction target, mandated for each unit, depends on its current efficiency: more efficient units have a lower reduction target while less efficient units have a higher reduction target.
- 5.1.3 The Ministry of Power, in consultation with the Bureau of Energy Efficiency, has prescribed energy consumption norms and standards, in exercise of the power conferred under clause (g) of section 14 of the Act and has directed the designated consumers under clause (n) of section 14 of the Act to achieve the targeted Specific Energy Consumption for Designated Consumers under Energy Conservation (Energy Consumption Norms and Standards for Designated Consumers, Form, Time within which, and Manner of Preparation and Implementation of Scheme, Procedure for Issue of Energy Savings Certificates and Value of per Metric Tonne of Oil Equivalent of Energy Consumed) Rules, 2012, dated 30 March, 2012, vide SO 687 (E) (**Annexure 5A**).
- 5.1.4 The above notification is based on the rules notified under GSR 269 (E) Energy Conservation (Energy Consumption Norms and Standards for Designated Consumers, Form, Time within which, and Manner of Preparation and Implementation of Scheme, Procedure for Issue of Energy Savings Certificates and Value of per Metric Tonne of Oil

Equivalent of Energy Consumed) Rules, 2012 dated 30 March, 2012, herein referred to as the PAT Rules, 2012 (**Annexure 5B**).

5.2 PAT Mechanism

- 5.2.1 The Central Government, notifies industrial units as Designated Consumers who are consuming energy more than the minimum annual energy consumption (threshold energy) in different energy intensive sectors as notified by the Bureau. Bureau of Energy Efficiency (BEE) at the national level has designed the overall framework for the scheme with State Designated Agency (SDA) at state level looking at its enforcement by providing technical support to the Designated Consumers.
- 5.2.2 Under the PAT mechanism, the Designated Consumers shall reduce their specific energy consumption (SEC) to the targeted value as specified by the Central Government in each PAT Cycle by implementing cost effective energy efficiency measures and practices. Those industries who surpass their targeted specific energy consumption are issued Energy Savings Certificates (ESCerts) by Central Government equivalent in number to the product of over achieved SEC in (toe/tonne) and major equivalent product output in tonne. Those industries who are not able to achieve their SEC target are obligated to purchase the energy saving certificate or pay financial penalty so that they can demonstrate their targeted compliance.

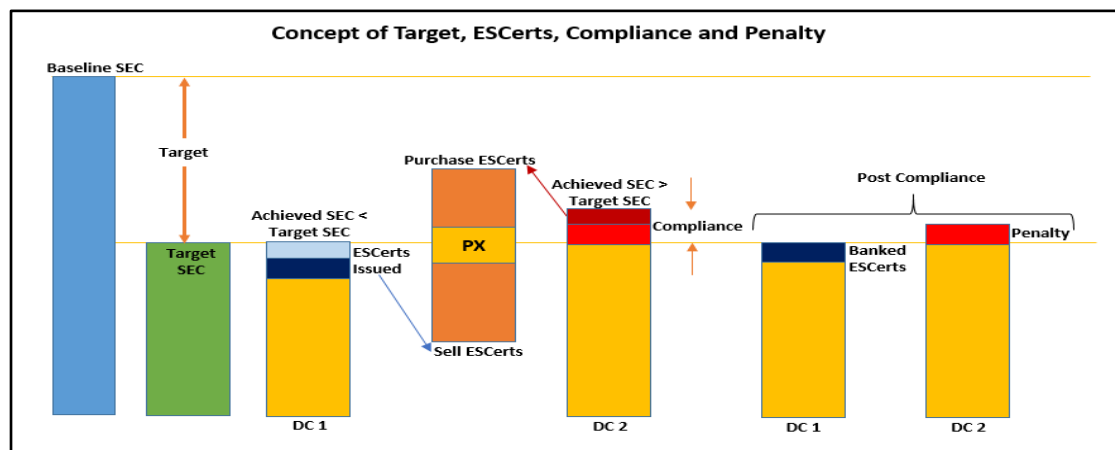


Fig. 1. Concept of PAT Mechanism

- 5.2.3 In the Fig. 1, DC 1 surpasses their targeted specific energy consumption and are issued ESCerts (shown in **light blue** and **dark blue**) while the DC 2 is not able to achieve their SEC target and are obligated to purchase ESCerts (shown in **light red** and **dark red**). During the trading period, Designated Consumers can sell or purchase ESCerts on Power Exchange (PX) after getting registered as eligible entity with Registry.

- 5.2.4 Here, DC 1 sell their issued ESCerts (shown in **light blue**) and the DC 2 purchase ESCerts against their obligation shown in **dark red**. After the compliance, DC1 banks their remaining ESCerts (shown in **dark blue**) while the DC 2 pay the financial penalty for the remaining obligation shown in **light red**.

5.3 Relevant section of the Act

- 5.3.1 The following power of Central Government to enforce efficient use of energy and its conservation defined under the provisions of section 14 of the Act regulates the PAT Scheme:

(g) establish and prescribe such energy consumption norms and standards for designated consumers as it may consider necessary;

PROVIDED that the Central Government may prescribe different norms and standards for different designated consumers having regard to such factors as may be prescribed;

(n) direct every designated consumer to comply with energy consumption norms and standards;

(o) direct any designated consumer, who does not fulfil the energy consumption norms and standards prescribed under clause (g), to prepare a scheme for efficient use of energy and its conservation and implement such scheme keeping in view of the economic viability of the investment in such for, the time within which and the manner as may be prescribed;

(r) direct every owner or occupier of the building or building complex, being a designated consumer to comply with the provisions of energy conservation building codes for efficient use of energy and its conservation;

(s) direct, any designated consumer referred to in clause (r), if considered necessary, for efficient use of energy and its conservation in his building to get energy audit conducted in respect of such building by an accredited energy auditor in such manner and intervals of time as may be specified by regulations;

14(A) Power of Central Government to issue energy savings certificate:-

(1) The Central Government may issue the energy savings certificate to the designated consumer whose energy consumption is less than the prescribed norms and standards in accordance with the procedure as may be prescribed.

(2) The designated consumer whose energy consumption is more than the prescribed norms and standards shall be entitled to purchase the energy savings certificate to comply with the prescribed norms and standards.

14 (B) Power of Central Government to specify the value of energy:-

The Central Government may, in consultation with the Bureau, prescribe the value of per metric tonne of oil equivalent of energy consumed for the purposes of the Act.

5.4 Key Stakeholders and their roles & responsibilities

5.4.1 The following are the key stakeholders involved in PAT scheme:

S. No	Name of Stakeholders	Roles & Responsibilities
1.	Central Government (Ministry of Power)	Issue of Policy Directives in consultation with the Bureau
2.	Bureau of Energy Efficiency	Program Administrator
3.	Designated Consumer	Complying Party
4.	State Designated Agency	State Nodal Agency
5.	State Electricity Regulatory Commission	Adjudicator
6.	Empaneled Accredited Energy Auditor	Verifier
7.	Central Electricity Regulatory Commission (CERC)	Market Regulator
8.	POSOCO	Registry
9.	Power Exchanges	Trading Platform

5.4.2 The detailed list of roles and responsibilities of key stake holders involved in the scheme are described in the subsequent table:

Name of Stakeholder: Central Government			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant PAT Rule
1.	The Central Government, may, by notification, in consultation with the Bureau establish and specify the energy consumption norms and standards for every designated consumer.	Clause (g) read with proviso of section 14	Rule 4 –Procedure for establishment of energy consumption norms and standards – Clause [6(a)]

Name of Stakeholder: Central Government			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant PAT Rule
2.	Shall, give direction to all designated consumers for compliance with the energy consumption norms and standards under clause (n) of section 14 and inform the Bureau and all the State designated agencies.	clause (n) of section 14	Rule 4 –Procedure for establishment of energy consumption norms and standards – [Clause 6(b)]
3.	Shall on satisfying itself on the receipt of recommendation from the Bureau, issue the energy savings certificates of required value to the concerned designated consumer.	section 14 (A)	Rule 12 –Procedure for issue of energy savings certificate – [Clause (1)]

Name of Stakeholder: Bureau of Energy Efficiency (BEE)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant PAT Rule
1.	Role of Technical Committee of Bureau: ▶ calculate specific energy consumption in the baseline year and projected specific energy consumption in the target year covering different forms of net energy going into the boundary of the designated consumers' plant and the products leaving it over the relevant cycle on a gate-to-gate basis; ▶ calculate the net energy input to the plant; ▶ calculate the specific energy consumption for the baseline year as well as for the target year and normalize it by taking into account the capacity utilization, mix of grid and captive electricity, and any other factor which affects energy consumption as specified in the Schedule; ▶ calculate the annual specific energy consumption in the baseline year by verifying the data in the previous three years, year-wise, using the data submitted by the designated	section 8	Rule 4 (Sub-rule 1) – Procedure for establishment of energy consumption norms and standards

Name of Stakeholder: Bureau of Energy Efficiency (BEE)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant PAT Rule
	consumers' under Rules 2007 and verified, under Rules 2008; ▶ calculate the effect of capacity utilization and other factors if any, on the specific energy consumption for the previous three years; ▶ calculate the specific energy consumption, production, capacity utilization, in the baseline year by taking the average of the previous three years in the first cycle and for subsequent cycles, the provisions of rule 14 shall apply; ▶ shall prepare a report containing designated consumer-specific basis of methodology in consultation with the designated consumers, and submit the said report to the Bureau.		
2.	recommend to the Central Government for issue of energy savings certificate under section 14(A)	section 13 (2 (aa))	Rule 11 (Clause 1) – Recommendation for issue of energy savings certificates
3.	Shall examine the report submitted by Committee and finalize its report containing its recommendation regarding the energy consumption norms and standards for each designated consumers' plant and submit the report to the Central Government.	section 13 (2 (a))	Rule 4 (Clause 3) – Procedure for establishment of energy consumption norms and standards
4.	Shall send its recommendation under clause (aa) of sub-section (2) of section 13 of the Act for issue of the Energy Savings Certificates to the Central Government, based on the claim raised by the designated consumer in Form 'A', after satisfying itself about the correctness of verification report, and check-verification report.	Sub-section 2 (aa) of section 13	Rule 11 – Recommendation for issue of energy savings certificates
5.	Shall initiate action in accordance with the procedure defined for check- verification in the Rule 8 of PAT rules.		Rule 8 (Sub-rule 2) – Check-verification –

Name of Stakeholder: Bureau of Energy Efficiency (BEE)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant PAT Rule
6.	The value of per metric ton of oil equivalent of energy consumed shall be reviewed every year as specified in sub-rule (3) of Rule 16 of PAT rules.	Sub-section (B) of Section 14	Rule 16 (Sub-rule 3) – Specification of value of energy
7.	Shall recommend to the Central Government for notifying any user or class of users of energy as a designated consumer under clause (e) of section 14 of the Act.	Sub-section (c) of clause 2 of Section 13	NA

Name of Stakeholder: Designated Consumer (DC)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant PAT Rule
1.	Shall achieve compliance with the energy consumption norms and standards as notified under clause (g) of section 14 within a period of three years from the date of commencement of the said notification.	Clause (n) of section 14	Rule 13(Sub-rule 1) – Compliance of energy consumption norms and standards
2.	Shall submit a scheme to State Designated Agency with a copy to Bureau, within three months from the date of notification.	Clause (o) of section 14	Rule 5 (Sub-rule 1) – Form, manner and time for preparation of scheme for implementation of efficient use of energy and its conservation
3.	Shall submit to the State Designated Agency, with a copy to the Bureau, within four months of the conclusion of the target year from the baseline year, the performance assessment document in Form 'A' covering the performance for the relevant cycle specifying the compliance with energy consumption norms and standards, duly verified together with certificate in Form 'B' given by the Accredited Energy Auditor and accompanied by the documents defined in the PAT Rules.	Clause (n) of section 14	Rule 6 (Sub-rule 1) – Assessment of performance
4.	Shall provide proof of timely submission of reports in Form 1, Form II and Form III under Rules 2008 along with copies	Clause (k) of section 14	Rule 6 (Sub-rule 1 (b, c))–Assessment of performance

Name of Stakeholder: Designated Consumer (DC)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant PAT Rule
	thereof including the reports for the target year.		
5.	Shall appoint or designate the energy manager, to undertake initiatives for improvement in energy conservation and energy efficiency.	Clause (l) of section 14	Rule 6 (Sub-rule 1 (f))– Assessment of performance
6.	Shall submit the following documents along with Form A and Form B: - proof of timely submission of reports in Form 1 under Rules 2007 for the previous three years; - proof of timely submission of reports in Form 1, Form II and Form III under Rules 2008 along with copies thereof including the reports for the target year; - details of energy savings measures implemented for compliance with the energy consumption norms and standards in Form II and Form III of Rules 2008, for each year, covering the relevant cycle - details of energy consumption norms and standards of the designated consumers in the baseline year, achievement made in every year following the baseline year and upto the target year together with the opinion of the accredited energy auditor on the achievement of energy consumption norms and standards, entitlement or requirement of energy savings certificates along with the details of calculation and correctness of entitlement or requirement duly certified by the accredited energy auditor;		Rule 6 (Sub-rule 1 (f))– Assessment of performance
6.	Shall put in place transparent, independent and credible monitoring and verification arrangements for energy consumption and production based on the Bureau of Energy Efficiency (Manner and Intervals of Time for Conduct of Energy Audit) Regulations,	Clause (I, k) of section 14	Rule 7 (Sub-rule 1) – Procedure for monitoring and verification

Name of Stakeholder: Designated Consumer (DC)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant PAT Rule
	2010, in consultation with the Accredited Energy Auditor, for compliance with the energy consumption norms and standard.		
7.	Shall get the work of verification done through empaneled accredited energy auditors for assessment of their performance for compliance with the energy consumption norms and standards.	Clause (n) of section 14	Rule 15 –Obligations of the designated consumers – [Clause (a)]
8.	Shall take all measures including implementation of energy efficiency projects recommended by the accredited energy auditor and good practices prevalent or in use in the concerned industrial sector so as to achieve the optimum use of energy in their plant.	Clause (k) of section 14	Rule 15 –Obligations of the designated consumers – [Clause (b)]
9.	Shall furnish the full and complete data, provide necessary documents and other facilities required by the accredited energy auditor firm for the purpose of performing the function of verification and check-verification.	Clause (k) of section 14	Rule 7 (2) –Obligations of the designated consumers – [Clause (c)]

Name of Stakeholder: State Designated Agency (SDA)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant PAT Rule
1.	Shall coordinate, regulate and enforce provisions of EC Act within the State.	Clause (d) of section 15	
2.	Shall direct, any designated consumer to furnish the information with regard to the energy consumed in such form and manner and within such period as may be specified by PAT rules.	Clause (h) of section 15	
3.	Specify the matters to be included for the purposes of inspection under sub-section (2) of section 17.	Clause (i) of section 15	Rule 8 – Check-verification – [Clause 13]
4.	Shall furnish its comments to the Bureau on the reports and the forms received from the Designated Consumer and the accredited energy auditor.		Rule 6 –Assessment of performance – [Clause 7]

Name of Stakeholder: State Designated Agency (SDA)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant PAT Rule
5.	Shall file the case before the State Commission for initiating adjudication procedure for non-compliance by designated consumer under the PAT Rules,	Clause (i) of section 15	Rule 8 – Check-verification – [Clause 15]
6.	Shall initiate following actions within two months from the date of the receipt of the check verification report: (a) action to recover from the designated consumer the loss to the Central Government by way of unfair gain to the designated consumer; (b) penalty proceedings against the persons mentioned in the said report, under intimation to the Bureau; (c) register complaint for such fraudulent unfair gain if designated consumer does not pay penalty and loss to the exchequer in the specified time mentioned in the penalty proceedings.	Clause (i) of section 15	Rule 8 – Check-verification – [Clause 15]

Name of Stakeholder: State Commission			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant PAT Rule
1.	Shall appoint any of its members to be an adjudicating officer for holding an inquiry in such manner as may be prescribed by Central Government, for the purpose of imposing any penalty on the person who has failed to comply with the provisions of any of the clauses of the sections specified in section 26 of EC Act.	Clause (1) of section 27	

Name of Stakeholder: Accredited Energy Auditor			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant PAT Rule
1.	Shall independently evaluate each activity undertaken by the designated consumer for compliance with the energy consumption norms and standards and entitlement or requirement of energy savings certificate,	Clause (p) and Clause (q) of section 13	Rule 6 –Assessment of performance –[Clause 3]

Name of Stakeholder: Accredited Energy Auditor			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant PAT Rule
	to ensure that they meet with the requirements of PAT rules.		
2.	Shall do the following in order to assess the correctness of the information provided by the designated consumer regarding the compliance with energy consumption norms and standards: (a) apply standard auditing techniques; (b) follow the rules and regulation framed under the EC Act; (c) integrate all aspects of verification, and certification functions; (d) make independent technical review of the opinion and decision of the verification team; (e) also take into consideration, a situation where a particular activity may or may not form part of the activities related to the compliance with the energy consumption norms and standards, and the procedure for the assessment shall include,- (A) document review, involving- (i) review of data and its source, and information to verify the correctness, credibility and interpretation of presented information; (ii) cross checks between information provided in the audit report and, if comparable information is available from sources other than those used in the audit report, the information from those other sources and independent background investigation; (B) follow up action, involving- (i) site visits, interviews with personnel responsible in the designated consumers' plant; (ii) cross-check of information provided by interviewed personnel to ensure that no relevant information has been omitted or, over or under valued; (iii) review of the application of formulae and calculations, and	Clause (p) and Clause (q) of section 13	Rule 6 –Assessment of performance –[Clause 4]

Name of Stakeholder: Accredited Energy Auditor			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant PAT Rule
	reporting of the findings in the verification report.		
3.	Shall report the results of his assessment in a verification report which shall contain the details as defined in the PAT rules.	Clause (p) and Clause (q) of section 13	Rule 6 & 7 –Assessment of performance –[Clause 5] and Procedure for monitoring and verification
4.	Shall assess and verify that the activities performed by the designated consumer for compliance with the energy consumption norms and standards are in accordance with these rules, and the assessment and check-verification process shall involve the activities as defined under clause (4) of Rule 8 in PAT Rules.	Clause (p) and Clause (q) of section 13	Rule 8 – Check-verification – [Clause 4]
5.	Shall report the results of his assessment of check-verification process in a check-verification report with due certification in Form ‘C’ to the Bureau and the concerned State Designated Agency. The said report shall contained the details as defined in the clause (6) of Rule 8 in PAT Rules.	Clause (p) and Clause (q) of section 13	Rule 8 – Check-verification – [Clause 8]
6.	Shall ensure that persons selected as team head and team members must be independent, impartial and free of potential conflict of interest in relation to activities likely to be assigned to them for verification or check-verification.	Clause (p) and Clause (q) of section 13	Rule 10 –Obligations of accredited energy auditor – [Clause 2]
7.	Shall have formal contractual conditions to ensure that each team member of verification and check-verification teams and technical experts act in an impartial and independent manner and free of potential conflict of interest.	Clause (p) and Clause (q) of section 13	Rule 10 –Obligations of accredited energy auditor – [Clause 3]
8.	Shall have documented system for preparing the plan for verification or check-verification functions.	Clause (p) and Clause (q) of section 13	Rule 10 –Obligations of accredited energy auditor – [Clause 5]
9.	Shall conduct independent review of the opinion of verification or check-verification team and shall form an independent opinion and give necessary directions to the said team if required.	Clause (p) and Clause (q) of section 13	Rule 10 –Obligations of accredited energy auditor – [Clause 10]

Name of Stakeholder: Accredited Energy Auditor			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant PAT Rule
10.	Shall ensure transparency, independence and safeguard against conflict of interest, while preparing the verification and check-verification reports.	Clause (p) and Clause (q) of section 13	Rule 10 –Obligations of accredited energy auditor – [Clause 11]
11.	Shall ensure the confidentiality of all information and data obtained or created during the verification or check verification report.	Clause (p) and Clause (q) of section 13	Rule 10 –Obligations of accredited energy auditor – [Clause 12]
12.	Shall follow the provisions of the Act, rules and regulations made thereunder, while assessing the compliance with the energy consumption norms and standards and issue of energy savings certificates.	Clause (p) and Clause (q) of section 13	Rule 10 –Obligations of accredited energy auditor – [Clause 13]

5.5 Compliance Process with Timelines

5.5.1 The designated consumer for the purpose of achieving the compliance with the prescribed energy consumption norms and standards shall implement the energy conservation and energy efficiency improvement measures during the three years of each PAT Cycle. A pictorial representation of the various compliance milestones, within a PAT cycle, is depicted in Fig 2. The key compliance contours of the scheme are as below:

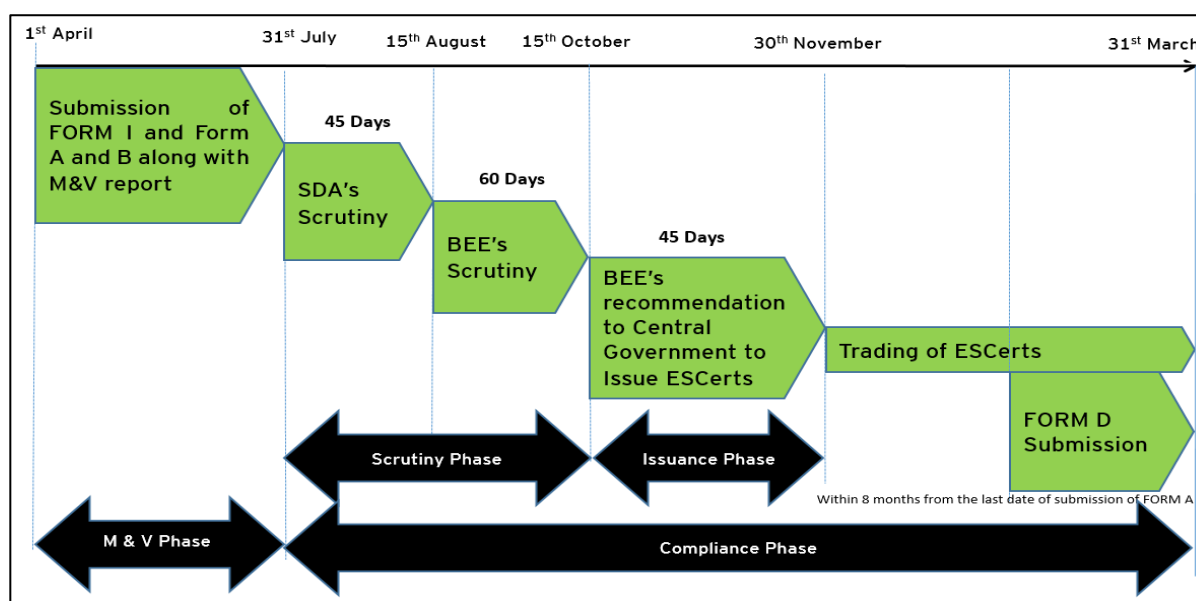
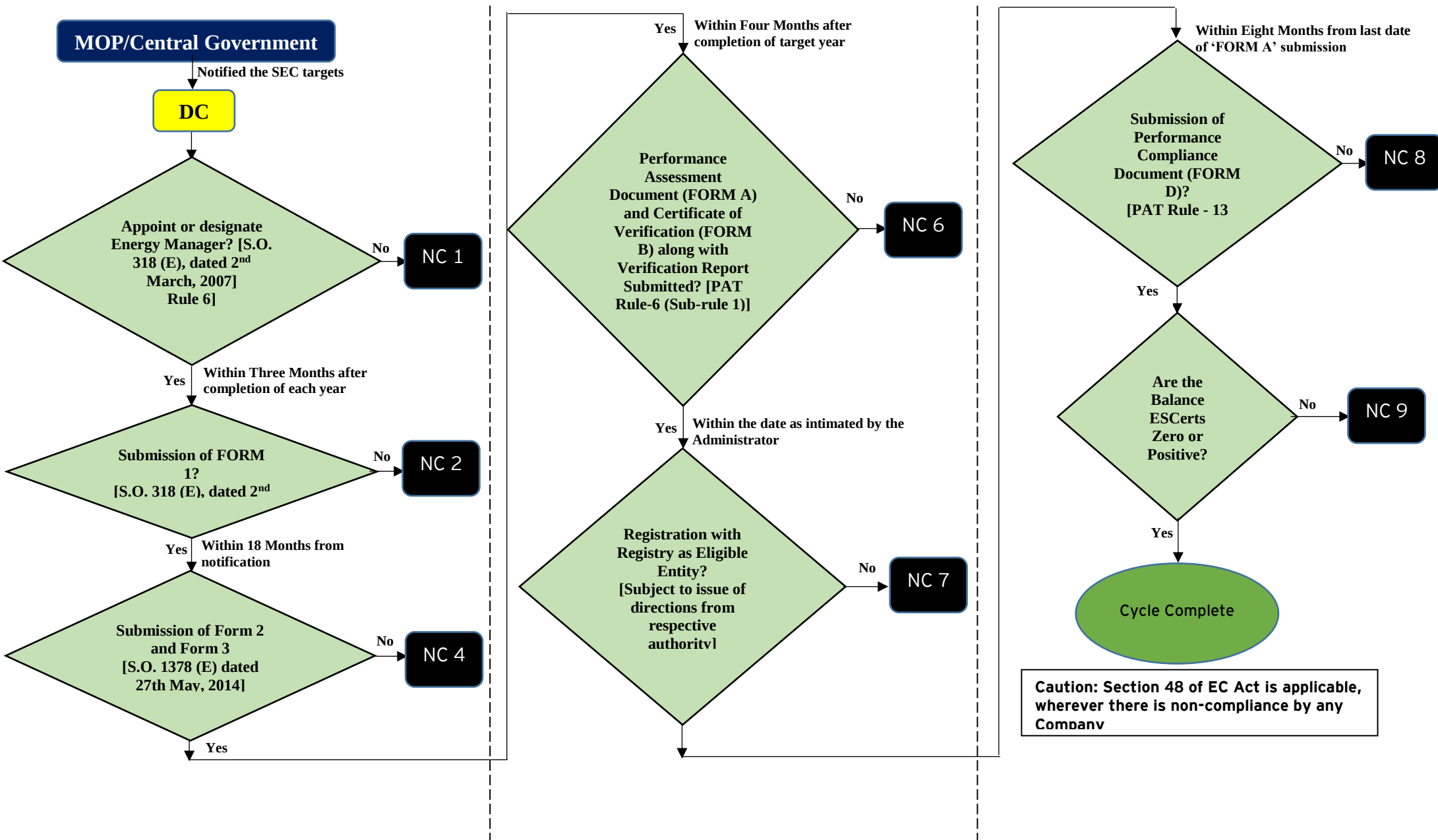


Fig. 2. Key Compliance Contours of Scheme

- 5.5.2 Designated Consumer shall submit the Performance Assessment Document in 'FORM A' and the Certificate of Verification in 'FORM B' along with verification report to SDA with a copy to BEE within four months from conclusion of target year of relevant cycle. [(GSR 269(E), dated 30th March, 2012 and its amendment from time to time)].
- 5.5.3 The State Designated Agency (SDA) shall provide their comments to BEE on respective FORM A and B within 45 days from the receipt of the forms. [(GSR 373(E), dated 30th March, 2012 and its amendment from time to time] (**Annexure 5C**).
- 5.5.4 BEE shall assess the 'FORM A' and 'FORM B' and send the recommendation to the Central Government within 60 days. Thereafter, the Central Government (Ministry of Power) shall issue ESCerts to those DCs who have over achieved their targets and entitle those DCs who have not achieved their target to purchase ESCerts for compliance within 45 days. [(GSR 373(E), dated 30th March, 2012 and its amendment from time to time)].
- 5.5.5 Designated Consumer shall submit the Compliance of Energy Consumption Norms and Standard Document 'FORM D' to SDA with a copy to BEE within eight months from the last date of submission of 'FORM A' for complying with the relevant PAT cycle targets. The balance ESCerts remaining after compliance if positive, shall be the Banked ESCerts for next PAT cycle.
- 5.6 Conditions for occurrence of non-compliance events:**
- 5.6.1 This section details the process flow and step by step activity related to management of the events of violations, under PAT scheme, in line with the previous section:



5.7 Mapping of Expected Violations with Provisions of EC Act

5.7.1 Failure to fulfil the obligations by the Designated Consumer(s) as defined under the PAT Rules, 2012 amounts to violation of the relevant provisions of Rules and Regulations under the Act. The rules under the PAT Rules 2012, which defines the obligations of the Designated Consumer(s), are summarized below:

EXPECTED EVENT OF VIOLATIONS UNDER PAT RULES				RELEVANT PROVISION OF EC ACT AND STATUTORY ORDER (S.O.)	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
OBLIGATIONS OF DESIGNATED CONSUMER Under PAT RULES					
S. No.	Non Compliance Conditions	Rule	Relevant Provisions		
1.	NC – 1: Non - appointment of Energy Manager	Rule 6 – of Assessment Performance	Sub-rule 1: Every Designated Consumer, within four months of the conclusion of the target year from the baseline year shall submit to the State Designated Agency, with a copy to the Bureau, the performance assessment document in Form ‘A’ covering the performance for the relevant cycle specifying the compliance with energy consumption norms and standards, duly verified together with certificate in Form ‘B’ given by the Accredited Energy Auditor and accompanied by the following documents, namely:- (f) Name and particulars of the energy manager, his date of appointment and details of duties performed including initiatives undertaken for improvement in energy conservation and energy efficiency.	Clause (l, n) of Section 14 of EC Act and S.O. 318 (E), dated 2 nd March, 2007	Procedure for Enforcement – [5.9.1.1] (NC 1) Criteria to Quantify the Penalty to be Imposed for different Non-Compliance [5.10.2.1]

	EXPECTED EVENT OF VIOLATIONS UNDER PAT RULES			RELEVANT PROVISION OF EC ACT AND STATUTOR Y ORDER (S.O.)	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
	OBLIGATIONS OF DESIGNATED CONSUMER Under PAT RULES				
S. No.	Non Compliance Conditions	Rule	Relevant Provisions		
2.	NC – 2: Non - submission of Form I	Rule 6 – of Assessment Performance	Sub-rule 1: Every Designated Consumer, within four months of the conclusion of the target year from the baseline year shall submit to the State Designated Agency, with a copy to the Bureau, the performance assessment document in Form ‘A’ covering the performance for the relevant cycle specifying the compliance with energy consumption norms and standards, duly verified together with certificate in Form ‘B’ <i>given by</i> the Accredited Energy Auditor and accompanied by the following documents, namely:- (c) Proof of timely submission of reports in Form 1 under Rules 2007 for the previous three years.	Clause (k, l) of Section 14 of EC Act and S.O. 318 (E), dated 2 nd March, 2007	Procedure for Enforcement – [5.9.1.2] (NC 2) Criteria to Quantify the Penalty to be Imposed for different Non-Compliance [5.10.2.2]
3.	NC - 4: Non - submission of Form 2 and Form 3	Rule 6 – of Assessment Performance	Sub-Rule 1: Every Designated Consumer, within four months of the conclusion of the target year from the baseline year shall submit to the State Designated Agency, with a copy to the Bureau, the performance assessment document in Form ‘A’ covering the performance for the relevant cycle specifying the compliance with energy consumption norms and standards, duly verified together with certificate in Form ‘B’ <i>given by</i> the Accredited Energy Auditor and accompanied by the following documents, namely:- (c) Proof of timely submission of reports in Form 1, Form II and Form III under Rules 2008 along	Clause (i) of Section 14 of EC Act and S.O. 1378 (E), dated 27 th May, 2014	Procedure for Enforcement – [5.9.1.3] (NC 3) Criteria to Quantify the Penalty to be Imposed for different Non-Compliance [5.10.2.3]

	EXPECTED EVENT OF VIOLATIONS UNDER PAT RULES			RELEVANT PROVISION OF EC ACT AND STATUTOR Y ORDER (S.O.)	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
	OBLIGATIONS OF DESIGNATED CONSUMER Under PAT RULES				
S. No.	Non Compliance Conditions	Rule	Relevant Provisions		
			with copies thereof including the reports for the target year. The following action are required to be taken under rule, 2008: 1. Validate the form 1 on the basis of the energy audit under taken. 2. Form II list out the recommendation made by AEA for energy saving after completing cost benefit analysis. 3. Form III indicates the status of implementation of energy efficiency measures.		
4.	NC – 6: Non- submission of Performance Assessment Document in Form ‘A’ and Certificate of Verification ‘FORM B’ along with verification report	Rule 6 – of Assessment Performance	Sub-Rule 1: Every Designated Consumer, within three months of the conclusion of the target year from the baseline year shall submit to the State Designated Agency, with a copy to the Bureau, the performance assessment document in Form ‘A’ covering the performance for the relevant cycle specifying the compliance with energy consumption norms and standards, duly verified together with certificate in Form ‘B’ along with verification report given by the Accredited Energy Auditor.	Clause (n) of Section 14 of EC Act and S.O. 687 (E), dated 30 th March, 2012	Procedure for Enforcement – [5.9.1.6] (NC 6) Criteria to Quantify the Penalty to be Imposed for different Non-Compliance [5.10.2.6]

	EXPECTED EVENT OF VIOLATIONS UNDER PAT RULES			RELEVANT PROVISION OF EC ACT AND STATUTOR Y ORDER (S.O.)	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
	OBLIGATIONS OF DESIGNATED CONSUMER Under PAT RULES				
S. No.	Non Compliance Conditions	Rule	Relevant Provisions		
5.	NC – 7: Not registering as Eligible Entity with Registry	Rule 13 – Compliance of energy consumption norms and standards. Procedure for Registration of a DC with Registry as Eligible Entity specified in CERC (Terms and Conditions for Dealing in Energy Savings Certificates) Regulations, 2016 (Annexure 5D)	Registration with Registry as Eligible Entity? [Procedure for Registration of a DC with Registry as Eligible Entity] Sub-Rule 1: The designated consumer for the purpose of achieving the compliance with the energy consumption norms and standards during the target year, in the relevant cycle shall take the following action and after completing the said action, furnish the status of compliance to the concerned state designated agency with a copy to the Bureau in Form ‘D’ by the end of five months from the last date of submission of Form ‘A’- (1b) where the measures implemented in terms of clause (a) are found inadequate for achieving compliance with the energy consumption norms and standards, the designated consumer shall purchase the energy savings certificates equivalent in full satisfaction of the shortfall in the energy consumption norms and standards worked out in terms of metric ton of oil equivalent.	Clause (n) of Section 14 of EC Act and S.O. 687 (E), dated 30 th March, 2012	Procedure for Enforcement – [5.9.1.7] (NC 7) Criteria to Quantify the Penalty to be Imposed for different Non-Compliance [5.10.2.7]
7.	NC – 8: Non - submission of Compliance Assessment	Rule 13 – Compliance of energy consumption	Sub-rule 1: The designated consumer for the purpose of achieving the compliance with the energy consumption norms and standards during the target year, in the relevant cycle shall take the	Clause (n) of Section 14 of EC Act and	Procedure for Enforcement – [5.9.1.7] (NC 7)

	EXPECTED EVENT OF VIOLATIONS UNDER PAT RULES			RELEVANT PROVISION OF EC ACT AND STATUTORY ORDER (S.O.)	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
	OBLIGATIONS OF DESIGNATED CONSUMER Under PAT RULES				
S. No.	Non Compliance Conditions	Rule	Relevant Provisions		
	Document in Form ‘D’	norms and standards.	following action and after completing the said action, furnish the status of compliance to the concerned state designated agency with a copy to the Bureau in Form ‘D’ by the end of eight months from the last date of submission of Form ‘A’.	G.S.R. 269(E), dated 31 st March, 2012	Criteria to Quantify the Penalty to be Imposed for different Non-Compliance [5.10.2.7]
8.	NC – 9: Balance ESCerts are not Zero or Positive?	Rule 15 – Obligations of the designated consumers	Sub-rule 4: The designated consumers shall achieve compliance with the energy consumption norms and standards as notified under clause (g) of section 14 within a period of three years from the date of commencement of the said notification.	Clause (n) of Section 14 of EC Act and G.S.R. 269(E), dated 31 st March, 2012	Procedure for Enforcement – [5.9.1.8] (NC 8) Criteria to Quantify the Penalty to be Imposed for different Non-Compliance [5.10.2.8]

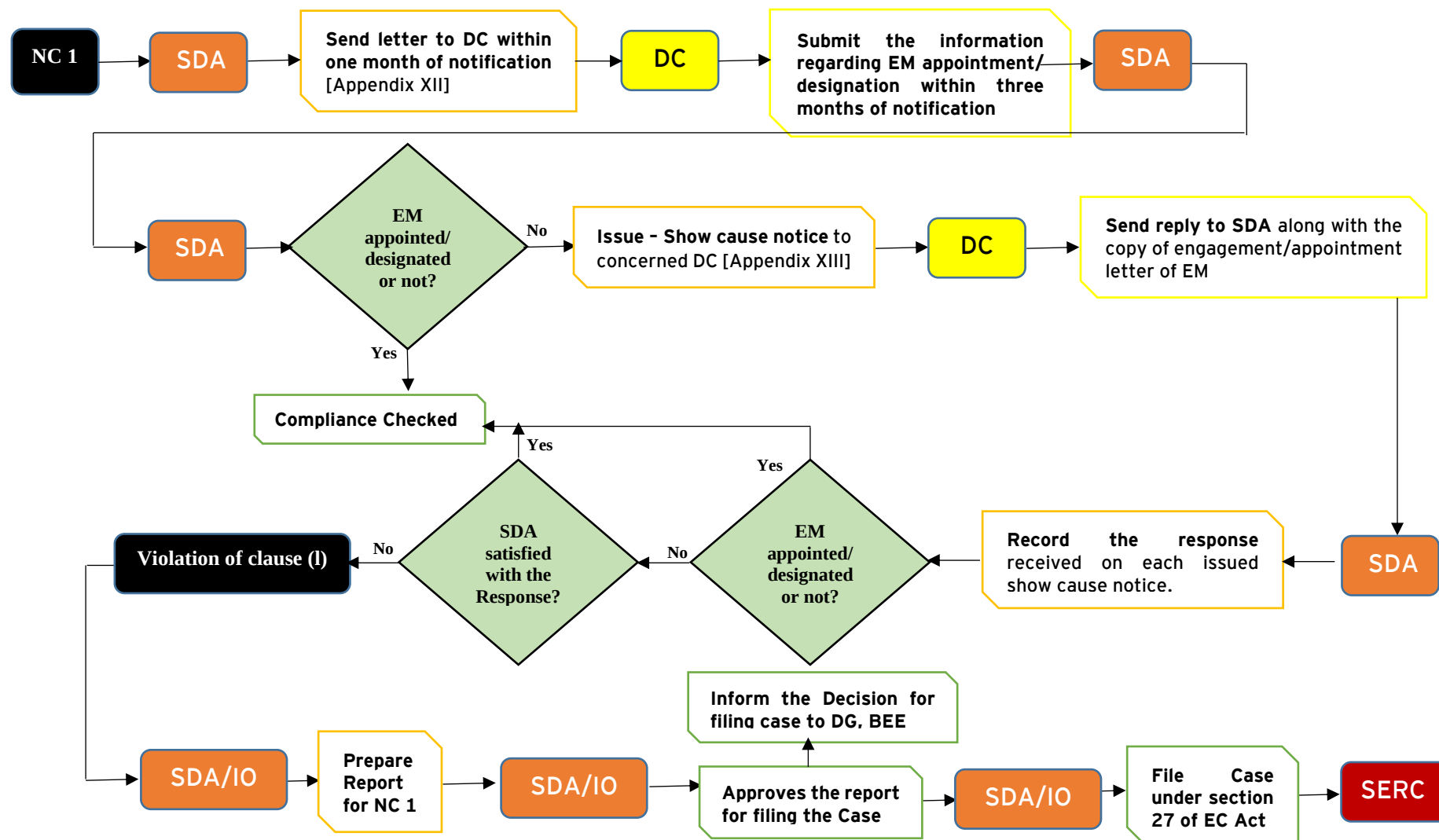
5.8 Initiation of Adjudication procedure

- 5.8.1** SDA has the duty to initiate adjudication procedure for violations under the EC Act, against the designated consumer which has failed to comply with the above compliance requirement. The initiation of proceedings shall be through filing of Petition before the State Electricity Regulatory Commission by the Inspecting Officer/SDA.
- 5.8.2** The detailed procedure for initiating adjudication process is covered in Chapter 2 of this Manual.

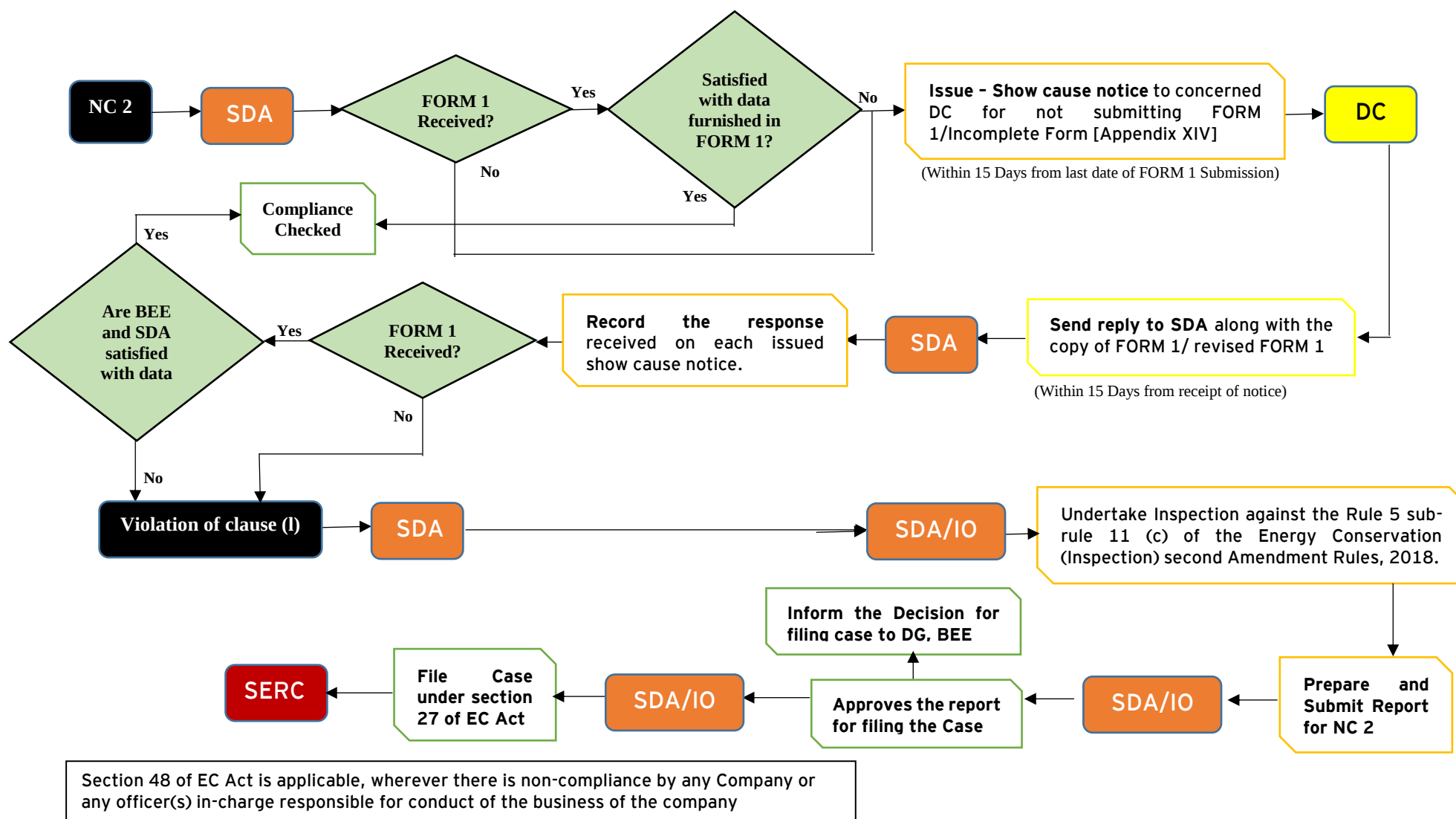
5.9 Procedure for Enforcement

- 5.9.1** The following flowchart is a pictorial representation of the process to be followed for the non-compliance events listed in the previous Section.

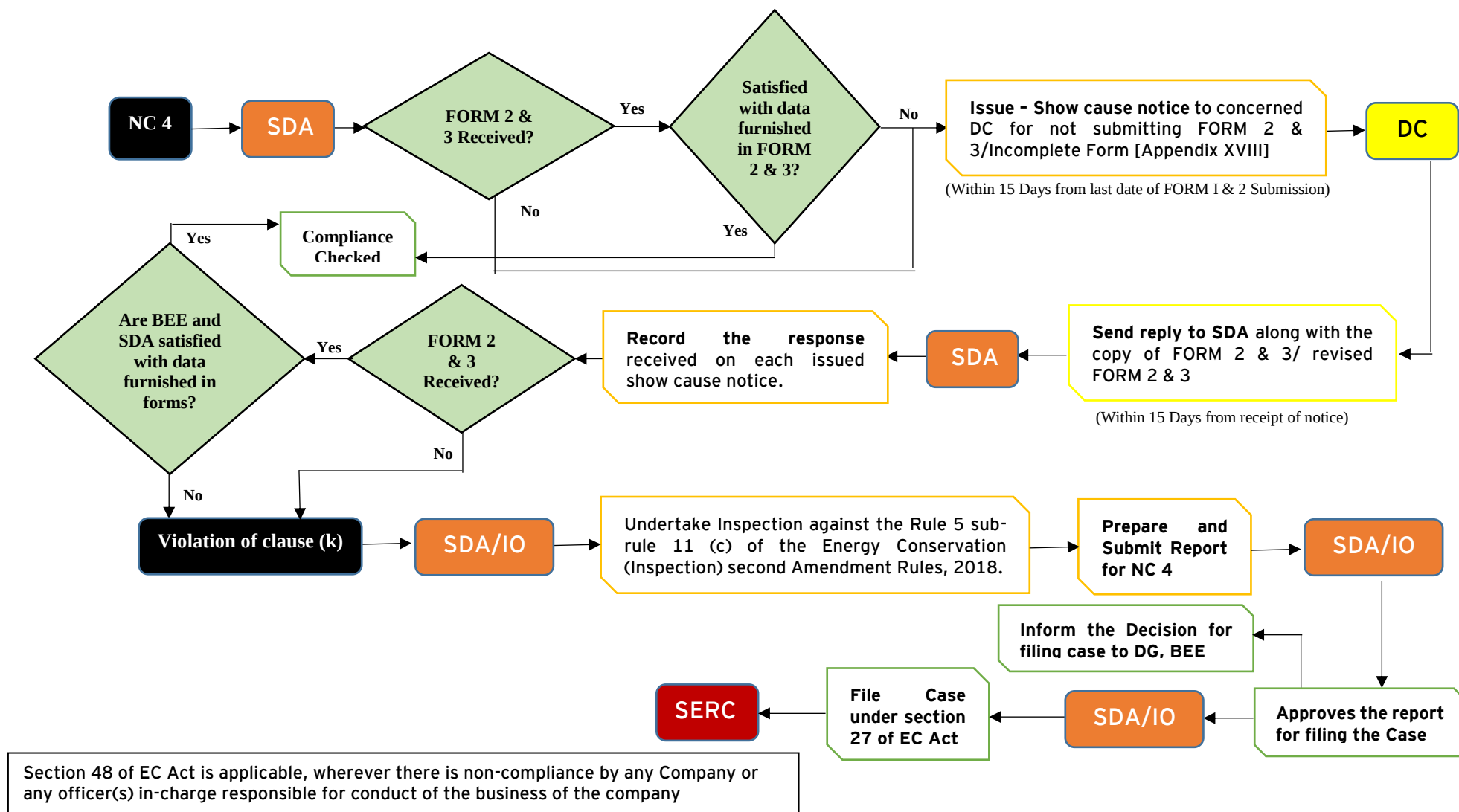
5.9.1.1 NC 1 – Non- appointment or designation of Energy Manager



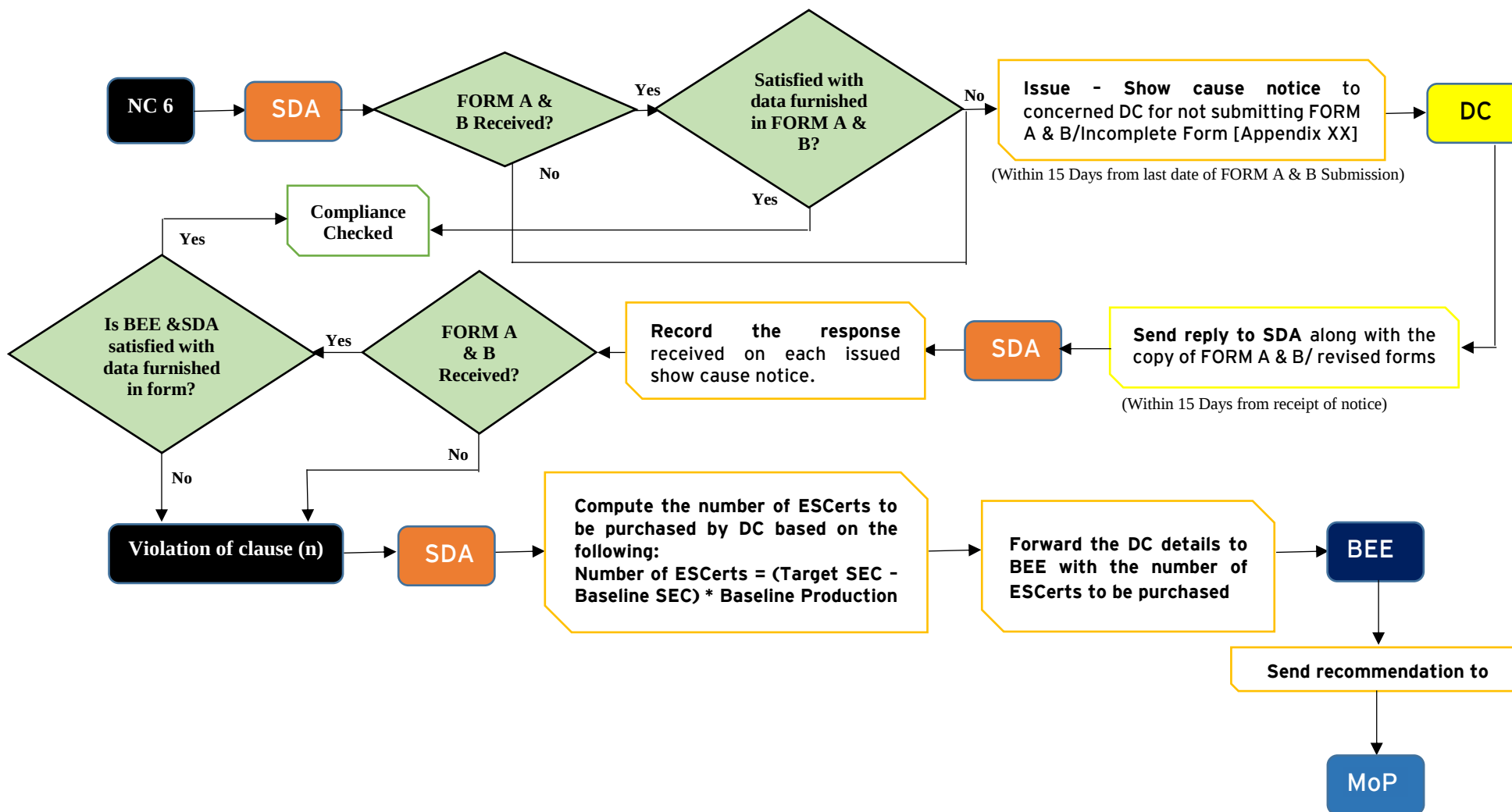
5.9.1.2 NC 2 - Non- submission of FORM 1



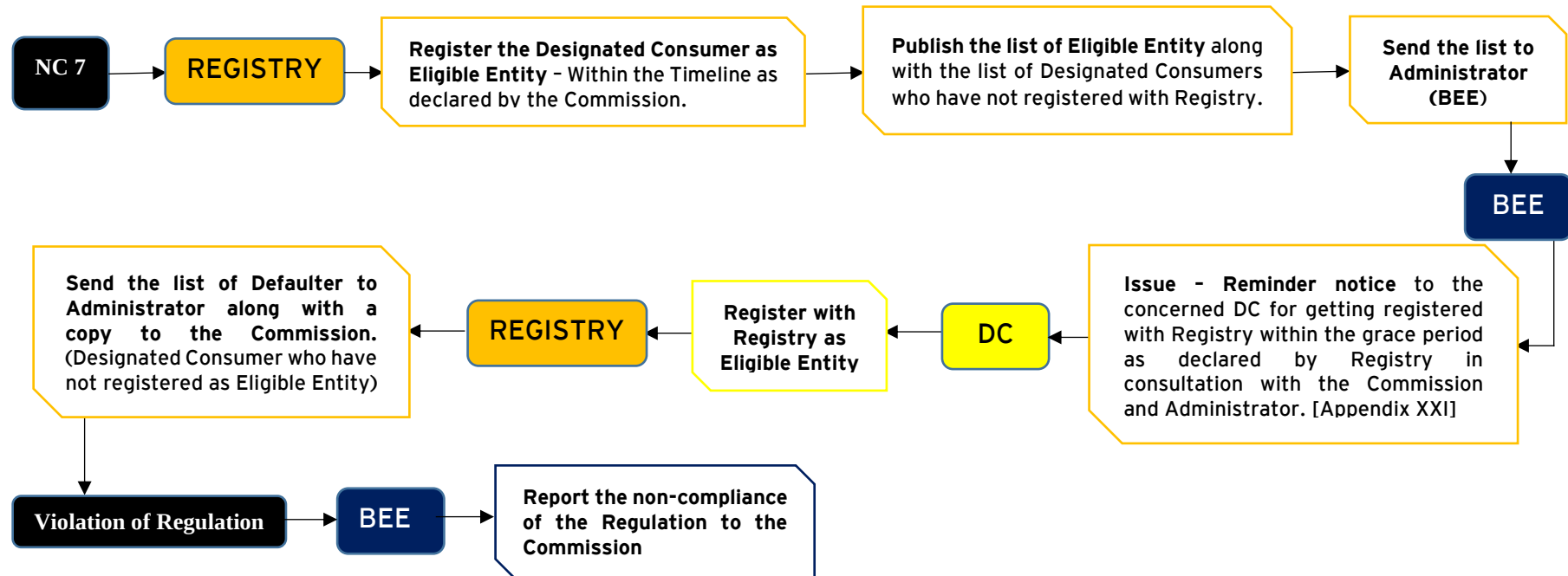
5.9.1.3 NC 4 - Non- Submission of FORM 2 and FORM 3



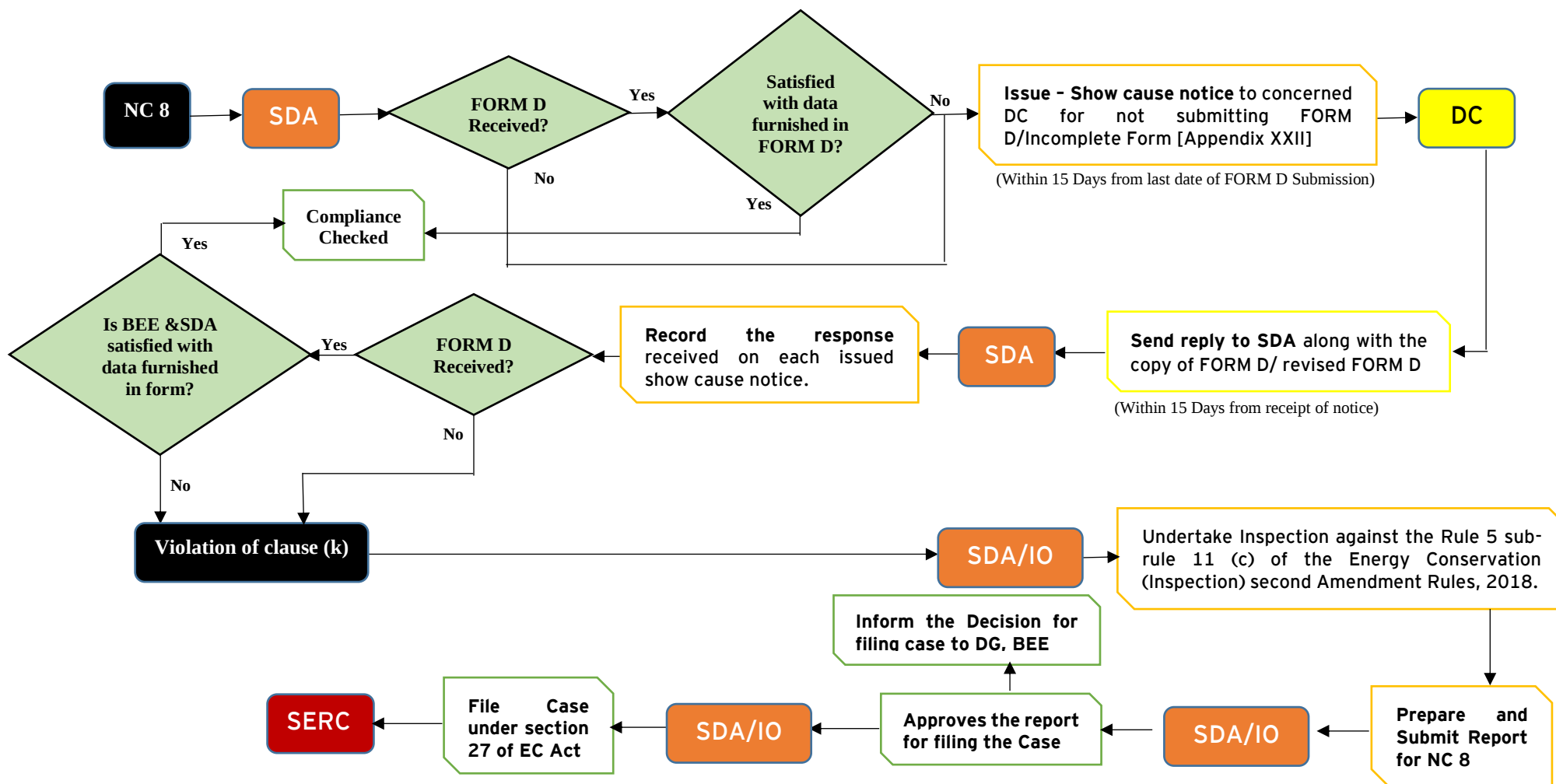
5.9.1.4 NC 6 – Non- submission of Performance Assessment Document in Form ‘A’ and Certificate of Verification in Form ‘B’ along with Verification Report



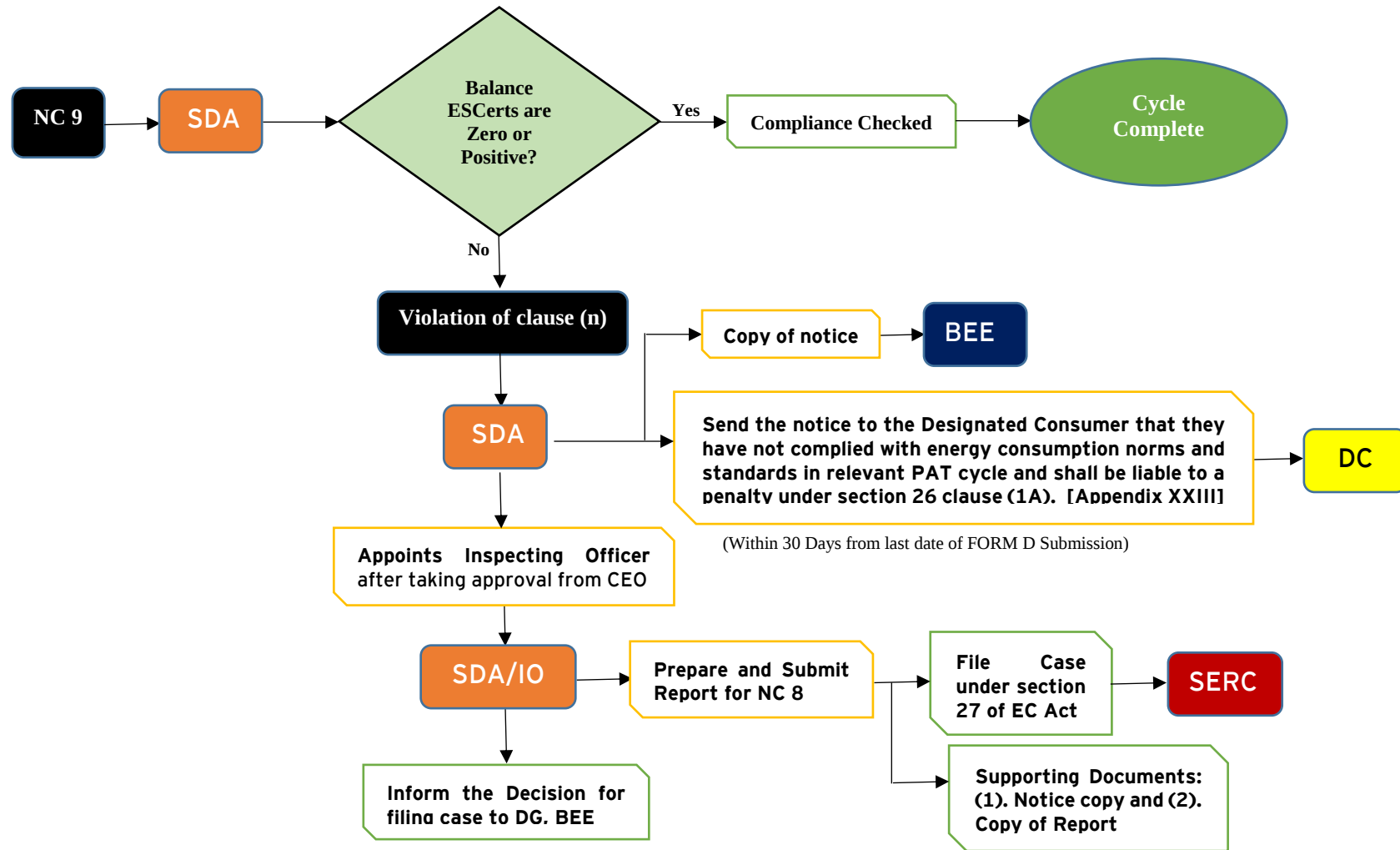
5.9.1.5 NC 7 - Not registering as Eligible Entity with Registry



5.9.1.6 NC 8 - Non-submission of Compliance Assessment Document in Form 'D'



5.9.1.7 NC 9 - Balance ESCerts are not zero or positive



5.10 Criteria to Quantify the Penalty to be imposed for different Non-Compliance

5.10.1 The level of severity and repetitiveness of any non-compliance are the main criteria to quantify the penalty to be imposed.

5.10.2 The level of severity and repetitiveness for different identified non-compliances are described below:

5.10.2.1 Event of Violation: Non-Appointment of Energy Manager

NC 1	Event of Violation	Non-Appointment of Energy Manager	
Stage		Severity Level	Repetitiveness [Level]
		 HIGH  MEDIUM  LOW	
30 Days after notification			0
30 Days after notification			1
Submission of Scheme			2
Submission of MEA Report			3
Submission of FORM 1 after completion of first year			4

5.10.2.2 Event of Violation: Non-submission of FORM 1

NC 2	Event of Violation	Non-submission of FORM I	
Stage	Severity	Repetitiveness [Level]	
	HIGH MEDIUM LOW		
FORM 1 (Completion of First Financial Year)			
Within six months from last date of FORM 1 (First Year)		0	
Before submission of FORM 1 (Second Financial Year)		1	
FORM 1 (Completion of Second Financial Year)			

Within six months from last date of FORM 1 Completion		0
Before submission of FORM 1 (Second Financial Year)		1
FORM 1 (Completion of Third Financial Year)		
Within one month from last date of FORM 1 (Third Year)		0
Within two month from last date of FORM 1 (Third Year)		1

5.10.2.3 Event of Violation: Non-submission of FORM 2 and FORM 3

NC 4	Event of Violation	Non-submission of Form 2 and Form 3	
Stage	Severity	Repetitiveness [Level]	
Within one month from last date of submission of Form 2 & 3.		0	
Within three months from last date of submission of Form 2 & 3.		1	
Submission of FORM 1 after completion of second year		2	

5.10.2.4 Event of Violation: Not Registering as Eligible Entity with Registry

NC 7	Event of Violation	Not Registering as Eligible Entity with Registry	
Stage	Severity	Repetitiveness [Level]	
Within 15 days after the last date of Registration		0	
Before commencement of the Trading sessions		1	
After commencement of the Trading sessions		2	

5.10.2.5 Event of Violation: Non-submission of ‘Compliance Assessment Document’ - FORM D

NC 8	Event of Violation	Non-submission of FORM D	
Stage		Severity	Repetitiveness [Level]
		 HIGH  MEDIUM  LOW	
Within 15 days from last date of submission of FORM D			0
Within 30 days from last date of submission of FORM D			1

5.10.2.6 Event of Violation: Balance ESCerts are Negative

NC 8	Event of Violation	Balance ESCerts are Negative	
Stage		Severity	Repetitiveness [Level]
		 HIGH  MEDIUM  LOW	
Submission of FORM D			NA
No. of negative Balance ESCerts		As per FORM ‘D’	
Value of 1 mtoe for the relevant cycle as declared by BEE		10968 INR	Cycle I (2012-15)
Minimum Penalty		[No. of negative balance ESCerts]* [Value of 1 mtoe]	

Chapter 6: Standards and Labeling (S&L) Scheme

6.1 Background

- 6.1.1 Standards and Labeling Scheme was introduced in May 2006, with an objective to provide an informed choice to the end consumer on energy and cost saving potential of high energy consuming equipment and appliances.
- 6.1.2 The scheme was introduced by the Central Government in exercise of its powers conferred under clause (d) of Section 14 read with clause (b) of sub-section (2) of Section 13 of the Act.
- 6.1.3 The scheme lays down the minimum energy performance standards for each of the notified equipment/appliances and seeks to displays the energy performance labels on such marketed domestic/commercial/industrial appliances/equipment. This enables the consumer to make informed decisions on cost and energy savings through energy efficient products at the time of purchase.

6.2 Standards and Labeling Mechanism

- 6.2.1 ‘Energy Performance Standards’ are introduced to establish and prescribe limits on energy consumption (or minimum levels of energy performance) of a manufactured or imported equipment/appliance. Standards provide for:
 - (a) well-defined test protocols (or test procedures) to obtain a sufficiently accurate estimate of the energy performance of an equipment/appliance, or a relative ranking of its energy performance as compared to the other models providing same service levels under standard test conditions.
 - (b) target limits on energy performance (usually maximum consumption or minimum efficiency) based on a specified test protocol.
- 6.2.2 ‘Labels’ are informative labels affixed on the equipment/appliances to describe energy performance (usually in the form of energy consumption or efficiency). Labels are of two types:
 - (a) Comparative Labels: which allow consumers to compare the energy consumption of similar equipment/appliances, and factor-in lifetime running cost into their purchasing decision.

(b) Endorsement Labels: which provide a ‘certification’ to inform prospective purchasers that the equipment/appliance is highly energy efficient under its category.

6.2.3 S&L works on a model wherein manufacturers/permittees provide information related to the energy performance of their product in the form of labels, as prescribed in the respective Regulation and/or schedule of the equipment/appliances issued by BEE from time to time. A star rating ranging from 1 to 5 in the ascending order of energy efficiency is provided to equipment/appliances registered with the Bureau. An endorsement label is also provided for some of the equipment/appliances.

6.2.4 Following is the list of mandatory and voluntary equipment and appliances covered under S&L scheme.

Mandatory Equipment/Appliances	Voluntary Equipment/Appliances
1. Room Air conditioners	1. Induction Motors
2. Frost Free Refrigerators	2. Pump Sets
3. Tubular Florescent Lamps	3. Ceiling Fans
4. Distribution Transformers	4. LPG-Stoves
5. Room Air Conditioners (Cassettes, Floor Standing)	5. Washing Machines
6. Direct Cool Refrigerators	6. Computer (Notebooks/Laptops)
7. Color TV	7. Ballast (Electronic Magnet)
8. Storage water Heaters	8. Office Equipment (Printer, Copier, Scanner, MFD's)
9. Variable Capacity Inverter Air Conditioners	9. Diesel Engine driven Mono-Set Pumps
10. LED Lamps	10. Solid Waste Inverter
	11. DG Sets
	12. Chillers

6.2.5 For the labeling program, the Bureau works through technical committees of experts and stakeholders, comprising of representatives from industry, industry association, consumer organizations, academia, Non-Government Organizations (NGOs), Research & Development (R&D) institutions, testing laboratories, government organizations and regulatory bodies etc.

6.2.6 The scheme is based on the following provisions of the Act

Section 14

14. The Central Government may, by notification, in consultation with the Bureau, -

(a) specify the norms for processes and energy consumption standards for any equipment, appliances which consumes, generates, transmits or supplies energy;

(b) specify equipment or appliance or class of equipment or appliances, as the case may be, for the purposes of this Act;

(c) prohibit manufacture or sale or purchase or import of equipment or appliance specified under clause (b) unless such equipment or appliances conforms to energy consumption standards;

Provided that no notification prohibiting manufacture or sale or purchase or import or equipment or appliance shall be issued within two years from the date of notification issued under clause (a) of this section;

(d) direct display of such particulars on label on equipment or on appliance specified under clause (b) and in such manner as may be specified by regulations;

Section 13

13 (1) The Bureau shall, effectively co-ordinate with designated consumers, designated agencies and other agencies, recognise and utilise the existing resources and infrastructure, in performing the functions assigned to it by or under this Act

(2) The Bureau may perform such functions and exercise such powers as may be assigned to it by or under this Act and in particular, such functions and powers include the function and power to –

(a) recommend to the Central Government the norms for processes and energy consumption standards required to be notified under clause (a) of section 14;

(b) recommend to the Central Government the particulars required to be displayed on label on equipment or on appliances and manner of their display under clause (d) of section 14;

(e) take all measures necessary to create awareness and disseminate information for efficient use of energy and its conservation;

(g) strengthen consultancy services in the field of energy conservation;

(h) promote research and development in the field of energy conservation;

(i) develop testing and certification procedure and promote testing facilities for certification and testing for energy consumption of equipment and appliances;

(k) promote use of energy efficient processes, equipment, devices and systems;

(n) levy fee, as may be determined by regulations, for services provided for promoting efficient use of energy and its conservation;

Section 52

52. Every designated consumer or manufacturer of equipment or appliances specified under clause (b) of section 14 shall supply the Bureau with such information, and with such samples of any material or substance used in relation to any equipment or appliance, as the Bureau may require.

Section 58

58 (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: -

(d) the levy of fee for services provided for promoting efficient use of energy and its conservation under clause (n) of sub-section (2) of section 13;

(i) particulars required to be displayed on label and the manner of their display under clause (d) of section 14;

- 6.2.7** In exercise of its powers conferred by sections 14 (a), 14 (b) and clause (i) of sub-section 2 of Section 58 of the Act, Central Government has notified in the Gazette of India, Extraordinary, Part II, section 3 (ii), the details of 10 appliances notified in clause (b) of section 14, framed energy consumption standards under the appliance wise statutory order for the said appliances under clause (a) of section 14 and the BEE based on such energy consumptions standards framed appliance wise Regulations under clause (i) of Section 58 (2) of the Act as per details given below.

Name of Product	BEE Rules and Regulations
1. Room Air – Conditioners 2. Room Air – Conditioners (Cassettes, Floor Standing) 3. Variable Capacity Inverter Air Conditioner	Regulation No. BEE/S&L/AC/37/2017-18 dated 29.11.2017 BEE (Particulars & Manner of their display on Labels of Room Air Conditioner) Regulations, 2017 (Annexure 6A) S.O. 2527 (E) dated 8 th August 2017 (Annexure 6B) S.O. 2528 (E) dated 8 th August 2017 (Annexure 6C)

Name of Product	BEE Rules and Regulations
4. Frost Free Refrigerators	Regulation No. 2/11 (5)/03 - BEE - 4 dated 06.07.2009 BEE (Particulars & Manner of their Display on Labels of Household Frost Free Refrigerator) Regulations, 2009 (Annexure 6D) S.O. 182 (E) dated 12th January 2009 (Annexure 6E) S.O. 183 (E) dated 12th January 2009 (Annexure 6F) Amendment Regulation No 2/11 (5)/03 - BEE - 4 dated 05.01.2010 BEE (Particulars & Manner of their Display on Labels of Household Frost Free Refrigerator) Amendment Regulations, 2010 (Annexure 6G) S.O. 25 (E) dated 5th January 2010 (Annexure 6H) Amendment Regulation No. 2/11 (5)/03 - BEE - 4 dated 08.05.2013 BEE (Particulars & Manner of their Display on Labels of Household Frost Free Refrigerator) Amendment Regulations, 2013 (Annexure 6I) S.O. 3437 (E) dated 17th December 2015 (Annexure 6J) S.O. 6243 (E) dated 21st December, 2018 (Annexure 6K)
5. Tubular Florescent Lamps	Regulation No. 2/11 (5)/03-BEE dated 06.07.2009 BEE (Particulars & Manner of their Display on Labels of Tubular Florescent Lamps), Regulations, 2009 (Annexure 6L) S.O. 178 (E) dated 16th January 2009 (Annexure 6M) S.O. 179 (E) dated 16th January 2009 (Annexure 6N) Amendment Regulation No. 2/11 (5)/03-BEE dated 05.01.2010 BEE (Particulars & Manner of their Display on Labels of Tubular Florescent Lamps), Amendment Regulations, 2010 (Annexure 6O) S.O.1033(E) dated 9th March, 2018 (Annexure 6P) S. O. 1034 (E) dated 9th March, 2018 (Annexure 6Q)
6. Distribution Transformers	Regulation No. 2/11(5)/03-BEE dated 06.07.2009 BEE (Particulars & Manner of their Display on Labels Distribution Transformers) Regulations 2009 (Annexure 6R) S.O. 184 (E) dated 12th January 2009 (Annexure 6S) S.O. 185 (E) dated 12th January 2009 (Annexure 6T) Amendment Regulation No. 2/11(5)/03-BEE dated 05.01.2010 BEE (Particulars & Manner of their Display on Labels Distribution Transformers) Amendment Regulations 2010 (Annexure 6U) S.O. 4062 (E) dated 16th December 2016 (Annexure 6V) S.O. 513 (E) dated 17th February 2017 (Annexure 6W)

Name of Product	BEE Rules and Regulations
7. Direct Cool Refrigerators	Regulation No. BEE/S&L/Ref/70/2016-17 dated 26.05.2016 BEE (Particulars & Manner of their display on Labels of Household Direct Cool Refrigerator) Regulations, 2016 (Annexure 6X) S.O. 1898 (E) dated 26 th May 2016 (Annexure 6Y) S.O. 1899 (E) dated 26 th May 2016 (Annexure 6Z) S.O. 6244 (E) dated 21 st December, 2018 (Annexure 6AA)
8. Color TV	Regulation No. BEE/S&L/CTV/02/2016-17 dated 26.05.2016 BEE (Particular & Manner of their display on Labels of Color Television) Regulations 2016 (Annexure 6AB) S.O. 1896 (E) dated 26 th May 2016 (Annexure 6AC) S.O. 1897 (E) dated 26 th May 2016 (Annexure 6AD) S.O. 4066 (E) dated 26 th December 2017 (Annexure 6AE)
9. Electric Water Heater	Regulation No. BEE/S&L/Water Heater/3/2015-16 dated 07.09.2016 BEE(Particulars & Manner of their display on Labels of Stationary Storage Type Electric Water Heater) Regulations, 2016 (Annexure 6AF) S.O. 2901 (E) dated 7 th September 2016 (Annexure 6AG) S.O.2902 (E) dated 7 th September 2016 (Annexure 6AH) S.O. 1385 (E) dated 2 nd May 2017 (Annexure 6AI) S.O. 6308 dated 24 th December, 2018 (Annexure 6AJ)
10. LED Lamps	Regulation No. BEE/S&L/LED/52/2017-18 dated 27.12.2017 BEE (Particulars & Manner of their display on Labels of Self-ballasted LED Lamps) Regulations, 2017 (Annexure 6AK) S.O. 4096 (E) dated 28 th December 2017 (Annexure 6AL) S.O. 4097 (E) dated 28 th December 2017 (Annexure 6AM) Regulation No. BEE/S & L/LED/52/2018-19 dated 11 th December, 2018 (Annexure 6AN)

6.3 Stakeholders involved in S&L Scheme

6.3.1 The stakeholders involved in the implementation of S&L scheme and their primary roles are given below.

S. No	Name of Stakeholders	Roles & Responsibilities
1.	Central Government (Ministry of Power)	Notify norms and standards for equipment and appliances in

		consultation with the Bureau to determine the star rating plan
2.	Bureau of Energy Efficiency	S&L scheme - Administrator
3.	Manufacturer/ Permittee	Obtain permission to affix star rating label on their mandatory appliance, subject to compliance with the terms and conditions of the S&L scheme
4.	Distributor/ Trader/Importer/ Authorized Dealer/ Retailer	To sell only BEE star labeled appliances, mandatorily for notified appliances
5.	Consumers	To exercise considered choice based on energy consumption at the time of purchase
6.	State Designated Agency / Inspecting Officer	Enforcement Agency
7.	State Electricity Regulatory Commission / Adjudicating Officer	To hold an inquiry, after giving a reasonable opportunity of being heard to any person concerned for purpose of imposing penalty under Section 26 of the Act

6.3.2 The detailed list of roles and responsibilities of the above key stake holders involved in the scheme are described in the following table. It is to be noted that for the purpose of simplicity the following roles and responsibilities are mapped to relevant clauses of Air Conditioning Regulation namely BEE (Particulars & Manner of their display on Labels of Room Air Conditioner) Regulations, 2017 notified on 29th November 2017 (**Annexure 6A**). The detailed mapping of all the Regulation for each appliance with the said Regulation is attached Appendix XXIV.

Name of Stakeholder: Bureau of Energy Efficiency (BEE)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
1.	▶ Policy Administrative Role of Bureau ▶ Recommend to the Central Government the norms for processes and energy consumption standards required to be notified for equipment/appliances which consumes, generates, transmits or supplies energy	Clause (b) and (d) of Section 14 Clause (a) (b) (e) (i) and (k) of Section 13 (2)	Sub-Regulation (1), (2) and (5) of Regulation 7 – Grant of Permission Sub-Regulation (2) of Regulation 9 – Label Fees

Name of Stakeholder: Bureau of Energy Efficiency (BEE)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
	▶ Recommend to the Central Government the particulars for display on label on equipment or on appliances through notification of Regulations for all mandatory equipment/ appliances ▶ Take all necessary measures to create awareness, promote and disseminate information for efficient use of energy and its conservation ▶ Develop testing and certification procedure and promote testing facilities for certification and testing for energy consumption of equipment and appliances ▶ Approve the registration of the Manufacturer/brand/model as per Form-II (A) of the Regulation ▶ Grant separate permission to permittee to affix label on his appliance/equipment. ▶ Shall maintain a register as per Form-III and enter the name of the Permittee ▶ Renew permission of Permittee within one month of receipt of the application ▶ Recover label fees within one month from the date of closure of each financial year ▶ Reject cancel or withdraw permission, if the Permittee does not comply with clause (a) (b) and (c) of Regulation 12 ▶ Levy fees, as may be determined by Regulations for services provided for promoting efficient use of energy and its conservation.	Clause (d) and (i) of Section 58 (2)	Clause (a) (b) and (c) of Regulation 12- Cancellation of Permission
2.	▶ Technical Committees of Bureau undertake: ▶ Benchmark of minimum energy performance standards and defining the star rating band of the respective product category on the basis of national and international best practices and standards;	Sub-clause (3) of Section 8 Clause (a) of Section 13 (2)	Operational Manual of S&L

Name of Stakeholder: Bureau of Energy Efficiency (BEE)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
	▶ Defining the technical content including the test protocol of the product schedule and standard; ▶ Defining the technical particulars to be displayed on star label ▶ Review the composition of technical committee members and involve diverse set of stakeholders;		
3.	▶ Independent Agencies for Monitoring and Evaluation (IAME) engaged by Bureau ▶ Processing and scrutiny of applications and providing recommendations to Bureau for granting permission to affix the label ▶ Shall maintain all files, records and documents and make recommendations for suspension, cancellation and withdrawal of product registration ▶ Conduct check testing to verify the rated performance of the product as compared to the label affixed on the product and also conform the product schedule/ regulation notified by Bureau ▶ Shall have regular interaction with the Bureau through meetings, discussions and correspondences to update about the assigned task and shall submit monthly progress report to the Bureau	N/A	Operational Manual of S&L
4.	▶ Monitoring and Enforcement Role of BEE ▶ Monitoring, verification and enforcement of activities to ensure effectiveness of the scheme and provide enforcement guidelines to State Designated Agencies; ▶ Define the eligibility, scope of work and empanelment process for IAME and test laboratories; ▶ Approve/reject/cancel/withdraw empanelment of Independent Agency for Monitoring and Evaluation (IAME) and testing laboratories;	N/A	Sub-Regulation (1), (2), (3) (4), (5) (6) (7) (10) and (11) of Regulation 11- Verification by Bureau

Name of Stakeholder: Bureau of Energy Efficiency (BEE)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
	▶ Maintain an online database of the registered/labelled products as an open source of information to the public; ▶ Dissemination of information in public domain/S&L web portal, of products which fail in lab testing; ▶ Either on suo motu or on receipt of a complaint, the Bureau shall carry out verification to ensure that the appliance/equipment conforms to the star level and other particulars displayed on its label and that it complies with the other terms and conditions of permission ▶ Shall conduct all tests including the power consumption, capacity tests and maximum operating condition tests in balanced ambient calorimeters for the purpose of verification and challenge testing ▶ For purpose of verification, samples shall be picked up from manufacturing facility, warehouse or the retail outlet as it deems fit. ▶ Shall carry out verification of the equipment/appliance in an independent laboratory duly accredited by the National Accreditation Board for Testing and Calibration Laboratories ▶ On failing of first test, during suo motu or challenge testing, the Bureau shall afford the Permittee another opportunity and conduct a second test with twice the quantity of equipment/appliance used in the first test, in an independent test laboratory duly accredited by the National Accreditation Board for Testing and Calibration Laboratories at the cost of the Permittee. ▶ In case of air conditioner second test with twice the quantity of equipment/appliance used in the first test, in an independent test laboratory		

Name of Stakeholder: Bureau of Energy Efficiency (BEE)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
	which is different from the lab where the first check testing was conducted. ▶ Shall intimate the Permittee to witness challenge test or second test ▶ Shall stop processing of application from the Permittee if the Permittee fails to pay for second check testing ▶ On failing of second check test, direct the Permittee within a period of two months to: ▶ Correct star level on the labels ▶ Withdraw all stocks from the market ▶ Change advertising material ▶ On failing of second test, the Bureau shall publish the name of the permittee, brand name, model name or model number, logo and other specification in any national or regional daily newspaper and in any electronic or in any other manner as it deems fit (within two months). ▶ On failing of the second test, the Bureau shall intimate the concerned State designated agency to initiate adjudication proceedings against the permittee and the trader under section 27 of the Act. ▶ If the compliance report referred to in sub-Regulation (8) of Regulation 11 is not received by the Bureau, then Bureau shall pass orders in sub-regulation (9) to all the State designated agencies for the purpose of taking action under section 17 and enforcement of order passed under the sub-regulation (9) of Regulation 11. ▶ Bureau shall take the following actions if the Permittee fails to comply with the directions of Bureau ▶ Withdraw permission granted to permittee ▶ Send a report to Central Government for taking action under clause (c) of Section 14		

Name of Stakeholder: Bureau of Energy Efficiency (BEE)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
	▶ Publish the name of the permittee, brand name, model name or model number, logo and other specification in any national or regional daily newspaper or in any other electronic form within two months		
5.	▶ Testing Labs empanelled by Bureau ▶ Shall maintain valid copies of relevant Indian Standards/International standard, BEE regulation and schedule for reference ▶ Shall maintain proper record and make available any information regarding samples received from IAME, samples transfer to testing sections, test report issued, remnants available/ disposed of etc. for any period of time ▶ Shall not accept the samples unless accompanied by the test request from IAME or SDA and shall strictly follow the instructions given in the test request. ▶ Shall physically verify the condition of the sample for any damage or any other deficiency. ▶ Cross check the sample details physically against the product details mentioned in the test request ▶ May refuse to accept the sample if the sample is received in damaged conditions or with any discrepancy. The laboratory shall intimate the same to IAME or SDA immediately. ▶ On receipt of samples, the laboratories shall upload the requisite information of the sample on the BEE's S&L web portal before commencement of the test. ▶ Maintain the confidentiality of the test results and issue the same only to the BEE and IAME within seven (7) working days of the completion of	Clause (i) of Section 13 (2)	Operational Manual of S&L

Name of Stakeholder: Bureau of Energy Efficiency (BEE)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
	the test and record the same on S&L web portal ▶ In case of complaints or discrepancy in test results, the lab shall provide full details of actions taken in response to and allow access to all relevant records and documents for the purpose of any investigations and provide certified copies thereof. ▶ Shall conduct all test defined in the Test Report format provided by IAME or BEE along with the samples for conducting test		

Name of Stakeholder: Manufacturer /Permittee			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
1.	▶ Registration with Bureau ▶ Every brand shall be registered separately as specified in Form I – (A), accompanied by a label security fee of one lakh rupees in case of large scale industries and rupees twenty five thousand in case of small scale industries ▶ Shall apply for separate permission for each model registration accompanied by an application fee of two thousand rupees per model and submit all the documents specified in Form I- (B) ▶ Shall not display label on any model of appliance/equipment for which permission is not granted by the Bureau ▶ Shall display label on every appliance/equipment within a period of six months from the date of notification of Regulation ▶ Renew label period of each model six month before the expiry ▶ Shall provide test reports in original for test conducted on the	Clause (d) of Section 14	Sub-Regulation (1) of Regulation 4 – Time Limit for Display of Labels Sub-Regulation (1) and (2) of Regulation 6 – Permission for Display of Labels Sub-Regulation (4) of Regulation 7 – Grant of Permission Sub-Regulation (1) of Regulation 9 –Label Fees

Name of Stakeholder: Manufacturer /Permittee			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
	model/brand in NABL accredited lab. ▶ Shall submit declaration letter for family of models registered with BEE under S&L scheme		
2.	▶ Compliance with S&L scheme ▶ Shall always display revised star level and label period synchronizing with the energy consumption standards notified by BEE from time to time. It shall also display the manufacturing year or importing year of the appliance/equipment shall be in synchronization with such revised energy consumption standards ▶ To take all preparatory steps including approvals, awareness of the dealers, retailers, requisite publicity for their education as well as for the education of the consumers shall be well planned and taken six months in advance of the date of such commencement, under these regulations ▶ Shall seek permission for continuance to affix label on the existing model of the appliance/equipment from the date from which the revised star level comes into force shall submit a declaration according to Form IV ▶ Shall seek permission to affix a label afresh, if a new model of the appliance/equipment is to be launched synchronizing with the revised star level, and application for such permission shall be made six months in advance of coming into force of the revised star level. ▶ Shall ensure that label shall be affixed only on such model of appliances for which permission has been granted ▶ Shall bear the cost of printing and affixing the label on the appliance/equipment	Clause (d) of Section 14	Sub-Regulation (1) and (2) (a) and (b) of Regulation 4 – Time Limit for Display of Labels Sub-Regulation (7) and (8) of Regulation 7 – Grant of Permission Clause (a) to (f) of Regulation 8 – Terms and Conditions for Particulars and Display of Label

Name of Stakeholder: Manufacturer /Permittee			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
	▶ Shall pay the label fees as specified in the Regulation ▶ Ensure that the star level displayed on the label of appliance/equipment shall be maintained at all time ▶ Furnish to Bureau, an updated list of authorized distributors, dealers, retailers and sellers appointed to sell labelled products by 30th day of April of each year ▶ Furnished to Bureau, statement containing details of production of labelled equipment and accrued label fees due for each quarter within the following month of the close of each quarter of the financial year. ▶ Comply with the terms and conditions specified by Bureau from time to time. ▶ Shall submit details of the registered model wise products manufactured/ imported on a quarterly basis, duly certified by third party chartered accountant to the Bureau; ▶ In case of no production is carried out during the first six month after the award of the label, permission of grant to use label shall stand withdrawn until revalidation by permittee.		
3.	▶ Verification related ▶ Shall bear the expenses of check testing, if the first check test fails to be in accordance with the particulars displayed on the label. ▶ Shall be present to witness the second test that is conducted at NABL accredited labs ▶ On failing of the second check test within a period of two months, the Permittee shall ▶ Correct star level on the labels and other defects and deficiencies found in the test ▶ Withdraw all stocks from the market to comply with the directions	Clause (c) and (d) of Section 14	Sub-Regulation (3) (5), 7(a) and (8) of Regulation 11 – Verification by Bureau

Name of Stakeholder: Manufacturer /Permittee			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
	▶ Change the particulars displayed on the advertising material ▶ Shall send a compliance report to Bureau stating that it has complied with all the above directions of BEE as specified in the respective Regulations of the equipment/appliance ▶ Shall prohibit the manufacturer to sale or purchase or import of equipment or appliances unless such equipment or appliances conforms to energy consumption standards prescribed by Bureau.		

Name of Stakeholder: Distributor/Seller/Trader			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
1.	▶ Compliance with S&L scheme ▶ Shall ensure that appliance that is put on sale shall display star label and label period synchronizing with the energy consumption standards notified by BEE from time to time. ▶ Shall take all preparatory steps including approvals, awareness of the dealers, retailers, requisite publicity for their education as well as for the education of the consumers. To take all preparatory steps including approvals, awareness of the dealers, retailers, requisite publicity for their education as well as for the education of the consumers shall be well planned and taken six months in advance of the date of such commencement, under these regulations ▶ Shall ensure that the labels shall be displayed on only those appliances/equipment for which permission has been granted by BEE	Clause (d) of Section 14	Sub-Regulation (1) and (2) (a) and (b) of Regulation 4 – Time Limit for Display of Labels Sub-Regulation (7) and (8) of Regulation 7 – Grant of Permission Clause (a) to (f) of Regulation 8 – Terms and Conditions for Particulars and Display of Label

Name of Stakeholder: Distributor/Seller/Trader			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
	▶ Shall ensure that star level displayed on the label of appliance/equipment shall be maintained at all time ▶ Shall always display revised star label and label period synchronizing with the energy consumption standards notified by BEE from time to time. It shall also display the manufacturing year or importing year of the room air conditioner shall be in synchronization with such revised energy consumption standards ▶ Shall ensure that label shall be affixed only on such model of appliances for which permission has been granted ▶ Furnish an updated list of authorized distributors, dealers, retailers and sellers appointed to sell their imported labelled products by 30th day of April of each year ▶ Furnish statement containing details of imports of labelled equipment and accrued label fees due for each quarter within the following month of the close of each quarter of the financial year ▶ Comply with the terms and conditions specified by the Bureau in the Regulations from time to time. ▶ Shall submit details of the registered model wise products manufactured/ imported on a quarterly basis, duly certified by third party chartered accountant to the Bureau; ▶ In case of no production carried out during the first six month after the award of the label, grant of permission to use label shall stand withdrawn till re-validation by permittee.		

Name of Stakeholder: State Designated Agency			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
1.	▶ Market Surveillance by SDA ▶ Conduct market surveillance either suo motu and/or based on complaints received within the state, in order to ensure a high degree of compliance with the policy intent of S&L scheme. ▶ Maintain list of non-complying products/permittee and submit quarterly report on the outcome of market surveillance to the Bureau;	N/A	Operational Manual of S&L
2	▶ Monitoring and Enforcement Role of SDA ▶ Either on suo motu or on receipt of a complaint, the SDA shall carry out verification to ensure that the room air conditioner conforms to the star level and other particulars displayed on its label and that it complies with the other terms and conditions of permission ▶ Shall conduct all tests as per the respective appliance Regulations through IAME appointed by Bureau. ▶ On receiving the report of check testing from IAME, and on intimation to the Bureau, SDA shall initiate adjudication proceedings against the permittee and the trader under section 27 of the Act.	N/A	Sub-Regulation (1), (2), (3) (4), (5) (6) (7) (10) and (11) of Regulation 11- Verification by Bureau
3	▶ Inspection by SDA ▶ Appoint Inspecting Officers, as it deemed fit for inspection of premises/warehouses/ distributor outlets/retail outlets etc. for ensuring compliance with the Regulations. ▶ Take action under section 17 for enforcement of energy consumption standards under section 14, (a), (b), (c) and (d) of the Act.	Sub-Section (1) of Section 17 Energy Conservation (Inspection Rules) 2010 amended from time to time	Sub-Regulation (10) of Regulation 11- Verification by the Bureau
4	▶ Action on Non-compliance by Permittee	Clause (c) of Section 14	Sub-Regulation (7)(c) and (11) (d) of

Name of Stakeholder: State Designated Agency			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
	▶ In case of non-compliance by permittee against the directions of Bureau, SDA shall monitor and report to the Bureau on corrective actions taken by the permittee within stipulated time of two months. ▶ In case of non-compliance by the Permittee for not sending a compliance report to BEE, the SDA shall ▶ intimate Bureau, all government departments including state undertakings to disqualify such appliances/equipment for public procurement. ▶ Instruct the inspecting Officer of SDA to initiate adjudication and file a case before the respective State Electricity Regulatory Commission (SERC). ▶ Publish the non-compliance of the permittee in daily English and regional newspaper for wide circulation to the public.	Sub Section (1) and (1A) of Section 26	Regulation 11- Verification by the Bureau

Name of Stakeholder: Inspecting Officer			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
1.	▶ Inspection related ▶ Shall ensure compliance with provisions contained in Clause (a) (b) and (d) and shall record reasons in writing on the matter after consultation from the retailer/distributor/permittee/laboratory professional etc. ▶ Shall carry out inspection of manufacturer's premises for ensuring compliance with the provisions contained in clause (a) and (d) of section 14. Inspection shall also include but not limited to	Sub-Section (1) of Section 17 Energy Conservation (Inspection Rules) 2010 amended from time to time	Sub-Regulation (10) of Regulation 11- Verification by the Bureau

Name of Stakeholder: Inspecting Officer			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
	the records of testing carried out by the Permittee ▶ Shall carry out inspection of a places where business in connection with manufacture or production or assembling of the said equipment takes place, premises of manufacturer, warehouses, go downs, store rooms, distributors, premises of traders or sellers and retail outlets situated all over the country. ▶ Shall check non-compliance models, for which directions have been issued by BEE for withdrawal from market. ▶ Shall check manner of display and accuracy of particulars displayed and promotional and advertising material changed or not. ▶ Shall prepare an inspection Report including the extent to which the appliance comply with the energy consumption norms or standards notified by Central Government. ▶ Report shall include the equipment/appliances notified for affixation of labels and whether it is in compliance with the Regulations. The number of labelled equipment manufactured annually. Whether labels are printed as per Regulations. Also his observations wherever necessary for promotion of energy efficiency. ▶ Shall submit the Inspection Report to the Chief Executive Officer of the designated agency within 30 days of his appointment		
2	▶ Petition related ▶ Shall file a petition before the State Commission, on approval by SDA, for initiating adjudication procedure for non-compliance by permittee under various Regulations issued by	Sub-Section (1) of Section 27	Sub-Regulation (7)(c) and (11) (d) of Regulation 11-Verification by the Bureau

Name of Stakeholder: Inspecting Officer			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
	BEE for S&L scheme from time to time.		

Name of Stakeholder: Adjudicating Officer			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant S&L Regulation
1.	▶ Adjudication related ▶ Shall follow rules specified in energy Conservation (Manner of holding inquiry) Rules, 2009 ▶ Shall issue notice containing the particulars of violation under Section 26, to the concerned person and instructing him to appear before the AO within 21 days from the issuance of such notice ▶ Shall provide an opportunity to the permittee/concerned person to present his case ▶ Shall proceed with the inquiry even if the concerned person refuses or ignores to appear before the Adjudicating Officer and shall record reasons in writing for doing so ▶ Shall follow the same procedure as adopted by State Commission in exercise of its powers and discharge of its functions ▶ Shall complete the inquiry within 60 days from the date of issuance of notice to concerned person ▶ May seek extension of time from the State Commission for another 60 days after recording reasons in writing. ▶ On concluding that the concerned person/permittee has non-complied with the provisions of the Act, shall impose a penalty to the concerned person as per the provision specified in Section 28 of EC Act, 2001	Sub-Section (2) of Section 27 Section 28 of the Act Energy Conservation (Manner of Holding Inquiry), 2009 amended from time to time	Sub-Regulation (7)(c) and (11) (d) of Regulation 11-Verification by the Bureau

6.4 Compliance Requirements under S&L scheme

6.4.1 The individual Regulations, notified by BEE, for each of the mandatory equipment/appliance sets out the compliance requirements which are to be abided by the respective manufacturer/permittee/trader/seller of the equipment/appliances.

6.4.2 The following table shows the list of compliance requirements which are to be followed by the manufacturer/permittee/trader/seller under S&L scheme, the process followed by BEE/SDA for checking of such compliance requirement, the category of default which the manufacturer/permittee/trader/seller falls under, if not complied with the respective compliance requirement and the end result if non-compliance is evident.

S. No.	Compliance Requirement by Manufacturer /Permittee/Trader/Seller under S&L scheme	Category of Non - Compliance	Result of Non-compliance
NON-COMPLAINECE CATEGORY GRADE I			
Production Data/Fee/Details of Retailers			
1.	Shall provide accurate details of production of label equipment/appliances and accordingly calculate accrued fee for each quarter and submit the same within the time period specified in clause (f) of Regulation 8 the respective appliance.	If not fulfilled shall result in to Non Compliance 1 (NC-10) – Grade I	Cancellation of Permission
2.	Shall provide accurate updated list of authorized distributors, dealers, retailers, sellers appointed to sell the label product within the time period specified in clause (f) of Regulation 8 – of the respective appliance	If not fulfilled shall result in to Non Compliance 1 (NC-10) – Grade I	Cancellation of Permission
3.	Shall adhere to the terms and conditions specified in the guideline to permittee on Standard and Labelling and/or any other directions of BEE from time to time.	If not fulfilled shall result in to Non Compliance 1 (NC-10) – Grade I	Cancellation of Permission
4.	Shall pay the accurate label fees calculated on the basis of production of label equipment/appliances and pay the same in the manner as specified in Regulation 9 of the respective Regulation	If not fulfilled shall result in to Non Compliance 1 (NC-10) – Grade I	Cancellation of Permission
NON-COMPLAINECE CATEGORY GRADE II			
Time & Manner of Display			
5.	Labels shall be affixed on all the appliances manufactured by the Permittee within a period specified in the Regulation 4 of respective appliance, after notification of such Regulation by the Bureau.	If not fulfilled shall result in to Non Compliance	Initiation of Adjudication before SERC

S. No.	Compliance Requirement by Manufacturer /Permittee/Trader/Seller under S&L scheme	Category of Non - Compliance	Result of Non-compliance
		2 (NC-11) – Grade II	
6.	Shall ensure that the labels shall not be affixed on the equipment/appliances after the expiry of the permission granted by BEE for that model/brand	If not fulfilled shall result in to Non Compliance 2 (NC-11) – Grade II	Initiation of Adjudication before SERC
7.	The particulars, design, color, size and content displayed on the label shall be as per the schedule of the respective Regulation for the equipment/appliances and Manner of display of labels shall be as specified in Regulation 5 of respective Regulation of the equipment/appliances	If not fulfilled shall result in to Non Compliance 2 (NC-11) – Grade II	Initiation of Adjudication before SERC
NON-COMPLAINE CATEGORY GRADE III			
Label Content (Particular) – Verification & Check Verification of Performance			
8.	Star rating/level displayed on the label shall be in synchronization with the revised energy consumption standards specified by BEE from time to time	If not fulfilled shall result in to Non Compliance 3 (NC-12) – Grade III	Correct star level Withdraw stocks and change advertising within 2 months & Initiation of Adjudication before SERC
9.	Particulars displayed on the label shall conform to the rated performance of the equipment/appliances. Manufacturing year displayed on the label shall be in synchronization with the label period	If not fulfilled shall result in to Non Compliance 3 (NC-12) – Grade III	Correct star level, Withdraw stocks and change advertising within 2 months & Initiation of Adjudication before SERC
NON-COMPLAINE CATEGORY GRADE IV			
Grant of Permission to Fix Labels			

S. No.	Compliance Requirement by Manufacturer /Permittee/Trader/Seller under S&L scheme	Category of Non - Compliance	Result of Non-compliance
10.	Shall be registered with BEE for selling mandatory equipment/appliances	If not fulfilled shall result in to Non Compliance 4 (NC-13) – Grade IV	Initiation of Adjudication before SERC
11.	Shall ensure that all mandatory equipment/appliances displayed at the point of sale shall always have a label affixed as per Regulations specified by BEE for each of the equipment/appliances	If not fulfilled shall result in to Non Compliance 4 (NC-13) – Grade IV	Initiation of Adjudication before SERC
12.	Shall ensure that no model/brand of mandatory equipment/appliances shall be sold with labels without obtaining prior permission from BEE and shall also ensure that separate permission for each model/brand of the Permittee falling under mandatory equipment/appliance is obtained Shall not sell the old brand/model of the manufacturer with the labels which are approved for his new brand/model	If not fulfilled shall result in to Non Compliance 4 (NC-13) – Grade IV	Initiation of Adjudication before SERC

6.5 Mapping of Expected Violations with Clauses of EC Act, 2001

- 6.5.1** The failure in fulfilling the responsibilities by manufacturer/permittee/trader/seller as specified in Section 4 of this Chapter, are considered as expected events of violation.
- 6.5.2** The different Regulation of S&L scheme under which these compliance requirements are notified are shown in the table below and mapped with the relevant clauses of EC Act, 2001.
- 6.5.3** The following table shows the Regulation number for each of the equipment/appliances which are common in their respective Regulations. The name of the equipment/appliance in the clause is replaced with the word ‘appliance’ in the following table.

EXPECTED EVENT OF VIOLATIONS UNDER S&L SCHEME				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF MANUFACTURER/PERMITTEE/TRADER UNDER S&L REGULATIONS					
S. No.	Non Compliance Conditions	Regulation	Clause		
NON-COMPLAINECE CATEGORY GRADE I					

EXPECTED EVENT OF VIOLATIONS UNDER S&L SCHEME				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF MANUFACTURER/PERMITTEE/TRADER UNDER S&L REGULATIONS					
S. No.	Non Compliance Conditions	Regulation	Clause		
1.	Incorrect details of production of labelled equipment/appliances and accrued fee submitted by the Permittee for each quarter. Also such details not submitted as per the time frame specified in Regulation 8 (f)	Regulation 8 (f) – Terms and conditions for display of particulars on label	(f) furnish to the Bureau a statement containing details of production of labelled equipment and the accrued labelling fee due for each quarter within the following month of closure of each quarter of the financial year;	NA	Non Compliance Event 10 (NC-10) Refer Clause 6.14.1 for Process Flow Chart Refer Clause 6.14.2.3 for Activity Table
2.	Incorrect list of authorized distributors, dealers, retailers, sellers appointed to sell the label product submitted by Permittee. Also such updated details are not submitted as per the frame period specified in Regulation 8	Regulation 8 (g) – Terms and conditions for display of particulars on label	(g) furnish to the Bureau an updated list of authorised distributors, dealers, retailers, sellers appointed to sell their labelled products by 30thday of April of each year;	NA	Non Compliance Event 10 (NC-10) Refer Clause 6.14.1 for Process Flow Chart Refer Clause 6.14.2.3 for Activity Table
3.	Permittee do not adhere to the terms and conditions specified in the Operational Manual on Standard and Labelling and/or any other directions of BEE	Regulation 8 (h) – Terms and conditions for display of particulars on label	(h) comply with such other terms and conditions which the Bureau may specify including those contained in the Bureau’s Operation Manual on Standard and Labelling.	NA	Non Compliance Event 10 (NC-10) Refer Clause 6.14.1 for Process Flow Chart Refer Clause 6.14.2.3 for Activity Table
4.	Incorrect label fees calculated and paid by the permittee. Also the payment of label fees is not in the manner as specified in Regulation 9	Regulation 9 (2) – Label Fee	(2) The label fee specified under sub-regulation (1) shall be paid annually within one month from the date of closure of each financial year;	Clause 2 (n) of Section 13	Non Compliance Event 10 (NC-10) Refer Clause 6.14.1 for Process Flow Chart Refer Clause 6.14.2.3 for Activity Table

EXPECTED EVENT OF VIOLATIONS UNDER S&L SCHEME				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF MANUFACTURER/PERMITTEE/TRADER UNDER S&L REGULATIONS					
S. No.	Non Compliance Conditions	Regulation	Clause		
NON-COMPLAINE CATEGORY GRADE II					
5.	Labels are not displayed within the time period specified in Regulations 4 of each equipment/appliance. Permittee thereby selling such appliances without labels.	Regulation 4 (1) – Time limit for display of labels	(1) A label containing all the particulars specified in regulation 3 shall be displayed on every appliance within a period of six months from the date of coming into force of these regulations.	NA	Non Compliance Event 11 (NC-11) Refer Clause 6.14.1 for Process Flow Chart Refer Clause 6.14.2.2 for Activity Table
6.	Labels are displayed on the equipment/appliances after the expiry of the permission. Invalid labels displayed on the equipment/appliance by the permittee	Regulation 4 (2) (a) – Time limit for display of labels	2 (a) The appliance put on sale shall display revised star level and revised label period synchronizing with the revised energy consumption standards and the manufacturing year of the appliance shall also be in synchronization with such revised energy consumption standards, and shall not produce the appliance with the previous energy consumption standards	Clause (a) of Section 14	Non Compliance Event 11 (NC-11) Refer Clause 6.14.1 for Process Flow Chart Refer Clause 6.14.2.2 for Activity Table
7.	The particulars, design, color, size and content displayed on the label is not as per the schedule of the respective Regulation of the equipment/appliance	Regulation 3 (1) (2) – Particulars to be displayed on label Regulation 5 (1) –	(1) On every appliance, the following particulars shall be displayed on its label, namely:- (2) The design, colour, size and content of label shall be as specified in the Schedule annexed to these regulations.	Clause (d) of Section 14	Non Compliance Event 11 (NC-11) Refer Clause 6.14.1 for Process Flow Chart Refer Clause 6.14.2.2 for Activity Table

EXPECTED EVENT OF VIOLATIONS UNDER S&L SCHEME				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF MANUFACTURER/PERMITTEE/TRADER UNDER S&L REGULATIONS					
S. No.	Non Compliance Conditions	Regulation	Clause		
	Manner of display of labels is not as specified in Regulation 5 of respective Regulation of the equipment/appliance	Manner of display of labels	(1)There shall be a label on every appliance which shall be displayed at the point of sale and such label shall be affixed on the appliance in the following manner, namely;		
NON-COMPLAINEE CATEGORY GRADE III					
8.	Star rating/level displayed on the label is not in synchronization with the revised energy consumption standards specified by BEE from time to time	Regulation 4 (2) (a) – Time limit for display of labels	2 (a) The appliance put on sale shall display revised star level and revised label period synchronizing with the revised energy consumption standards and the manufacturing year of the appliance shall also be in synchronization with such revised energy consumption standards, and shall not produce the appliance with the previous energy consumption standards;	Clause (a) of Section 14	Non Compliance Event 12 (NC-12) Refer Clause 6.14.1 for Process Flow Chart Refer Clause 6.14.2.1 for Activity Table
9.	Particulars displayed on the label do not conform to the rated performance and the label period of the equipment/appliances. Also the manufacturing year displayed on the	Regulation 11 (1) – Verification by Bureau	The Bureau or its designated agency may, either suo motu or on a complaint received by it, carry out verification to ensure that the self-ballasted LED lamp conforms to the star	NA	Non Compliance Event 12 (NC-12) Refer Clause 6.14.1 for Process Flow Chart Refer Clause 6.14.2.1 for Activity Table

EXPECTED EVENT OF VIOLATIONS UNDER S&L SCHEME				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF MANUFACTURER/PERMITTEE/TRADER UNDER S&L REGULATIONS					
S. No.	Non Compliance Conditions	Regulation	Clause		
	equipment/ appliance is not the actual production year of the equipment/appliance		level and other particulars displayed on its label and that it complies with the other terms and conditions of permission.		
NON-COMPLAINE CATEGORY GRADE IV					
10	Manufacturer of equipment /appliance falling under mandatory category shall be registered with BEE	Regulation 7 (1) – Grant of Permission	On receipt of an application under regulation 6 and after being satisfied that all requirements therein are complied with, the Bureau may, within a period as specified in its operation manual on standards and labelling from the date of such receipt, grant, subject to such terms and conditions as are specified in regulation 8, – (a) register the brand in Form IB or in electronic form; or (b) grant permission for affixing label on the appliance in Form IIB or in electronic form.	NA	Non Compliance Event 13 (NC-13) Refer Clause 6.14.1 for Process Flow Chart Refer Clause 6.14.2.2 for Activity Table
11.	Mandatory equipment/ appliances do not have an affixed label displayed at the point of sale as per Regulations notified by BEE	Regulation 5 (1) – Manner of display of label	(1)Every manufacturer, seller or trader shall display on every equipment/appliances a label at the time of sale and the label shall either adhere to, or be attached as a swing tag, on it.	Clause (b, d) of Section 14	Non Compliance Event 13 (NC-13) Refer Clause 6.14.1 for Process Flow Chart Refer Clause 6.14.2.2 for Activity Table

EXPECTED EVENT OF VIOLATIONS UNDER S&L SCHEME				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF MANUFACTURER/PERMITTEE/TRADER UNDER S&L REGULATIONS					
S. No.	Non Compliance Conditions	Regulation	Clause		
			(2) For units not on display, the label may be attached to the exterior of the equipment/appliances and the label may be attached to the equipment/appliances when the equipment/appliances is removed from its packaging or the label may be included as a part of the documentation given to the customer or user.		
12.	Mandatory equipment/appliances are sold with labels, without obtaining prior permission from BEE Permittee did not seek separate permission from BEE for its new variant model/brand of the same equipment/appliance falling under mandatory category Permittee thereby selling the new model of equipment/appliance with the label of an older model Permittee selling old brand/model/stock with the labels approved for his new/upgraded	Regulation 6 (1) – Permission for display of labels Regulation 7 (8) – Grant of permission	(1) No star label shall be affixed on an appliance without obtaining the prior permission of the Bureau. (8) The permittee shall seek permission to affix label afresh, if new model of the appliance is planned to be launched synchronising with the revised star level, and application for such permission shall be made six months in advance of coming into force of the revised star level.	Clause (b) and (d) of Section 14	Non Compliance Event 13 (NC-13) Refer Clause 6.14.1 for Process Flow Chart Refer Clause 6.14.2.2 for Activity Table

EXPECTED EVENT OF VIOLATIONS UNDER S&L SCHEME				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF MANUFACTURER/PERMITTEE/TRADER UNDER S&L REGULATIONS					
S. No.	Non Compliance Conditions	Regulation	Clause		
	model/stock of the equipment/ appliances				

6.6 Monitoring, Verification and Enforcement (MV&E)

- 6.6.1** Under the current S&L program, it is the responsibility of the Bureau to ensure that a strong monitoring, verification and enforcement (MV&E) mechanism is in place to protect the interest of the consumer and the society.
- 6.6.2** The MV&E framework sets out the principles adopted by BEE to optimize compliance with the EC Act, 2001 and its respective amendments and other relevant legislations and Regulations, relating to the energy labeling of appliances and equipment.
- 6.6.3** This section describes the monitoring and verification activities which needs to be undertaken and thereby fix responsibilities for non-compliance. It is targeted towards appliance and equipment manufacturers, importers, traders, and retailers who have obligations under relevant legislation and regulations.
- 6.6.4** MV&E of S&L scheme can be done by any of the following methods.
- ▶ Market Surveillance (to be carried out by SDA)
 - ▶ Check Testing through Sampling Plan (to be carried out by SDA through BEE)
 - ▶ Challenge Testing (on receipt of complaint by SDA or BEE)

6.7 Market Surveillance

- 6.7.1** The primary aim of market surveillance is to ensure a high degree of compliance with policy intent of S&L scheme once the labelled products reach the market place.
- 6.7.2** Market surveillance is the process of checking that the products in the market are correctly labelled as they are offered for sale to consumers.

6.7.3 Market Surveillance helps to ensure that

- ▶ All products in the market covered by mandatory labelling display the BEE star label;
- ▶ All products in the market covered by mandatory labeling are registered;
- ▶ All products carrying the voluntary label are registered;
- ▶ Fake labels are not being used on products;
- ▶ BEE Star labels are displayed correctly on the appliances as specified in the relevant product schedule or Regulation.
- ▶ Product in the shop, brochure or website is compliant with the respective product regulations/statutory order/schedule or scheme rules;
- ▶ Labels are printed correctly, displayed at the appropriate place on the equipment/appliance, the security features in the label, if any, and the correctness of the label about the star rating level in relation to corresponding model number as per the records of the Bureau.

6.7.4 The surveillance shall be a comprehensive Pan India or state wide market research of retailer/dealer/stockyard/warehouses including their catalogues and websites that sell appliances to assess whether they are providing the labelling details of the appliances.

6.7.5 Market Surveillance plan shall be prepared on regular basis keeping the following points in to consideration.

- ▶ Products with history of non-compliance including customer complaints
- ▶ Products with high market penetration
- ▶ Products belonging to very high or very low energy efficiency classes
- ▶ Purchasing price either very low or very high
- ▶ Manufacturing place- imported versus nationally produced products and brands
- ▶ Random selection of both the product groups and the sample size
- ▶ Selection criteria may guide the shop type selection, because not all shops sell all the selected products

6.7.6 The surveillance shall include large/medium size stores, specialist suppliers, trade suppliers, smaller independent retailers/dealers and warehouse/stockyard of permittee etc.

6.7.7 The surveillance shall consist of 2 parts

- ▶ A quantitative part on labeling in stores by appliance type (shop inspection);
- ▶ A qualitative part evaluating the store-owner's or manager's attitude towards the importance of energy labeling based on face-to-face interviews.

6.7.8 The surveillance shall be carried out through following surveillance instrument

- ▶ Pre-defined Surveillance sheet for inspecting the shops which would be used by the field personnel to make an inventory of the appliances displayed in the retail/dealer/stockyard/warehouse and their labelling. Field personnel shall receive detailed instructions with additional explanations (especially with regard to defining the different categories of compliance)
- ▶ A check-list with parameters to be inspected and the information to be collected in each shop should be prepared
- ▶ A questionnaire for the face-to-face interviews with retailers/ suppliers/dealers on their attitude towards the label, handling difficulties, the availability of the labeled products from the manufacturers etc.

6.7.9 The nodal officer of the SDA shall prepare the market surveillance report on a quarterly basis and submit the same to the Chief Executive officer of the SDA for perusal.

6.8 Check Testing

6.8.1 In case of check testing, Bureau or SDA through IAME appointed by Bureau shall suo motu carry out check testing on sampling basis of equipment/appliances, as per the product schedule of Regulations, to ensure that the equipment/appliance model meets the performance claims.

6.8.2 Bureau or SDA in consultation with Bureau through the IAME, shall formulate a comprehensive sampling plan and submit to the Bureau for its approval. The IAME or the SDA shall consider the following guidelines while developing sampling plan:

- ▶ Sampling plan shall include product-models from the BEE approved model list. Approximately 50% of the samples shall be selected from the recently approved models, and the other 50% shall be randomly selected from the remaining list of qualified models.
- ▶ Selection of samples shall be done in a way that it is representative of entire market and demonstrate to the permittee that there was real risk in being caught in the policing net.
- ▶ Sample shall be purchased from the market, rather than obtained directly from the permittee.
- ▶ Many seemingly different models of a product may turn out to be essentially the same model with minor cosmetic differences only. The use of market research to determine whether a single model could be selected to be representative of all these different models could provide cost savings or enable a verification program to be extended to a larger range of products.
- ▶ Cover a selection of models from each category of appliances and equipment under the BEE mandatory labeling program.

- ▶ Identify models that, if non-compliant, have the greatest potential impact on the energy and greenhouse savings of the labeling program.
- ▶ Identify models with a higher than average risk of failure to meet energy performance claims.
- ▶ Every effort shall be made to test at least one sample of each model for each manufacturer per year.

6.8.3 The IAME or SDA shall make a sampling plan as per the format specified in **Appendix XXV** attached to this manual.

6.8.4 On approval of the sampling plan, IAME or SDA on the basis of methodology adopted in sampling plan, shall procure the samples from authorized dealers/retailers of permittee product or procure from organized buyers such as Utilities or government procurement.

6.8.5 While procuring samples, IAME or SDA shall verify the correctness of the label and the details as per the rating/name plate affixed on the product. IAME or SDA shall collect proper bills/cash memo/receipt with all necessary details of product purchased.

6.9 Testing Laboratory for check testing

6.9.1 IAME or SDA shall select NABL accredited laboratories based on the capacity for testing, work load and other relevant criteria. IAME or SDA shall issue a request form for check testing and send it to the designated laboratory along with the sample under intimation to the Bureau. The status of samples being tested are to be updated monthly on S&L portal.

6.9.2 Testing labs shall submit the test report to IAME or SDA within 7 days from the date of completion of testing. After the receipt of the test report, IAME or SDA shall scrutinize the test report to evaluate whether the test result conforms to the relevant schedule/standard/regulation and also the information given on the label.

6.9.3 IAME or SDA shall submit the test report in the format prescribed in Appendix XXVI within 5 days from the receipt of test report from the testing lab to the Bureau.

6.10 Second Check Testing

6.10.1 In case the first test fails, BEE shall conduct second check testing for which it shall buy twice the sample size considered in the first test of the same model within two weeks.

- 6.10.2** The Permittee shall be informed about the failure of first check testing and shall be advised to deposit the cost of samples and cost of check testing in advance. If the Permittee does not pay such expenses, the Bureau shall proceed with the second test, but will not process any further application from the Permittee and shall block the S&L website portal for the Permittee.
- 6.10.3** IAME or SDA shall inform the date of the second check testing to the Permittee and advise them to depute their official to witness the testing. Second test can be conducted in the same lab where the first test was conducted.
- 6.10.4** On completion of testing, IAME or SDA shall review the test reports and shall forward their recommendations and all relevant documents, in original to the Bureau.
- 6.10.5** In case any one or both the samples fail the second test, the Bureau shall proceed with the following actions
- ▶ Direct the permittee under intimation to all SDA, that the permittee within two months from date of issuance of such intimation shall
 - Correct star level displayed on the label of the product and remove the defects and deficiencies found during testing from the existing and new stock;
 - Withdraw all stocks from the market to comply with the directions of the Bureau
 - Change the particulars displayed on advertising material
 - ▶ Publish, for the benefit of the consumers, the name of any permittee, brand name, model name or model number, logo and other specification in any national or regional daily newspaper and in any electronic or in any other manner as it deemed fit within two months;
 - ▶ Intimate to the State Designated Agency to initiate further adjudication proceedings against the permittee and the trader under Section 27 of the EC, Act
- 6.10.6** The Permittee within 10 days of the completion of period of two months shall submit the action taken report to the Bureau. In case the action taken report is not received by the Bureau or received without compliance, then the Permittee shall be considered as non-compliant to the directions of Bureau and Bureau shall issue necessary orders to that effect.

6.11 Challenge Testing

- 6.11.1** Challenge testing is carried out when any written complaint is received regarding the information on the star label and/or requirement given in the respective product schedule of BEE. BEE or SDA to carry out such challenge testing after intimation of such test to the Permittee.

- 6.11.2** The complainant is asked to submit an affidavit on stamp paper that in case the claim is proved wrong then the cost of expenses related to challenge testing including the transportation and other incidental cost shall be borne by the Complainant and has to deposit the same within one month of receipt of test report.
- 6.11.3** In case the claim is proved correct, such expenses shall be recovered from the Permittee and the complainant need not deposit any amount.
- 6.11.4** Challenge testing shall follow the same procedure of check testing as specified above. In case a complaint is received for an appliance/equipment for which check testing has already been conducted by BEE/SDA, the complainant shall be informed of such test results provided the complaint received is within one year from the date of carrying out the tests.

6.12 Inspecting Officer

- 6.12.1** The Chief Executive Officer of SDA shall appoint an inspecting officer for adequate reasons recorded in writing based on the market surveillance report or on intimation by the Bureau for conducting an inspection of the premises of manufacturer or manufacturing facility or warehouse or retail outlet for ensuring compliance with the provisions covered under clause (d) of section 14.
- 6.12.2** The purpose of inspection shall be duly verified from credible and reliable sources by the State Designated Agency. The Inspecting Officer can only carry out the inspection after being duly authorized by the Chief Executive Officer of the State Designated Agency.
- 6.12.3** The State Designated Agency shall intimate the Director-General of the Bureau, within a period of fifteen (15) days from the date of appointment.
- 6.12.4** The Inspecting Officer is undertaking an inspection to ensure display of particulars on label affixed to an equipment, such inspection shall be as per check-list given in Inspection Form 1 of Energy Conservation (Inspection) second Amendment Rules, 2018 and shall include inspection of –
- ▶ a place where business in connection with manufacture or production or assembling of the said equipment takes place, premises of manufacturer, warehouses, godowns, store rooms, distributors, premises of traders or sellers and retail outlets situated all over the country to ensure that no model of the said equipment is manufactured or imported or purchased or stored or sold without a label;

- ▶ models for which directions have been issued by the Bureau for their withdrawal from the market on account of failure of second test-check;
- ▶ the manner of display of label affixed to an equipment and accuracy of particulars displayed on the label;
- ▶ promotional or advertising materials in respect of the said equipment;

6.12.5 The Inspecting Officer shall follow the procedures defined in the Energy Conservation (Inspection) Rules, 2010 and Energy Conservation (Inspection) second Amendment Rules, 2018.

6.12.6 The inspecting Officer shall prepare an inspection report based on his findings during the inspection. The inspection report shall clearly bring out the violations of provisions of the Act or Rules or Regulations made thereunder along with the recommendations on the action to be taken in the matter and the report shall include

- ▶ the extent to which the process, equipment and appliance comply with the energy consumption norms or energy consumption standards notified by Central Government in relation to such process or the equipment or appliance in terms of clause (a) of Section 14;
- ▶ the equipment notified for fixation of labels thereon in compliance with the Regulation made in that behalf;
- ▶ number of labeled equipment manufactured annually
- ▶ whether labels are printed and displayed as per Regulation made in that behalf;
- ▶ his observations on any point which he considers necessary for the purpose of promotion of energy efficiency or its conservation and enforcement of the provisions of the Act, rules and Regulations made thereunder

6.12.7 The Inspecting Officer for ensuring compliance with the energy consumption norms or standards specified under clause (a) or for ensuring compliance with the display of particulars on label affixed to an equipment or on appliance specified under clause (b) of section 14, shall prepare the inspection report as per Form II defined in the Energy Conservation (Inspection) second Amendment Rules, 2018.

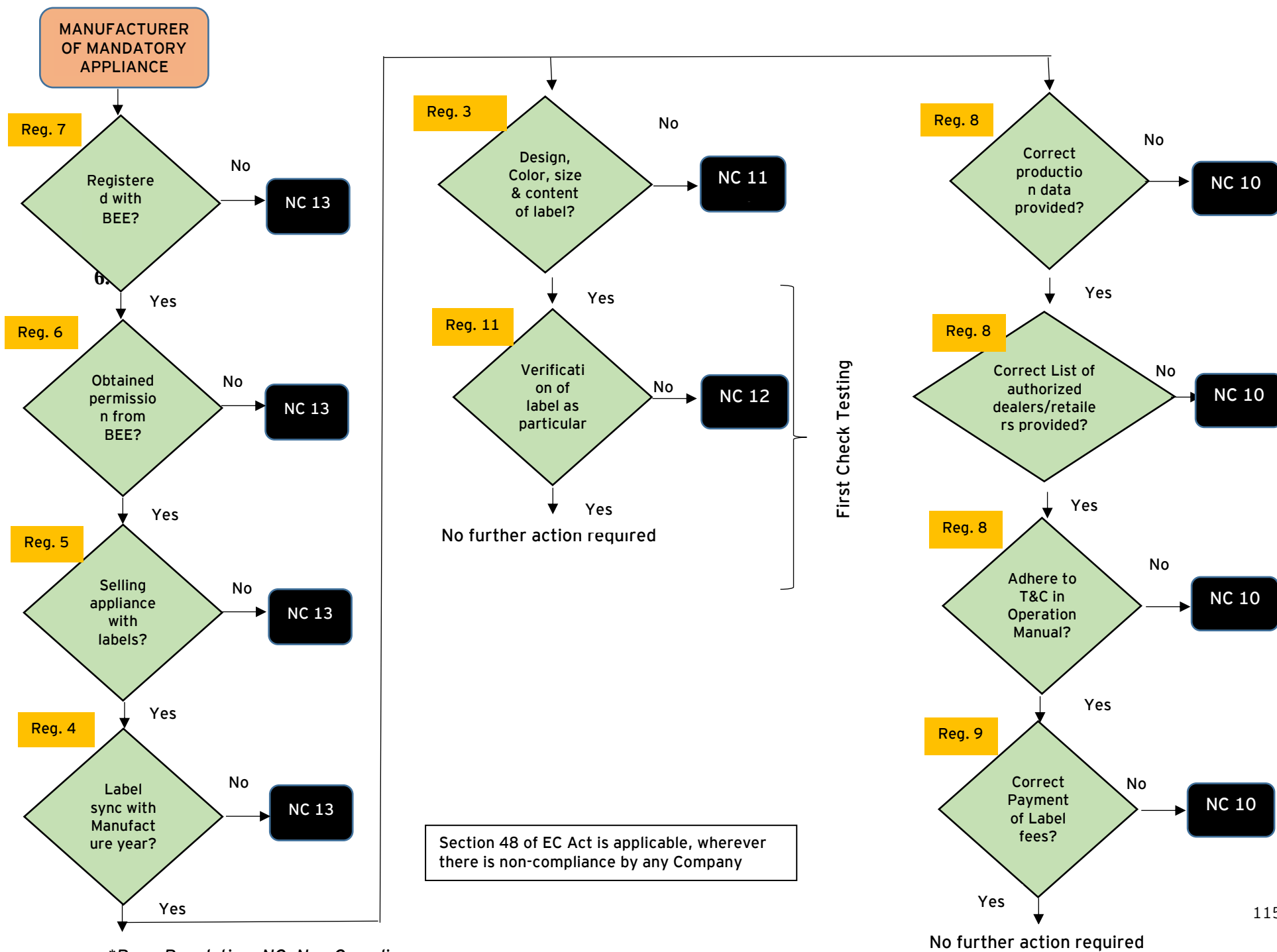
6.12.8 The Inspecting Officer shall submit the Inspection Report to the Chief Executive Officer of the State Designated Agency within a period of 30 working days from the date of inspection.

6.12.9 The Chief Executive Officer of Sate Designated Agency shall examine the inspection report submitted by the Inspecting Officer. On the basis of examination, if the Chief Executive Officer of SDA is satisfied and is of the opinion that the report contains conclusive material in support of non-compliance with any of the provisions contained in section 26, he shall within two months from the date of receipt of inspection report, give directions to the

Inspecting officer, with a copy to the Director – General of the Bureau, to file the case before the State electricity Regulatory Commission against the person concerned under section 27 of the EC Act, 2001.

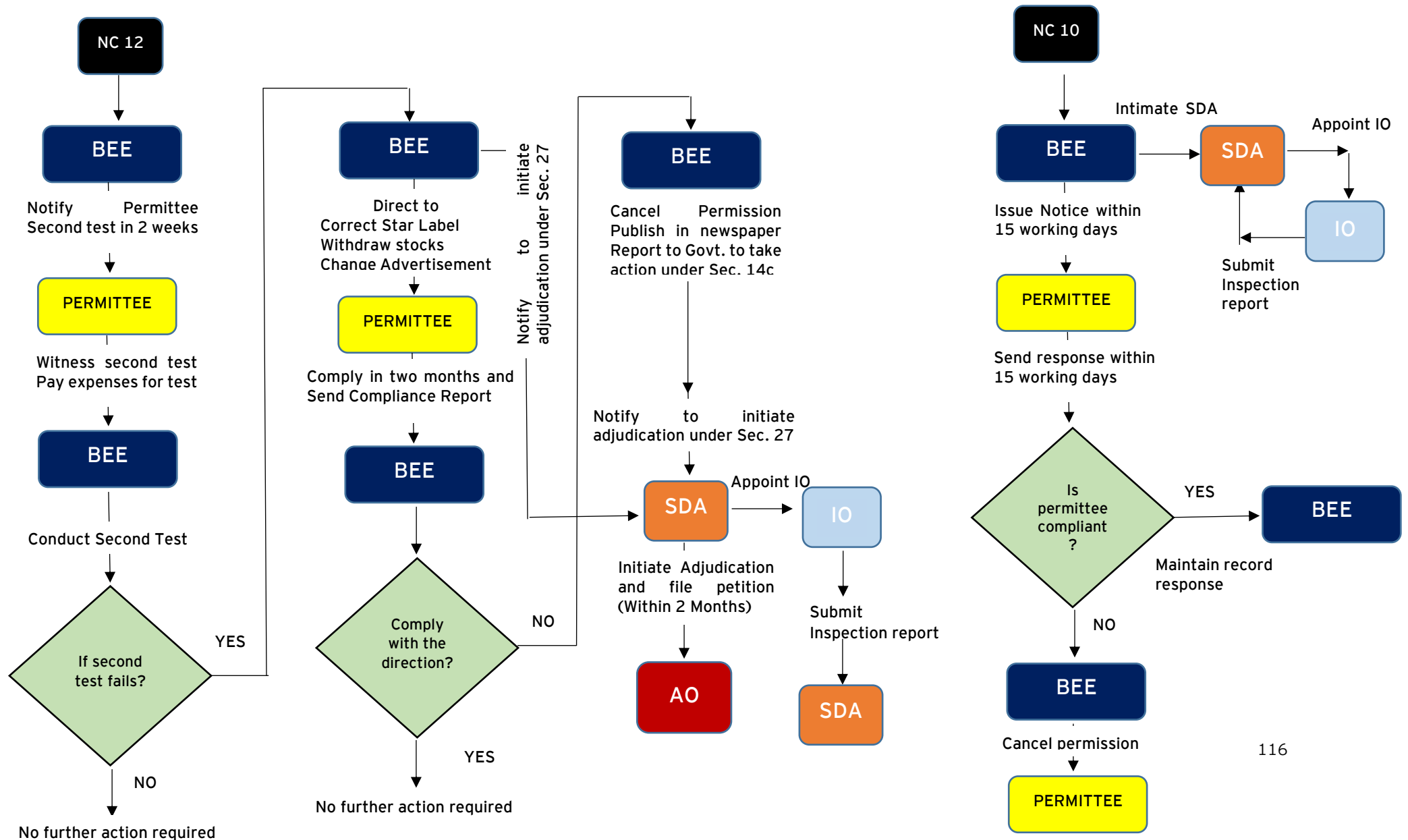
6.13 Conditions for occurrence of non-compliance events

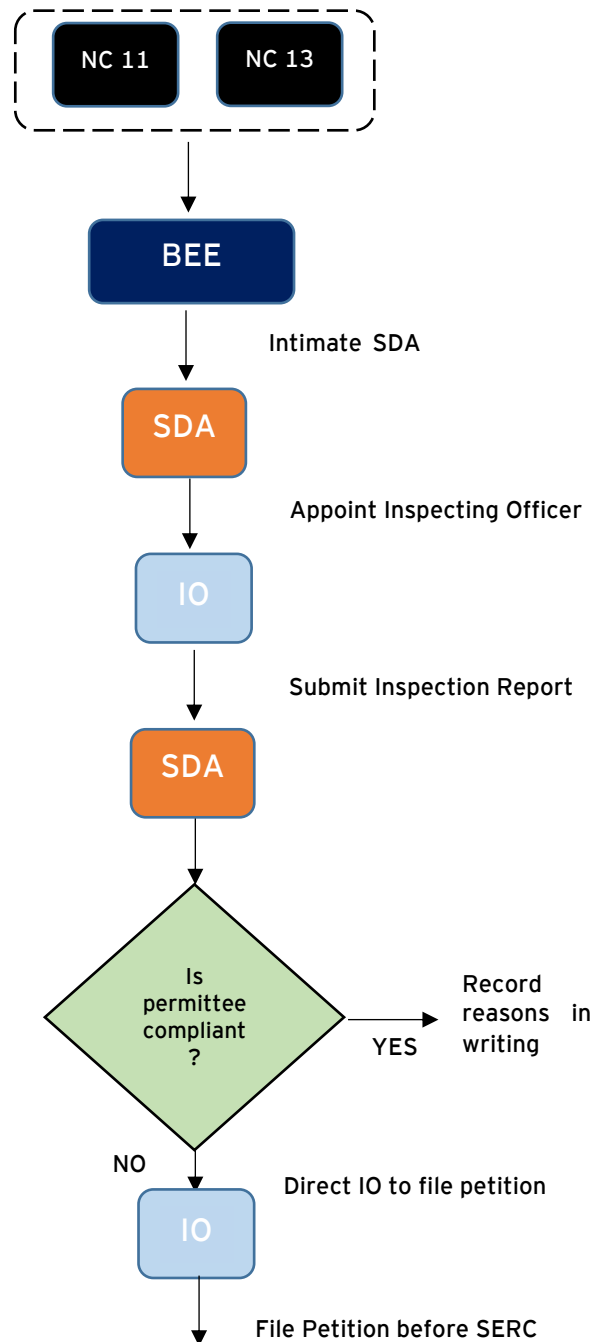
- 6.13.1** This section details out all possible events of non-compliances that can occur on behalf of the manufacturer/permittee under the S&L scheme
- 6.13.2** The following figure is a pictorial representation of non-compliances events categorized into three parts based on the compliance categories defined in Section 4.



Procedure for Enforcement

6.14.1 The following flowchart is a pictorial representation of the process to be followed for the non-compliance events listed in the previous Section.





6.14.2 The procedure for enforcement for Non-compliant event is described with the details of responsible entity, requisite actions to be undertaken along with the timeline and data required in the table below.

6.14.2.1 Non Compliance Event 12 (NC 12)

Event of Violation		Non-Compliant Event (NC 12)	
Responsible Entity	Activity	Timeline	Data Required
BEE	Notify the permittee about the failure of the first test. Inform the date of the second test and advise to deposit cost of second test.	Immediately on failing of first test	Issue Notice as Appendix XXVII
Permittee	Pay expenses and witness the second test.	Within 15 days from receipt of notice.	Demand draft in the name of BEE or through online payment system
IF Permittee does not pay expenses for the second test			
BEE	Proceed with the test while discontinuing further processing of any application of Permittee and blocking S&L web portal for permittee.	Immediately on failing of permittee to pay test expenses	NA
IF Permittee fails the second test			
BEE	Direct the permittee under intimation to all SDA to a. Correct star level and remove other defects and deficiencies found in the test b. Withdraw all the stocks from the market c. Change particulars displayed on the advertising material	Immediately on failing of the second test	Directions to permittee on failure of second check testing form: AC- Form VI CTV-Form V DCR-Form V TFL-Form V EWH-Form V LED-Form VII DTR- NA FFR-NA *The same form will be included in the further amendments in regulations of DTR and FFR

Permittee	Permittee to comply with the directions of BEE	Within two months of receipt of Form V, VI, VII etc. of respective appliance.	NA
Permittee	Permittee to send compliance report	Within 10 days after completion of two months	Action Taken Report form: AC-Form VII CTV-Form VI DCR-Form VI DTR-Form? FFR-Form? TFL-Form VI EWH-Form VI LED-Form VIII
IF Permittee does not comply with the directions or does not send compliance report to BEE			
BEE	Cancel permission of permittee and publish the default of permittee along with model number in newspapers. Send report to Govt. recommending to take action under Section 14 (c) of the Act	Immediately on completion of time period for sending the compliance report	Notice for cancellation of permission as Appendix XXVIII
BEE	Notify SDA to take action under Section 17 and appoint an inspecting Officer for inspection purposes	Immediately on completion of time period for sending the compliance report	Notice as per Appendix XXIX
BEE	Notify SDA to initiate adjudication under Section 27 for non-compliance with the EC Act	Immediately on completion of time period for sending the compliance report	Notice for initiation adjudication as Appendix XXX
Inspecting Officer	To inspect the premises and retail outlets of Permittee and submit an inspection report to SDA	Within 30 days of inspection carried out	Inspection report as per Form II of Inspection Rules 2010
SDA	Initiate the Adjudication Process	Within 2 months after receiving intimation from BEE	File petition to Adjudication Officer (SERC)

**AC-Air Conditioner, CTV-Color Television, DCR-Direct Cool Refrigerator, DTR-Distribution Transformer, FFR-Frost Free Refrigerator, TFL-Tubular Florescent Lamps, EWH-electric Water Heater*

6.14.2.2 Non Compliance Event 11 and 13 (NC-11 and NC-13)

Event of Violation	Non-Complaint Event (NC 11 and 13)
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Responsible Entity	Activity	Timeline	Data Required
BEE	Notify SDA to take action under Section 17 and appoint an inspecting Officer for inspection purposes	On intimation of default by complaint or through random checking	Notice as per Appendix XXXI
SDA	To appoint Inspecting Officer to inspect premises, retail outlets for noncompliance with the Rules and Regulations under S&L scheme	Intimation by BEE for initiation of inspection	Notice for initiation adjudication as Appendix XXXII
Inspecting Officer	To inspect the premises and retail outlets of Permittee and submit an inspection report to SDA	Within 30 days of inspection carried out	Inspection report as per Form II of Inspection Rules 2010
If the default has occurred as per the inspection report			
SDA	Initiate the Adjudication Process under section 27 of the Act.	On receipt of Inspection report	Issue directions to Inspecting Officer for filing Petition
Inspecting Officer	File Petition before SERC	Within 2 months from the notification for filing of petition before SERC	File petition to Adjudication Officer (SERC)

6.14.2.3 Non Compliance Event 10 (NC-10)

Event of Violation		Non-Complaint Event (NC 10)	
Responsible Entity	Activity	Timeline	Data Required
BEE	Issue the notice to concerned Permittee to comply	Within 15 days from date of occurrence of non-compliance	Issue Notice as Appendix XXXIII
Permittee	Send response	Within 15 days from receipt of notice.	Comply with the direction
If Permittee doesn't send the response or does not comply with the directions			
BEE	Notify SDA to take action under Section 17 and appoint an inspecting Officer for inspection purposes	Immediately on completion of time period for sending the compliance report	Notice as per Appendix XXXIV

Inspecting Officer	To inspect the premises and retail outlets of Permittee and submit an inspection report to SDA	Within 30 days of inspection carried out	Inspection report as per Form II of Inspection Rules 2010
SDA	To submit the Inspection report to BEE	Immediately after receipt of Inspection Report	Inspection report as per Form II of Inspection Rules 2010
BEE	Cancel the permission for labels for the Permittee	On receipt of Inspection report and after considering the material facts into account	Notice for cancellation of permission as Appendix XXXV

6.15 Illustrations of various cases under S&L

6.15.1 The following tables shows the illustrations under various cases of S&L which can occur. The illustration also provide sample calculation of penalty under each case of default.

6.15.1.1 Manner of Display of Label not as per Regulation (GRADE II)

Event of Violation		Non-Compliant Event (NC 10)	
Responsible Entity	Activity	Timeline	Data Required
SDA (Chief Executing Officer)	Study the market survey report, which has identified the above non-compliance and conclude that whether there is a need for inspection or not	Within two weeks of submission of market surveillance report	NA
If inspection is necessary			
SDA (Chief Executing Officer)	Shall appoint an inspecting Officer with adequate reasons recorded in writing for inspection of manufacturer premises/warehouses/godowns/retail outlets etc.	Within two weeks of concluding non-compliance	Authority Letter to Inspecting Officer
SDA (Chief Executing Officer)	Shall issue notice to the office of the manufacturer informing him about the details of the default and appointment of the Inspecting Officer for inspection purposes	Within 15 days of appointment of inspecting Officer	Notice to manufacturer
SDA (Chief Executing Officer)	Shall intimate the same to Director General of BEE	Within 15 days of appointment of inspecting Officer	Notice for intimation to BEE through a letter
On receipt of Authority Letter from SDA for inspection			
Inspecting Officer	Shall carry out inspection at premises of manufacturer, warehouses, godown, store rooms, authorised distributors, premises of traders or sellers and retail outlets situated all over the country to ensure that the manner and display of labels on the appliances is as per the Regulation issued by BEE on that appliance	Within 30 days from the date of appointment of inspecting Officer	NA
Inspecting Officer	Shall carry out inspection as per the checklist provided in Form I of Energy Conservation (Inspection) Second Amendment Rules, 2018	Within 30 days from the date of appointment of inspecting Officer	Form I of Inspection Rules second amendment

Inspecting Officer	Shall ensure compliance with provisions contained in Clause (b) and (d) and shall record reasons in writing on the matter after consultation from the manufacturer /retailer/distributor/trader etc.	Within 30 days from the date of appointment of inspecting Officer	NA
Inspecting Officer	Shall prepare an inspection report which is as per Form II of Energy Conservation (Inspection) Second Amendment Rules, 2018 and shall include 1. The brief procedure followed for inspection detailing all the premises warehouses/god owns/ retail outlets etc. inspected during the inspection. 2. To clearly indicate whether or not the display of labels is as per the manner and schedule of Regulation notified by BEE at selected or all outlets of the manufacturer and whether such non-compliance is due to ignorance of the manufacturer or has been done intentionally 3. Include findings of inspection relating to the non-compliance under Section 14 (d) i.e. incorrect display of labels on mandatory appliances 4. Notification issued to Manufacturer if any with regard to such non-compliance in the past and the action taken by the manufacturer in this regard 5. Sufficient proofs of non-compliance with respect to Section 14 (d) 6. Details of number of manufactured product sold with incorrect labels 7. Recommendations of inspecting Officer mentioning whether the case is a 'Defaulter' amounting to loss or violation of direction issued by Central Govt. /BEE and whether the case should be referred to the authority for Inquiry/ Levy of Penalty as per Energy Conservation Act, 2001	Within 30 days from the date of appointment of inspecting Officer	Form II of Inspection Rules second amendment
Inspecting Officer	Shall submit the inspection report to the Chief Executive Officer of the SDA	Within 30 days from the date of appointment of inspecting Officer	Form II of Inspection Rules second amendment
On receipt of Inspection report from Inspecting Officer			
SDA (Chief Executing Officer)	Shall examine the inspection report submitted by the Inspecting Officer and if satisfied on such examination and makes an opinion on the basis of the material facts contained in the said report that there was evidence in support of non-compliance with the provisions contained in section 26,	On receipt of inspection report within 30 days of appointment	Notice to Inspecting Officer as prescribed

SDA (Chief Executing Officer)	Shall give directions to the inspecting Officer to file the case before the State commission against the permittees under section 27 and prove his non-compliance before the AO	Within 2 months from date of receipt of Inspection report	Directions to Inspecting Officer as prescribed
SDA (Chief Executing Officer)	Shall send a copy of the aforesaid letter to the Director – General of the Bureau	Within 2 months from date of receipt of Inspection report	Copy of Directions to Inspecting Officer as prescribed
On receipt of directions for imitating adjudication against Manufacturer			
Inspecting Officer	To prepare a petition as per the Conduct of Business Regulations of the State Electricity Regulatory Commission. The Petition should contain 1. The relevant provisions of the Act which leads to non-compliance 2. The facts of the case and detailed explanation of the process followed by BEE/SDA/Inspecting Officer specifying with relevant provision of the Act/Regulation which lead to non-compliance by the permittee. 3. The brief findings of the Inspection report clearly indicating non-compliance and whether it has been done intentionally 4. The prayers that are to be sought in this Petition (including penalty to be imposed on the Manufacturer in this regard) under section 26 of the Act. 5. Submission of documents and grounds for support for such prayers 6. Enclosures as follows a. Purpose of appointing an inspecting Officer by CEO of SDA and the reasons recorded in writing b. Inspection Report of the Inspecting Officer of SDA which indicates non compliances with terms and conditions with respect to EC Act (Section 14 (d)) c. The sample calculation of penalty to be imposed on the Manufacturer based on Section 28 of the EC Act d. All communication between Manufacturer and SDA/BEE/Inspecting Officer if any.	Within two month from the notification of SDA to file a case before SERC	As per format specified

	e. All communication between SDA and BEE and Inspecting Officer as specified in the process given above Sample calculation of Penalty for manner of display of label not as per the Schedule of Regulation notified for that appliance shall be in the following manner Penalty (amount in Rupees) = (the label fees approved by the BEE for that particular appliance * the number of label products manufactured and sold by the manufacturer in incorrect manner <i>(to be sourced through inspection)</i>) + (10,000* (no. of time the default has occurred other than the one penalized for) (which shall not exceed ten lakh rupees)		
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6.15.1.2 Failing of First Check Testing of an Appliance (GRADE III)

Event of Violation		Non-Compliant Event (NC 12)	
Responsible Entity	Activity	Timeline	Data Required
SDA	Procure two additional samples from authorized dealer/retailer of the same model which has failed the first test, and carry out second check testing through IAME engaged by BEE in a BEE empaneled laboratory.	Within two weeks of failing of first test	NA
SDA	Notify the permittee about the failure of the first check test be advise him to deposit the cost of samples and also the cost of second check testing in advance	Within two weeks of failing of first test	Issue Notice as per format
SDA	Inform date of second check testing to Permittee and advise to depute its official to witness the testing	Within two weeks of failing of first test	NA
Permittee	Shall accordingly inform the name of the nominee to BEE/SDA who would witness the test	Within two weeks of failing of first test	NA
SDA	Shall conduct the second test in the same lab where first test was conducted. If it is not possible to conduct the test in the same lab, another empaneled lab can be used for testing	On the date of second test as notified to Permittee	NA

SDA	On completion of the test, IAME of BEE shall review the test reports and forward the recommendation and relevant documents, in original to SDA	Immediately after completion of second test	NA
If the permittee is unable to witness the test			
SDA	Proceed with the test in presence of SDA and BEE personnel and test results shall be binding on the permittee	Within two weeks of failing of first test	NA
IF Permittee does not pay expenses for the second test			
SDA	Proceed with the test and shall not process any application of Permittee in the meantime. Shall also block S&L web portal for permittee	Within two weeks of failing of first test	NA
IF Permittee fails the second test			
BEE	Direct the permittee under intimation to all SDA to a. Correct star level and remove other defects and deficiencies found in the test b. Withdraw all the stocks from the market c. Change particulars displayed on the advertising material	Immediately on failing of the second test	AC- Form VI CTV-Form V DCR-Form V DTR-Form? FFR-Form? TFL-Form? EWH-Form V LED-Form VII
BEE	Shall publish for the benefit of consumers, the name of any permittee, brand name, model name, logo and other specification in any national or regional daily newspaper	Immediately on failing of the second test	
Permittee	Permittee to comply with the directions of BEE as notified in the following forms AC- Form VI CTV-Form V DCR-Form V DTR-Form? FFR-Form? TFL-Form? EWH-Form V LED-Form VII	Within two months of receipt of Form	NA
Permittee	Permittee to send compliance report i.e. action taken report after completion of two months	Within 10 days after completion of two months	AC-Form VII CTV-Form VI DCR-Form

			VI DTR-Form? FFR-Form? TFL-Form? EWH-Form VI LED-Form VIII
IF Permittee does not comply with the directions or does not send compliance report to BEE			
BEE	Shall consider that the permittee has not complied to the directions of Bureau and shall issue necessary orders to be passed in this regard	Immediately on completion of time period for sending the compliance report	Notice as per format specified
BEE	Cancel permission of permittee and publish the default of permittee along with model number in newspapers. Send report to Govt. to take action under Section 14 (c) of the Act	Immediately on completion of time period for sending the compliance report	Notice for cancellation of permission
BEE	Shall publish for the benefit of consumers, the name of any permittee, brand name, model name, logo and other specification in any national or regional daily newspaper	Immediately on completion of time period for sending the compliance report	NA
BEE	Notify SDA to initiate adjudication under Section 27 for non-compliance with the EC Act	Immediately on completion of time period for sending the compliance report	Notice for initiation adjudication
BEE	Shall send a copy of the compliance report, orders issued by Bureau against permittee and all other necessary documents to SDA for the purpose of taking action under Section 17	After issuing orders for non-compliance to Permittee	NA

SDA	The CEO shall study the documents received by BEE and for reasons recorded in writing shall appoint an Inspecting Officer for carrying out inspection of the premises/retail outlets/dealers of the Permittee as defined in the Inspection Rules 2009	After receipt of relevant documents of BEE	Notice as per prescribed format
SDA	Shall intimate the DG of BEE regarding the appointment of Inspecting Officer	Within 15 days from appointment	Notice as per prescribed format
SDA	Shall issue notice to the Permittee to carry out inspection for adequate reasons and for records maintained in writing	On appointment of Inspecting Officer	Notice as per prescribed format
Inspecting Officer	Shall ensure compliance with provisions contained in Clause (a) (b) and (d) and shall record reasons in writing on the matter after consultation from the retailer/distributor/permittee/laboratory professional etc.	Within 30 days from the date of appointment	NA
Inspecting Officer	Shall also carry out inspection of production process of equipment at the place of manufacture before dispatch. Inspection shall also include but not limited to the records of testing carried out by the Permittee.	Within 30 days from the date of appointment	NA
Inspecting Officer	Shall carry out inspection of a places where business in connection with manufacture or production or assembling of the said equipment takes place, premises of manufacturer, warehouses, go downs, store rooms, distributors, premises of traders or sellers and retail outlets situated all over the country Models for which directions have been issued by BEE for withdrawal from market. Manner of display and accuracy of particulars displayed and promotional and advertising material changed or not. Inspecting Officer shall use the check list of Form I of the Inspection Rules	Within 30 days from the date of appointment	Form I of Inspection Rules 2009 (amended)
Inspecting Officer	Shall prepare an inspection Report including the extent to which the appliance comply with the energy consumption norms or standards notified by Central Government. The report shall also include the equipment notified for affixation of labels and whether it is in compliance with the Regulations. The number of labelled equipment manufactured annually. Whether labels are printed as per Regulations. Also his observations wherever necessary for promotion of energy efficiency The inspection report shall include the following 1. The brief procedure followed for inspection detailing all the premises warehouses/go downs/ retail outlets etc. inspected during the inspection.	Within 30 days from the date of appointment	Form II of Inspection Rules 2009 (amended)

	2. To clearly indicate all the places where the permittee has displayed the star level wrongly on the appliance for getting unfair advantage over other products 3. Include findings of inspection relating to the non-compliance under Section 14 (a) (b) and (d) i.e. display of incorrect star level on the appliance 4. Notification issued to Manufacturer if any with regard to such non-compliance in the past and the action taken by the manufacturer in this regard 5. Sufficient proofs of non-compliance with respect to Section 14 (a) (b) and (d) 6. Details of number of label product sold with wrong star level 7. Recommendations of inspecting Officer mentioning whether the case is a 'Defaulter' amounting to loss or violation of direction issued by Central Govt. /BEE and whether the case should be referred to the authority for Inquiry/ Levy of Penalty as per Energy Conservation Act, 2001		
Inspecting Officer	Shall be submitted to the Chief Executive Officer of the designated agency within of the date of inspection	Within 30 days from the date of appointment	Form II of Inspection Rules 2009 (amended)
SDA	Shall examine the inspection report submitted by the Inspecting Officer and if he is satisfied on such examination and forms an opinion on the basis of the material facts contained in the said report that there was conclusive material in support of non-compliance with any of the provisions contained in section 26, he shall within two months from the date of receipt of inspection report, give directions to the Inspecting officer, with a copy to the Director – General of the Bureau, to file the case before the state commission against the person concerned under section 27 and prove its non-compliance against the said person, during the inquiry held by the adjudicating officer appointed by the state commission for the purpose of imposing penalty specified under section 26	On receipt of inspection report	Notice to Inspecting Officer as prescribed
Inspecting Officer	To prepare a petition as per the Conduct of Business Regulations of the State Electricity Regulatory Commission. The Petition should contain a. The relevant provisions of the Act which leads to non-compliance b. The facts of the case and detailed explanation of the process followed by BEE/SDA/Inspecting Officer specifying with relevant provision of the Act/Regulation which lead to non-compliance of the Permittee	Within two month from the notification of SDA to file a case before SERC	As per prescribed format

	c. The prayers that are to be sought in this Petition (including penalty to be imposed on the Permittee) d. Submission of documents and grounds for support for such prayers e. Enclosures as follows f. Test Reports of the first test carried out by BEE g. Test Report of the Second Test Carried out by BEE h. Notice to be issued by BEE for compliance of directions after failing the second test i. Reply to the notice of BEE by the Permittee if any j. Compliance Report of Permittee if submitted showcasing non compliance k. Notice of BEE to SDA to carry out action under Section 17 of EC Act l. Inspection Report of the Inspecting Officer of SDA which indicates non compliances with any other terms and conditions with respect to S&L m. The sample calculation of penalty to be imposed on the Permittee based on Section 28 of the EC Act n. All communication between Manufacturer and SDA/BEE/Inspecting Officer if any. o. All communication between SDA and BEE and Inspecting Officer as specified in the process given above Sample calculation of Penalty of a 3 star label product sold with 5 star label shall be in the following manner Penalty (amount in Rupees) = (the annual additional energy consumption of 3 star label product which was sold with 5 star label (in unit) * the average lifetime value of the product (in years)) * Average Billing rate as determined by SERC for the state * the number of products manufactured and sold by the permittee during the label period <i>(to be sourced through inspection)</i> *(discounting factor over the lifetime value of the appliance) + (10,000* (no. of time the default has occurred other than the one penalized for)		
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AC-Air Conditioner, CTV-Color Television, DCR-Direct Cool Refrigerator, DTR-Distribution Transformer, FFR-Frost Free Refrigerator, TFL-Tubular Florescent Lamps, EWH-electric Water Heater

6.15.1.3 Selling mandatory appliances without labels (GRADE IV)

Event of Violation		Non-Compliant Event (NC 13)	
Responsible Entity	Activity	Timeline	Data Required
SDA (Chief Executing Officer)	Study the market survey report, which has identified the non-compliance and conclude that whether there is a need for inspection or not	Within two weeks of submission of market surveillance report	NA
If inspection is necessary			
SDA (Chief Executing Officer)	Shall appoint an inspecting Officer with adequate reasons recorded in writing for inspection of manufacturer premises/warehouses/go downs/retail outlets etc.	Within two weeks of submission of market surveillance report	Authority Letter to Inspecting Officer as prescribed
SDA (Chief Executing Officer)	Shall issue notice to the office of the manufacturer informing him about the details of the default and appointment of the Inspecting Officer for inspection purposes	Within 15 days of appointment of inspecting Officer	Notice as per format
SDA (Chief Executing Officer)	Shall intimate the same to Director General of BEE	Within 15 days of appointment of inspecting Officer	Notice as per format specified
On receipt of Authority Letter from SDA for inspection			
Inspecting Officer	Shall carry out inspection at premises of manufacturer, warehouses, go downs, store rooms, distributors, premises of traders or sellers and retail outlets situated all over the country to ensure that no model of the said equipment is manufactured or imported or purchased or stored or sold without a label	Within 30 days from the date of appointment of inspecting Officer	NA
Inspecting Officer	Shall carry out inspection as per the checklist provided in Form I of Energy Conservation (Inspection) Second Amendment Rules, 2018	Within 30 days from the date of appointment of inspecting Officer	Form I of Inspection Rules second amendment

Inspecting Officer	Shall ensure compliance with provisions contained in Clause (b) and (d) and shall record reasons in writing on the matter after consultation from the manufacturer /retailer/distributor/trader etc.	Within 30 days from the date of appointment of inspecting Officer	NA
Inspecting Officer	Shall prepare an inspection report which is as per Form II of Energy Conservation (Inspection) Second Amendment Rules, 2018 and shall include 8. The brief procedure followed for inspection detailing all the premises warehouses/go downs/ retail outlets etc. inspected during the inspection. 9. To clearly indicate whether the non-display of label is due to permission not being taken from BEE for the respective model or ignorance from manufacturer to display label on such product 10. Include findings of inspection relating to the non-compliance under Section 14 (d) i.e. display of labels on mandatory appliances 11. Notification issued to Manufacturer if any with regard to such non-compliance in the past and the action taken by the manufacturer in this regard 12. Sufficient proofs of non-compliance with respect to Section 14 (d) 13. Details of number of manufactured product sold without label 14. Recommendations of inspecting Officer mentioning whether the case is a 'Defaulter' amounting to loss or violation of direction issued by Central Govt. /BEE and whether the case should be referred to the authority for Inquiry/ Levy of Penalty as per Energy Conservation Act, 2001	Within 30 days from the date of appointment of inspecting Officer	Form II of Inspection Rules second amendment
Inspecting Officer	Shall submit the inspection report to the Chief Executive Officer of the SDA	Within 30 days from the date of appointment of inspecting Officer	Form II of Inspection Rules second amendment
On receipt of Inspection report from Inspecting Officer			
SDA (Chief Executing Officer)	Shall examine the inspection report submitted by the Inspecting Officer and if satisfied on such examination and makes an opinion on the basis of the material facts contained in the said report that there was conclusive material in support of non-compliance with the provisions contained in section 26,	On receipt of inspection report within 30 days of appointment	Notice to Inspecting Officer as per

			prescribed format
SDA (Chief Executing Officer)	Shall give directions to the inspecting Officer to file the case before the State commission against the Manufacturer under section 27 and prove his non-compliance before the AO	Within 2 months from date of receipt of Inspection report	Directions to Inspecting Officer as prescribed format
SDA (Chief Executing Officer)	Shall send a copy of the aforesaid letter to the Director – General of the Bureau	Within 2 months from date of receipt of Inspection report	Copy of Directions to Inspecting Officer as prescribed format
DG-BEE	Prepare report to Central Government for taking action under Clause (c) of Section 14	On receipt of letter from SDA	Letter to Central Government as format specified
On receipt of directions for imitating adjudication against Manufacturer			
Inspecting Officer	To prepare a petition as per the Conduct of Business Regulations of the State Electricity Regulatory Commission. The Petition should contain 1. The relevant provisions of the Act which leads to non-compliance 2. The facts of the case and detailed explanation of the process followed by BEE/SDA/Inspecting Officer specifying with relevant provision of the Act/Regulation which lead to non-compliance of the Manufacturer 3. The brief findings of the Inspection report clearly indicating non-compliance 4. The prayers that are to be sought in this Petition (including unfair gains made by the manufacturer and penalty to be imposed on the Manufacturer in this regard) 5. Submission of documents and grounds for support for such prayers 6. Enclosures as follows	Within two month from the notification of SDA to file a case before SERC	As per prescribed format

	a. Purpose of appointing an inspecting Officer by CEO of SDA and the reasons recorded in writing b. Inspection Report of the Inspecting Officer of SDA which indicates non compliances with terms and conditions with respect to EC Act c. The sample calculation of penalty to be imposed on the Manufacturer/ Permittee based on Section 28 of the EC Act d. All communication between Manufacturer and SDA/BEE/Inspecting Officer if any. e. All communication between SDA and BEE and Inspecting Officer as specified in the process given above Sample calculation of Penalty for not affixing labels on mandatory appliances shall be in the following manner Penalty (amount in Rupees) = number of products sold in the Country without label (<i>to be sourced through inspection</i>) * the highest price of the product category which was sold in the market during the period of default + (10,000* (no. of time the default has occurred other than the one penalized for)		
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6.15.1.4 Selling mandatory appliances with labels without permission of BEE (GRADE IV)

Event of Violation		Non-Compliant Event (NC 13)	
Responsible Entity	Activity	Timeline	Data Required
SDA (Chief Executing Officer)	Study the market survey report, which has identified the non-compliance and conclude that whether there is a need for inspection or not	Within two weeks of submission of market surveillance report	NA
If inspection is necessary			
SDA (Chief Executing Officer)	Shall appoint an inspecting Officer with adequate reasons recorded in writing for inspection of manufacturer premises/warehouses/go downs/retail outlets etc.	Within two weeks of submission of	Authority Letter to Inspecting

		market surveillance report	Officer as prescribed
SDA (Chief Executing Officer)	Shall issue notice to the office of the manufacturer informing him about the details of the default and appointment of the Inspecting Officer for inspection purposes	Within 15 days of appointment of inspecting Officer	Notice as per prescribed format
SDA (Chief Executing Officer)	Shall intimate the same to Director General of BEE	Within 15 days of appointment of inspecting Officer	Notice as per prescribed format
On receipt of Authority Letter from SDA for inspection			
Inspecting Officer	Shall carry out inspection at premises of manufacturer, warehouses, go downs, store rooms, distributors, premises of traders or sellers and retail outlets situated all over the country to ensure that no model of the said equipment is manufactured or imported or purchased or stored or sold with a label but without the permission of BEE	Within 30 days from the date of appointment of inspecting Officer	NA
Inspecting Officer	Shall carry out inspection as per the checklist provided in Form I of Energy Conservation (Inspection) Second Amendment Rules, 2018	Within 30 days from the date of appointment of inspecting Officer	Form I of Inspection Rules second amendment
Inspecting Officer	Shall ensure compliance with provisions contained in Clause (b) and (d) and shall record reasons in writing on the matter after consultation from the manufacturer /retailer/distributor/trader etc.	Within 30 days from the date of appointment of inspecting Officer	NA
Inspecting Officer	Shall prepare an inspection report which is as per Form II of Energy Conservation (Inspection) Second Amendment Rules, 2018 and shall include 1. The brief procedure followed for inspection detailing all the premises warehouses/go downs/ retail outlets etc. inspected during the inspection. 2. To clearly indicate whether the display of labels is not approved by BEE at all (not registered with BEE) or whether it is approved for some other model/product of the appliance for the same permittee 3. Include findings of inspection relating to the non-compliance under Section 14 (d) i.e. invalid display of labels on mandatory appliances	Within 30 days from the date of appointment of inspecting Officer	Form II of Inspection Rules second amendment

	4. Notification issued to Manufacturer if any with regard to such non-compliance in the past and the action taken by the manufacturer in this regard 5. Sufficient proofs of non-compliance with respect to Section 14 (d) 6. Details of number of manufactured product sold invalid labels 7. Recommendations of inspecting Officer mentioning whether the case is a 'Defaulter' amounting to loss or violation of direction issued by Central Govt. /BEE and whether the case should be referred to the authority for Inquiry/ Levy of Penalty as per Energy Conservation Act, 2001		
Inspecting Officer	Shall submit the inspection report to the Chief Executive Officer of the SDA	Within 30 days from the date of appointment of inspecting Officer	Form II of Inspection Rules second amendment
On receipt of Inspection report from Inspecting Officer			
SDA (Chief Executing Officer)	Shall examine the inspection report submitted by the Inspecting Officer and if satisfied on such examination and makes an opinion on the basis of the material facts contained in the said report that there was conclusive material in support of non-compliance with the provisions contained in section 26,	On receipt of inspection report within 30 days of appointment	Notice to Inspecting Officer as per prescribed format
SDA (Chief Executing Officer)	Shall give directions to the inspecting Officer to file the case before the State commission against the Manufacturer under section 27 and prove his non-compliance before the AO	Within 2 months from date of receipt of Inspection report	Directions to Inspecting Officer as per prescribed format
SDA (Chief Executing Officer)	Shall send a copy of the aforesaid letter to the Director – General of the Bureau	Within 2 months from date of receipt of Inspection report	Copy of Directions to Inspecting Officer as per format specified

DG-BEE	Prepare report to Central Government for taking action under Clause (c) of Section 14	On receipt of letter from SDA	Letter to Central Government as per format specified
On receipt of directions for imitating adjudication against Manufacturer			
Inspecting Officer	To prepare a petition as per the Conduct of Business Regulations of the State Electricity Regulatory Commission. The Petition should contain 1. The relevant provisions of the Act which leads to non-compliance 2. The facts of the case and detailed explanation of the process followed by BEE/SDA/Inspecting Officer specifying with relevant provision of the Act/Regulation which lead to non-compliance of the Manufacturer 3. The brief findings of the Inspection report clearly indicating non-compliance 4. The prayers that are to be sought in this Petition (including unfair gains made by the manufacturer and penalty to be imposed on the Manufacturer in this regard) 5. Submission of documents and grounds for support for such prayers 6. Enclosures as follows a. Purpose of appointing an inspecting Officer by CEO of SDA and the reasons recorded in writing b. Inspection Report of the Inspecting Officer of SDA which indicates non compliances with terms and conditions with respect to EC Act c. The sample calculation of penalty to be imposed on the Manufacturer based on Section 28 of the EC Act d. All communication between Manufacturer and SDA/BEE/Inspecting Officer if any. e. All communication between SDA and BEE and Inspecting Officer as specified in the process given above Sample calculation of Penalty for affixing labels on mandatory appliances without the permission of BEE, shall be in the following manner Penalty (amount in Rupees)	Within two month from the notification of SDA to file a case before SERC	As per format specified

	= (the annual energy consumption of the lowest product category of star label available in the market * the average lifetime value of the product (in years)) * Average Billing rate as determined by SERC for the state * the number of label products manufactured and sold by the manufacturer without the permission of BEE (<i>to be sourced through inspection</i>) *(discounting factor over the lifetime value of the appliance) + (10,000* (no. of time the default has occurred other than the one penalized for)		
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6.16 Initiation of Adjudication procedure

- 6.16.1** SDA has the right to initiate adjudication procedure for violations under the EC Act, against the Manufacturer/Permittee which has failed to comply with the compliance requirement. The initiation of proceedings shall be through filing of Petition before the State Electricity Regulatory Commission by the Nodal Officer of SDA.
- 6.16.2** The detailed procedure for initiating adjudication process is covered in Chapter 2 of this Manual.

Chapter 7: Energy Conservation Building Code

7.1 Background

- 7.1.1** The Act empowers the Central Government under section 14 (p) and 14 (q) read with section 56(2)(l) to prescribe Energy Conservation Building Codes (ECBCs) or efficient use of energy and its conservation in the building or building complex and to amend the energy conservation building codes to suit the regional and local climatic conditions. The code defines vide section 2(j) of the Act as the norms and standards of energy consumption expressed in terms of per metre of the area wherein energy is used and includes the location of the building and their components based on the climate zone in which they are located.
- 7.1.2** The State Government under section 15 (a) of the Act, in consultation with the Bureau may amend the energy conservation building codes to suit the regional and local climatic conditions and may by rules made by it specify and notify energy conservation building codes with respect to use of energy in the buildings. Further, the State Government is also empowered in consultation with Bureau to coordinate, regulate and enforce provisions of the Act within the State under section 15 (d) of the Act. Thus, the respective state Governments play a key role in the compliance of the ECBC Rules (**Annexure 7A**).
- 7.1.3** *The Central Government or the State Government under the section 18 of the Act may, in the exercise of its power and performance of its functions and for efficient use of energy and its conservation, issue such directions in writing as it deems fit for the purposes of this Act to any person, officer, authority or any designated consumer and such person, officer or authority or any designated consumer shall be bound to comply with such directions.*

Explanation. – For avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct -

- (a) regulation of norms for process and energy consumption standards in any industry or building or building complex; or*
- (b) regulation of the energy consumption standards for equipment and appliances.*

7.2 ECBC Scheme

- 7.2.1** The key objectives of ECBC is to set a long term vision for building energy efficiency, and include new types of buildings, focus on design strategies for reducing energy use, establish a baseline of energy performance and promote buildings under the act.

- 7.2.2** The clause (c) of Section 2 of the Act defines “Building” as any structure or erection or part of structure or erection after the rules relating to energy conservation building codes have been notified under clause (p) of section 14 and clause (a) of section 15 and includes any existing structure or erection or part of structure or erection, which is having a connected load of 100 Kilowatt (kW) or contract demand of 120 Kilo-volt Ampere (kVA) and above and is used or intended to be used for commercial purposes.
- 7.2.3** The clause (j) of Section 2 of the Act defines “Energy Conservation Building Codes” means the norms and standards of energy consumption expressed in terms of per square metre of the area wherein energy is used and includes the location of the building.
- 7.2.4** Further, the ECBC rules define a “building complex” as a building or group of buildings constructed in a contiguous area for business, commercial, institutional purposes or assembly of buildings under the single ownership of individuals or group of individuals or under the name of a co-operative group society or on lease and sold as shops or office space or space for other commercial purposes;
- 7.2.5** While the ECBC is developed at Central level by the Central Government in consultation with Bureau, its implementation lies with the States Ministry of Urban Development. The ECBC Rules can be included by updating the generic building bye-laws of Municipal Authorities of every state for compliance.
- 7.2.6** The BEE provides support to States by establishing the ECBC Cells. The major role of ECBC Cells is to support amendment of ECBC for respective States, amendments in existing bye laws, preparation of notification documents, energy efficient design templates for public buildings, PWDs in design and construction of public buildings, building up technical capacities for code compliance and documentation for compliance.
- 7.2.7** The compliance of ECBC Rules shall be ensured by an independent third party known as Empanelled Energy Auditor (Buildings), who has been empowered to issue compliance certificate after verifying all the requirements of these rules.
- 7.2.8** The building is assessed on “energy performance index” (EPI) which means annual energy consumption of a building in kilowatt-hours per square meter of the area of the building which shall be calculated as per the following formula:

Energy Performance Index = (annual energy consumption in kWh)/ [total built up area (excluding storage area and parking in the basement) in m².

7.2.9 “Energy Performance Index Ratio” defines as the ratio of the energy performance index of the proposed building to the energy performance index of the standard baseline building.

7.3 Compliance Mechanism

7.3.1 The compliance of energy performance of a building shall be ensured by the owner by following either of the following methods, namely:

7.3.1.1 Prescriptive Method:

- ▶ The building shall comply with the mandatory requirement and prescriptive requirements as specified in the code for envelope components comfort system and controls, lighting and controls and renewable energy systems referred under section 4.2, 5.2, 6.2, 7.2 and 8.2 and all prescriptive requirement under section 4.3 or 4.4, 5.3 and 7.3 of the code.
- ▶ And EPI ratio shall be equal to 1.

7.3.1.2 Whole Building Performance Method:

- ▶ The building shall comply with all mandatory requirement and requirements under section 4.2, 5.2, 6.2, 7.2 and 8.2 and the requirements specified in section 10 of the ECBC.
- ▶ And the EPI ratio shall be less than equal to 1.

7.4 Key Stakeholders and their roles & responsibilities

7.4.1 The following are the roles and responsibilities of key stakeholders involved in ECBC scheme:

Name of Stakeholder: Owner			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant ECBC Rule
1.	Shall carry out the work of the said building until completion in accordance with the requirements of the Code and ECBC rules.		Rule 7 - Responsibilities and duties of the owner – [Clause 1]
2.	Shall engage Empaneled Energy Auditors (Building) in development of building design, installation of energy conservation measures and equipment to meet with the		Rule 7 - Responsibilities and duties of the owner – [Clause 2(a)]

Name of Stakeholder: Owner			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant ECBC Rule
	requirements of these rules and ensure following, namely: 2.1 finalize the compliance approach relevant for his building project based on the complexity of the building, budget and time constraints. 2.2 finalize the energy conservation measures as per the Code as amended from time to time having regard to the location of the proposed building. 2.3 to integrate the energy conservation measures in the building design in accordance with the provisions of ECBC rules. 2.4 that drawings, specifications and compliance forms are prepared and energy conservation measures are reflected in the building design documents and submitted to the authority having jurisdiction in compliance with the requirements of the rules accompanied by a certificate specifying the energy performance index ratio of the building by the Empaneled Energy Auditors (Building) that the documents are as per the requirement of ECBC rules. 2.5 notice is given within the validity of sanction to the authority having jurisdiction of his intention to start the construction work at the building site. 2.6 commence the work within the period specified by the authority having jurisdiction from the date of such notice or seek extension of time for starting the construction work, wherever necessary. 2.7 ensure that the designed energy conservation measures are deployed in the construction of the building and installation of its components and systems.		
3.	Shall permit the Empaneled Energy Auditors (Building) to enter the building or premises at any reasonable time for the purpose of inspection to ensure		Rule 7 - Responsibilities and duties of the owner – [Clause 2(b)]

Name of Stakeholder: Owner			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant ECBC Rule
	compliance of building works with rules and regulations under the EC Act.		
4.	Shall give written notice to the authority having jurisdiction intimating the completion of the construction work along with a certificate from the Empaneled Energy Auditors (Building) to the effect that- 4.1 the construction of the building has been done in accordance with the sanction of the building permit; 4.2 all the energy conservation measures have been installed and inspected, and they meet the requirements of the Code and ECBC rules; 4.3 the building design meet with the provisions of the Code and ECBC rules;		Rule 3–Establishment of energy consumption norms and standards – [Clause 2(c)]
5.	Shall give written notice to the authority having jurisdiction as well as to the State designated agency in case of termination of the services of Empaneled Energy Auditors (Building) and appointment of other Empaneled Energy Auditors (Building) in its place.		Rule 3–Establishment of energy consumption norms and standards – [Clause 2(d)]
6.	Shall obtain an occupancy permit from the authority having jurisdiction prior to any occupancy of the building or part thereof after completion of the building.		Rule 3–Establishment of energy consumption norms and standards – [Clause 2(e)]
7.	Shall report the practical difficulties to the Empaneled Energy Auditors (Building), if any, in carrying out the provisions of these rules, who shall take necessary action in consultation with State designated agency and State Energy Conservation Building Code Implementation Committee.		Rule 3–Establishment of energy consumption norms and standards – [Clause 2(f)]
8.	Shall on the receipt of the notice, if any, from the authority having jurisdiction, Owner shall discontinue such usage within reasonable time as specified in such notice and in no case he shall disregard the provisions of these rules;		Rule 3–Establishment of energy consumption norms and standards – [Clause 2(g)]
9.	Shall use or install any system or material or equipment on account of improving the		Rule 3–Establishment of energy consumption

Name of Stakeholder: Owner			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant ECBC Rule
	energy efficiency of the building contrary to the system, material or equipment as indicated in the sanction plan after obtaining the necessary approval of the Empaneled Energy Auditors (Building). 9.1 Provided that it does not violate the spirit and intent of the provisions of ECBC rules. 9.2 Provided further that such change shall not compromise with the building requirements namely, structural stability, safety, health or environmental provisions of Central laws and State laws applicable to the buildings covered under ECBC rules.		norms and standards – [Clause 2(h)]

Name of Stakeholder: Empaneled Energy Auditors (Building)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant ECBC Rule
1.	Shall verify and certify – 1.1 the design of the building keeping in view the design criteria, energy goals of the project, energy systems performance verification plan, and the modeling approach; 1.2 the energy conservation measures based on the design approach for the project under consideration; 1.3 construction documents and compliance documents, compliance forms and checklists specified to ensure that the building complies with the Code and these rules; 1.4 energy performance index ratio of the proposed building;		Rule 8 - Role, responsibilities and duties of the Empanelled Energy Auditors (Building) – [Clause a]
2.	Shall furnish a certificate under its seal and authorized signature to the effect that drawings, specifications, construction documents, compliance documents and forms prepared covering building envelope, comfort system and controls,		Rule 8 - Role, responsibilities and duties of the Empanelled Energy Auditors (Building) – [Clause b]

Name of Stakeholder: Empaneled Energy Auditors (Building)			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant ECBC Rule
	lighting and electrical power systems, wherever applicable, and all other Code related documentation prepared for submission to the authority having jurisdiction ensuring compliance with ECBC rules.		
3.	Shall inspect the building works from the design stage to its commissioning stage of buildings including their uses under these rules and based on his certification, the authority having jurisdiction shall issue building permit, approve construction of building, issue completion and occupancy certificates.		Rule 8 - Role, responsibilities and duties of the Empanelled Energy Auditors (Building) – [Clause c]
4.	Shall ensure that none of the professionals or employees working under him/her is engaged in any work in connection with the construction or alteration of the concerned building covered under these rules to ensure that there is no conflict of interest with his/her official duties with the interests of the authority having jurisdiction.		Rule 8 - Role, responsibilities and duties of the Empanelled Energy Auditors (Building) – [Clause d]
5.	Shall report to State designated agencies on such unusual technical issues that may arise due to issue of building permit or construction of building or during occupancy stage.		Rule 8 - Role, responsibilities and duties of the Empanelled Energy Auditors (Building) – [Clause e]
6.	Shall provide inputs to the National and State Energy Conservation Building Code Implementation Committees to facilitate for better implementation of the Code and these rules.		Rule 8 - Role, responsibilities and duties of the Empanelled Energy Auditors (Building) – [Clause f]
7.	Shall promote norms and standards specified in the Code.		Rule 8 - Role, responsibilities and duties of the Empanelled Energy Auditors (Building) – [Clause g]

Name of Stakeholder: State Designated Agency			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant ECBC Rule
1.	Shall coordinate, regulate and enforce provisions of the Code and these rules for efficient use of energy and its conservation under the Act in the State.		Rule 9 - Responsibilities and duties of State designated agency – [Clause (a)]
2.	Shall ensure every commercial building or establishment having a connected load of 100 kW or above, or contract demand of 120 kVA or above, be constructed in compliance with ECBC rules.		Rule 9 - Responsibilities and duties of State designated agency – [Clause (b)]
3.	Shall monitor the performance of the Empanelled Energy Auditors (Building) to improve the quality, consistency and rate of compliance of these rules with a view to make the cadre of Empanelled Energy Auditors (Building) as effective instruments for promotion of energy efficiency in the building sector in the State.		Rule 9 - Responsibilities and duties of State designated agency – [Clause (c)]
4.	Shall create a data bank in the State to measure the compliance rates of the Code compliant buildings and accurately account for the energy savings resulting from the compliance of ECBC rules;		Rule 9 - Responsibilities and duties of State designated agency – [Clause (d)]
5.	Shall create a data bank on energy use per square meter of area of the building under different zones namely, hot and dry, warm and humid, temperate, composite and cold, separately for each category in the State.		Rule 9 - Responsibilities and duties of State designated agency – [Clause (e)]
6.	Shall take necessary steps to make energy performance index as a measure to comply with these rules in the various categories of buildings and send its recommendations to the Bureau for the formulation of energy consumption norms and standards in respect of various categories of buildings constructed zone-wise in its State;		Rule 9 - Responsibilities and duties of State designated agency – [Clause (f)]
7.	Shall arrange conduct site visits, if considered necessary, to determine the accuracy of reporting by Empanelled Energy Auditors (Building) in the State.		Rule 9 - Responsibilities and duties of State designated agency – [Clause (g)]
8.	Shall prepare a report on performance of Empanelled Energy Auditors (Building) listing out the projects complying with these rules, projects in violation of		Rule 9 - Responsibilities and duties of State

Name of Stakeholder: State Designated Agency			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant ECBC Rule
	compliance with these rules and the level of violation, and provide summary of such violations for each year to the Bureau of Energy Efficiency.		designated agency – [Clause (h)]
9.	Shall coordinate with the authority having jurisdiction to amend their building bye-laws incorporating the provisions of these rules for the purpose of construction of buildings in compliance with the Code and these rules.		Rule 9 - Responsibilities and duties of State designated agency – [Clause (i)]
10.	Shall provide necessary support to the authority having jurisdiction to conform to the provisions of these rules with regard to matters concerning design construction including energy conservation measures and occupancy for improving the energy performance of Code compliant buildings and effectiveness in compliance of these rules.		Rule 9 - Responsibilities and duties of State designated agency – [Clause (j)]

Name of Stakeholder: State Energy Conservation Building Code Implementation Committee			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant ECBC Rule
1.	Shall promote energy efficiency standards through optimization of parameters in the various components and systems of the building in line with the provisions of these rules to enhance the building performance and provide every support to it to make it an effective instrument of promoting energy conservation and energy efficiency in the commercial buildings or establishment.		Rule 6 - Committees – [Clause 1 (a) (i)]
2.	Shall forward its recommendations to the Bureau to assist the National Energy Conservation Building Code Implementation Committee to develop and revise energy consumption standards for buildings, in terms of energy performance index, zone-wise - hot and dry, warm and		Rule 6 - Committees – [Clause 1 (a) (ii)]

Name of Stakeholder: State Energy Conservation Building Code Implementation Committee			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant ECBC Rule
	humid, composite, temperate and cold climate zones, classification-wise.		
3.	Shall create awareness about Energy Conservation Building Code and procedure for erection of Code compliant building.		Rule 6 - Committees – [Clause 1 (a) (iii)]
4.	Shall promote construction of energy efficient buildings ensuring quality and consistency in their constructions having regard to the climatic conditions and needs of the building projects.		Rule 6 - Committees – [Clause 1 (a) (iv)]
5.	Shall promote capacity building of building professionals, developers and contractors to promote energy efficient designs of buildings in close co-ordination with authorities having jurisdiction.		Rule 6 - Committees – [Clause 1 (a) (v)]
6.	Shall undertake performance review of annual work of all Empanelled Energy Auditors (Building) to check their credentials.		Rule 6 - Committees – [Clause 1 (a) (vi)]
7.	Shall prepare a summary of violations which shall be provided by State designated agency to the Bureau and review such violations for the purpose of evaluating his professional skills.		Rule 6 - Committees – [Clause 1 (b)]
8.	Shall prepare a yearly report and furnish the same to the Bureau indicating inter alia the progress made in compliance of these rules in the State and the steps taken by the State designated agency to improve the rate of compliance of Code in the State.		Rule 6 - Committees – [Clause 1 (c)]
9.	Shall create data base through compilation of data of energy performance index and its ratio achieved by each building constructed after coming into force of these rules.		Rule 6 - Committees – [Clause 1 (d)]

Name of Stakeholder: Energy Conservation Building Code Compliant Technical Grievances Redressal Committee			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant ECBC Rule
1.	Shall hear grievance filed by the owner of a Code complaint building within the specified time period given by the authority having jurisdiction relating to the building permit, completion certificate, occupancy certificate of building including determination of the energy performance index ratio at the completion stage and interpretation of these rules or any other grievance arising out of the implementation of the Code and ECBC rules.		Rule 6 - Committees – [Clause 1 (e) (i)]
2.	Shall make recommendations to the authority having jurisdiction to reconsider such issue, or for implementation by the authority having jurisdiction, as the case may be.		Rule 6 - Committees – [Clause 1 (e) (ii)]

Name of Stakeholder: National Energy Conservation Building Code Implementation Committee			
S. No.	Roles and Responsibilities	Relevant provision of EC Act	Relevant ECBC Rule
1.	Shall evaluate the recommendations received from the State Energy Conservation Building Code Implementation Committee and finalize its recommendations regarding formulation of national energy consumption norms and standards climate zone wise, classification-wise of Code compliant buildings.		Rule 6 - Committees – [Clause 3]

7.5 Mapping of Expected Violations with Provisions of EC Act

7.5.1 The failure in fulfilling the responsibilities by the Owner and Empanelled Energy Auditor (Buildings) as defined under the ECBC Rules 2018 are considered as expected event of violations. The different clauses under the ECBC Rules 2018, which defines the responsibilities of the Owner and Empanelled Energy Auditors, are summarized below:

EXPECTED EVENT OF VIOLATIONS UNDER ECBC RULES				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF OWNER Under ECBC RULES					
S. No.	Non Compliance Conditions	Rule	Clause		
1.	Empaneled Energy Auditors (Building) doesn't submit certificate in Form III or Form V to Concerned Authority	Rule 5 - Procedure for erection of Code compliant building	Clause 4: The authority having jurisdiction on receipt of application under sub-rule(1) for issue of permit for construction of proposed building shall- (i) approve the design and sanction building plan only after it has received a certificate in Form III or Form V from the Empaneled Energy Auditors (Building);		7.6.1.1 Procedure for erection of Code compliant building – [NC 14] 7.7.3.1 Event of Violation: Non-Submission of Certificate in Form II or Form IV
	Design Stage - Owner doesn't meet the findings and fulfil the	Rule 5 - Form, manner and time for preparation of scheme for	Clause 3: The authority having jurisdiction on receipt of application under sub-rule(1) for issue of permit for construction of proposed building shall-		

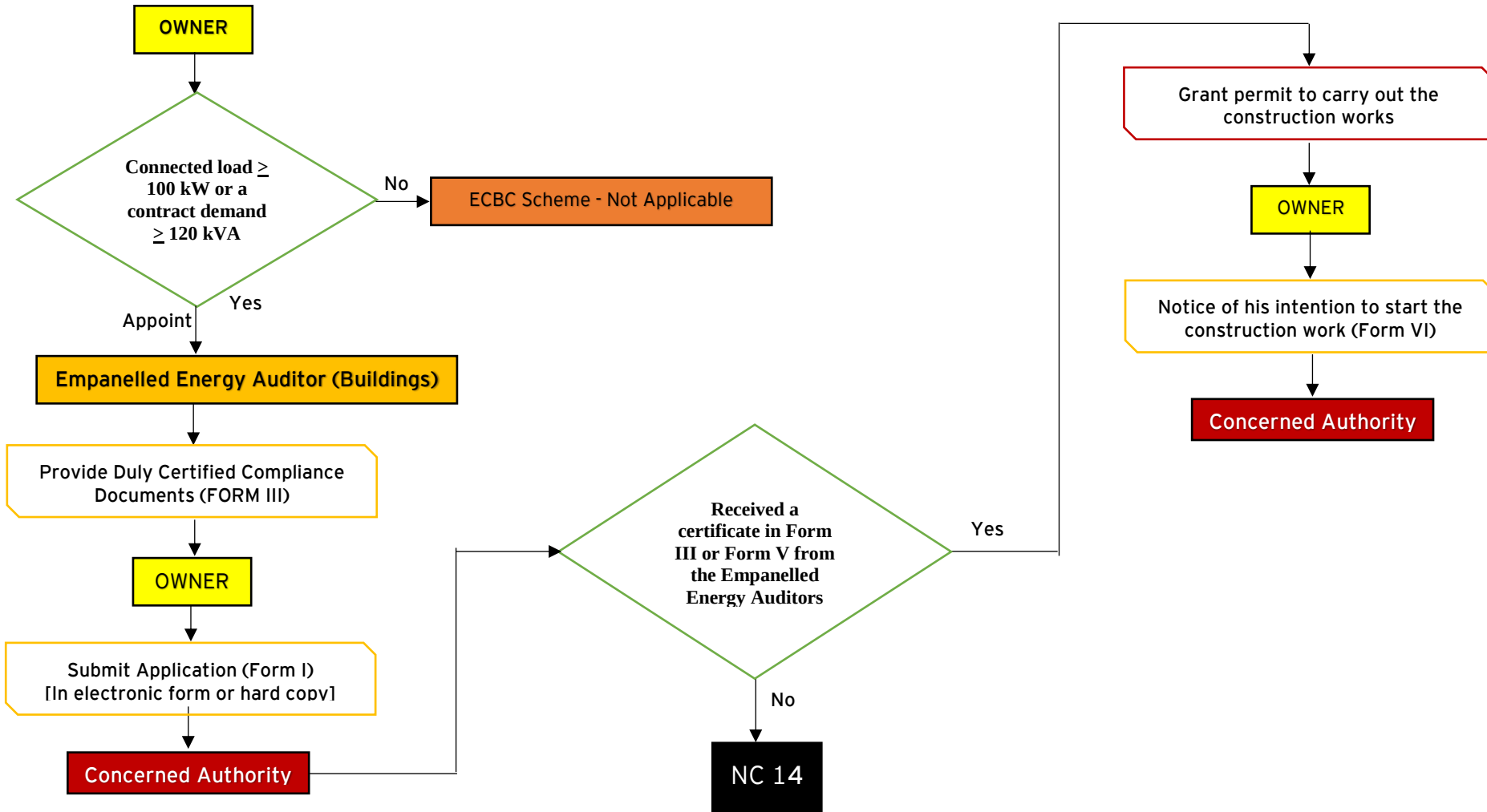
EXPECTED EVENT OF VIOLATIONS UNDER ECBC RULES				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF OWNER Under ECBC RULES					
S. No.	Non Compliance Conditions	Rule	Clause		
2.	shortcomings in specified time	implementation of efficient use of energy and its conservation	(e) fill the check list as specified in the Appendix D of the Code and issue correction list in case the design documents of the proposed design of building provide inadequate information or do not meet the requirements of these rules and shall- (iii) satisfy himself that the communication received from the owner within the specified time, meet the findings and fulfill the shortcomings;		7.6.1.2 Design Stage - Procedure for Inspection – [NC 15] 7.7.3.2 Event of Violation: Design Stage – Owner doesn't meet the findings and fulfill the shortcomings in specified time

EXPECTED EVENT OF VIOLATIONS UNDER ECBC RULES				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF OWNER Under ECBC RULES					
S. No.	Non Compliance Conditions	Rule	Clause		
3.	Design Stage - Owner doesn't meet the findings and fulfil the shortcomings in specified time	Rule 5 - Form, manner and time for preparation of scheme for implementation of efficient use of energy and its conservation	Clause 6: (a) fill out the checklist specified in the Appendix D of the Code, provide comments if the proposed design of building does not meet the construction requirements and specify the shortcomings in compliance to the Code, these rules and sanctioned plan, and shall- (iii) satisfy himself that the communication received thereafter from the owner meets the specified findings and fulfill shortcomings;		7.6.1.3 Construction Stage - Procedure for Inspection – [NC 16] 7.7.1.3 Event of Violation: Construction Stage – Owner doesn't meet the findings and fulfill the shortcomings in specified time

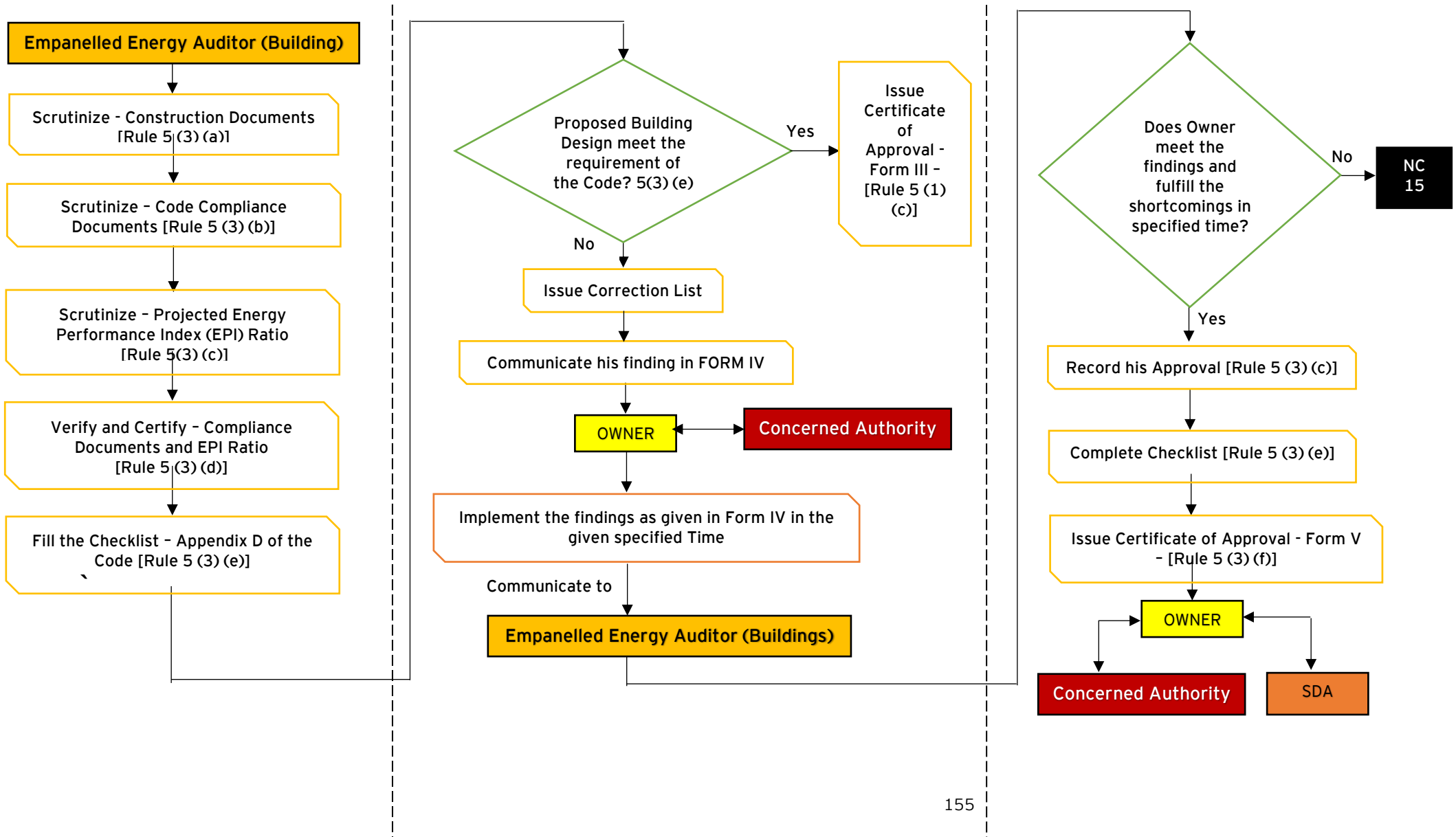
7.6 Conditions for occurrence of non-compliance events:

7.6.1 This section details the process flow and step by step activity related to management of the events of violations, under ECBC scheme, in line with the previous section.

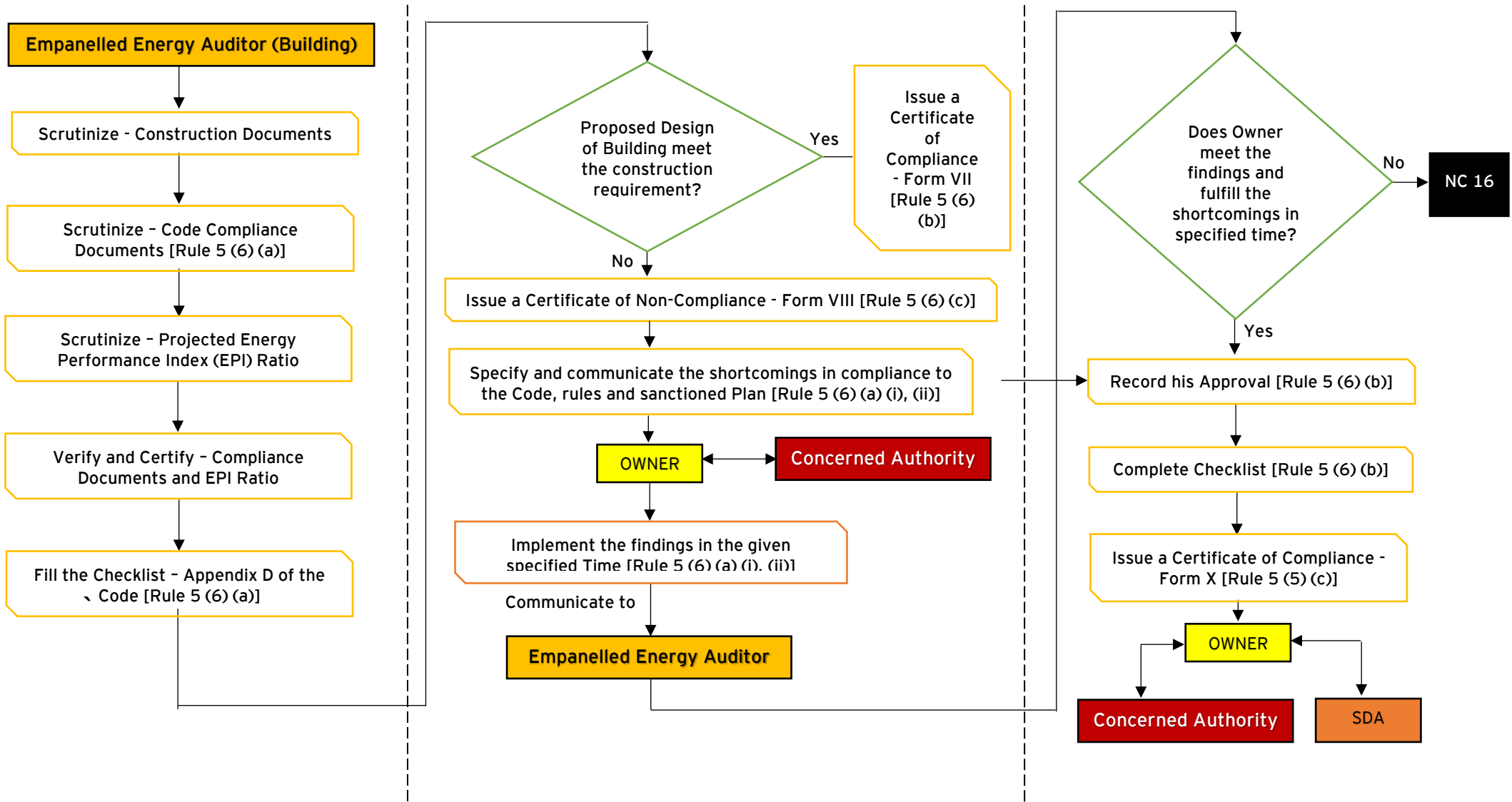
7.6.1.1 Procedure for erection of Code compliant building



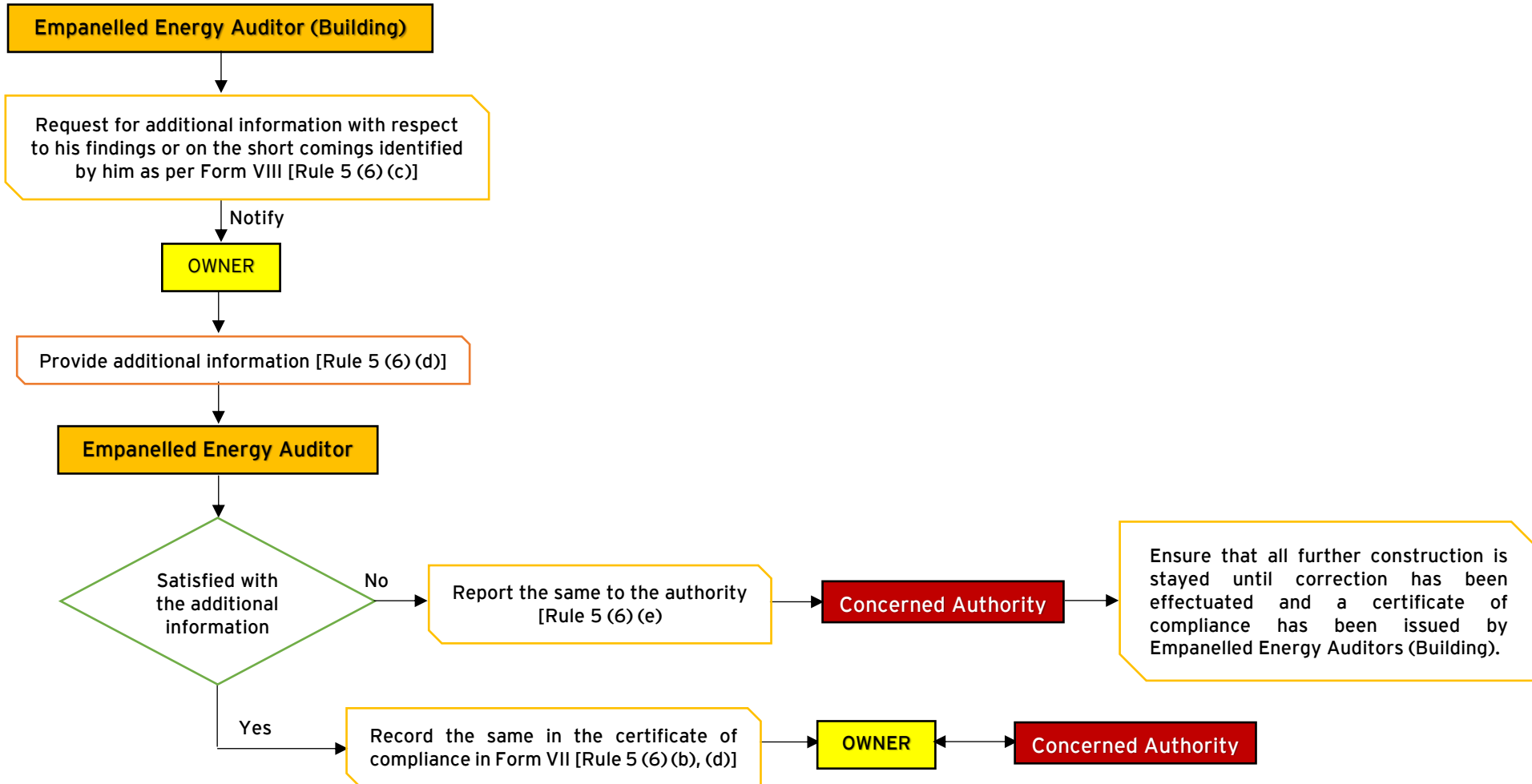
7.6.1.2 Design Stage - Procedure for Inspection



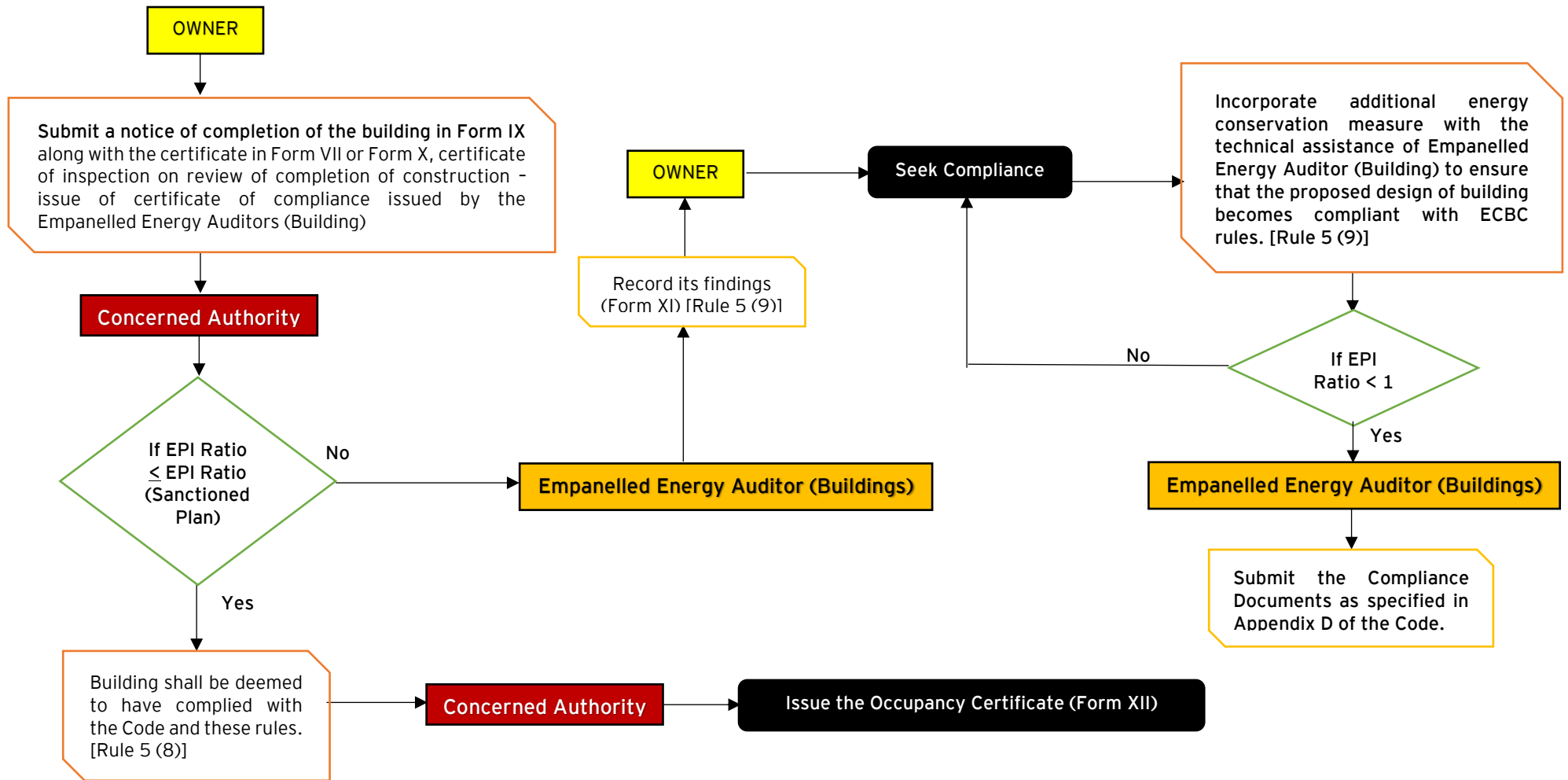
7.6.1.3 Construction Stage - Procedure for Inspection



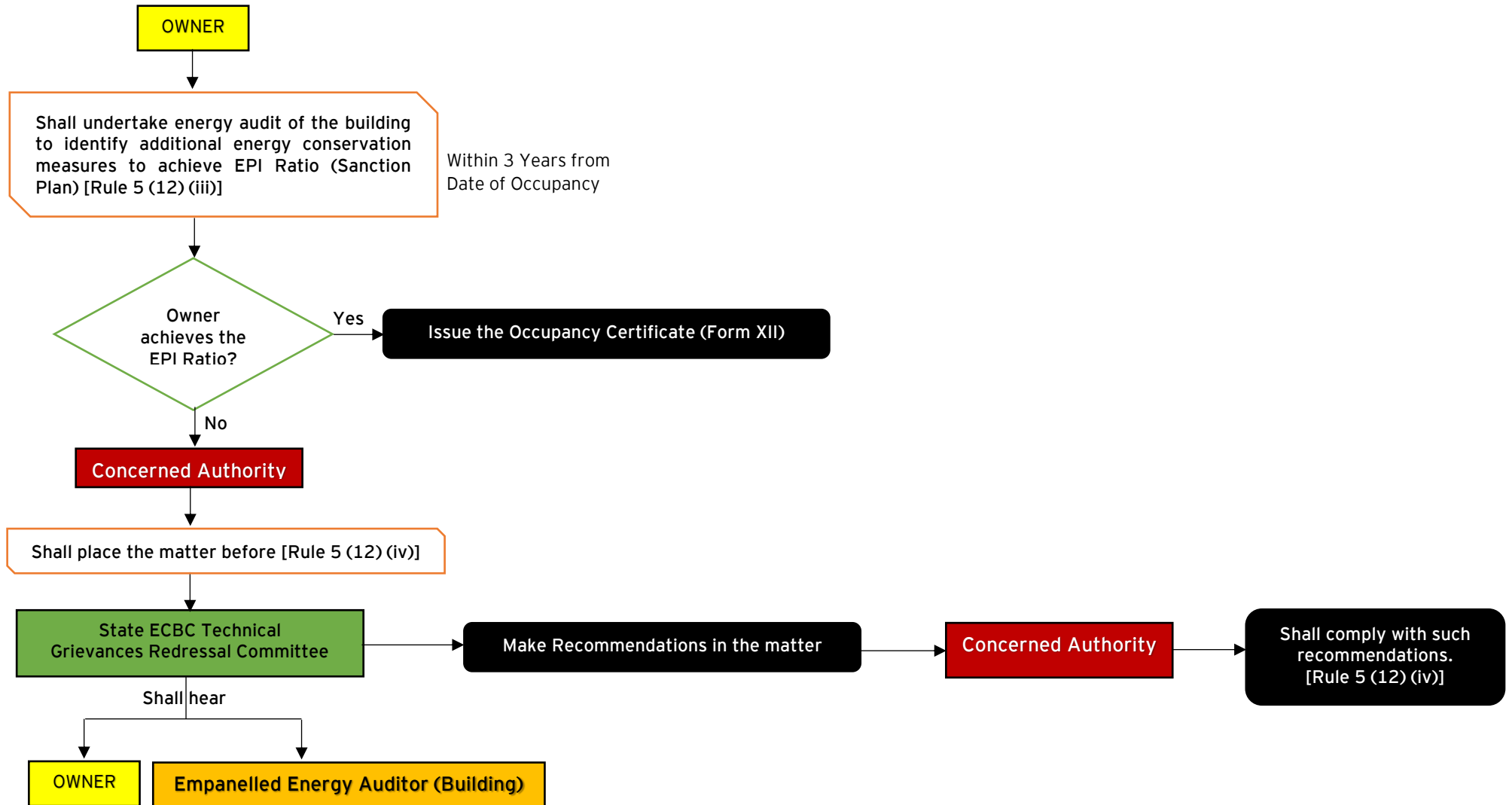
7.6.1.4 Construction Stage – Not Proceeding in accordance with Sanctioned Plan



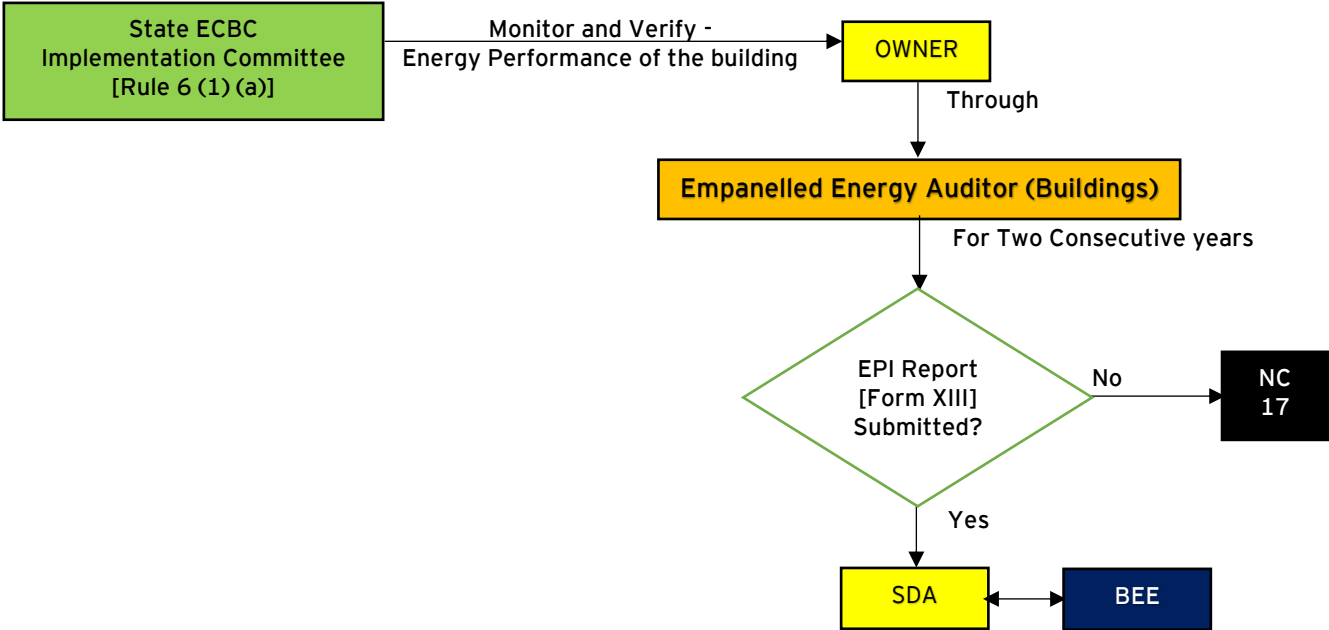
7.6.1.5 Completion of Building – Occupancy Certificate



7.6.1.6 Provisional Occupancy Certificate

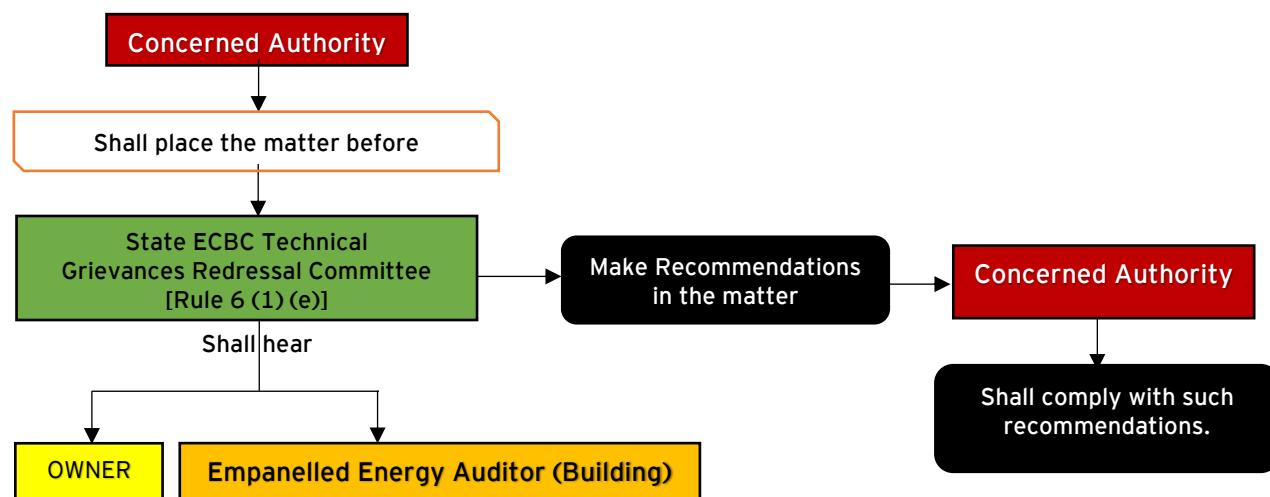


7.6.1.7 Post – Completion Obligations

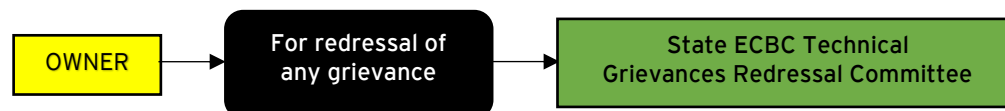


7.7 Procedure for Enforcement

7.7.1 The following flowchart is a pictorial representation of the process to be followed for redressal of any grievance against Owner and Empanelled Energy Auditor by Concerned Authority having jurisdiction:



7.7.2 The following flowchart is a pictorial representation of the process to be followed for redressal of any grievance by Owner under the provisions of ECBC Rules:



7.7.3 The procedure for enforcement for each event of violation is described with the details of responsible entity, requisite actions to be undertaken along with the timeline and data required in the table below.

7.7.3.1 NC 14 - Event of Violation: Non-Submission of Certificate in Form III or Form V

NC 14	Event of Violation	Non-Submission of Certificate in Form III or Form V	
Responsible Entity	Activity	Timeline	Data Required
Concerned Authority	Issue the notice to concerned Empaneled Energy Auditor (Building) with a copy to the Owner in question to submit certificate in Form III or Form V.	Within 15 days from receipt of application form.	Issue Notice - Appendix XXXVI
Empaneled Energy Auditor (Building)	Send copy of certificate in Form III or Form V.	Within 15 days from receipt of notice.	Certificate in Form III or Form V.
IF Empaneled Energy Auditor (Building) doesn't send the Forms			
Concerned Authority	Disapprove the design and sanction building plan and send a copy of letter for disapproval of the design and sanction building plan	After 15 days from sending the notice.	Copy of letter for Disapproval of the design and sanction building plan – Appendix XXXVII

7.7.3.2 NC 15 - Event of Violation: Design Stage – Owner doesn't meet the findings and fulfill the shortcomings in specified time

NC 15	Event of Violation	Owner doesn't meet the findings and fulfill the shortcomings in specified time	
Responsible Entity	Activity	Timeline	Data Required
Empaneled Energy Auditor (Building)	Request the Owner to meet the findings and fulfill the shortcomings.	Within 15 days from the last date of specified time.	Request letter to Owner - Appendix XXXVIII
Owner	Shall meet the findings and fulfill the shortcomings.	Within 15 days from the last date of specified time.	Supporting documents to meet the findings and

			fulfill the shortcomings.
IF Owner doesn't meet the findings and fulfill the shortcomings.			
Empaneled Energy Auditor (Building)	He shall record his disapproval and confirm the non-compliance with Code and ECBC Rule and send the report to the owner under intimation to the concerned authority having jurisdiction and State Designated Agency.	After 15 days from the last date of specified time.	Report Appendix XXXIX –

7.7.3.3 NC 16 - Event of Violation: Construction Stage – Owner doesn't meet the findings and fulfill the shortcomings in specified time

NC 16	Event of Violation	Construction Stage: Owner doesn't meet the findings and fulfill the shortcomings in specified time	
Responsible Entity	Activity	Timeline	Data Required
Empaneled Energy Auditor (Building)	Request the Owner to meet the findings and fulfill the shortcomings.	Within 15 days from the last date of specified time.	Request letter to Owner - Appendix XL
Owner	Shall meet the findings and fulfill the shortcomings.	Within 15 days from the last date of specified time.	Supporting documents to meet the findings and fulfill the shortcomings.
IF Owner doesn't meet the findings and fulfill the shortcomings.			
Empaneled Energy Auditor (Building)	He shall report the same to the authority having jurisdiction to ensure that all further construction is stayed until correction has been effectuated and a certificate of compliance has been issued by Empaneled Energy Auditors (Building).	After 15 days from the last date of specified time.	Report Appendix XLI –

Chapter 8: Energy Efficiency Professional

8.1 Background

8.1.1 In connection with the implementation of the programmes of the Bureau, the Act provides for the following Energy Efficiency Professionals, namely:-

1. Energy Manager
2. Energy Auditor
3. Accredited Energy Auditor

8.1.2 The Central Government in consultation with the Bureau shall prescribe vide section 14 (m) of the Act, the minimum qualification for Energy Manager to be appointed or designated by the Designated Consumer under Clause (l) of Section 14 of the Act. In 2010, the provisions of section 14 (m) were inter-alia amended vide the Energy Conservation (Amendment), Act 2010 (28 of 2010) to provide for the minimum qualification for Energy Auditor and Energy Manager

14 (m) prescribe minimum qualification for energy auditors and energy managers to be designated or appointed under clause (l);

8.1.3 Clause (j) of Sub-section (2) of Section 56 provides the Central Government to make rules for specifying minimum qualification for Energy Auditors and Energy Managers. The said clause is quoted below.

56 (j) the minimum qualification for energy auditors and energy managers under clause (m) of section 14

8.1.4 In 2006, the energy Conservation (minimum qualification for Energy Manager), Rules, 2006 were notified under section 56 (2) (j) vide GSR 309 dated 8th December, 2006 (**Annexure 8A**) in the Gazette of India, Part II, section 3, sub-section (i). These rules were published in official gazette on 23rd December 2006.

8.1.5 The Bureau has been given powers to make Regulations to provide for maintenance of a list of Accredited Energy Auditors, levy fee for services provided to them, specify qualification for energy auditor (**Annexure 8B**) and the time and interval for conducting energy audit under Clause (d), (e), (f) and (g) of sub-section (2) of Section 58. The relevant clauses are quoted as below:

(d) the levy of fee for services provided for promoting efficient use of energy and its conservation under clause (n) of sub-section (2) of section 13;

13 (2) (n). Levy fee, as may be determined by regulations, for services provided for promoting efficient use of energy and its conservation.

(e) the list of accredited energy auditors under clause (o) of sub-section (2) of section 13;

13 (2) (o) maintain a list of accredited energy auditor as may be specified by regulations.

¹*[(f) the qualifications, criteria and conditions subject to which a person may be accredited as an energy auditors and the procedure for such accreditation under clause (p) of sub-section (2) of section 13];*

13 (2) (p) specify, by regulations the qualifications, criteria and conditions subject to which a person may be accredited as an energy auditors and the procedure for such accreditation;

(g) the manner and the intervals or time in which the energy audit shall be conducted under clause (q) of sub-section (2) of section 13;

13 (2) (q) specify, by regulations the manner and intervals of time in which the energy audit shall be conducted;

¹[Substituted by Act No. 28 of 2010, dt. 24-8-2010. Prior to substitution clause (f) read as under: “(f) the qualifications for accredited energy auditors under clause (p) of sub-section (2) of section 13;”]

8.2 Key Stakeholders and their roles & responsibilities

8.2.1 The following are the roles and responsibilities of key stakeholders:

Name of Stakeholder: Energy Manager	
S. No.	Roles and Responsibilities
1.	Shall prepare an annual activity plan and present to management by way of attractive investments to reduce energy costs.
2.	Shall establish an energy conservation cell, with the consent of the management on the mandate and task of the cell.
3.	Shall initiate activities to improve monitoring and process control in order to reduce energy costs.
4.	Shall analyze equipment performance with respect to energy efficiency.
5.	Shall prepare information material and conduct internal workshops for other staff of Designated Consumer promoting energy efficiency and conservation.
6.	Shall improve disaggregating of energy consumption data down to ground level or profit center of a firm.
7.	Shall develop and manage training programme for energy conservation and energy efficiency at operating levels.
8.	Shall co-ordinate nomination of management personnel to external programs relating to energy conservation or energy efficiency.
9.	Shall create knowledge bank on sectoral, national and international development on energy conservation or energy efficiency technology and management system and information denomination.
10.	Shall develop integrated system of energy efficiency and environmental up gradation through wide internal & external networking.
11.	Shall co-ordinate implementation of energy audit/efficiency improvement projects through external agencies.
12.	Shall establish and/or participate in information exchange with other energy managers of the same sector through association.
13.	Shall prepare Form I, Form 2, Form 3 and submit to the SDA and BEE under the energy conservation i. The Form and Manner for submission of report on the status of energy consumption by the Designated Consumers, Rules 2007. ii. The Energy Conservation (Form and Manner and time for furnishing information with regard to energy consumed and action taken on the recommendations of Accredited Energy Auditor, Rules 2008.
14.	Shall assist the officers of State Designated Agency and Bureau of Energy Efficiency in implementation of the programmes initiated under the Act and coordinate with the officers of his organization in furnishing the information required with regard to such programmes for enforcement of the provisions of the Act in his Organization

Name of Stakeholder: Energy Auditor	
S. No.	Roles and Responsibilities
1.	Carry out detailed energy audit under the direction of accredited energy auditor as an associate or member of Energy Audit team
2.	Quantify energy consumption and establish baseline energy information.
3.	Construct energy and material balance
4.	Perform efficiency evaluation of energy and utility systems
5.	Compare energy norms with existing energy consumption levels
6.	Identify and prioritization of energy saving measures
7.	Analyze technical and financial feasibility of energy saving measures
8.	Recommend energy efficient technologies and alternate energy sources
9.	Report writing, Presentation and Follow-up for implementation
10.	Shall initiate activities to improve monitoring and process control in order to reduce energy costs.
11.	Shall analyze equipment performance with respect to energy efficiency.
12.	Shall ensure proper functioning and calibration of instrumentation required to assess level of energy consumption directly or indirectly.
13.	Shall establish a methodology on how to accurately calculate the specific energy consumption of various products/services or activity of the firm.

Name of Stakeholder: Accredited Energy Auditor	
S. No.	Roles and Responsibilities
1.	Undertake energy audit of the plant of Designated Consumers in accordance with the manner and Intervals of time for Energy Audit Regulations, 2010
2.	Verification of data of energy consumption, submitted to the SDA by the Energy Manager of Designated Consumers under 2007 Rules for the previous 2 years,
3.	Determine the scope of energy audit jointly with the Energy Manager of the plant of Designated Consumer
4.	Monitoring and Analysis of use of energy data for energy audit
5.	Preparation of recommendations on energy saving measures, their cost benefit analysis
6.	Prioritization and preparation of Action Plan for implementation of identified energy saving recommendations
7.	Submit a report in Form 2 (details of energy saving recommendations) and Form 3 (details of energy saving recommendations implemented, savings in energy achieved and progress of recommended measures) and Form 4 (energy audit report)

Name of Stakeholder: Accredited Energy Auditor	
S. No.	Roles and Responsibilities
8.	Furnish certificate at the end of Energy Audit Report as per certification format given in Form 4 (energy Audit Report)

Name of Stakeholder: Bureau of Energy Efficiency	
S. No.	Roles and Responsibilities
1.	Shall make available prospectus containing, scheme and modalities for conduct of the National Examination including eligibility, syllabus and reference material for such examination at least three months before the actual date of examination.
2.	Shall, after scrutiny of application form and after being satisfied that the applicant is eligible to appear for the National Examination, admit him by issuing an admission card stating the place, date and time of the National Examination at least fifteen days before the date of the National Examination. If the applicant is found ineligible to appear for National Examination, his application shall be rejected for reasons to be recorded in writing and he shall be intimated accordingly.
3.	Shall issue a certificate to the person who has passed the National Examination in the form specified in the regulation for Certification Procedures for Energy Auditor, Energy Auditor (Building) and Energy Managers. The issued certificate shall remain valid for a period of five years and such certificate shall be renewed after every five years on an application made by the Energy Auditor or Energy Auditor (Building) or Energy Manager, subject to their attending short-term refresher training course and furnishing a certificate of participation issued in that behalf.
4.	Shall maintain a Register of Certified Energy Auditor or Energy Auditor (Building) or Energy Manager who shall be issued an identity card in support of their certification in the respective form specified in the regulations.
5.	Shall, on receipt of a complaint against any of the aforesaid energy professional, refer the matter to the Certification and Registration Advisory Committee for its examination under regulation 13 (2) of the Certification Procedures for Energy Auditor, Energy Auditor (Building) and Energy Manager Regulations. The committee after giving an opportunity of being heard to the said professional and on completion of the examination of the matter shall record its findings and make recommendations to the Bureau. In case the concerned person is found guilty of professional misconduct or fraud, the Bureau may issue an order for cancelation of certification under regulation 9 of the Certification Procedures of Energy Auditor, Energy Auditor (Building) and Energy Manager. On cancellation of certification in respect of the delinquent professional, his name shall be removed from the register of the Certified Energy Manager maintained under regulation 9 of Energy Auditor or Energy Auditor (Building) or Energy Manager. Accordingly, the issued identity card shall be revoked. If the concerned person continue to work as Energy Auditor or Energy Auditor (Building) or Energy Manager, the Bureau may, consider registering a complaint

Name of Stakeholder: Bureau of Energy Efficiency	
S. No.	Roles and Responsibilities
	to the District Authorities for initiating the criminal proceeding under the Indian Panel Court.
In-case of AEA	
6.	Shall maintain a Register containing the list of Accredited Energy Auditor.
7.	Shall grant Certificate of Accreditation to the applicants who have been recommended by the accreditation advisory committee.
8.	Shall record in writing the reason of rejection of application made by an energy auditor and intimate the same within a period of one month.
9.	Shall maintain the register of offices and firms of accredited energy auditors.
10.	Shall publish and update regularly the list of Accredited Energy Auditors and list of offices and firms of accredited energy auditors. The same shall also be uploaded on the Bureau's official website.
11.	Shall send a copy of the updated list of accredited energy auditors to the designated agencies of the States and designated consumers on the first day of April every year through electronic mail.

Name of Stakeholder: Advisory Committee for Energy Managers	
S. No.	Roles and Responsibilities
1.	The Bureau for the purpose of the Certification Procedures for Energy Auditor, Energy Auditor (Buildings) and Energy Manager Regulation, National Examination for such professionals and for their certification and registration shall constitutes the following advisory committees: 1.1 Examination Advisory Committee 1.2 Technical Advisory Committee and 1.3 Certification and Registration Advisory Committee.
2.	Each Advisory Committee shall consist of a Chairperson and not more than six other persons to be nominated by the Bureau from amongst members of the Advisory Committees constituted under regulation 3 of the Bureau of Energy Efficiency (Advisory Committees) Regulations. 2008.

Name of Stakeholder: Accreditation Advisory Committee	
S. No.	Roles and Responsibilities
1.	Bureau shall constitute Accreditation Advisory Committee for the purpose of grant of certificate of accreditation to Energy Auditors
2.	Shall assess the energy audit experience and competence of the applicant who has applied for a certificate of accreditation under regulation 4 of Bureau of Energy Efficiency (Qualification of Accredited Energy Auditors and maintenance of their list) Regulation, 2010, on the basis of an oral interview on the following criteria, namely:-

Name of Stakeholder: Accreditation Advisory Committee	
S. No.	Roles and Responsibilities
	a. evaluation of five detailed energy audit reports submitted along with the application; b. the number and kind of Energy Intensive Industries in which detailed energy audits have been made; c. association of applicant with number of and kind of experts including full time energy auditors or part time energy auditors or consultants with expertise in thermal, electrical utilities and processes and nature of such association; d. possession of at least four up-to-date basic instruments namely, clip-on-type, power measuring instruments, flue gas analyzer, temperature and lux measuring instruments which are duly calibrated by a laboratory accredited by the National Accreditation Board for Testing and Calibration Laboratories and expertise in using such instruments for conduct of energy audit; e. manner of work followed in energy audit; f. training experience; g. quality of field studies including observations, probing skills, collection and generation of data, depth of technical knowledge and analytical abilities; h. quality of recommendations for improving energy efficiency or for conserving energy; i. capacity to undertake cost benefit analysis of recommended measures for improving energy efficiency or for conserving energy and preparation of action plan for implementation of recommendations for reduction of energy consumption or for rationalizing of energy use; and j. quality of energy audit reports.

8.3 Compliance Mechanism

For Certified Energy Auditor or Energy Auditor (Building) or Energy Manager
Shall attend a short term refresher training course conducted by the Bureau or the agency appointed by the Bureau, after every five years for the renewal of the certification and shall produce a certificate of participation issued in that behalf.
For Accredited Energy Auditor
Shall pay an annual accreditation fee of rupees one thousand.

8.3.1 For Certified Energy Auditor or Energy Auditor (Building) or Energy Manager

- 8.3.1.1** Shall attend a short term refresher training course conducted by the Bureau or the agency appointed by the Bureau, after every five years for the renewal of the certification and shall produce a certificate of participation issued in that behalf.

8.4 Mapping of Expected Violations with Provisions of the Act

- 8.4.1** The failure in fulfilling the responsibilities by the Energy Manager and Accredited Energy Auditor as defined under the Certification Procedures for Energy Managers Regulations, 2010 and specify by regulation, the qualifications, criteria and conditions subject to which a person may be accredited as an energy auditor and the procedure for such accreditation Regulation, 2010 Qualifications for Accredited Energy Auditors and Maintenance of their List Regulations, 2010 are considered as expected event of violations. The different clauses, which defines the responsibilities of the Energy Manager and Accredited Energy Auditors, are summarized below:

EXPECTED EVENT OF VIOLATIONS UNDER CERTIFICATION PROCEDURE FOR ENERGY AUDITORS AND ENERGY MANAGER REGULATIONS, 2010				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF ENERGY AUDITOR & MANAGER Under REGULATION					
S. No.	Non Compliance Conditions	Regulation Number	Sub-regulation		
1.	Complaint against Energy Auditor or Energy Manager for: (a) any commission or omission amounting to professional misconduct.	Regulation 11 - Cancellation of Certificate	Sub-regulation (1): The Bureau may cancel the certification of an energy auditor or energy manager on a complaint made against him for- (a) any commission or omission amounting to professional misconduct:	Clause (r) of Section 13 of EC Act	8.5.3.1 Event of Violation: Professional Misconduct – [NC -18]
2.	Complaint made against Energy Manager for: (b) any misrepresentation of facts, data or reports on energy consumption.	Regulation 11 - Cancellation of Certificate	Sub-regulation (1): The Bureau may cancel the certification of an energy manager on a complaint made against him for- (b) any misrepresentation of facts, data or reports on energy consumption:	Clause (r) of Section 13 of EC Act	8.5.3.2 Event of Violation: Misrepresentation of facts [NC - 19]
3.	Complaint made against Energy Manager for: (c) any act amounting to fraud.	Regulation 11 - Cancellation of Certificate	Sub-regulation (1): The Bureau may cancel the certification of an energy manager on a complaint made against him for- (c) any act amounting to fraud;	Clause (r) of Section 13 of EC Act	8.5.3.3 Event of Violation: Act amounting to fraud [NC – 20]

EXPECTED EVENT OF VIOLATIONS UNDER CERTIFICATION PROCEDURE FOR ENERGY AUDITORS AND ENERGY MANAGER REGULATIONS, 2010				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF ENERGY AUDITOR & MANAGER Under REGULATION					
S. No.	Non Compliance Conditions	Regulation Number	Sub-regulation		
4.	Complaint made against Energy Manager for: (d) failure to attend the refresher course.	Regulation 11 - Cancellation of Certificate	Sub-regulation (1) The Bureau may cancel the certification of an energy manager on a complaint made against him for- (d) failure to attend the refresher course:	Clause (r) of Section 13 of EC Act	8.5.3.4 Event of Violation: Failure to attend refresher course - [NC 21]
5.	Certified Energy Manager holding a position of ‘Energy Manager’ of any Designated Consumer after the cancellation of certification of certified energy manager.	Regulation 11 - Cancellation of Certificate	Sub-regulation (2): On cancellation of certification of certified energy manager under sub-regulation (1), his name shall be removed from the register referred to in regulation 9 and thereafter, the certified energy manager shall not be eligible for designation or appointment as energy manager by the designated consumer.	Clause (r) of Section 13 of EC Act	8.5.3.5 Event of Violation: Holding a position of ‘Energy Manager’ of any Designated Consumer after the cancellation of certification – [NC -22]

EXPECTED EVENT OF VIOLATIONS UNDER CERTIFICATION PROCEDURE FOR ENERGY AUDITORS AND ENERGY MANAGER REGULATIONS, 2010				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF ENERGY AUDITOR & MANAGER Under REGULATION					
S. No.	Non Compliance Conditions	Regulation Number	Sub-regulation		
6.	The accredited energy auditor opens an office in the trade name or firm name, before getting the approval of the Bureau	Regulation 7 - Maintenance of list of accredited energy auditors, their offices and firms.	Sub-regulation (2): The accredited energy auditor or a firm of such accredited energy auditor shall, before opening an office in the trade name or firm name, apply to the Bureau for approval to use the trade name or the firm name and on such approval, the Bureau shall maintain the register of offices and firms of accredited energy auditors in Form IV.	Clause (o) of Section 13 of EC Act	8.5.3.6 Event of Violation: Opening of Office without BEE Approval – [NC – 23]

EXPECTED EVENT OF VIOLATIONS UNDER CERTIFICATION PROCEDURE FOR ENERGY AUDITORS AND ENERGY MANAGER REGULATIONS, 2010				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF ENERGY AUDITOR & MANAGER Under REGULATION					
S. No.	Non Compliance Conditions	Regulation Number	Sub-regulation		
7.	Accredited Energy Auditor didn't submit the change in the information given in the application for accreditation to the Bureau	Regulation 7 - Maintenance of list of accredited energy auditors, their offices and firms.	Sub-regulation (4): Every accredited energy auditor shall submit to the Bureau any change in the information given in the application for accreditation for the purpose of updating the list.	Clause (o) of Section 13 of EC Act	8.5.3.7 Event of Violation: Non-submission of Change in Information – [NC 24]

EXPECTED EVENT OF VIOLATIONS UNDER CERTIFICATION PROCEDURE FOR ENERGY AUDITORS AND ENERGY MANAGER REGULATIONS, 2010				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF ENERGY AUDITOR & MANAGER Under REGULATION					
S. No.	Non Compliance Conditions	Regulation Number	Sub-regulation		
8.	Certificate of accreditation has been granted on the basis of incorrect, misleading or false information.	Rule 8. Removal and restoration of names in the register of list of accredited energy auditors.	The Bureau may remove the name of the accredited energy auditor from the register of list of energy auditor on the following grounds, namely: (a) the Bureau, after giving an opportunity of hearing to the person concerned, is satisfied that such certificate of accreditation has been granted on the basis of incorrect, misleading or false information;	Clause (o, p) of Section 13 of EC Act	8.5.3.8 Event of Violation: Incorrect, misleading or false information provided by Accredited Energy Auditor– [NC- 25]

EXPECTED EVENT OF VIOLATIONS UNDER CERTIFICATION PROCEDURE FOR ENERGY AUDITORS AND ENERGY MANAGER REGULATIONS, 2010				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF ENERGY AUDITOR & MANAGER Under REGULATION					
S. No.	Non Compliance Conditions	Regulation Number	Sub-regulation		
9.	Person ceasing to be an energy auditor or fails to undertake energy audit of an Energy Intensive Industries in accordance with the Bureau of Energy Efficiency (Manner and Intervals of Time for Conduct of Energy Audit) Regulation, 2010.	Rule 8. Removal and restoration of names in the register of list of accredited energy auditors.	The Bureau may remove the name of the accredited energy auditor from the register of list of energy auditor on the following grounds, namely: (b) Person ceasing to be an energy auditor or on his failure to undertake energy audit of an Energy Intensive Industries in accordance with the Bureau of Energy Efficiency (Manner and Intervals of Time for Conduct of Energy Audit) Regulation 2010;	Clause (o, p) of Section 13 of EC Act	8.5.3.9 Event of Violation: Failure to undertake energy audit in accordance with Manner and Intervals of Time for Conduct of Energy Audit, Regulation, 2010. – [NC-26]

EXPECTED EVENT OF VIOLATIONS UNDER CERTIFICATION PROCEDURE FOR ENERGY AUDITORS AND ENERGY MANAGER REGULATIONS, 2010				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF ENERGY AUDITOR & MANAGER Under REGULATION					
S. No.	Non Compliance Conditions	Regulation Number	Sub-regulation		
10.	Person is guilty of professional misconduct or fraud;	Rule 8. Removal and restoration of names in the register of list of accredited energy auditors.	The Bureau may remove the name of the accredited energy auditor from the register of list of energy auditor on the following grounds, namely: (c) if the person is guilty of professional misconduct or fraud;	Clause (o, p) of Section 13 of EC Act	8.5.3.10 Event of Violation: Professional Misconduct or Fraud by Accredited Energy Auditor – [NC- 27]

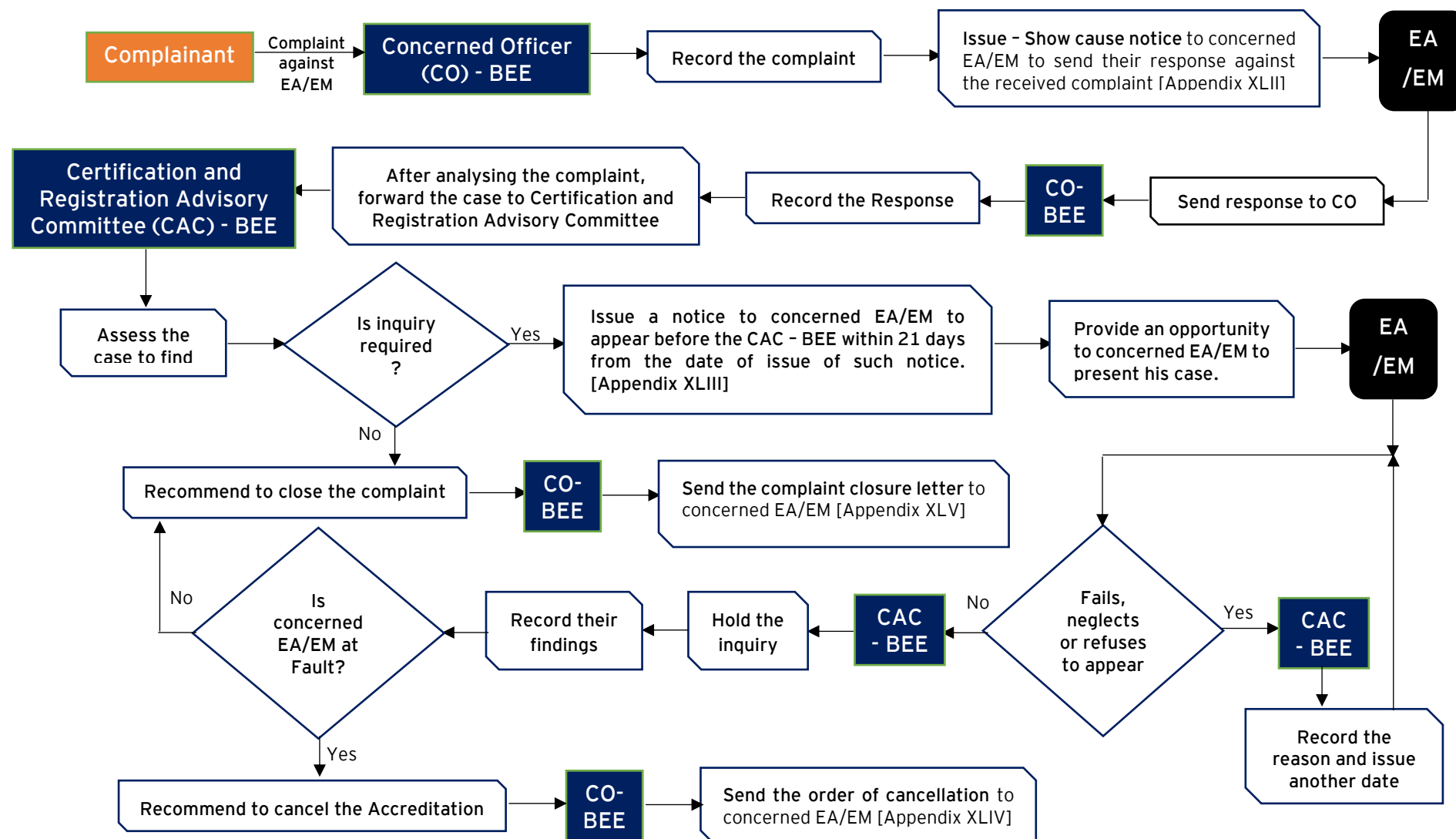
EXPECTED EVENT OF VIOLATIONS UNDER CERTIFICATION PROCEDURE FOR ENERGY AUDITORS AND ENERGY MANAGER REGULATIONS, 2010				AFFECTED PROVISION UNDER EC ACT	DOCUMENT REFERENCE FOR DETAILED ENFORCEMENT PROCEDURES
RESPONSIBILITY OF ENERGY AUDITOR & MANAGER Under REGULATION					
S. No.	Non Compliance Conditions	Regulation Number	Sub-regulation		
11.	Failure to pay Annual Accreditation Fee;	Rule 8. Removal and restoration of names in the register of list of accredited energy auditors.	The Bureau may remove the name of the accredited energy auditor from the register of list of energy auditor on the following grounds, namely: (c) if the person concerned has failed to pay annual accreditation fee;	Clause (o, p) of Section 13 of EC Act	8.5.3.11 Event of Violation: Failure to Pay Annual Accreditation Fee – [NC- 28]

8.5 Procedure for Enforcement

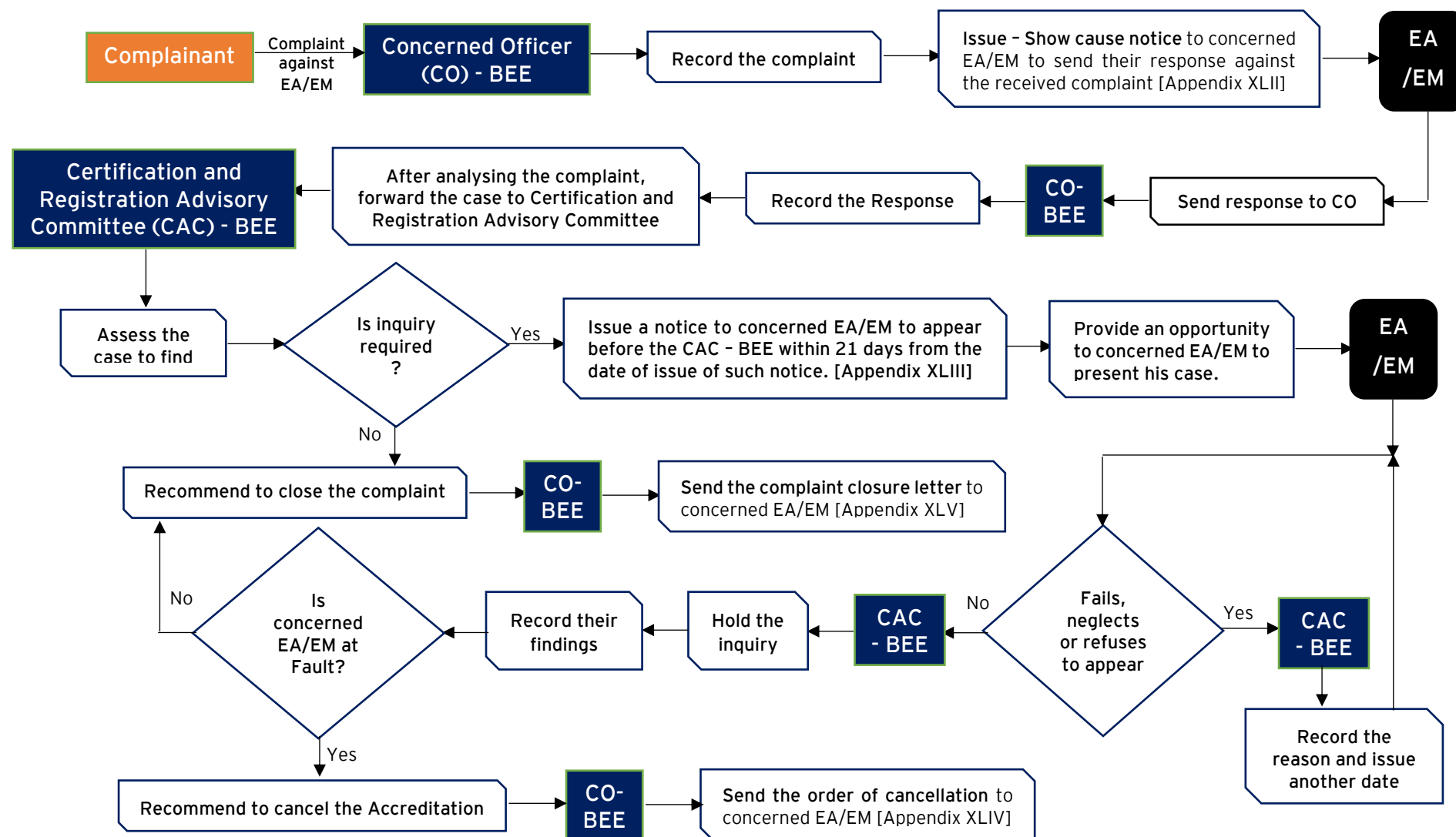
- 8.5.1 The following flowchart is a pictorial representation of the process to be followed for the non-compliance events listed in the previous section. The complaint made by any complainant shall contain the following particulars namely -
- (a) The acts and omission which, if proved would render the person complained against guilty of professional or other misconduct;
 - (b) The oral and or documentary evidence relied upon in support of the allegations made in the complaint.

8.5.2 NC 18

Professional Misconduct

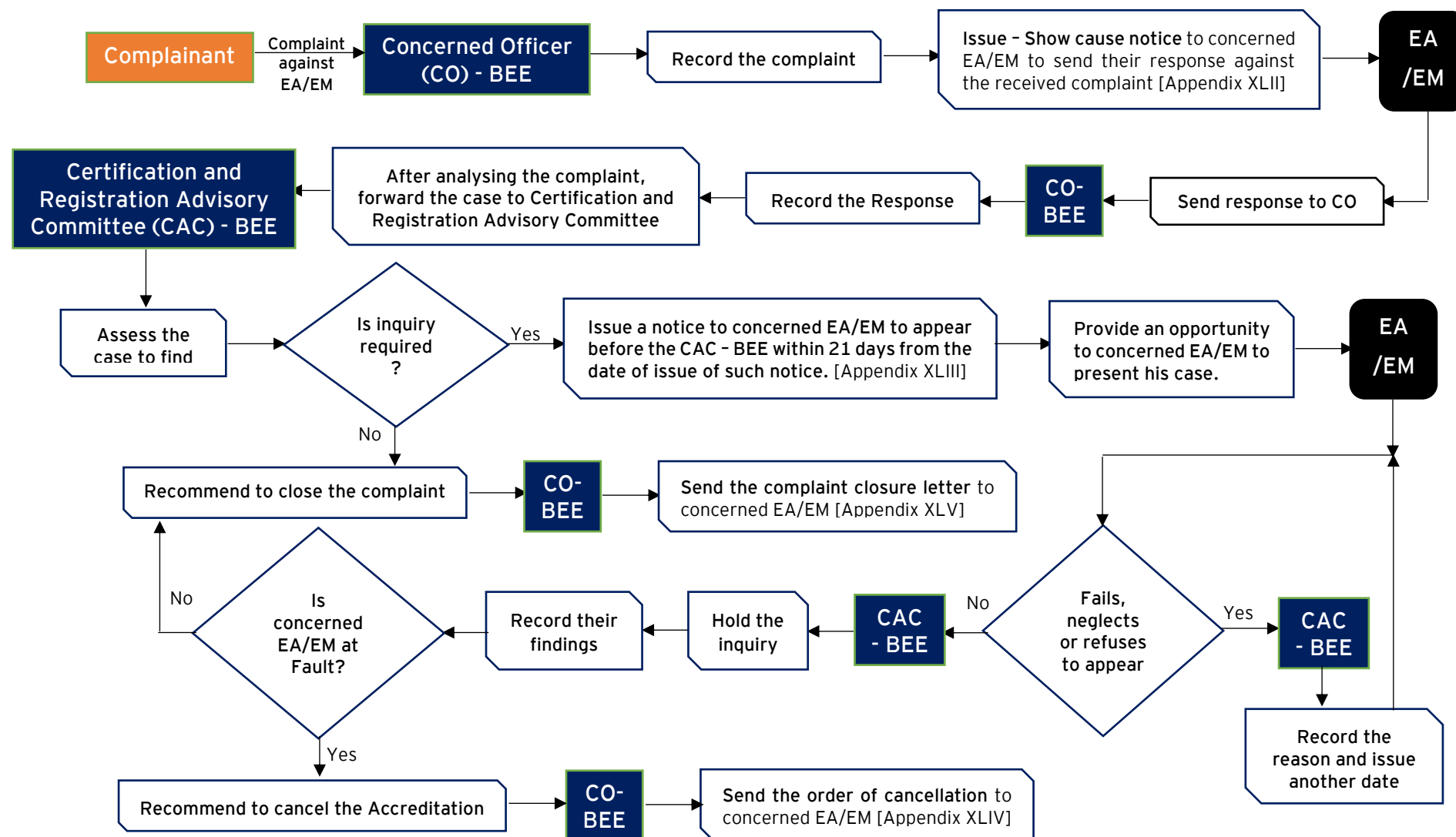


8.5.3 NC 19 Misrepresentation of Facts



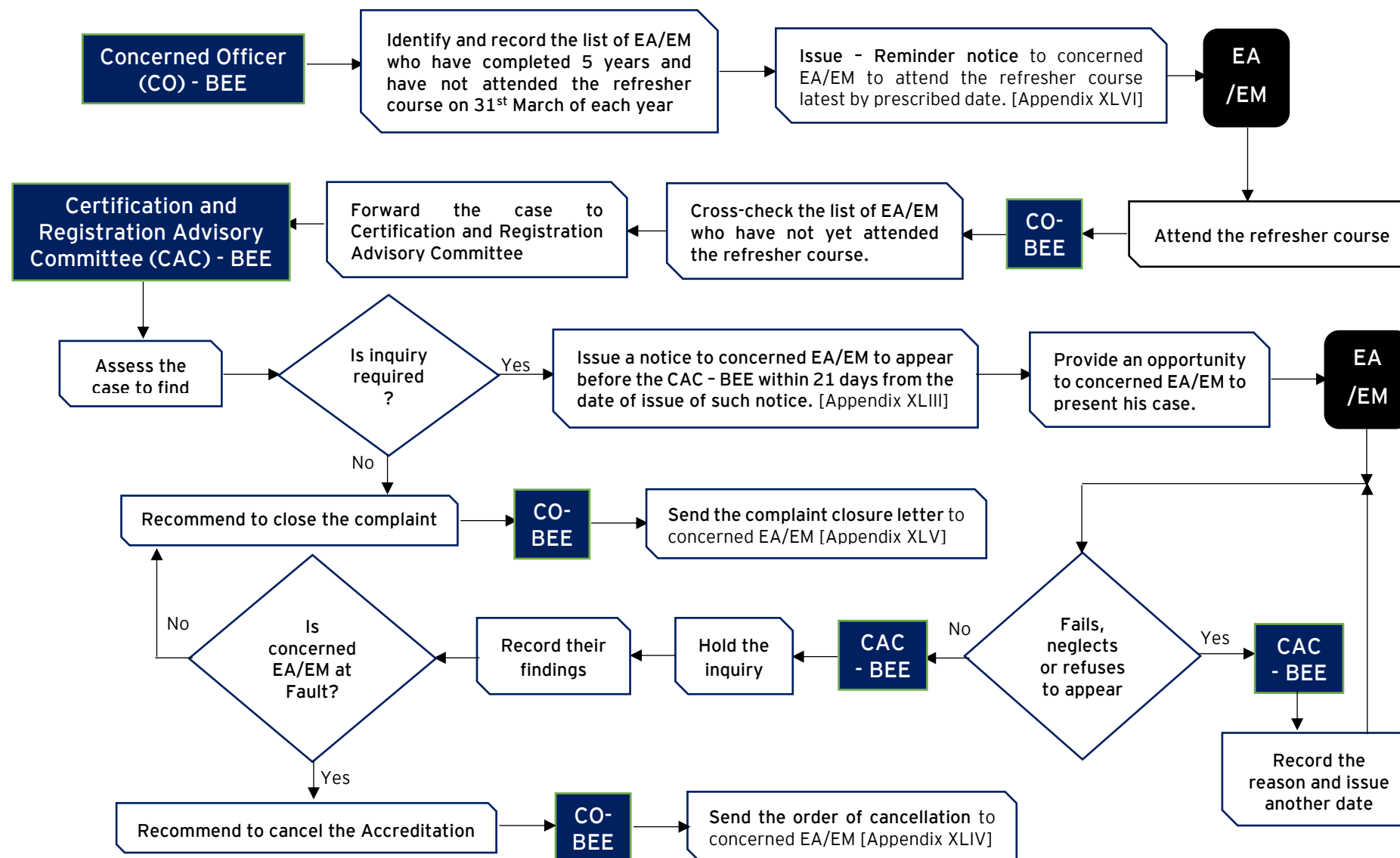
8.5.4 NC 20

Act Amounting to Fraud



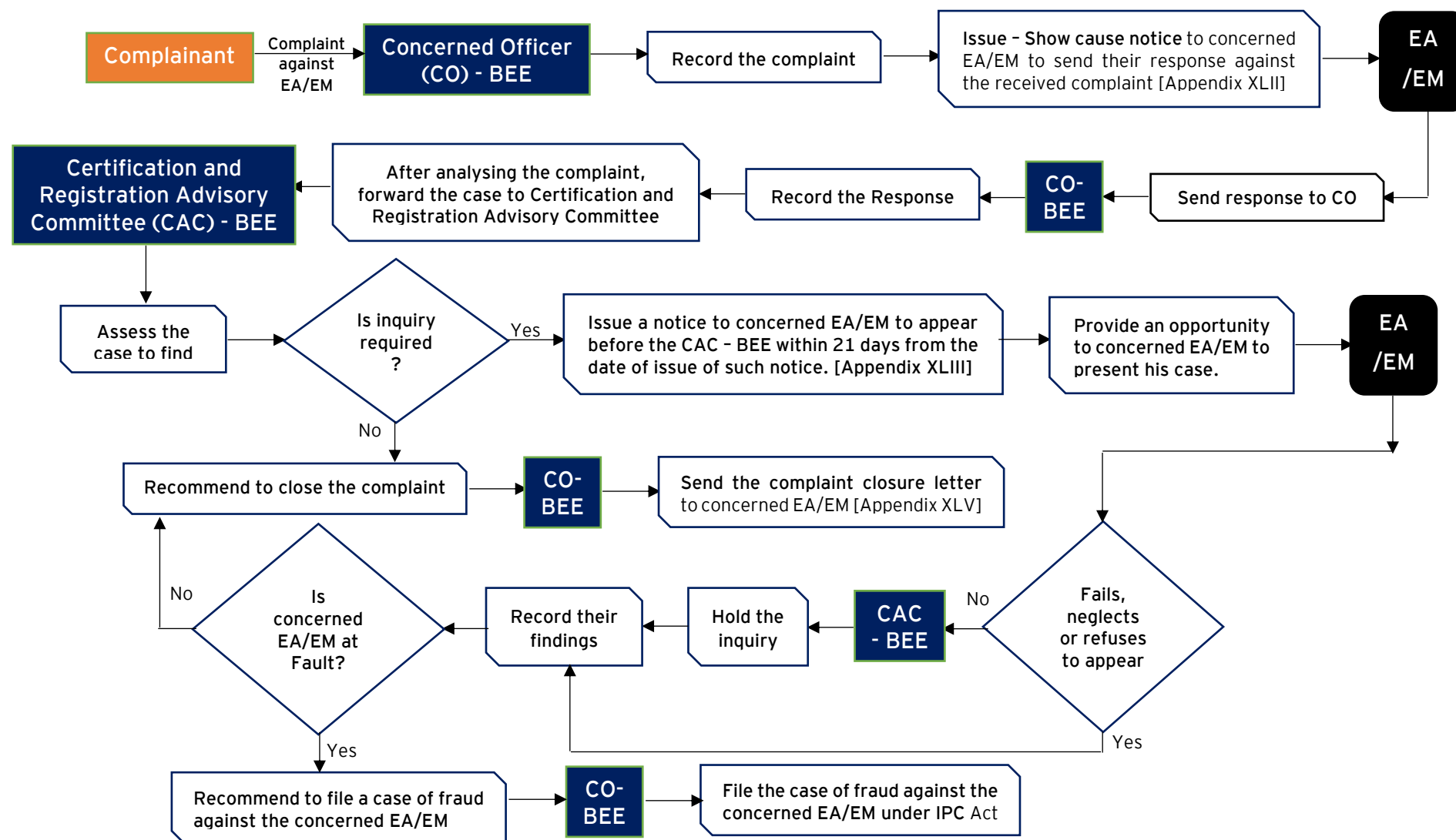
8.5.5 NC 21

Failure to attend Refresher Course by Energy Auditor/Energy Manager



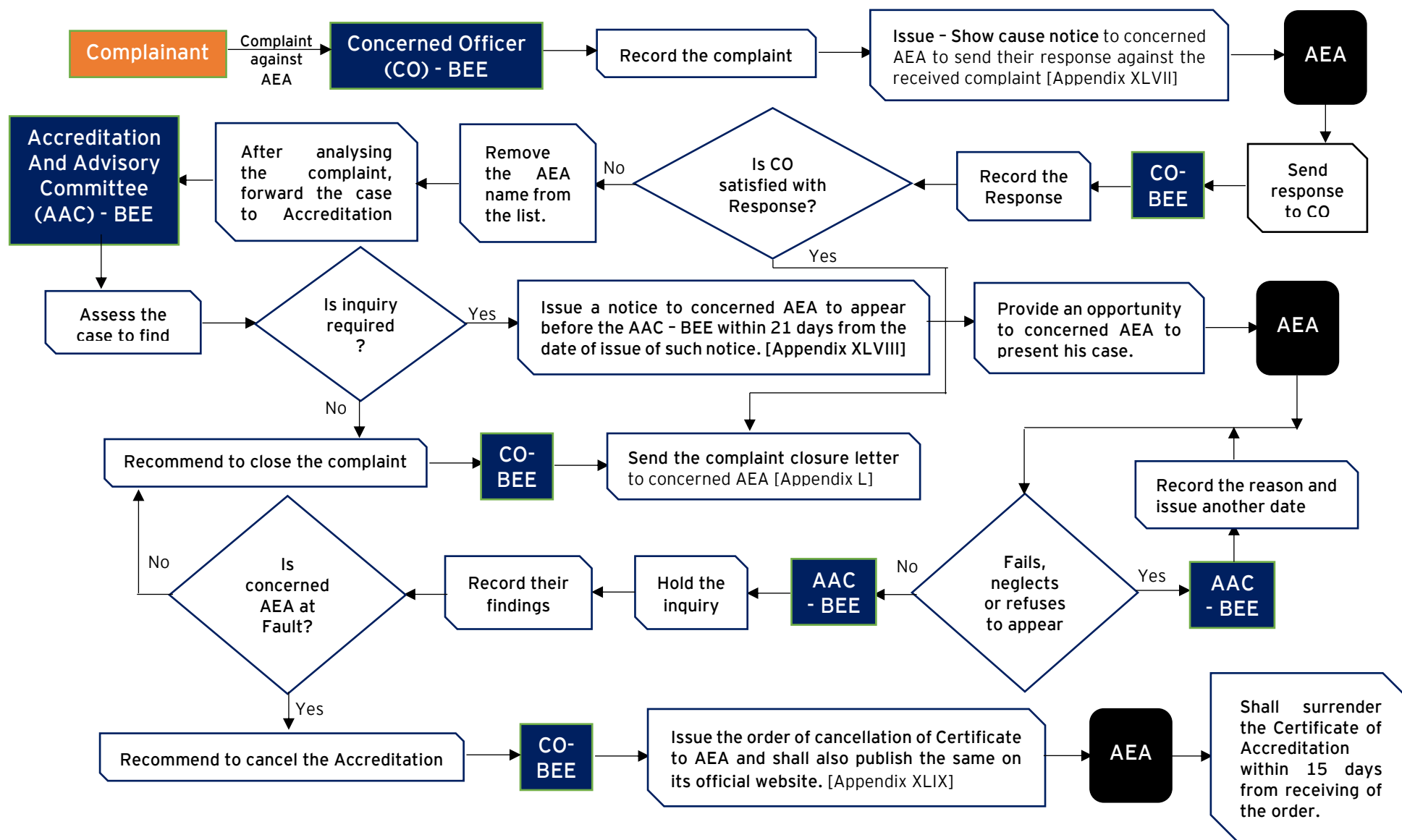
8.5.6 NC 22

Holding a position of 'Energy Manager' of any Designated Consumer after the cancellation of certification



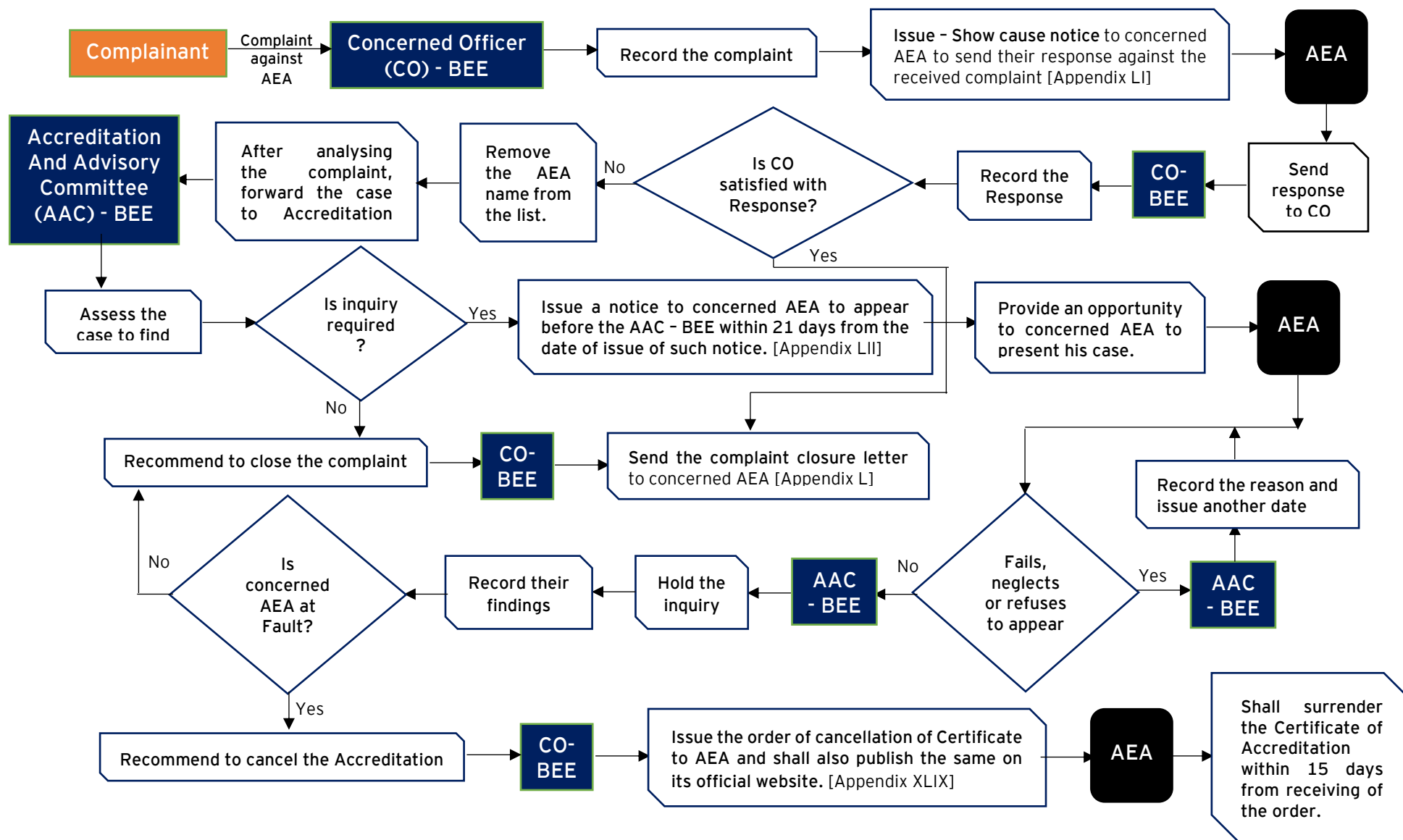
8.5.7 NC 23

Opening of Office by Accredited Energy Auditor without approval of BEE



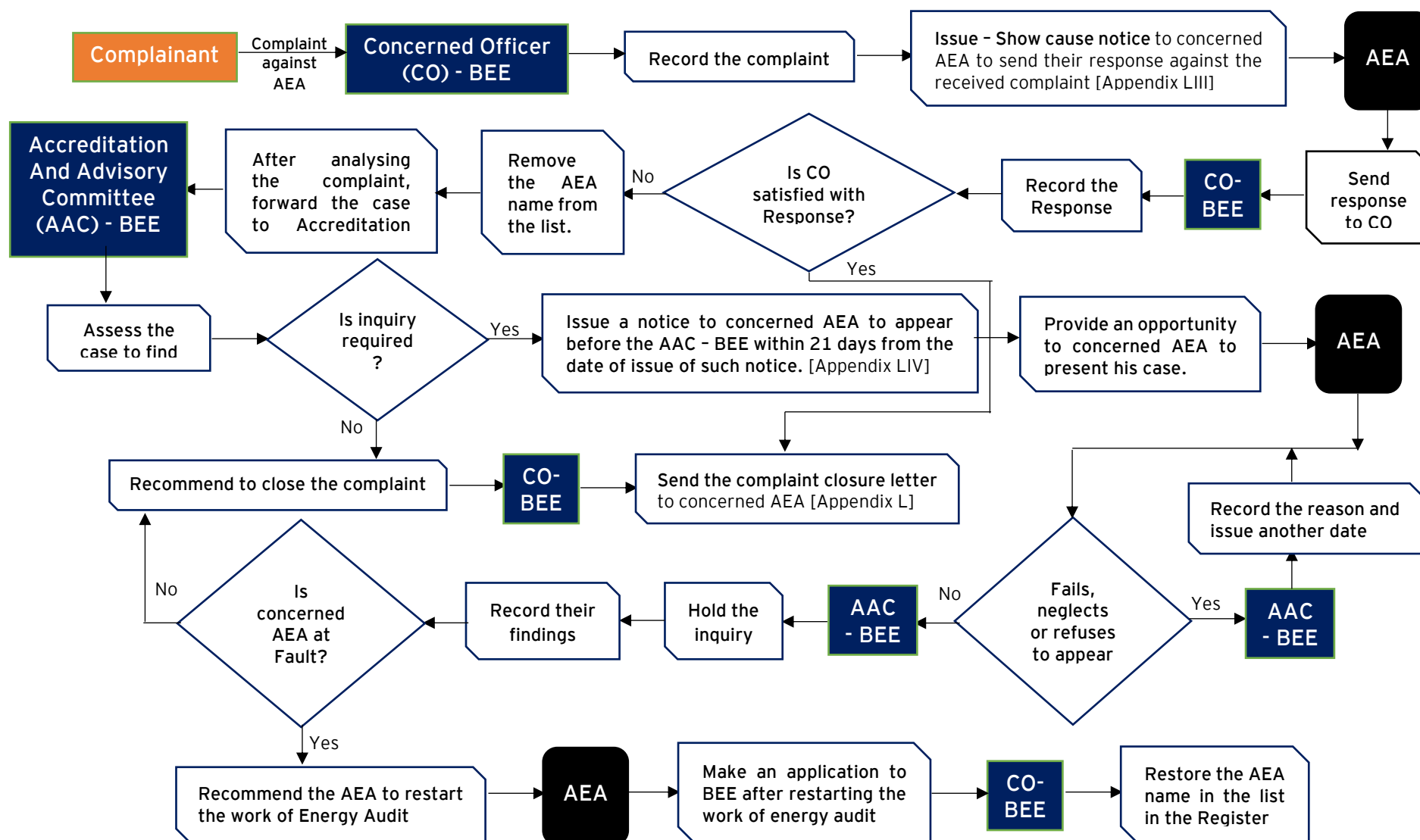
8.5.8 NC 24

Non-submission of change in Information by Accredited Energy Auditor



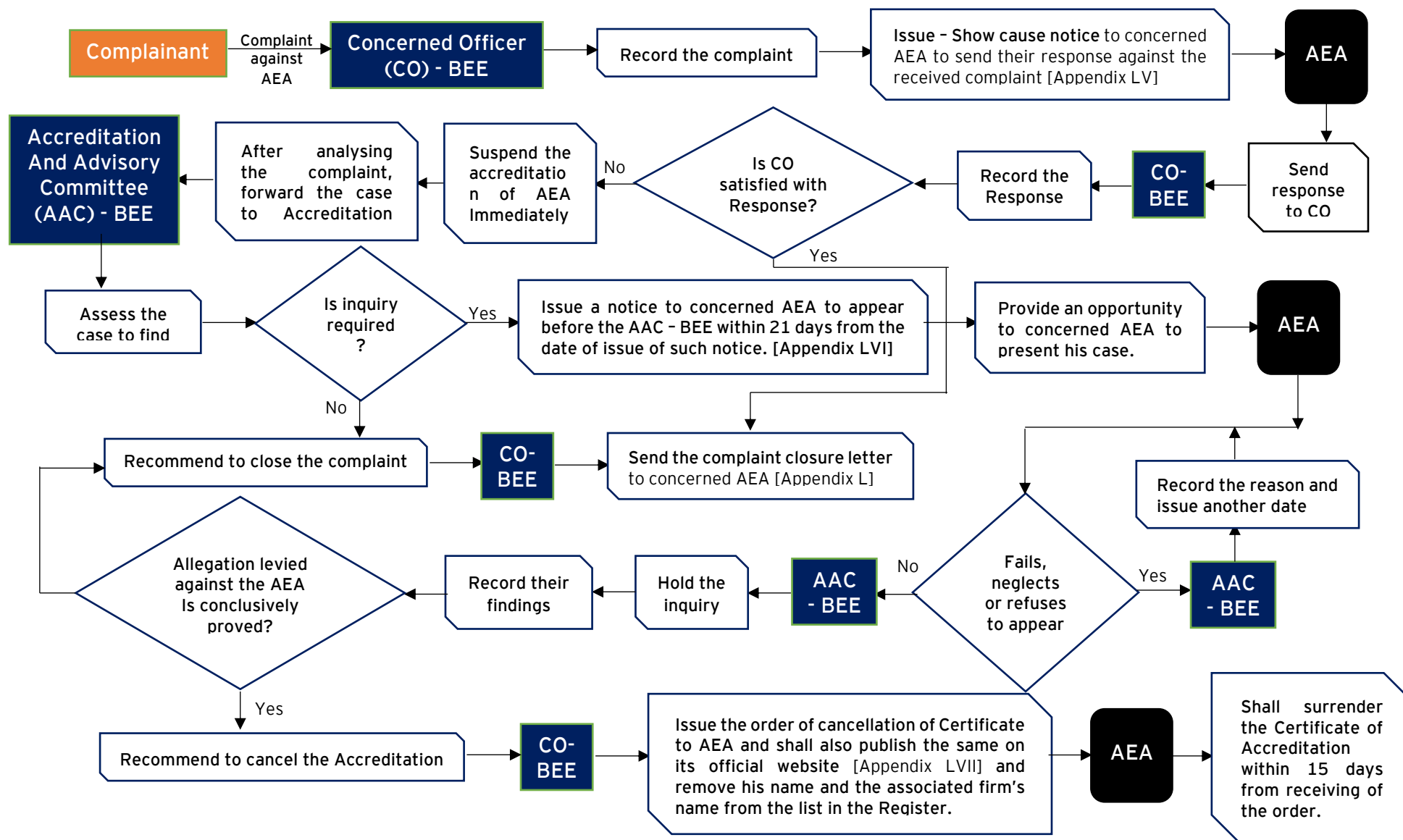
8.5.9 NC 25

Failure to undertake Energy Audit in accordance with the Manner and Intervals of Time for Conduct of Energy Audit, Regulation



8.5.10 NC 26

Incorrect, misleading or false information provided by Accredited Energy Auditor

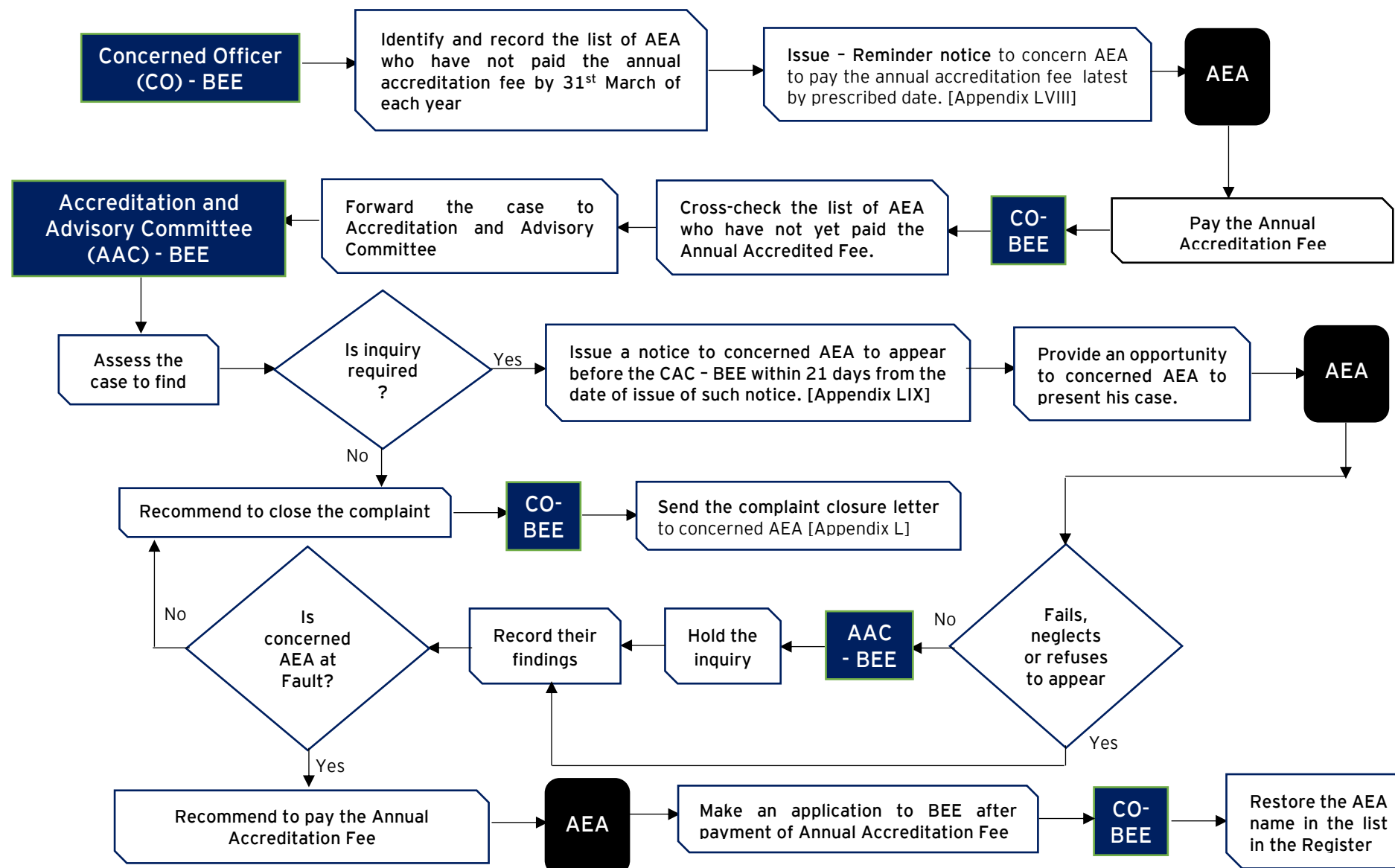


Misconduct or Fraud by Accredited Energy Auditor



8.5.12 NC 28

Failure to pay Annual Accreditation Fee



APPENDIX

APPENDIX I

Relevant Section and clauses of Non Compliance under Section 14 and Section 15 of the Act	Relevant Rules and Regulations notified under the Act
<i>14 The Central Government may, by notification, in consultation with the Bureau, –</i> <i>(a) specify the norms for processes and energy consumption standards for any equipment, appliances which consumes, generates, transmits or supplies energy;</i>	1. Norms and standards specified for various equipment in respect of appliances 2. Room Air Conditioner – S.O. 2528 (E) dated 8th August 2017 3. Frost Free Refrigerator - S.O. 183 (E) dated 12th January 2009 a. First Amended vide S.O. 25 (E) dated 5th January 2010 b. Second Amendment vide S.O. 3437 (E) dated 17th December 2015 4. Tubular Fluorescent Lamps – S.O. 179 (E) dated 16th January 2009 5. Distribution Transformer – S.O. No. 185 (E) dated 12th January 2009 a. First Amended vide S.O. 4062 (E) dated 16th December 2016 b. Second Amendment vide S.O. 513 (E) dated 17th February 2017 6. Direct Cool Refrigerator – S.O. 1899 (E) dated 26th May 2016 7. Colour Television – S.O. 1897 (E) dated 26th May 2016 a. First Amendment vide S.O. dated 4066 (E) dated 26th December 2017 8. Electric Water Heater (Geyser) – S.O. 2902 (E) dated 7th September 2016 a. First Amendment vide S.O. 1385 (E) dated 2nd May 2017 9. LED Lamps – S.O. 4097 (E) dated 28th December 2017
<i>14 (b) specify equipment or appliance or class of equipments or appliances, as the case may be, for the purposes of this Act;</i>	1. Room Air Conditioner – S.O. No. 2527 (E) dated 8th August 2017 2. Frost Free Refrigerator - S.O. No. 182 (E) dated 12th January 2009 3. Tubular Fluorescent Lamps – S.O. 178 (E) dated 16th January 2009 4. Distribution Transformer – S.O. No. 184 (E) dated 12th January 2009

Relevant Section and clauses of Non Compliance under Section 14 and Section 15 of the Act	Relevant Rules and Regulations notified under the Act
	5. Direct Cool Refrigerator – S.O. 1898 (E) dated 26th May 2016 6. Colour Television – S.O. 1896 (E) dated 26th May 2016 7. Electric Water Heater (Geyser) – S.O. 2901 (E) dated 7th September 2016 8. LED Lamps – S.O. 4096 (E) dated 28th December 2017
<i>14 (c) prohibit manufacture or sale or purchase or import of equipment or appliance specified under clause (b) unless such equipment or appliances conforms to energy consumption standards;</i> <i>¹“Provided that no notification prohibiting manufacture or sale or purchase or import of equipment or appliance shall be issued within a period of six months from the date of notification issued under clause (a) of this section:</i> <i>Provided further that the Central Government may, having regard to the market share and the technological development having impact on equipment or appliance, and for reasons to be recorded in writing, extend the said period of six months referred to in the first proviso by a further period not exceeding six months;”;</i>	The adjacent clause has direct linkage to non-compliance with the energy consumption standards specified for an equipment or appliance in the notification under clauses (a) and (b) of section 14 1. Room Air Conditioner – S.O. 2528 (E) dated 8th August 2017 2. Frost Free Refrigerator - S.O. 183 (E) dated 12th January 2009 a. First Amended vide S.O. 25 (E) dated 5th January 2010 b. Second Amendment vide S.O. 3437 (E) dated 17th December 2015 3. Tubular Fluorescent Lamps – S.O. 179 (E) dated 16th January 2009 4. Distribution Transformer – S.O. No. 185 (E) dated 12th January 2009 a. First Amended vide S.O. 4062 (E) dated 16th December 2016 b. Second Amendment vide S.O. 513 (E) dated 17th February 2017 5. Direct Cool Refrigerator – S.O. 1899 (E) dated 26th May 2016 6. Colour Television – S.O. 1897 (E) dated 26th May 2016 a. First Amendment vide S.O. dated 4066 (E) dated 26th December 2017 7. Electric Water Heater (Geyser) – S.O. 2902 (E) dated 7th September 2016 a. First Amendment vide S.O. 1385 (E) dated 2nd May 2017 8. LED Lamps – S.O. 4097 (E) dated 28th December 2017 The Regulation specified against Clause 14 (d) below provides for action to be taken by the Central Government against the

Relevant Section and clauses of Non Compliance under Section 14 and Section 15 of the Act	Relevant Rules and Regulations notified under the Act
	manufacturer/permittee for non-compliance with the directions issued by Bureau under Regulation 11 of respective equipment/appliance
<i>14 (d) direct display of such particulars on label on equipment or on appliance specified under clause (b) and in such manner as may be specified by regulations</i>	1. Room Air Conditioner - Regulation No. BEE/S&L/AC/37/2017-18 dated 29th November 2017 2. Frost Free Refrigerator - Regulation No. 2/11 (5)/03-BEE 4 dated 7th July 2009 a. First Amended vide Regulation No. 2/11(5)/03-BEE 4 dated 5th January 2010 b. Second Amendment vide Regulation No. 2/11(5)/03-BEE 4 dated 8th May 2013 3. Tubular Fluorescent Lamps- Regulation No. 2/11(5)/03-BEE-1 dated 6th July 2009 a. First Amendment vide Regulation No. 2/11(5)/03-BEE-1 dated 5th January 2010 4. Distribution Transformer – Regulation No. 2/11(5)/03-BEE.3 dated 5th January 2010 5. Direct Cool Refrigerator – Regulation No. BEE/S&L/Ref/70/2016-17 dated 26th May 2016 6. Colour Television – Regulation No. BEE/S&L/CTV/02/2016-17 dated 26th May 2016 7. Electric Water Heater (Geyser) – Regulation No. BEE/S&L/Water Heater/3/2015-16 8. LED Lamps – Regulation No. BEE/S&L/LED/52/2017-18 dated 28th December 2017
<i>14 (h) direct, having regard to quantity of energy consumed or the norms and standards of energy consumption specified under clause (a) the energy intensive industries specified in the Schedule to get energy audit conducted by an accredited energy auditor</i>	1. Room Air Conditioner – S.O. 2528 (E) dated 8th August 2017 2. Frost Free Refrigerator - S.O. 183 (E) dated 12th January 2009 a. First Amended vide S.O. 25 (E) dated 5th January 2010 b. Second Amendment vide S.O. 3437 (E) dated 17th December 2015

Relevant Section and clauses of Non Compliance under Section 14 and Section 15 of the Act	Relevant Rules and Regulations notified under the Act
<i>in such manner and intervals of time as may be specified by regulations</i>	3. Tubular Fluorescent Lamps – S.O. 179 (E) dated 16th January 2009 4. Distribution Transformer – S.O. No. 185 (E) dated 12th January 2009 a. First Amended vide S.O. 4062 (E) dated 16th December 2016 b. Second Amendment vide S.O. 513 (E) dated 17th February 2017 5. Direct Cool Refrigerator – S.O. 1899 (E) dated 26th May 2016 6. Colour Television – S.O. 1897 (E) dated 26th May 2016 a. First Amendment vide S.O. dated 4066 (E) dated 26th December 2017 7. Electric Water Heater (Geyser) – S.O. 2902 (E) dated 7th September 2016 a. First Amendment vide S.O. 1385 (E) dated 2nd May 2017 8. LED Lamps – S.O. 4097 (E) dated 28th December 2017
<i>14 (i) direct, if considered necessary for efficient use of energy and its conservation, any designated consumer to get energy audit conducted by an accredited energy auditor</i>	S.O. 1378 (E) dated 27 th May 2014 whereby every designated consumer shall conduct energy audit by Accredited Energy Auditor (AEA) Energy Audit shall be undertaken by the designated consumer in accordance with the provision of Regulation No. 3(1) and Regulation No. 3(2) of Bureau of Energy Efficiency (the manner and intervals of time for conduct of energy audit) Regulations, 2009 notification dated 28 th April 2010.
<i>14 (k) direct any designated consumer to furnish to the designated agency, in such form and manner and within such period, as may be prescribed, the information with regard to the energy consumed and action taken on the recommendation of the accredited energy auditor;</i>	S.O. 1378 (E) dated 27 th May 2014 whereby every designated consumer shall furnish details of information on energy consumed and details of the action taken on recommendations of accredited energy auditor, to the concerned designated agency Every designated consumer shall furnish above details within 3 months of submission of energy audit report as specified in Rule 3(1) of G.S.R 486 (E) namely Energy Conservation (Form and manner and time for

Relevant Section and clauses of Non Compliance under Section 14 and Section 15 of the Act	Relevant Rules and Regulations notified under the Act
	furnishing information with regard to energy consumed and action taken on recommendations of Accredited Energy Auditor) Rules, 2008 notification dated 26 th June 2008
<i>14 (l) direct any designated consumer to designate or appoint energy manager in charge of activities for efficient use of energy and its conservation and submit a report, in the form and manner as may be prescribed, on the status of energy consumption at the end of the every financial year to designated agency;</i>	S.O. 318 (E) dated 2 nd March 2007 whereby every designated consumer shall appoint an energy manager and submit the status of energy consumption at the end of every financial year Energy Manager shall be appointed as per qualification specified in Rule 3 of G.S.R. 309 namely Energy Conservation (Minimum Qualification for Energy Managers) Rules, 2006 notified on 8 th December 2006 Status of energy consumption shall be submitted by designated consumer in accordance with Rule 3(1) of the G.S.R. 174 (E) namely Energy Conservation (The form and manner for submission of report on the status of energy consumption by the Designated Consumers) Rules, 2007) notification dated 2 nd March 2007
<i>14 (n) direct every designated consumer to comply with energy consumption norms and standards;</i>	S.O. 394 (E) dated 12 th March 2007 whereby threshold limit for nine energy intensive industries specified in Schedule of the EC Act, 2001 was notified S.O. 687 (E) dated 30 th March 2012 whereby designated consumer shall comply to the energy consumption norms and standards for the period 2012-13 to 2014-15 (Targets under PAT Cycle - I) S.O. 1264 (E) dated 31 st March 2016 whereby designated consumer shall comply to the energy consumption norms and standards for the period 2016-17 to 2018-19 (Targets under PAT Cycle - II) S.O. 998 (E) dated 30 th March 2017 whereby designated consumer shall comply to the energy consumption norms and standards for the period 2017-18 to 2019-20 (Targets under PAT Cycle - III) S.O. 1409 (E) dated 28 th March 2018 whereby designated consumer shall comply to the energy consumption norms and standards for the period 2018-19 to 2020-21 (Targets under PAT Cycle - IV)

Relevant Section and clauses of Non Compliance under Section 14 and Section 15 of the Act	Relevant Rules and Regulations notified under the Act
	Designated consumer notified under S.O. 687 (E) shall comply to the Rules specified in G.S.R. 269 (E) namely Energy Consumption Norms and Standards for Designated Consumers, Form, Time within which, and Manner of Preparation and Implementation of Scheme, Procedure for Issue of Energy Savings Certificate and Value of Per Metric Ton of Oil Equivalent of Energy Consumed Rules, 2012 notification dated 30th March 2012 a. First Amendment vide G.S.R. 528 (E) namely Energy Conservation (Energy Consumption Norms and Standards for Designated Consumers, Form, Time within which, and Manner of Preparation and Implementation of Scheme, Procedure for Issue of Energy Savings Certificate and Value of Per Metric Ton of Oil Equivalent of Energy Consumed) Amendment Rules, 2015 notification dated 30th June 2015 b. Second Amendment vide G.S.R. 373 (E) namely Energy Conservation (Energy Consumption Norms and Standards for Designated Consumers, Form, Time within which, and Manner of Preparation and Implementation of Scheme, Procedure for Issue of Energy Savings Certificate and Value of Per Metric Ton of Oil Equivalent of Energy Consumed) Amendment Rules, 2016 notification dated 31st March 2016 c. Third Amendment vide G.S.R. 409 (E) namely Energy Conservation (Energy Consumption Norms and Standards for Designated Consumers, Form, Time within which, and Manner of Preparation and Implementation of Scheme, Procedure for Issue of Energy Savings Certificate and Value of Per Metric Ton of Oil Equivalent of Energy Consumed) Amendment Rules, 2018 notification dated 26th April 2018
14 (r) direct every owner or occupier of the building or building complex, being a designated consumer to comply with the provisions of energy conservation	S.O. 1388 (E) dated 2 nd May 2017 whereby commercial buildings or establishments (hotels) are notified as designated consumers for the purpose of this Act

Relevant Section and clauses of Non Compliance under Section 14 and Section 15 of the Act	Relevant Rules and Regulations notified under the Act
<i>building codes for efficient use of energy and its conservation;</i> <i>Provided that the powers under clause (r), (s) shall be executed in consultation with the concerned State</i>	Commercial Buildings or Establishment (Hotels) are required to comply with the G.S.R. 168 (E) namely Energy Conservation Building Code Rules, 2018 dated 13th February 2018 Commercial Buildings or Establishment (Hotels) being a designated consumer shall also comply to 14 (i), 14 (k) and 14 (l) as specified above and the relevant S.O. specified against these clauses shall also be applicable
<i>14 (s) direct, any designated consumer referred to in clause (r), if considered necessary, for efficient use of energy and its conservation in his building to get energy audit conducted in respect of such building by an accredited energy auditor in such manner and intervals of time as may be specified by regulations;</i>	S.O. 1378 (E) dated 27th May 2014 whereby every designated consumer shall conduct energy audit by Accredited Energy Auditor (AEA) Energy Audit shall be undertaken by the designated consumer in accordance with the provision of Regulation No. 3(1), 3(2) and 3 (3) of Bureau of Energy Efficiency (Manner and Intervals of Time for Conduct of Energy Audit of Commercial Buildings or establishments) Regulations, 2018 notification dated 20th February 2018
<i>15 (b) direct every owner or occupier of the building or building complex, being a designated consumer to comply with the provisions of energy conservation building codes;</i>	S.O. 1409 (E) dated 28th March, 2018, whereby designated consumers under Commercial Buildings (Hotels) are notified under PAT Cycle IV The designated consumers notified in the S.O. 1409 (E) shall be liable to comply to the provisions of GSR 168(E) namely Energy Conservation Building Code Rules, 2018 notification dated 13th February 2018 Commercial Buildings or Establishment (Hotels) being a designated consumer shall also comply to 14 (i), 14 (k) and 14 (l) as specified above and the relevant S.O. specified against these clauses shall also be applicable
<i>15 (c) direct, if considered necessary for efficient use of energy and its conservation, any designated consumer referred to in clause (b) to get energy audit conducted by an accredited energy auditor in such manner and at such intervals of time as may be specified by regulations;</i>	S.O. 1388 (E) dated 2nd May 2017 whereby commercial buildings or establishments (hotels) are notified as designated consumers for the purpose of this Act S.O. 1409 (E) dated 28th March, 2018, whereby designated consumers under Commercial Buildings (Hotels) are notified under PAT Cycle IV

Relevant Section and clauses of Non Compliance under Section 14 and Section 15 of the Act	Relevant Rules and Regulations notified under the Act
	Energy Audit shall be undertaken by the designated consumer in accordance with the provision of Regulation No. 3(1), 3(2) and 3 (3) of Bureau of Energy Efficiency (Manner and Intervals of Time for Conduct of Energy Audit of Commercial Buildings or establishments) Regulations, 2018 notification dated 20 th February 2018
<i>15 (h) direct, any designated consumer to furnish to the designated agency, in such form and manner and within such period as may be specified by rules made by it, information with regard to the energy consumed by such consumer;</i>	S.O. 318 (E) dated 2 nd March 2007 whereby every designated consumer shall submit the status of energy consumption at the end of every financial year Status of energy consumption shall be submitted by designated consumer in accordance with Rule 3(1) of the G.S.R. 174 (E) namely Energy Conservation (The form and manner for submission of report on the status of energy consumption by the Designated Consumers) Rules, 2007) notification dated 2 nd March 2007 as amended from time to time.

APPENDIX II
{Letter head of SDA}

To,
The Inspection Officer
Address.

Subject: Direction for filing of Petition before State Electricity Regulatory Commission
against the non-compliant person (designated
consumer/manufacturer/trader/distributor)

Dear Sir,

We have studied and examined the Inspection report submitted by you on _____ (dated)
of M/s _____ (the concerned designated
consumer/manufacturer/trader/distributor). On examination of the said report, it is
observed that M/s _____ (the concerned designated
consumer/manufacturer/trader/distributor) has non-complied with
clause _____ (relevant clauses of EC Act) of the EC Act.

We are of the opinion that on the basis of the material facts contained in the said report,
there is enough conclusive material in support of non-compliance with the provisions
contained in section 26 of EC Act.

The Inspecting Officer is therefore directed to file the case before the State Electricity
Regulatory Commission against M/s _____ (the concerned designated
consumer/manufacturer/trader/distributor) under section 27 and prove its non-compliance
before the Adjudicating Officer.

The Inspecting Officer is directed to file the case within two months of date of receipt of the
Inspecting report i.e. latest by _____ (date)

Being certified as Energy Manager under the above regulations, the Certified Energy
Manager is liable to comply with *Rule 11 - Cancellation of Certificate:*

Thanking You

SDA Représentative

APPENDIX III

BEFORE THEELECTRICITY REGULATORY COMMISSION, (PLACE)

Filing No.

Case No.

(To be filled by the office)

IN THE MATTER OF

(Gist of the purpose of the Petition or application)

AND

IN THE MATTER OF

(Name and full address of the petitioner/applicant and name and full address of the respondent)

Fact of the case/Petition be stated in short

Submission/Ground in support of the case.

Relief clause: Relief prayer made in the Petition be stated shortly and specifically.

Enclosures:

(Forms/ notices/responses validating non-compliance)

Place:

Date:

Signature of the Petitioner

APPENDIX IV

BEFORE THEELECTRICITY REGULATORY COMMISSION, (PLACE)

Filing No.

Case No.

(To be filled by the office)

IN THE MATTER OF

(Gist of the purpose of the Petition or application)

AND

IN THE MATTER OF

(Name and full address of the petitioner/applicant and name and full address of the respondent)

Affidavit verifying the Petition/ reply/application

I, son ofaged.....residing at do solemnly affirm and say as follows:

1. I am a Director/Secretary/Partner/authorised representative ofLtd., the petitioner/applicant/respondent in the above matter and am duly authorised and competent to make this affidavit on its behalf.

(Note: This paragraph is to be included in cases where the petitioner is the Company.)

2. The statements made in paragraphsof the petition/application/reply are true to my knowledge and belief and statements made in paragraphs to are based on information and I believe them to be true.

3. I say that there are no proceedings pending in any court of law/ tribunal or arbitrator or any other authority, wherein the Petitioners are a party and where issues arising and/or reliefs sought are identical or similar to the issues arising in the matter pending before the Commission.

Deponent

Verification:

I, the deponent above named do hereby verify and solemnly affirm at on thisday ofthat the contents of the above affidavit are true to my knowledge; no part of it is false and nothing material has been concealed therefrom.

()

(Signature)

Identified before me

Signature of the Deponent

APPENDIX V

{Letter head of the State Electricity Regulatory Commission}

To
The Authorized Representative
State Designated Authority
Address

.....
.....
.....

Subject: Notice for defects identified in your Petition

Dear Sir,

With reference to the Petition filed by your office dated..... and thus received by the Office of the Commission on dated..... there are some defects found in your Petition. The said Petition is not in conformity of the provisions of the prescribed Regulation of theElectricity Regulatory Commission.

Following deficiencies and defects were found in your petition which is presented otherwise than in accordance with the relevant Regulations or directions of the Commission.

1.
2.
3.
4.

It is therefore requested to kindly file the revised Petition after rectifying the above deficiencies and defects within a period of 15 days from the issuance of this notice. The Petition is liable to get rejected if the revised Petition is not filed within a period of 15 days or filled without rectifying the above defects.

Place:

Date:

()

Receiving Officer

State Electricity Regulatory Commission

APPENDIX VI

(LOGO OF SERC)

.....ELECTRICITY REGULATORY COMMISSION

(Address)

Case No.....

Inquiry under section 27 of the Energy Conservation Act for alleged contraventions and non-compliance with the provisions of Energy Conservation Act, 2001

State Designated Agency

.....Petitioner

Concerned Person

.....Respondent

ORDER

(Date:)

A petition has been filed by M/s..... vide Petition no..... for non-compliance with the provisions of the Energy Conservation Act, 2001 by M/s..... (designated consumer or permittee or owner of the building)

In exercise of power conferred vide Section 27 of the Energy Conservation Act, 2001, and in order to adjudicate the matter, the Electricity Regulatory Commission appoints Shri., Member (SERC) as Adjudicating Officer for holding enquiry against such person alleged for failing to comply with the provisions of the Energy Conservation Act, 2001 as described under Section 26 of the Act.

Sd/-

.....

Member

Sd/-

.....

Member

Sd/-

.....

Chairman

Approved for Issue
Secretary, SERC

APPENDIX VII

(LOGO OF SERC)

.....ELECTRICITY REGULATORY COMMISSION

(Address)

Adjudication case No.....

Shri.....,

Member and Adjudicating Officer

Notice under Section 27 of the Energy Conservation Act, 2001 read with Rule 3 of the Energy Conservation (Manner of Holding Inquiry) Rules, 2009.

IN THE MATTER OF

Inquiry under section 27 of the Energy Conservation Act for alleged contraventions and non-compliance with the provisions of Energy Conservation Act, 2001

AND IN THE MATTER OF

(State Designated Agency)

.....Petitioner

v/s

(Concerned Person)

.....Respondent

(Other Party)

.....Proforma Respondent

Whereas the (State Designated Agency) had filed petition alleging non-compliance with the provisions of the Energy Conservation Act, 2001 by the respondent (in such matter)under Section 27 of the Energy Conservation Act, 2001 read with paraof the(relevant Rules and Regulations issued by BEE).

And whereas by the said order dated,(Appendix X) the Commission has appointed the undersigned as the Adjudicating Officer to hold an inquiry into the alleged

contraventions and non-compliance with the provisions of the Energy Conservation Act, 2001.

Now, therefore, the respondent is directed to show cause within 21 days from the date of issue of this notice as to why an inquiry for the reported contravention and non-compliance with the provisions of the Energy Conservation Act, 2001, should not be held against it.

In case the respondent fails to show cause within the specified period, action as deemed fit will be taken on the basis of the records and information available with the undersigned.

SD/-

(Name of Adjudicating Officer)

Member and Adjudicating Officer

Date:.....

APPENDIX VIII

APPELLATE TRIBUNAL FOR ENERGY CONSERVATION

To
The Authorized Representative
Appellant
Address

.....
.....
.....

Subject: Notice for defects identified in your Appeal

Dear Sir,

With reference to the Appeal filed by your office dated..... and thus received by the Office of the Registrar of the Appellate Tribunal of Energy Conservation on dated....., it is observed that there are some defects in your Appeal. The said Appeal is not in conformity with the form and manner as described in the Energy Conservation (Procedure, Form, Fee and Record of Proceeding) Rules, 2012.

Following deficiencies and defects were found in your appeal which is presented otherwise than in accordance with the provisions of Energy Conservation (Procedure, Form, Fee and Record of Proceeding) Rules, 2012.

1.
2.
3.
4.

It is therefore requested to kindly file the revised Appeal after rectifying the above deficiencies and defects within a period of 15 days from the issuance of this notice. The Appeal is liable to get rejected if the revised Appeal is not filed within a period of 15 days or filled without rectifying the above defects.

Place:

Date:

()

Registrar

Appellate Tribunal for Energy Conservation

APPENDIX IX
APPELLATE TRIBUNAL FOR ENERGY CONSERVATION
_____ BENCH

Appeal/Petition No. _____ of 2018

To,
The Adjudicating Officer
State Electricity Regulatory Commission
Address

.....
.....
.....

Appellants
v/s
Respondents

Subject: Submission of data/information against Appeal No. _____

Dear Sir,

This is with reference to Appeal No. _____ filed by M/s(Appellant)
against the impugned order no.....notified by you dated.....I. With
regards to the said Order, it is kindly requested to submit the following details at the earliest

1.
2.
3.
4.

It is requested to kindly produce the above documents within 15 days from the date of
issuance of
this notice.

Place:

Date:

()

Court Master

Appellate Tribunal for Energy Conservation

APPENDIX X

BEFORE THE APPELLANT TRIBUNAL FOR ENERGY CONSERVATION

To
The Registrar
Appellant Tribunal for Energy Conservation
Address

.....

.....

.....

Subject: Reply to defects identified in Appeal No..... filed on_____

Dear Sir,

With reference to the letter from the office of the Registrar dated_____ we have rectified the defects identified and the revised Appeal is being submitted for your perusal. The said Appeal is now therefore in conformity with the form and manner as described in the Energy Conservation (Procedure, Form, Fee and Record of Proceeding) Rules, 2012.

Following deficiencies and defects are now rectified and is in accordance with the provisions of Energy Conservation (Procedure, Form, Fee and Record of Proceeding) Rules, 2012.

1.
2.
3.
4.

It is therefore requested to kindly accept the revised Appeal submitted herewith.

Place:

Date:

()

Registrar

Appellate Tribunal for Energy Conservation

APPENDIX XI

To
The Authorized Representative
Appellant
Address

.....

.....

.....

Subject: Notice to appear before the Appellant Tribunal for Energy Conservation

Dear Sir,

With reference to the Appeal filed by your office dated..... and thus received by the Office of the Registrar of the Appellate Tribunal of Energy Conservation on dated....., a hearing is being held on _____(date). It is directed to kindly be present on the date of hearing by an authorized representative in defence of your case

Place:

Date:

()

Registrar

Appellate Tribunal for Energy Conservation

Appendix XII

Date

To
The Plant Head
ABC Industries
Address.

Subject: Notice to Designated Consumer to submit the information regarding the
appointed or designated Energy Manager

Dear Sir,

This is with reference to the notification by the Ministry of Power vide S.O. 318 (E) dated 2nd March, 2007 issued under the clause (I) of section 14 of the Energy Conservation Act, whereby every designated consumer is directed to designate or appoint an energy manager having the minimum qualification specified in Energy Conservation (Minimum Qualification for Energy Manager) Rules, 2006 and certified under the Bureau of Energy Efficiency (Certification Procedures for Energy Managers) Regulations, 2010.

In response to the above obligation of being Designated Consumer, the plant is requested to submit the information regarding the appointed or designated Energy Manager within three months of notification.

Thanks,

SDA Representative

(Copy to Energy Manager)

Appendix XIII

Date

To
The Plant Head
ABC Industries
Address.

Subject: Notice for not submitting the information regarding the appointed or designated
Energy Manager

Dear Sir,

This is with reference to the notice issued on 'Date' for the submission of the information regarding the appointed or designated Energy Manager within three months of notification. However, we have not yet received any information regarding the appointment or designation of the Energy Manager.

You are requested to send the response to the notice along with the copy of engagement/appointment letter of Energy Manager within 15 days from the receipt of the aforesaid notice.

In case, the Designated Consumer fails to appoint or designate the Energy Manager, then the DC shall be liable to a penalty under section 26 of the Energy Conservation Act.

Thanks,

SDA Representative

(Copy to Energy Manager)

Appendix XIV

Date

To
The Plant Head
ABC Industries
Address.

Subject: Notice for not submitting the FORM I/ Incomplete Form

Dear Sir,

This is with reference to the notification by the Ministry of Power vide S.O. 318 (E) dated 2nd March, 2007 issued under the clause (I) of section 14 of the Energy Conservation Act, whereby every designated consumer is directed to submit a report to the concerned State Designated Agency with a copy to Bureau of Energy Efficiency on the status of energy consumption at the end of each financial year within three months of the close of that financial year as prescribed in the Energy Conservation (The Form and Manner for Submission of Report on the Status of Energy Consumption by the Designated Consumers) Rules, 2007, notified vide, G.S.R. 174 (E), dated 2nd March, 2007 and published in the Gazette of India, Extraordinary, Pt. II Sec. 3(i), dated 5th March, 2007 and as amended from time to time.

This is to inform that being Designated Consumer, you have to comply with the above direction, but you have failed to submit the same within the specified timeline.

You are requested to send the response to the notice along with the copy of FORM I / revised FORM I within 15 days from the receipt of the aforesaid notice.

In case, the Designated Consumer fails to submit the FORM I/ revised FORM I, then the DC shall be liable to a penalty under section 26 of the Energy Conservation Act.

Thanks,

SDA Representative

(Copy to Energy Manager)

Appendix XV

Date

To
The Plant Head
ABC Industries
Address.

Subject: Notice for submitting the information regarding the Mandatory Energy Audit (MEA) Completion

Dear Sir,

This is with reference to the notification by the Ministry of Power vide S.O. 1378 (E) dated 27th May, 2014 issued under the clause (i) of section 14 of the Act, directs under clause (a) of the said notification that every designated consumer shall get energy audit conducted by an accredited energy auditor, in accordance with the Bureau of Energy Efficiency (Manner and Intervals of Time for Conduct of Energy Audit) Regulations, 2010, notified vide, 02/11(6) /05-BEE, dated 28th April, 2010, published in the Gazette of India, Pt. III, Sec. 4, dated 28th April, 2010.

Being a Designated Consumer, the plant have to conduct mandatory energy audit within 18 months from the notification as per the requirement of the above direction.

In response to the above obligation, the plant is requested to submit the information regarding the status of Mandatory Energy Audit (MEA), whether MEA is completed or not (along with copy of Work Order) within fifteen days of receipt of letter.

Thanks,

SDA Representative

(Copy to Energy Manager)

Appendix XVI

Date

To
The Plant Head
ABC Industries
Address.

Subject: Notice to complete Mandatory Energy Audit (MEA)

Dear Sir,

This is with reference to the response received against the notice issued on 'Date' regarding the status of Mandatory Energy Audit (MEA).

This is to inform that being Designated Consumer, you have not yet completed the MEA. You are requested to complete MEA before the last date of submission of Form I, 2 and 3.

In case, the Designated Consumer fails to complete the MEA, then the DC shall be liable to a penalty under section 26 of the Energy Conservation Act.

Thanks,

SDA Representative

(Copy to Energy Manager)

Appendix XVII

Date

To
The Plant Head
ABC Industries
Address.

Subject: Notice to complete Mandatory Energy Audit (MEA)

Dear Sir,

This is with reference to the response received against the notice issued on 'Date' regarding the status of Mandatory Energy Audit (MEA).

This is to inform that being Designated Consumer, you have not yet conducted the MEA. You are requested to complete MEA before the last date of submission of Form I, 2 and 3.

In case, the Designated Consumer fails to complete the MEA, then the DC shall be liable to a penalty under section 26 of the Energy Conservation Act.

Thanks,

SDA Representative

(Copy to Energy Manager)

Appendix XVIII

Date

To
The Plant Head
ABC Industries
Address.

Subject: Notice for not submitting the FORM I and 2/ Incomplete Form

Dear Sir,

This is with reference to the notification by the Ministry of Power vide S.O. 1378 (E) dated 27th May, 2014 issued under clause (k) of section 14 of the Act, directs under clause (b) of the said notification that every designated consumer shall furnish details of information on energy consumed and details of the action taken on the recommendations of accredited energy auditor to the concerned designated agency, in accordance with the Energy Conservation (Form and Manner and Time for Furnishing Information with Regard to Energy Consumed and Action Taken on Recommendation of Accredited Energy Auditor) Rules, 2008, notified vide G.S.R. 486(E), dated 26th June, 2008, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 30th June, 2008.

This is to inform that being Designated Consumer, you have to comply with the above direction, but you have failed to submit the same within the specified timeline.

You are requested to send the response to the notice along with the copy of FORM I and Form 2/ revised FORM I and FORM 2 within 15 days from the receipt of the aforesaid notice.

In case, the Designated Consumer fails to submit the FORM I and FORM 2/ revised FORM I and FORM 2, then the DC shall be liable to a penalty under section 26 of the Energy Conservation Act.

Thanks,

SDA Representative
(Copy to Energy Manager)

Appendix XIX

Date

To
The Plant Head
ABC Industries
Address.

Subject: Notice for not submitting the FORM 3/ Incomplete Form

Dear Sir,

This is with reference to the notification by the Ministry of Power vide S.O. 1378 (E) dated 27th May, 2014 issued under clause (k) of section 14 of the Act, directs under clause (b) of the said notification that every designated consumer shall furnish details of information on energy consumed and details of the action taken on the recommendations of accredited energy auditor to the concerned designated agency, in accordance with the Energy Conservation (Form and Manner and Time for Furnishing Information with Regard to Energy Consumed and Action Taken on Recommendation of Accredited Energy Auditor) Rules, 2008, notified vide G.S.R. 486(E), dated 26th June, 2008, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 30th June, 2008.

This is to inform that being Designated Consumer, you have to comply with the above direction, but you have failed to submit the same within the specified timeline.

You are requested to send the response to the notice along with the copy of FORM 3/ revised FORM 3 within 15 days from the receipt of the aforesaid notice.

In case, the Designated Consumer fails to submit the FORM 3/ revised FORM 3, then the DC shall be liable to a penalty under section 26 of the Energy Conservation Act.

Thanks,

SDA Representative

(Copy to Energy Manager)

Appendix XX

Date

To
The Plant Head
ABC Industries
Address.

Subject: Notice for not submitting the Performance Assessment Document (PAD) in Form 'A' and Certificate of Verification in 'FORM B' along with verification report

Dear Sir,

This is with reference to the notification by the Ministry of Power vide S.O. 687 (E) dated 30th March, 2012 issued under clause (g) to prescribe energy consumption norms and standards and has directed the designated consumers under clause (n) of section 14 of the Act to achieve the target Specific Energy Consumption for Designated Consumers under Energy Conservation (Energy Consumption Norms and Standards for Designated Consumers, Form, Time within which, and Manner of Preparation and Implementation of Scheme, Procedure for Issue of Energy Savings Certificates and Value of per Metric Tonne of Oil Equivalent of Energy Consumed) Rules, 2012,

Whereby, under Rule 6 – Assessment of Performance (sub-Rule 1): Every Designated Consumer, within three months of the conclusion of the target year from the baseline year have to submit the performance assessment document in Form 'A' covering the performance for the relevant cycle specifying the compliance with energy consumption norms and standards, duly verified together with certificate in Form 'B' along with verification report given by the Accredited Energy Auditor to the State Designated Agency, with a copy to the Bureau.

This is to inform that being Designated Consumer, you have to comply with the above rules, but you have failed to submit the same within the specified timeline.

You are requested to send the response to the notice along with the copy of FORM A and FORM B within 15 days from the receipt of the aforesaid notice.

In case, the Designated Consumer fails to submit the FORM A and FORM B, then the DC shall be liable to purchase the number of ESCerts equivalent to the (Target SEC – Baseline SEC)
* Baseline Production.

Thanks,

SDA Representative

(Copy to Energy Manager)

Appendix XXII

Date

To
The Plant Head
ABC Industries
Address.

Subject: Notice for not submitting the Compliance Assessment Document (CAD) in Form 'D'

Dear Sir,

This is with reference to the notification by the Ministry of Power vide S.O. 687 (E) dated 30th March, 2012 issued under clause (g) to prescribe energy consumption norms and standards and has directed the designated consumers under clause (n) of section 14 of the Act to achieve the target Specific Energy Consumption for Designated Consumers under Energy Conservation (Energy Consumption Norms and Standards for Designated Consumers, Form, Time within which, and Manner of Preparation and Implementation of Scheme, Procedure for Issue of Energy Savings Certificates and Value of per Metric Tonne of Oil Equivalent of Energy Consumed) Rules, 2012,

Whereby, under Rule 13 –Compliance of energy consumption norms and standards (sub-Rule 1): The designated consumer for the purpose of achieving the compliance with the energy consumption norms and standards during the target year, in the relevant cycle shall take the following action and after completing the said action, furnish the status of compliance to the concerned state designated agency with a copy to the Bureau in Form 'D' by the end of eight months from the last date of submission of Form 'A'.

This is to inform that being Designated Consumer, you have to comply with the above rules, but you have failed to submit the same within the specified timeline.

You are requested to send the response to the notice along with the copy of FORM D within 15 days from the receipt of the aforesaid notice.

In case, the Designated Consumer fails to submit the FORM D, then the DC shall be liable to a penalty under section 26 of the Energy Conservation Act.

Thanks,

SDA Representative

(Copy to Energy Manager)

Date

To
The Plant Head
ABC Industries
Address.

Subject: Notice for not achieving the compliance with the energy consumption norms and standards during the target year, in the relevant cycle under Rule 13 of PAT Scheme.

Dear Sir,

This is with reference to the notification by the Ministry of Power vide S.O. 687 (E) dated 30th March, 2012 issued under clause (g) to prescribe energy consumption norms and standards and has directed the designated consumers under clause (n) of section 14 of the Act to achieve the target Specific Energy Consumption for Designated Consumers under Energy Conservation (Energy Consumption Norms and Standards for Designated Consumers, Form, Time within which, and Manner of Preparation and Implementation of Scheme, Procedure for Issue of Energy Savings Certificates and Value of per Metric Tonne of Oil Equivalent of Energy Consumed) Rules, 2012,

Being the Designated Consumer (DC) under the Perform, Achieve and Trade (PAT) Scheme, DC is liable to comply with the Rule 13 - Compliance of energy consumption norms and standards.-

(1) The designated consumer for the purpose of achieving the compliance with the energy consumption norms and standards during the target year, in the relevant cycle shall take the following action and after completing the said action, furnish the status of compliance to the concerned state designated agency with a copy to the Bureau in Form 'D' by the end of five months from the last date of submission of Form 'A' -

(a) by implementation of energy conservation and energy efficiency improvement measures or;

(b) where the measures implemented in terms of clause (a) are found inadequate for achieving compliance with the energy consumption norms and standards, the designated consumer shall purchase the energy savings certificates equivalent in full satisfaction of the shortfall in the energy consumption norms and standards worked out in terms of metric ton of oil equivalent.

This notice is issued to inform that DC has failed to comply with energy consumption norms and standards in the PAT cycle (20__ - 20__) and DC shall be liable to a penalty under section 26 of the Energy Conservation Act.

You are requested to send the response to the notice within 15 days from the receipt of the aforesaid notice.

Thereafter, SDA will initiate the Adjudication Process within two months after recording the response.

Thanks,

SDA Representative

(Copy to Energy Manager)

APPENDIX XXIV

Relevant Regulations	Air Conditioner	Color Television	Direct Cool Refrigerators	Distribution Transformer	Tubular Florescent Lamps	Electric Water Heater	Self- ballasted LED
Particulars to be Displayed on Label	Regulation 3	Regulation 3	Regulation 3	Regulation 3	Regulation 3	Regulation 3	Regulation 3
Time Limit for Display of Labels	Regulation 4	Regulation 4	Regulation 4	Regulation 4	Regulation 4	Regulation 4	Regulation 4
Manner of Display of Label	Regulation 5	Regulation 5	Regulation 5	Regulation 5	Regulation 5	Regulation 5	Regulation 5
Permission for Display of Label	Regulation 6	Regulation 6	Regulation 6	Regulation 6	Regulation 6	Regulation 6	Regulation 6
Grant of Permission	Regulation 7	Regulation 7	Regulation 7	Regulation 7	Regulation 7	Regulation 7	Regulation 7
Terms and Conditions for Display of Particulars on Label	Regulation 8	Regulation 8	Regulation 8	Regulation 8	Regulation 8	Regulation 8	Regulation 8
Label Fees	Regulation 9	Regulation 9	Regulation 9	Regulation 9	Regulation 9	Regulation 9	Regulation 9
Refund of Label Security Fee	Regulation 10	Regulation 10	Regulation 10	Regulation 10	Regulation 10	Regulation 10	Regulation 10
Verification by the Bureau	Regulation 11	Regulation 11	Regulation 11	Regulation 11	Regulation 11	Regulation 11	Regulation 11
Cancellation of Permission	Regulation 12	Regulation 12	Regulation 12	Regulation 12	Regulation 12	Regulation 12	Regulation 12

APPENDIX XXV

SAMPLING PLAN

The detailed guidelines for selection of samples for check testing are following:

- i. Cover a selection of models from each category of appliances and equipment under the BEE S&L program

To meet the overall quality assurance aims of the testing program it is important that samples from all regulated product categories are tested. In order to ensure a more even spread of product testing and taking account of financial and resource constraints, the program will focus testing on particular product types in each financial year in a cyclic approach, ensuring all products are identified as a priority item at times when they may represent a greater risk.

- ii. Models that have the greatest potential impact on the energy and greenhouse savings of the labelling program

a. Models with a high market share

In many product categories, there are a relatively small number of products that command a large proportion of the annual sales, and are therefore responsible for a high level of energy consumption. As a result, ensuring that the best selling models within a product category meet performance requirements is important in order to safeguard the overall energy and greenhouse emission savings of the Program.

Where it is not possible to determine the market share of newer product models, for example, where sales data is not yet available for that particular model, the use of past sales data for similar models or other independent market data should be used to inform the weighting of this criterion

b. Models with high efficiency claims

Models with the high claims for energy efficiency may be given preference when considering models for check testing to ensure that consumers expectation of higher performance are met, and to protect the integrity of the energy rating program.

c. Product categories with the highest greenhouse gas emissions

There is considerable variation in the expected energy savings from different product categories. As a result, the impact of non-compliant models that represent a high market share in those product categories responsible for a large proportion of savings will be greater than for equivalent models in categories with lower greenhouse savings estimates.

This suggests that greater emphasis should be placed on product categories with the highest savings estimates, particularly where these categories haven't been covered in testing recently, with a focus on products with the largest market share.

iii. Models with a higher than average risk of failure to meet energy performance claims

a. Feedback from competitors

Competitors are well placed to identify non-compliant products and have a public interest in bringing this to the attention of the Bureau. The Bureau, however, must critically assess these feedbacks to avoid accepting claims with malicious intent or made with little or no substantiation. The Bureau shall strike a reasonable balance between encouraging competitor feedback and requiring some independent substantiation of those feedbacks.

b. Intelligence from consumer groups and individuals

Individual consumers may be less likely to be in a position to provide evidence of a breach, although they may be able to provide some information on non- performance and anomalies. However, consumer and advocacy groups are better placed to provide such information. Where there are a reasonable number of these types of complaints about a supplier or a particular model, these should be taken into account for future investigation.

c. Intelligence from overseas testing programs

Many of the product categories regulated under the S&L Program of the Bureau are also subjected to check testing by energy efficiency regulators and program managers overseas. It is reasonable to assume that products which have failed to meet the performance criteria in an overseas market may also fail to meet Indian requirements and therefore should be targeted for testing.

d. Past History Criteria

The Bureau shall identify products sold by companies deemed to have a higher probability of failure, based on previous experience. These criteria will use a simple system prioritising:

i) Poor past history (brand, test laboratory, or entire product category).

ii) No past history to establish compliance (newsupplier, newtest laboratory or just new model).

iii) Compliant past history (brand, test house and/or product category) from past testing.

e. Brands with a history of non-compliance

Some brands do not have an above average level of non-compliance, sometimes in particular product categories and sometimes across several. Models registered by brands for which there is no history within the Program also represent a slightly greater risk of non-compliance since the absence of established compliance gives rise to a presumption that the brand may not have a full understanding of the Program requirements.

f. Product categories with comparatively higher levels of non-compliance

Targeting the product categories with a record of non-compliance should be one of the selection criteria. This would not negate the need to test models from all product categories but would focus testing toward product categories with a more significant failure rate than other categories.

g. New product categories

As noted above, recently regulated product categories do not appear to show higher than average rates of non-compliance, however this cannot be guaranteed in the future. Testing products in newly added product categories serves the highly beneficial function of demonstrating to new industries that the Bureau takes compliance seriously. It also demonstrates to long regulated product areas that compliance responsibilities apply to everyone.

h. Model with borderline energy efficiency performance claims

Models of the registered product having borderline energy efficiency performance claims falling within the same star rating shall be considered for check testing.

i. Models supported by test laboratories with a past history of failing check tests or without a past history

In a similar fashion to brand risk analysis, test laboratory with a past history or limited history can be a risk factor to the Program. The maintenance of high standards by test laboratories underpins the integrity of the S&L Program. Where check testing results indicate a high proportion of failures of models supported by reports from particular test facilities, there is justification to consider that future tests conducted by these laboratories represent an above average risk of failure, especially if they are not in a position to demonstrate remedial action.

APPENDIX XXVI

TEST REPORT FORMAT

[Cover page to be printed on testing laboratory's company letterhead]

[Manufacturers name]
 [Product Name]
 [Model Number]
 [Test report reference number]
 [Test Specifications]
 [No. of Samples Received]

(A) Detailed test report

1. Testing Laboratory

Date of receipt of sample	
Condition of the sample	
Date of testing (from..... to.....)	
Name of testing laboratory	
Address of the laboratory	
Telephone number, email, fax, etc.	
Location of testing laboratory	
Name and designation of testing personal	
Name and designation of approving officer of IAME/BEE	

2. Testing Laboratory

Name of the manufacturer	
Brand Name	
Type/size/capacity/rating	
Rated voltage or voltage range (V)	
Number of phases	
Rated frequency (Hz)	
Rated full load current (A)	
Energy efficiency (losses/power	

Consumption /energy consumption/efficiency etc.)	
Date and year of manufacturing	
S. No. of the product/sample	
Country of manufacturing	

3. Energy consumption test

Test standard	
Date of Commencement of Test	
Date of Completion of Test	

Nature of Test	Rated Value	Observed Value

4. Signatures

- Name and signature of testing personnel
- Name, signature and seal/stamp of approving officer
- Date and place

5. Photos

- Colored photos showing the exterior and interior of the registered model in the available finishing and colors
- Colored photo of the nameplate
- Any other photographs necessary to authenticate the test report namely test set up, equipment used etc.

6. Schematic Drawing

- Schematic drawing clearly indicating the model's key internal components

7. Component List

- Technical specification and description of the model's key internal components

8. Any other Information

B) Summary of Test Results

TESTING DETAILS

S No.	Parameter	Star Label	Specification % Value	Actual Test % Value

Remarks:

Prepared By:

Signed By:

APPENDIX XXVII

Date

To
The Permittee
ABC Industries
Address.

Subject: Notification of failing of first test

Dear Sir,

Pursuant to the provisions of regulation 7 of the Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of) Regulations, 20..... you were permitted to affix label on the appliance vide Bureau of Energy Efficiency letter No.dated..... subject to the compliance of the terms and conditions specified therein.

The Bureau, under Regulation 11 of these regulations, had purchased a Bureau star labelled (appliance) from your authorised distributor/dealer/retailer vide Invoice numberdated for a price of Rs..... and lifted as a sample datedby M/s....., an agency appointed by the Bureau for verification of the particulars displayed on the label under regulation 3, affixed by you on the aforesaid purchased.....(appliance).

The Bureau through its aforesaid verification agency/IAME had transported the sample referred to in para 2 to M/s., a National Accreditation Board for Testing and Calibration Laboratories accredited laboratory for conducting tests in accordance with the test procedure indicated in paragraphs 4 and 5 of. S.O. numberdatedfor giving Test Report in accordance with the formgiven in Annexure to S.O. numberdated the

The results of the test report on the sample bearing unique identification serial number is enclosed. The results of the test report indicated that the sampled failed to meet the energy consumption standard, lumens, etc. and did not conform to the test details furnished by you in Form I annexed to the application submitted by you for seeking permission to affix label on manufactured/imported by you.

It is requested to kindly deposit amount of Rs..... within 15 days of receipt of notice, against the samples procured for conducting second test and other expenses of the test. You are also required to attend and witness the Second Check Verification Test of the samples at the National Accreditation Board for Testing and Calibration Laboratories Accredited Laboratory M/s.....on date

Secretary,

Bureau of Energy Efficiency

Enclosures:

1. Test reports of the failed model

APPENDIX XXVIII

Date

To
The Permittee
ABC Industries
Address.

Subject: Notice for cancellation of permission

Dear Sir,

Pursuant to the provisions of regulation 7 of the Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of Appliance) Regulations, 2017 you were permitted to affix label on the appliance vide Bureau of Energy Efficiency letter No.dated..... subject to the compliance of the terms and conditions specified therein.

The Bureau had issued directions to correct the star level displayed on the label of the appliance and remove the defects and deficiencies found during testing; withdraw all the stocks from the market to comply with the directions of the Bureau; and change the particulars displayed on advertising material vide Form VII of the Regulations dated

You were also directed to complete the aforesaid corrective action within two months from the date of issue of Form VII and send the compliance report in Form VIII within ten days after the expiry of two months, i.e., by.....

The Bureau has not received any compliance report in Form VIII till date. Therefore in accordance with Regulation 12 (d) of the Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of Appliance) Regulations, 2017, The Bureau notifies that the permission granted to you vide letter No.dated..... has been cancelled.

The Bureau hereby directs not to affix any labels on the model of the equipment/appliance manufactured/traded by you. The Bureau shall also publish the default with the name of model in daily newspapers for public circulation.

Secretary,
Bureau of Energy Efficiency

APPENDIX XXIX

Date

To
The Nodal Officer
State Designated Agency
Address.

Subject: Notice for appointment of Inspecting Officer by SDA

Dear Sir,

Pursuant to the provisions of regulation 7 of the Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of Appliance) Regulations, 2017, M/s.....(permittee) was permitted to affix label on the appliance vide Bureau of Energy Efficiency letter No.dated..... subject to the compliance of the terms and conditions specified therein.

The Bureau had issued directions to M/s.....(permittee) to correct the star level displayed on the label of the appliance and remove the defects and deficiencies found during testing; withdraw all the stocks from the market to comply with the directions of the Bureau; and change the particulars displayed on advertising material vide letter no..... dated

M/s.....was directed to complete the aforesaid corrective action within two months from the date of issue of Form VII and send the compliance report in Form VIII within ten days after the expiry of two months, i.e., by.....

The Bureau did not receive any compliance report in Form VIII of the Regulations by..... (date). In exercise of the powers of Bureau conferred under sub-regulation 10 of Regulation 11 of the Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of) Regulations, 20..., The Bureau directs to appoint an Inspecting Officer by the SDA for purpose of taking action under Section 17 and enforcement of order passed under sub-regulation (9) of Regulation 11.

The SDA is directed to appoint an inspecting officer and conduct an inspection of the premises of Permittee and submit an Inspection report in accordance with the Energy Conservation (Inspection) Rules, 2010 amended from time to time.

Secretary,
Bureau of Energy Efficiency

Enclosures:

1. Test reports of the first test model
2. Test report of the second test model
3. Letter for issuance of directives by the Bureau
4. Compliance report if received (with non-compliance)
5. Other correspondence with the permittee

APPENDIX XXX

Date

To
The Nodal Officer
State Designated Agency
Address.

Subject: Notice for initiation of adjudication against Permittee

Dear Sir,

Pursuant to the provisions of regulation 7 of the Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of Appliance) Regulations, 2017, M/s.....(permittee) was permitted to affix label on the appliance vide Bureau of Energy Efficiency letter No.dated..... subject to the compliance of the terms and conditions specified therein.

The Bureau had issued directions to M/s.....(permittee) to correct the star level displayed on the label of the appliance and remove the defects and deficiencies found during testing; withdraw all the stocks from the market to comply with the directions of the Bureau; and change the particulars displayed on advertising material vide letter no..... dated

M/s.....was directed to complete the aforesaid corrective action within two months from the date of issue of Form VII and send the compliance report in Form VIII within ten days after the expiry of two months, i.e., by.....

The Bureau did not receive any compliance report in Form VIII by..... In exercise of the powers of Bureau conferred under Regulation 12 (d) of the Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of Appliance) Regulations, 2017, The Bureau notified M/s.....vide letter no.....dated.....for cancellation of permission of label for model no.....

The Bureau hereby notifies you to kindly initiate adjudication against M/s..... under Section 27 of the EC Act for non-compliance. You are therefore requested to file a petition with all the requisite details to the corresponding State Electricity Regulatory Commission (SERC) within 2 months of issuance of this letter.

Secretary,

Bureau of Energy Efficiency

Enclosures:

6. Test reports of the first test model
7. Test report of the second test model
8. Letter for issuance of directives by the Bureau
9. Compliance report if received (with non-compliance)
10. Other correspondence with the permittee

APPENDIX XXXI

Date

To
The Nodal Officer
State Designated Agency
Address.

Subject: Notice for appointment of Inspecting Officer by SDA

Dear Sir,

Pursuant to the provisions of regulation 7 of the Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of) Regulations, 20....., M/s.....(permittee) was permitted to affix label on the appliance vide Bureau of Energy Efficiency letter No.dated..... subject to the compliance of the terms and conditions specified therein.

The Bureau has received a complaint against M/s..... that the star label displayed on one of its appliance does not confirm with the label approved by BEE vide latter dated

The SDA is directed to appoint an inspecting officer and conduct an inspection of the said.....(appliance) at various authorized distributors/traders/retailers by verifying the star label displayed on the(appliance) and also confirm if the display of labels are in line with the Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of) Regulations, 20.....

Secretary,
Bureau of Energy Efficiency

APPENDIX XXXII

Date

To
The Inspecting Officer
Address.

Subject: Notice for appointment of Inspecting Officer

Dear Sir,

Pursuant to the provisions of regulation 7 of the Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of) Regulations, 20....., M/s.....(permittee) was permitted to affix label on the appliance vide Bureau of Energy Efficiency letter No.dated..... subject to the compliance of the terms and conditions specified therein.

The Bureau has received a complaint against M/s..... that the star label displayed on one of its appliance does not confirm with the label approved by BEE vide latter dated

It is therefore directed to kindly conduct an inspection of the said.....(appliance) at various authorized distributors/traders/retailers by verifying the star label displayed on the(appliance) and also confirm if the display of labels are in line with the Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of) Regulations, 20..... .

Request you to kindly submit the Inspection report as per time lines and formats specified in Energy Efficiency (Inspection Rules), 2010 amended from time to time.

Representative,
State Designated Agency

APPENDIX XXXIII

Date

To
Permittee
ABC Industries
Address.

Subject: Notice for non-compliance to the terms of conditions of Regulations

Dear Sir,

Pursuant to the provisions of regulation 7 of the Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of) Regulations, 20..... you were permitted to affix label on the appliance vide Bureau of Energy Efficiency letter No.dated..... subject to the compliance of the terms and conditions specified therein.

In accordance with the Regulation 8 of Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of) Regulations, 20....., you are required to comply with the following directions

1. Provide correct production data/details of each of the model/ products manufactured by the manufacturer
2. Provide list of authorized dealers/retailers/trader/distributors who are authorized to sell the models/equipment/ appliances of the manufacturer
3. Adhere to the terms and conditions provided in the Guidelines to Permittee issued by BEE
4. Pay correct label fees in accordance to the production data/details and in line with Regulation 9 of the Regulations

It is observed that you have not adhered to the following conditions of the Regulations

1.....

2.....

It is requested to kindly rectify the defects identify as above and send a compliance report with the steps taken to correct the defects within 15 days from the issuance of this letter.

Secretary,
Bureau of Energy Efficiency

APPENDIX XXXIV

Date

To
The Nodal Officer
State Designated Agency
Address.

Subject: Notice for appointment of Inspecting Officer by SDA

Dear Sir,

Pursuant to the provisions of regulation 7 of the Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of) Regulations, 20....., M/s.....(permittee) was permitted to affix label on the appliance vide Bureau of Energy Efficiency letter No.dated..... subject to the compliance of the terms and conditions specified therein.

The Bureau had sent a letter to M/s.....(permittee) vide letter no.....dated..... for rectification of defects identified which are not in line with the various clauses of Regulation 8 of Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of) Regulations, 20....., M/s..... was asked to send a compliance report within 15 days from the date of receipt of such letter.

Till date, the Bureau has not received any letter from M/s..... on the said compliance report. In accordance with the powers conferred under Regulation 12 (a) of Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of) Regulations, 20....., the Bureau has cancelled the permission granted under Regulation 7 and has intimated the same to the Permittee vide letter dated.....

In view of the same the SDA is directed to appoint an inspecting officer and conduct an inspection of the said premises of the Permittee and prepare an inspection report as per the forms and timelines specified in the Energy Conservation (Inspection Rules), 2010.

The SDA is also directed to submit its comment along with the inspection report to the Bureau as per requisite timelines.

Secretary,
Bureau of Energy Efficiency

APPENDIX XXXV

Date

To
Permittee
ABC Industries
Address.

Subject: Notice for cancellation of permission to affix labels

Pursuant to the provisions of regulation 7 of the Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of Appliance) Regulations, 2017 you were permitted to affix label on the appliance vide Bureau of Energy Efficiency letter No.dated..... subject to the compliance of the terms and conditions specified therein.

The Bureau had sent a letter to M/s.....(permittee) vide letter no.....dated..... for rectification of defects identified which are not in line with the various clauses of Regulation 8 of Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of) Regulations, 20....., M/s..... was asked to send a compliance report within 15 days from the date of receipt of such letter.

Till date, the Bureau has not received any letter from M/s..... on the said compliance report. Therefore in accordance with the powers conferred under Regulation 12 (a) of Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of) Regulations, 20....., the Bureau shall cancel the permission granted to you under Regulation 7 of Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of) Regulations, 20.....,

The Bureau hereby directs not to affix any labels on the model of the equipment/appliance manufactured/traded by you. The Bureau shall also publish the default with the name of model in daily newspapers for public circulation.

Secretary,
Bureau of Energy Efficiency

Appendix XXXVI

Date

To
Energy Auditor
Empanelled Energy Auditor (Building)
Address.

Subject: Notice for not submitting the certificate in Form II or Form IV along with the application for issue of permit for construction of proposed building.

Dear Sir,

This is with reference to the notification by the Ministry of Power in G.S.R.168 (E), whereby in exercise of the powers conferred by clause (l) of sub-section (2) of section 56 read with clause (d) of sub-section (2) of section 13 and clause (p) of section 14 of the Energy Conservation Act, 2001 (52 of 2001), the Central Government in consultation with the Bureau, made the rules called the Energy Conservation Building Code Rules, 2018.

In accordance with above rules, every owner who intends to erect or re-erect a building or make alterations or additions in any building shall submit the concerned authority having jurisdiction, an application in Form I accompanied by:

- (a) construction documents duly signed by the owner together with an undertaking in Form II;
- (b) compliance documents covering the construction of components and systems of the Code, duly certified by Empanelled Energy Auditors.

This is to inform that the application made by the owner, who has engaged you as an Empanelled Energy Auditor, has applied the application for issue of permit for construction of proposed building. The application is not yet processed because of the non-submission of certificate in Form III or Form V from the Empanelled Energy Auditors (Building). The authority having jurisdiction, approves the design and sanction building plan only after it has received a certificate in Form III or Form V.

Therefore, it is requested to submit the same within 15 days from the receipt of the aforesaid notice.

In case of failure of submission, the application shall be not be approved and considered cancelled.

Thanks,

Concerned Authority

(Copy to the Owner)

Appendix XXXVII

Date

To
Energy Auditor
Empanelled Energy Auditor (Building)
Address.

Subject: Disapproval of the design and sanction building plan

Dear Sir,

This is with reference to the noticed issued on 'Date' regarding the non-submission of certificate in Form III or Form V from the Empanelled Energy Auditors (Building).

This is to inform that the Empanelled Energy Auditors (Building) has failed to submit the certificate in Form III or Form V within the given timeline.

Therefore, the authority having jurisdiction disapproves the design and sanction building plan, resulting in disapproval of the application made for issue of permit for construction of proposed building.

Thanks,

Concerned Authority
(Copy to the Owner)

Appendix XXXVIII

Date

To
Owner
Address.

Subject: Request the Owner to meet the findings and fulfil the shortcomings at design stage.

Dear Sir,

This is with reference to the notification by the Ministry of Power in G.S.R.168 (E), whereby in exercise of the powers conferred by clause (l) of sub-section (2) of section 56 read with clause (d) of sub-section (2) of section 13 and clause (p) of section 14 of the Energy Conservation Act, 2001 (52 of 2001), the Central Government in consultation with the Bureau, made the rules called the Energy Conservation Building Code Rules, 2018.

In accordance with above rules, every owner who intends to erect or re-erect a building or make alterations or additions in any building shall submit the concerned authority having jurisdiction, an application in Form I accompanied by:

- (a) construction documents duly signed by the owner together with an undertaking in Form II;
- (b) compliance documents covering the construction of components and systems of the Code, duly certified by Empanelled Energy Auditors.

For submitting the compliance document, the Empanelled Energy Auditors (Building), at the design stage, has conducted the procedure of inspection. Thereafter, a correction list was issued to the owner and specified time was given to implement the findings.

This is to inform that we, the Empanelled Energy Auditors (Building) are not satisfied with communication received from you regarding the fulfillment of shortcomings.

Therefore, we request you to kindly meet the findings and fulfill the shortcomings and submit the documents in support of fulfilling the shortcomings within 15 days from the receipt of this letter.

In case of failure of submission, the non-compliance with Code and ECBC Rule shall be reported to the concerned authority having jurisdiction and State Designated Agency.

Thanks,

Empanelled Energy Auditor (Building)

Appendix XXXIX

Date

To
Concerned Authority
Address.

Subject: Non-compliance with Code and ECBC rules at the design Stage by “Owner Details”

Dear Sir,

This is with reference to the notification by the Ministry of Power in G.S.R.168 (E), whereby in exercise of the powers conferred by clause (l) of sub-section (2) of section 56 read with clause (d) of sub-section (2) of section 13 and clause (p) of section 14 of the Energy Conservation Act, 2001 (52 of 2001), the Central Government in consultation with the Bureau, made the rules called the Energy Conservation Building Code Rules, 2018.

In accordance with above rules, every owner who intends to erect or re-erect a building or make alterations or additions in any building shall submit the concerned authority having jurisdiction, an application in Form I accompanied by:

- (a) construction documents duly signed by the owner together with an undertaking in Form II;
- (b) compliance documents covering the construction of components and systems of the Code, duly certified by Empanelled Energy Auditors.

For submitting the compliance document, the Empaneled Energy Auditors (Building), at the design stage, has conducted the procedure of inspection. Thereafter, a correction list was issued to the owner and specified time was given to implement the findings.

But the owner failed to implement the findings in the specified time. The owner was also given a grace period of 15 days over and above the specified timeline.

Therefore, we hereby record our disapproval and confirm the non-compliance with Code and ECBC Rule by the Owner at the design stage.

The detailed report on the disapproval is enclosed for your kind reference and perusal.

Thanks,

Empanelled Energy Auditor (Building)

(Copy to Owner and State Designated Agency)

Appendix XL

Date

To
Owner
Address.

Subject: Request the Owner to meet the findings and fulfil the shortcomings at construction stage.

Dear Sir,

This is with reference to the notification by the Ministry of Power in G.S.R.168 (E), whereby in exercise of the powers conferred by clause (l) of sub-section (2) of section 56 read with clause (d) of sub-section (2) of section 13 and clause (p) of section 14 of the Energy Conservation Act, 2001 (52 of 2001), the Central Government in consultation with the Bureau, made the rules called the Energy Conservation Building Code Rules, 2018.

In accordance with above rules, the Empanelled Energy Auditors (Building), at construction stage, had reviewed and verified the specifications of the parameters specified in the design stage in sub-rule (3) of the rules.

It was found that the proposed design of building didn't meet the construction requirements in compliance to the Code, ECBC rules and sanctioned plan. Thereafter, the shortcomings and findings identified during the verification, were communicated to the owner and specified time was given to implement the findings.

This is to inform that we, the Empaneled Energy Auditors (Building) are not satisfied with communication received from you regarding the fulfillment of shortcomings.

Therefore, we request you to kindly meet the findings and fulfill the shortcomings and submit the documents in support of fulfilling the shortcomings within 15 days from the receipt of this letter.

In case of failure of submission, the same shall be reported to the authority having jurisdiction, to ensure that all further construction is stayed until correction has been effectuated and a certificate of compliance has been issued by Empanelled Energy Auditors (Building).

Thanks,

Empanelled Energy Auditor (Building)

Appendix XLI

Date

To
Concerned Authority
Address.

Subject: Non-compliance with Code and ECBC rules at the Construction Stage by “Owner Details”

Dear Sir,

This is with reference to the notification by the Ministry of Power in G.S.R.168 (E), whereby in exercise of the powers conferred by clause (l) of sub-section (2) of section 56 read with clause (d) of sub-section (2) of section 13 and clause (p) of section 14 of the Energy Conservation Act, 2001 (52 of 2001), the Central Government in consultation with the Bureau, made the rules called the Energy Conservation Building Code Rules, 2018.

In accordance with above rules, the Empanelled Energy Auditors (Building), at construction stage, had reviewed and verified the specifications of the parameters specified in the design stage in sub-rule (3) of the rules.

It was found that the proposed design of building didn't meet the construction requirements in compliance to the Code, ECBC rules and sanctioned plan. Thereafter, the shortcomings and findings identified during the verification, were communicated to the owner and specified time was given to implement the findings.

But the owner failed to implement the findings in the specified time. The owner was also given a grace period of 15 days over and above the specified timeline.

Therefore, we hereby report the non-compliance with Code and ECBC Rule by the Owner at the construction stage so that the authority having jurisdiction can ensure that all further construction is stayed until correction has been effectuated and a certificate of compliance has been issued by Empanelled Energy Auditors (Building).

The detailed report on the disapproval is enclosed for your kind reference and perusal.

Thanks,

Empanelled Energy Auditor (Building)

Appendix XLII

Date

To
Energy Auditor/ Energy Manager
Address.

Subject: Notice to 'Energy Auditor/ Energy Manager Id' to give response against the
'received complaint'

Dear Sir,

This is with reference to the notification by the Ministry of Power, whereby in exercise of the powers conferred by clause (b) and clause (h) of sub-section (2) of section 58 of the Energy Conservation Act, the Bureau of Energy Efficiency with the approval of the Central Government, made the regulations called the Bureau of Energy Efficiency (Certification Procedures for Energy Auditors and Energy Managers) Regulations, 2010 to define the procedures for certification of Energy Auditors and Energy Managers.

Being certified as Energy Auditor/ Energy Manager under the above regulations, the Certified Energy Auditor/ Energy Manager is liable to comply with the requirements of the above regulations.

This is to inform that a complaint has been registered against the Certified Energy Auditor/Energy Manager. The detailed complaint has been annexed with this notice.

You are requested to send the response against the complaint within 15 days from the receipt of the aforesaid notice.

Thanks,

Concerned Officer (BEE)

Appendix XLIII

Date

To
Energy Auditor/ Energy Manager
Address.

Subject: Notice to 'Energy Auditor/ Energy Manager Id' to appear before the BEE -
Certification and Registration Advisory Committee (CAC).

Dear Sir,

This is with reference to the response received on the notice issued on 'date'. This is to inform that the BEE - Certification and Registration Advisory Committee (CAC) has analysed the complaint and the response made to it. The committee finds that it is required to provide an opportunity to the Energy Auditor/Energy Manager to present his case through an inquiry.

Therefore, you are requested to appear in the inquiry to present your case against the complaint on 'date' at 'time' at conference hall, BEE.

You are requested to send a confirmation for the same.

Thanks,

Concerned Officer (BEE)

Appendix XLIV

Date

To
Energy Auditor/ Energy Manager
Address.

Subject: Order of Cancellation of Certificate of Certified Energy Auditor / Energy Manager -
'Energy Auditor/ Energy Manager Id'

Dear Sir,

This is with reference to the notification by the Ministry of Power, whereby in exercise of the powers conferred by clause (b) and clause (h) of sub-section (2) of section 58 of the Energy Conservation Act, the Bureau of Energy Efficiency with the approval of the Central Government, made the regulations called the Bureau of Energy Efficiency (Certification Procedures for Energy Auditors and Energy Managers) Regulations, 2010 to define the procedures for certification of Energy Auditors and Energy Managers.

This is to inform that in the inquiry held on 'date', BEE finds the Energy Auditor/Energy Auditor at fault. Therefore, the Energy Auditor/ Energy Manager has not complied with the requirements of the above regulations.

In respect to the above non-compliance, BEE has cancelled the certification and removed the name from the Register of the Energy Auditor/ Energy Auditor on a complaint made against him for-

- (a) any commission or omission amounting to professional misconduct;
 - (b) any misrepresentation of facts, data or reports on energy consumption;
 - (c) any act amounting to fraud;
- [Whichever is applicable]

Further, Certified Energy Auditor/ Energy Manager shall not be eligible for designation or appointment as Energy Manager by the designated Manager.

Thanks,

Concerned Officer

Send the complaint closure letter to concerned EA/EM

Appendix XLV

Date

To
Energy Auditor/ Energy Manager
Address.

Subject: Compliant Closure Letter for the complaint made against the Certified Energy Auditor / Energy Manager - 'Energy Auditor/ Energy Manager Id'

Dear Sir,

This is with reference to the notification by the Ministry of Power, whereby in exercise of the powers conferred by clause (b) and clause (h) of sub-section (2) of section 58 of the Energy Conservation Act, the Bureau of Energy Efficiency with the approval of the Central Government, made the regulations called the Bureau of Energy Efficiency (Certification Procedures for Energy Auditors and Energy Managers) Regulations, 2010 to define the procedures for certification of Energy Auditors and Energy Managers.

This is to inform that in the inquiry held on 'date', BEE didn't find the Energy Auditor/Energy Manager at fault. Therefore, the complaint made against the Energy Auditor/ Energy Manager has been closed.

Further, 'Certified Energy Auditor/ Energy Manager Id' can provide his services in the capacity of Energy Auditor/Energy Manager in compliance with the requirements mentioned in the above regulation.

Thanks,

Concerned Officer

Appendix XLVI

Date

To
Energy Auditor/ Energy Manager
Address.

Subject: Notice to 'Energy Auditor/ Energy Manager Id' to attend the refresher course

Dear Sir,

This is with reference to the notification by the Ministry of Power, whereby in exercise of the powers conferred by clause (b) and clause (h) of sub-section (2) of section 58 of the Energy Conservation Act, the Bureau of Energy Efficiency with the approval of the Central Government, made the regulations called the Bureau of Energy Efficiency (Certification Procedures for Energy Auditors and Energy Managers) Regulations, 2010 to define the procedures for certification of Energy Auditors and Energy Managers.

Being certified as Energy Auditor/ Energy Manager under the above regulations, the Certified Energy Auditor/ Energy Manager is liable to comply with the requirements of the above regulations.

This is to inform that the certification of Energy Auditor/Energy Manager with identity number 'Id' was valid for a period of 5 years and has expired on 'Date'.

You are requested to attend the short-term refresher training course and submit the application in Form V as mentioned in regulation for renewal of certification within three months from the date of issue of this notice.

The course is being conducted by BEE on 'Date' at New Delhi.

Thanks,

Concerned Officer (BEE)

Appendix XLVII

Date

To
Accredited Energy Auditor
Address.

Subject: Notice to 'Accredited Energy Auditor Id' to give response against the 'received complaint'

Dear Sir,

This is with reference to the notification by the Ministry of Power, whereby in exercise of the powers conferred by clauses (n), (o) and (p) of subsection (2) of section 13, clauses (d), (e) and (f) of sub-section (2) of section 58 and section 8 of the said Act, the Bureau of Energy Efficiency with the approval of the Central Government, made the regulations called the Bureau of Energy Efficiency (Qualifications for Accredited Energy Auditors and Maintenance of their List) Regulations, 2010.

Being accredited as Accredited Energy Auditor under the above regulations, the Accredited Energy Auditor is liable to comply with the requirements of the above regulations.

This is to inform that a complaint has been registered against your certification that you have open an office without the approval of BEE. The detailed complaint has been annexed for your reference.

You are requested to send the response against the complaint within 15 days from the receipt of the aforesaid notice.

Thanks,

Concerned Officer (BEE)

Appendix XLVIII

Date

To
Accredited Energy Auditor
Address.

Subject: Notice to 'Accredited Energy Auditor Id' to appear before the BEE – Accreditation
And Advisory Committee (AAC).

Dear Sir,

This is with reference to the response received on the notice issued on 'date'. This is to inform that the BEE - Accreditation And Advisory Committee (AAC) has analyse the complaint and the response made to it. The committee finds that it is required to provide an opportunity to the Accredited Energy Auditor to present his case through an inquiry.

Therefore, you are requested to appear in the inquiry to present your case against the complaint on 'date' at 'time' at conference hall, BEE.

You are requested to send a confirmation for the same.

Thanks,

Concerned Officer (BEE)

Appendix XLIX

Date

To
Accredited Energy Auditor
Address.

Subject: Order of Cancellation of Certificate of Accreditation Energy Auditor - 'Accredited Energy Auditor Id'

Dear Sir,

This is with reference to the notification by the Ministry of Power, whereby in exercise of the powers conferred by clauses (n), (o) and (p) of subsection (2) of section 13, clauses (d), (e) and (f) of sub-section (2) of section 58 and section 8 of the said Act, the Bureau of Energy Efficiency with the approval of the Central Government, made the regulations called the Bureau of Energy Efficiency (Qualifications for Accredited Energy Auditors and Maintenance of their List) Regulations, 2010.

Being accredited as Accredited Energy Auditor under the above regulations, the Accredited Energy Auditor is liable to comply with the requirements of the above regulations.

This is to inform that in the inquiry held on 'date', BEE finds the Accredited Energy Auditor at fault. Therefore, the Accredited Energy Auditor has not complied with the requirements of the above regulations.

In respect to the above non-compliance, BEE has cancelled the certification of the Accredited Energy Auditor on a complaint made against him for have opening an office without the approval of BEE.

Further, Accredited Energy Auditor shall surrender the same to Bureau within 15 days from receiving this order.

Thanks,

Concerned Officer

Appendix L

Date

To
Accredited Energy Auditor
Address.

Subject: Compliant Closure Letter for the complaint made against the Accredited Energy Auditor - 'Accredited Energy Auditor Id'

Dear Sir,

This is with reference to the notification by the Ministry of Power, whereby in exercise of the powers conferred by clauses (n), (o) and (p) of subsection (2) of section 13, clauses (d), (e) and (f) of sub-section (2) of section 58 and section 8 of the said Act, the Bureau of Energy Efficiency with the approval of the Central Government, made the regulations called the Bureau of Energy Efficiency (Qualifications for Accredited Energy Auditors and Maintenance of their List) Regulations, 2010.

This is to inform that in the inquiry held on 'date', BEE didn't find the Accredited Energy Auditor at fault. Therefore, the complaint made against the Accredited Energy Auditor has been closed.

Further, 'Accredited Energy Auditor Id' can provide his services in the capacity of Accredited Energy Auditor in compliance with the requirements mentioned in the above regulation.

Thanks,

Concerned Officer

Appendix LI

Date

To
Accredited Energy Auditor
Address.

Subject: Notice to 'Accredited Energy Auditor Id' to give response against the 'received complaint'

Dear Sir,

This is with reference to the notification by the Ministry of Power, whereby in exercise of the powers conferred by clauses (n), (o) and (p) of subsection (2) of section 13, clauses (d), (e) and (f) of sub-section (2) of section 58 and section 8 of the said Act, the Bureau of Energy Efficiency with the approval of the Central Government, made the regulations called the Bureau of Energy Efficiency (Qualifications for Accredited Energy Auditors and Maintenance of their List) Regulations, 2010.

Being accredited as Accredited Energy Auditor under the above regulations, the Accredited Energy Auditor is liable to comply with the requirements of the above regulations.

This is to inform that a complaint has been registered against your certification that you have not submitted the change in information to BEE. The detailed complaint has been annexed for your reference.

You are requested to send the response against the complaint within 15 days from the receipt of the aforesaid notice.

Thanks,

Concerned Officer (BEE)

Appendix LII

Date

To
Accredited Energy Auditor
Address.

Subject: Notice to 'Accredited Energy Auditor Id' to appear before the BEE – Accreditation
And Advisory Committee (AAC).

Dear Sir,

This is with reference to the response received on the notice issued on 'date'. This is to inform that the BEE - Accreditation And Advisory Committee (AAC) has analyse the complaint and the response made to it. The committee finds that it is required to provide an opportunity to the Accredited Energy Auditor to present his case through an inquiry.

Therefore, you are requested to appear in the inquiry to present your case against the complaint on 'date' at 'time' at conference hall, BEE.

You are requested to send a confirmation for the same.

Thanks,

Concerned Officer (BEE)

Appendix LIII

Date

To
Accredited Energy Auditor
Address.

Subject: Notice to 'Accredited Energy Auditor Id' to give response against the 'received complaint'

Dear Sir,

This is with reference to the notification by the Ministry of Power, whereby in exercise of the powers conferred by clauses (n), (o) and (p) of subsection (2) of section 13, clauses (d), (e) and (f) of sub-section (2) of section 58 and section 8 of the said Act, the Bureau of Energy Efficiency with the approval of the Central Government, made the regulations called the Bureau of Energy Efficiency (Qualifications for Accredited Energy Auditors and Maintenance of their List) Regulations, 2010.

Being accredited as Accredited Energy Auditor under the above regulations, the Accredited Energy Auditor is liable to comply with the requirements of the above regulations.

This is to inform that a complaint has been registered against your certification that you have failed to undertake Energy Audit in accordance with the Manner and Intervals of Time for Conduct of Energy Audit. The detailed complaint has been annexed for your reference.

You are requested to send the response against the complaint within 15 days from the receipt of the aforesaid notice.

Thanks,

Concerned Officer (BEE)

Appendix LIV

Date

To
Accredited Energy Auditor
Address.

Subject: Notice to 'Accredited Energy Auditor Id' to appear before the BEE – Accreditation
And Advisory Committee (AAC).

Dear Sir,

This is with reference to the response received on the notice issued on 'date'. This is to inform that the BEE - Accreditation And Advisory Committee (AAC) has analyse the complaint and the response made to it. The committee finds that it is required to provide an opportunity to the Accredited Energy Auditor to present his case through an inquiry.

Therefore, you are requested to appear in the inquiry to present your case against the complaint on 'date' at 'time' at conference hall, BEE.

You are requested to send a confirmation for the same.

Thanks,

Concerned Officer (BEE)

Appendix LV

Date

To
Accredited Energy Auditor
Address.

Subject: Notice to 'Accredited Energy Auditor Id' to give response against the 'received complaint'

Dear Sir,

This is with reference to the notification by the Ministry of Power, whereby in exercise of the powers conferred by clauses (n), (o) and (p) of subsection (2) of section 13, clauses (d), (e) and (f) of sub-section (2) of section 58 and section 8 of the said Act, the Bureau of Energy Efficiency with the approval of the Central Government, made the regulations called the Bureau of Energy Efficiency (Qualifications for Accredited Energy Auditors and Maintenance of their List) Regulations, 2010.

Being accredited as Accredited Energy Auditor under the above regulations, the Accredited Energy Auditor is liable to comply with the requirements of the above regulations.

This is to inform that a complaint has been registered against your certification that you have provided incorrect, misleading or false information. The detailed complaint has been annexed for your reference.

You are requested to send the response against the complaint within 15 days from the receipt of the aforesaid notice.

Thanks,

Concerned Officer (BEE)

Appendix LVI

Date

To
Accredited Energy Auditor
Address.

Subject: Notice to 'Accredited Energy Auditor Id' to appear before the BEE – Accreditation
And Advisory Committee (AAC).

Dear Sir,

This is with reference to the response received on the notice issued on 'date'. This is to inform that the BEE - Accreditation And Advisory Committee (AAC) has analyse the complaint and the response made to it. The committee finds that it is required to provide an opportunity to the Accredited Energy Auditor to present his case through an inquiry.

Therefore, you are requested to appear in the inquiry to present your case against the complaint on 'date' at 'time' at conference hall, BEE.

You are requested to send a confirmation for the same.

Thanks,

Concerned Officer (BEE)

Appendix LVII

Date

To
Accredited Energy Auditor
Address.

Subject: Order of Cancellation of Certificate of Accreditation Energy Auditor - 'Accredited Energy Auditor Id'

Dear Sir,

This is with reference to the notification by the Ministry of Power, whereby in exercise of the powers conferred by clauses (n), (o) and (p) of subsection (2) of section 13, clauses (d), (e) and (f) of sub-section (2) of section 58 and section 8 of the said Act, the Bureau of Energy Efficiency with the approval of the Central Government, made the regulations called the Bureau of Energy Efficiency (Qualifications for Accredited Energy Auditors and Maintenance of their List) Regulations, 2010.

Being accredited as Accredited Energy Auditor under the above regulations, the Accredited Energy Auditor is liable to comply with the requirements of the above regulations.

This is to inform that in the inquiry held on 'date', BEE finds the Accredited Energy Auditor at fault. Therefore, the Accredited Energy Auditor has not complied with the requirements of the above regulations.

In respect to the above non-compliance, BEE has cancelled the certification of the Accredited Energy Auditor and removed the associated firm's name from the list in the register on a complaint made against him for providing incorrect, misleading or false information.

Further, Accredited Energy Auditor shall surrender the same to Bureau within 15 days from receiving this order.

Thanks,

Concerned Officer

Appendix LVIII

Date

To
Accredited Energy Auditor
Address.

Subject: Notice to 'Accredited Energy Auditor Id' to pay the Annual Accreditation Fee

Dear Sir,

This is with reference to the notification by the Ministry of Power, whereby in exercise of the powers conferred by clauses (n), (o) and (p) of subsection (2) of section 13, clauses (d), (e) and (f) of sub-section (2) of section 58 and section 8 of the said Act, the Bureau of Energy Efficiency with the approval of the Central Government, made the regulations called the Bureau of Energy Efficiency (Qualifications for Accredited Energy Auditors and Maintenance of their List) Regulations, 2010.

Being accredited as Accredited Energy Auditor under the above regulations, the Accredited Energy Auditor is liable to comply with the requirements of the above regulations.

This is to inform that you have not yet paid the 'Annual Accreditation Fee' for the year " " .

You are requested to pay the same within 15 days from the date of issue of this notice.

Thanks,

Concerned Officer (BEE)

Appendix LIX

Date

To
Accredited Energy Auditor
Address.

Subject: Notice to 'Accredited Energy Auditor Id' to appear before the BEE – Accreditation And Advisory Committee (AAC).

Dear Sir,

This is with reference to the notice issued on 'Date' to pay the Annual Accreditation Fee. It is found in the record that you have not still paid the Annual Accreditation Fee. The non-payment of the Annual Accreditation Fee results into cancellation of the certificate of accreditation.

Before the cancellation of the same, the BEE - Accreditation And Advisory Committee (AAC) has decided to give an opportunity to the Accredited Energy Auditor to present his case through an inquiry.

Therefore, you are requested to appear in the inquiry to present your case against the complaint on 'date' at 'time' at conference hall, BEE.

You are requested to send a confirmation for the same.

Thanks,

Concerned Officer (BEE)

Appendix LX

NC's	Description of Non Compliance Event
NC 1	Non- appointment or designation of Energy Manager
NC 2	Non- Submission of FORM 1
NC 3	Mandatory Energy Audit (MEA) not conducted
NC 4	Non- Submission of FORM I and FORM 2
NC 5	Non- Submission of FORM 3
NC 6	Non- submission of Performance Assessment Document in Form 'A' and Certificate of Verification in Form 'B' along with Verification Report
NC 7	Not registering as Eligible Entity with Registry
NC 8	Non-submission of Compliance Assessment Document in Form 'D'
NC 9	Balance ESCerts are not zero or positive
NC 10	Non Compliance of Permittee to adhere to the terms and conditions of S&L Regulations
NC 11	Non Compliance of Permittee in the manner and display of label on the appliance
NC 12	Non Compliance of Permittee on star level not in line with the approved energy standards
NC 13	Non Compliance of Permittee for not affixing labels on mandatory appliances
NC 14	Non-submission of Form III or Form V to Concerned Authority
NC 15	Design Stage - Procedure for Inspection-Owner doesn't meet the findings within time
NC 16	Construction Stage-Procedure for Inspection- Owner doesn't meet the findings in time
NC 17	Non-submission of EPI Report
NC 18	Professional Misconduct by Energy Auditor/Energy Manager
NC 19	Misrepresentation of Facts by Energy Auditor/Energy Manager
NC 20	Act Amounting to Fraud by Energy Auditor/Energy Manager
NC 21	Failure to attend Refresher Course by Energy Auditor/Energy Manager
NC 22	Holding a position of 'Energy Manager' of any Designated Consumer after the cancellation of certification
NC 23	Opening of Office by Accredited Energy Auditor without approval of BEE

NC 24	Non-submission of change in Information by Accredited Energy Auditor
NC 25	Failure to undertake Energy Audit in accordance with the Manner and Intervals of Time for Conduct of Energy Audit, Regulation
NC 26	Incorrect, misleading or false information provided by Accredited Energy Auditor
NC 27	Misconduct or Fraud by Accredited Energy Auditor
NC 28	Failure to pay Annual Accreditation Fee

Appendix LXI

S.No	Date	Version	Existing Clause	New Clause	Justification for Change

Appendix LXII

Illustration for determining the loss for the identified non-compliances which are to be adjudicated by AO

The following illustrations are made for determining the loss incurred in case of event of violation. The losses are determined in accordance with the Section 28 of the Act, which states:

“28. Factors to be taken into account by adjudicating officer

While adjudicating the quantum of penalty under section 26, the adjudicating officer shall have due regard to the following factors, namely:-

- (a) The amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default;*
- (b) The repetitive nature of the default.”*

NC 1: Non- appointment or designation of Energy Manager

In this non-compliance, the amount of disproportionate gain is not quantifiable, thus the repetitive nature of the default is accounted as the factor to be considered while adjudicating.

The repetitive nature is defined with the increase in severity level of the non-compliance. The severity level increases with the each opportunity missed by the Designated Consumer to prove their compliance. The following table defines the severity level at different stages and the corresponding repetitiveness level:

Stage	Time line	Severity Level	Repetitiveness [Level]
		HIGH MEDIUM LOW	
30 Days after notification of Designated Consumer	1 months from notification		0
30 Days after the letter is send to Designated Consumer by the SDA	2 months from notification		1
Submission of Scheme	3 months from notification		2
Submission of FORM 1 after completion of first year	15 months from notification		3
Submission of FORM 2	21 months from notification		4

NC 2: Non- Submission of FORM 1

In this non-compliance, the amount of disproportionate gain is quantifiable, thus both the disproportionate gain and the repetitive nature of the default is accounted as the factor to be considered while adjudicating.

Non- Submission of FORM 1 (First Year)

Amount of disproportionate gain:

In case, it is found that there is discrepancy in the data provided in FORM 1 and the data produced by the complainant, then the difference in the Specific Energy Consumption (SEC) shall be calculated and the product of the from the data shall be the basis of calculating the amount of disproportionate gain.

Repetitive nature:

The repetitive nature is defined with the increase in severity level of the non-compliance. The severity level increases with the each opportunity missed by the Designated Consumer to prove their compliance. The following table defines the severity level at different stages and the corresponding repetitiveness level:

Stage	Timeline	Severity	Repetitiveness [Level]
		 HIGH  MEDIUM  LOW	
Issue of Show-cause notice	15 Days from last date of FORM 1		0
Reply from DC to SDA	30 Days from last date of FORM 1		1
NA	6 months from last date of FORM 1		2
Before submission of FORM 1 for the second financial year	12 months from last date of FORM 1		3

Non- Submission of FORM 1 (Second & Third Year)

Amount of disproportionate gain:

In case, it is found that the difference in the data provided in FORM 1 of current year and the data provided in FORM 1 of last year is exceptionally high and the SEC achieved over

the period of one year is exceptionally high (more than the sector standard) then the difference in the Specific Energy Consumption (SEC) shall be calculated and the product of the from the data shall be the basis of calculating the amount of disproportionate gain.

Repetitive nature:

The repetitive nature is defined with the increase in severity level of the non-compliance. The severity level increases with the each opportunity missed by the Designated Consumer to prove their compliance. The following table defines the severity level at different stages and the corresponding repetitiveness level:

Stage	Timeline	Severity	Repetitiveness [Level]
		 HIGH  MEDIUM  LOW	
Issue of Show-cause notice	15 Days from last date of FORM 1		0
Reply from DC to SDA	30 Days from last date of FORM 1		1
NA	3 months from last date of FORM 1		2
NA	6 months from last date of FORM 1		3
Before submission of FORM 1 for the second financial year	12 months from last date of FORM 1		4

NC 4: Non- Submission of FORM 2

In this non-compliance, the amount of disproportionate gain is quantifiable, thus both the disproportionate gain and the repetitive nature of the default is accounted as the factor to be considered while adjudicating.

Amount of disproportionate gain:

In case, it is found that the Form 2 is not submitted then it is assumed that DC has not conducted the Mandatory Energy Audit (MEA). If the MEA was conducted, energy saving measures must have been identified with estimated energy savings for each measure.

Thus, to calculate the amount of disproportionate gain, the average energy saving potential percentage for the particular sector to which the DC belongs should be

considered and the loss of energy savings shall be calculated based on the energy consumption data of that DC provided in the last FORM 1.

Repetitive nature:

The repetitive nature is defined with the increase in severity level of the non-compliance. The severity level increases with the each opportunity missed by the Designated Consumer to prove their compliance. The following table defines the severity level at different stages and the corresponding repetitiveness level:

Stage	Timeline	Severity	Repetitiveness [Level]
		 HIGH  MEDIUM  LOW	
Issue of Show-cause notice	15 Days from last date of FORM 2		0
Reply from DC to SDA	30 Days from last date of FORM 2		1
NA	2 months from last date of FORM 2		2
Before submission of the next FORM 1	3 months from last date of FORM 2		3
NA	6 months from last date of FORM 2		4

NC 5: Non- Submission of FORM 3

In this non-compliance, the amount of disproportionate gain is quantifiable, thus both the disproportionate gain and the repetitive nature of the default is accounted as the factor to be considered while adjudicating.

Amount of disproportionate gain:

In case, it is found that the FORM 3 is not submitted then it is assumed that DC has not implemented the measures submitted in FORM 2. Thus, to calculate the amount of disproportionate gain, the estimated energy saving potential from the energy saving measures provided in FORM 2 shall be considered for determining the loss of potential energy savings.

Repetitive nature:

The repetitive nature is defined with the increase in severity level of the non-compliance. The severity level increases with the each opportunity missed by the Designated Consumer to prove their compliance. The following table defines the severity level at different stages and the corresponding repetitiveness level:

Stage	Timeline	Severity	Repetitiveness [Level]
		 HIGH  MEDIUM  LOW	
Issue of Show-cause notice	15 Days from last date of FORM 3		0
Reply from DC to SDA	30 Days from last date of FORM 3		1
NA	2 months from last date of FORM 2		2
NA	4 months from last date of FORM 3		3
NA	6 months from last date of FORM 3		4

NC 8: Non- Submission of Compliance Assessment Document in FORM D

Amount of disproportionate gain:

Scenario 1: ESCerts were issued to the DC

In this non-compliance, the amount of disproportionate gain is not quantifiable, thus the repetitive nature of the default is accounted as the factor to be considered while adjudicating.

Repetitive nature:

The repetitive nature is defined with the increase in severity level of the non-compliance. The severity level increases with the each opportunity missed by the Designated Consumer to prove their compliance. The following table defines the severity level at different stages and the corresponding repetitiveness level:

		Severity	
--	--	----------	--

Stage	Timeline	 HIGH  MEDIUM  LOW	Repetitiveness [Level]
Issue of Show-cause notice	15 Days from last date of FORM D		0
Reply from DC to SDA	30 Days from last date of FORM D		1
NA	2 months from last date of FORM D		2
NA	4 months from last date of FORM D		3
NA	6 months from last date of FORM D		4

Scenario 2: DC was entitled to purchase ESCerts

In this non-compliance, the amount of disproportionate gain is quantifiable, thus both the disproportionate gain and the repetitive nature of the default is accounted as the factor to be considered while adjudicating.

Amount of disproportionate gain:

In case, it is found that the FORM D is not submitted then it is assumed that DC has not purchased the number of ESCerts required to comply for the considered PAT Cycle. In such case, amount of disproportionate gain is calculated at the value of ESCert as declared by BEE for the relevant cycle for the number of ESCerts that has to be purchased by the DC to comply in that particular PAT cycle.

Repetitive nature:

The repetitive nature is defined with the increase in severity level of the non-compliance. The severity level increases with the each opportunity missed by the Designated Consumer to prove their compliance. The following table defines the severity level at different stages and the corresponding repetitiveness level:

Stage	Timeline	Severity	Repetitiveness [Level]
		 HIGH  MEDIUM  LOW	
Issue of Show-cause notice	15 Days from last date of FORM D		0

Reply from DC to SDA	30 Days from last date of FORM D		1
NA	2 months from last date of FORM D		2
NA	4 months from last date of FORM D		3
NA	6 months from last date of FORM D		4

NC 9: Balance ESCerts are not zero or positive

In this non-compliance, the amount of disproportionate gain is quantifiable, while the repetitive nature of the default doesn't occur.

Amount of disproportionate gain:

In such case, amount of disproportionate gain is calculated at the value of ESCert as declared by BEE for the relevant cycle for the number of ESCerts that has to be purchased by the DC to comply in that particular PAT cycle.

Stage	Severity	Repetitiveness [Level]
	 HIGH  MEDIUM  LOW	
Balance ESCerts are not zero or positive		NA
No. of negative Balance ESCerts	As per FORM 'D'	
Value of 1 mtoe for the relevant cycle as declared by BEE	10968 INR	Cycle I (2012-15)
Minimum Penalty	[No. of negative balance ESCerts]* [Value of 1 mtoe]	

NC 10: Non Compliance of Permittee to adhere to the terms and conditions of S&L Regulations

In this non-compliance, the amount of disproportionate gain is quantifiable, while the repetitive nature of the default doesn't occur.

Amount of disproportionate gain:

In such case, amount of disproportionate gain is calculated as:

*Annual energy consumption of the lowest product category of star label available in the market * the average lifetime value of the product (in years)) * Average Billing rate as determined by SERC for the state * number of label products manufactured and sold by the manufacturer without the permission of BEE (to be sourced through inspection) *(discounting factor over the lifetime value of the appliance) + (10,000* (no. of time the default has occurred other than the one penalized for)*

Illustration Example:

Consider a permittee who was selling the Air Conditioner (AC), the amount of disproportionate gain under this non-compliance is:

Parameters	Value
Annual energy consumption of the lowest product category of star label available in the market (Considering annual usage of AC is of 1600 Hrs.)	3200 kWh
Average lifetime value of the product (in years))	4 Years
Average Billing rate	7 Rs. per Unit
Number of label products manufactured and sold by the manufacturer without the permission of BEE (as per the inspection)	1000
Discounting factor over the lifetime value of the appliance	25%
Amount of disproportionate gain	3200 kWh * 4 Rs/kWh * 7 * 1000 * 0.25
	2, 24, 00, 000 Rs.

NC 11 Non Compliance of Permittee in the manner and display of label on the appliance

In this non-compliance, the amount of disproportionate gain is quantifiable, while the repetitive nature of the default doesn't occur.

Amount of disproportionate gain:

In such case, amount of disproportionate gain is calculated as:

*Label fees approved by the BEE for that particular appliance * number of label products manufactured and sold by the manufacturer in incorrect manner (to be sourced through*

inspection) + (10,000 (no. of time the default has occurred other than the one penalized for) (which shall not exceed ten lakh rupees)*

Illustration Example:

Consider a permittee who was selling the Air Conditioner (AC) with incorrect manner and display of label, the amount of disproportionate gain under this non-compliance is:

Parameters	Value
Label fees approved by the BEE for that particular appliance	30 Rs./Label
Number of label products manufactured and sold by the manufacturer in incorrect manner (as per the inspection)	50,000
Amount of disproportionate gain	30 Rs/Label * 50,000 Label product
	15, 00, 000 Rs.

NC 12 Non Compliance of Permittee on star level not in line with the approved energy standards

In this non-compliance, the amount of disproportionate gain is quantifiable, while the repetitive nature of the default doesn't occur.

Amount of disproportionate gain:

In such case, amount of disproportionate gain is calculated as:

Disproportionate gain for selling a 3 star label product with 5 star label is calculated as:

*Annual additional energy consumption of 3 star label product which was sold with 5 star label (in unit) * average lifetime value of the product (in years)) * Average Billing rate as determined by SERC for the state * number of products manufactured and sold by the permittee during the label period (to be sourced through inspection) *(discounting factor over the lifetime value of the appliance) + (10,000* (no. of time the default has occurred other than the one penalized for) (which shall not exceed ten lakh rupees)*

Illustration Example:

Consider a permittee who was selling the 3 star Air Conditioner (AC) with the label of 5 star, the amount of disproportionate gain under this non-compliance is:

Parameters	Value
Annual additional energy consumption of 3 star label product which was sold with 5 star label (in unit) (Considering annual usage of AC is of 1600 Hrs.)	1052 - 864 = 188 kWh
Average lifetime value of the product (in years))	4 Years
Average Billing rate	7 Rs. per Unit
Number of label products manufactured and sold by the manufacturer without the permission of BEE (as per the inspection)	1000
Discounting factor over the lifetime value of the appliance	25%
Amount of disproportionate gain	188 kWh * 4 Rs/kWh * 7 * 1000 * 0.25
	13, 16, 000 Rs.

NC 13 Non Compliance of Permittee for not affixing labels on mandatory appliances

In this non-compliance, the amount of disproportionate gain is quantifiable, while the repetitive nature of the default doesn't occur.

Amount of disproportionate gain:

In such case, amount of disproportionate gain is calculated as:

*Number of products sold in the Country without label (to be sourced through inspection)
* highest price of the product category which was sold in the market during the period of default + (10,000* (no. of time the default has occurred other than the one penalized for)*

Illustration Example:

Consider a permittee who was selling the 5 star Air Conditioner (AC) without affixing labels then the amount of disproportionate gain under this non-compliance is:

Parameters	Value
Number of ACs sold without affixing the label	20,000
Highest price of the product category which was sold in the market during the period of default (as per the inspection)	50,000 Rs.

Average lifetime value of the product (in years))	
Average Billing rate	7 Rs. per Unit
Number of ACs sold without affixing the labelthe permission of BEE (as per the inspection)	1000
Discounting factor over the lifetime value of the appliance	25%
Amount of disproportionate gain	20000 * 50000
	1,00,00,00,000 Rs.



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