

MINISTRY OF POWER**NOTIFICATION**

New Delhi, the 27th July, 2010

G.S.R. 645(E).— In exercise of the powers conferred by clause (m) of sub-section (2) of section 56 of the Energy Conservation Act, 2001 (52 of 2001), the Central Government, hereby makes the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called the Energy Conservation (Inspection) Rules, 2009.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Energy Conservation Act, 2001;

(b) "inspecting officer" means the inspecting officer appointed under sub-section (1) of section 17;

(c) "section" means section of the Act.

(2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Inspecting Officer.- (1) The designated agency may, appoint inspecting officer under sub-section (1) of section 17 from amongst the officers of the State Government not below the rank of the Deputy Secretary.

(2) The inspecting officer appointed under sub-section (1) of section 17 shall possess the qualifications specified for accredited energy auditors under clause (p) of sub-section (2) of section 13.

(3) An inspecting officer shall, at the time of carrying out inspection produce a certificate of appointment as an inspecting officer or an authority for undertaking such inspection.

(4) The inspecting officer, after recording reasons in writing, shall, wherever necessary, make consultation with accredited energy auditor, laboratory or professional organization approved by the Bureau for dealing with any one or more of the following matters relating to inspection, namely:-

(a) while carrying out inspections of manufacturer's premises for ensuring compliance with the provisions contained in clauses (a) and (d) of section 14;

- (b) while testing samples of equipment specified under clause (b) of section 14;
- (c) while inspecting consignments intended to be covered under clauses (a) and (b) of section 14;
- (d) while carrying out inspection with regard to the matters specified in 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 referred to in section 26.

(5) The inspecting officer during the course of inspection shall report on the strengths and weaknesses in the management of energy and energy resources and recommend action to improve upon the quality of reporting data, energy management system and measures to improve energy efficiency and reduce energy consumption.

4. Inspection of processes and equipment. - (1) Where compliance to norms or energy consumption standards or display of particulars on label is required, the inspecting officer may, on receipt of directions from the designated agency, carry out inspection of the production processes or equipment.

(2) Inspection may be carried out at place of manufacture before dispatch, or at the place of its import into India, or at place of its sale.

(3) Inspection may include inspection of any operation carried on in connection with equipment or inspection of records of testing or testing of a sample or matters referred to in clause (d) of sub-rule (4) of rule 3.

5. Procedure for Inspection.- (1) No inspection shall be undertaken by an inspecting officer unless it has been authorised by the designated agency.

(2) The designated agency before issuing authority for inspection shall ensure that -

- (a) information received for the purpose of inspection has been duly verified from the credible and reliable sources and the action proposed to be undertaken must be recorded in writing;
- (b) notice has been given to the person concerned against whom the inspection is sought and a reasonable opportunity of being heard has been given to him;
- (c) the inspecting officer shall record reasons for undertaking inspection and clearly bring out its need for discharge of his duty;

(3) Notwithstanding any thing contained in sub-rule (2), the designated agency, if satisfied that there are adequate reasons for undertaking such inspection

may, for reasons to be recorded in writing, issue the authority and directions to the inspecting officer to carry out the inspection.

(4) Every authority issued for inspection shall be in writing under the signature and seal of the designated agency.

(5) Each inspection shall be undertaken in the presence of two respectable witnesses.

(6) All documents prepared, samples identified for test-checking, directions issued for testing, statement recorded under sub-section (2) of section 17 in pursuance of inspection, shall be signed by the said witnesses.

(7) For inspection, a proper notice with reasonable time shall be issued by the inspecting officer.

(8) The samples inspected by the inspecting officer shall be marked with identification mark to establish their identity.

(9) Any statement made or information supplied or any evidence given to the inspecting officer during inspection under the provisions of sub-section (2) of section 17 shall be treated as confidential.

6. Inspection report.- The 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 and the report shall inter-alia include -

- (a) age, condition, quality, status of obsolescence, and technology of the equipment generating, consuming, transmitting or supplying energy installed or used by the manufacturer including designated consumer;
- (b) the extent to which the process, equipment and appliance comply with the energy consumption norms or the energy consumption standards notified by the Central Government in relation to such process or the equipment or appliance in terms of clause (a) section 14;
- (c) the equipment notified for affixation of labels thereon in compliance with the regulations made in that behalf;
- (d) number of labeled equipments manufactured annually;
- (e) whether labels are printed and displayed as per regulations made in that behalf;
- (f) whether energy audit is being done regularly and as per procedure laid down in this behalf in compliance to clause (h) or clause (i) of section 14;
- (g) whether the designated consumer is furnishing the information with regard to energy consumed and action taken on the recommendations of

the accredited energy auditor in terms of Energy Conservation (Form and Manner and Time for Furnishing Information With Regard to Energy Consumed and Action Taken on Recommendations of Accredited Energy Auditor) Rules, 2008 under clause (k) of section 14 ;

- (h) whether certified energy manager has been duly appointed by the designated consumer in terms of clause (l) of section 14, and a report is being submitted to the designated agency on regular basis under the Energy Conservation (the form and manner for submission of report on the status of energy consumption by the designated consumers) Rules, 2007;
- (i) whether the designated consumer, who does not fulfill the energy consumption norms and standards prescribed under clause (g) of section 14 has prepared a scheme for efficient use of energy and its conservation and is implementing the said scheme keeping in view the economic viability of the investment in compliance of clause (o) of section 14;
- (j) 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.

7. Submission of report.- (1) The inspection report shall be submitted to the designated agency.

(2) A copy of the inspection report shall be given to the chief executive officer of the designated agency and the person concerned, affording him an opportunity to prefer his defense against the course of action proposed, within thirty days of the receipt of the report or such date as may be indicated in the communication, whichever is later.

(3) The designated agency may, after taking into account the reply of the person concerned and after giving him an opportunity of being heard, give directions to the inspecting officer to initiate adjudication proceedings against the person concerned under section 27 for imposition of penalty under section 26.

[F. No. 10/2/08-EC]

DEVENDER SINGH, Jt. Secy.