

**THE ENERGY
CONSERVATION
(AMENDMENT) ACT, 2010**
(Act No. 28 of 2010, dt. 24-8-2010)

An Act to amend the Energy Conservation Act, 2001.

Be it enacted by Parliament in the Sixty-first year of the Republic of India as follows:—

1. Short title

This Act may be called the Energy Conservation (Amendment) Act, 2010.

2. Amendment of section 2

In section 2 of the Energy Conservation Act, 2001 (52 of 2001) (hereinafter referred to as the principal Act),—

- (i) in clause (a), for the words “an auditor possessing qualifications specified under”, the words “an energy auditor accredited in accordance with the provisions of” shall be substituted;
- (ii) in clause (b), for the words and figures “established under” section 30”, the words and figures “referred to in section 30” shall be substituted;
- (iii) for clause (c), the following clause shall be substituted, namely:—
 - ‘(c) “building” means 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;’;
- (iv) after clause (m), the following clauses shall be inserted, namely:—
 - ‘(ma) “energy savings certificate” means any energy savings certificate issued to the designated consumers under sub-section (1) of section 14A;
 - (maa) “equipment or appliance” means any equipment or appliance which consumes, generates, transmits or supplies energy and includes any device that consumes any form of energy and produces a desired work;’.

3. Amendment of section 9

In section 9 of the principal Act, in sub-section (3), for the words “three years”, the words “five years” shall be substituted.

4. Amendment of section 10

In section 10 of the principal Act, in sub-section (1), for the words “The Central Government”, the words “The Bureau” shall be substituted.

5. Amendment of section 13

In section 13 of the principal Act, in sub-section (2),—

- (i) after clause (a), the following clause shall be inserted, namely:—
 - “(aa) recommend to the Central Government for issuing of the energy savings certificate under section 14A;”;
- (ii) for clause (p), the following clause shall be substituted, namely:—

- “(p) specify, by regulations, the qualifications, criteria and conditions subject to which a person may be accredited as an energy auditor and the procedure for such accreditation;”;
- (iii) in clause (r), for the words “energy managers”, the words “energy auditors and energy managers” shall be substituted;
- (iv) after clause (s), the following clause shall be inserted, namely:—
 - “(sa) conduct examination for capacity building and strengthening of services in the field of energy conservation including certification of energy managers and energy auditors.”.

6. Amendment of section 14

In section 14 of the principal Act,—

- (i) in clause (c), for the proviso, the following provisos shall be substituted, namely:—
 - “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:
 - 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;”;
- (ii) in clause (e), for the words “any user or class of users of energy as a designated consumer”, the words “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” shall be substituted;
- (iii) in clause (m), for the words “energy managers”, the words “energy auditors and energy managers” shall be substituted;
- (iv) in clause (o), for the words “such form and manner”, the words “such form, the time within which and the manner” shall be substituted.

7. Insertion of new sections 14A and 14B

After section 14 of the principal Act, the following sections shall be inserted, namely:—

“14A. 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.

14B. Power of Central Government to specify value of energy

The Central Government may, in consultation with the Bureau, prescribe the value of per metric ton of oil equivalent of energy consumed for the purpose of this Act.”.

8. Amendment of section 26

In section 26 of the principal Act,—

- (a) in sub-section (1),—
 - (i) the words, brackets and letter “or clause (n)” shall be omitted;

- (ii) for the words “ten thousand rupees”, the words “ten lakh rupees” shall be substituted;
- (iii) for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted;
- (b) after sub-section (1), the following sub-section shall be inserted, namely:—
“(1A) If any person fails to comply with the provisions 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.”.

9. Substitution of new section for section 30

For section 30 of the principal Act, the following section shall be substituted, namely:—

“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 purposes 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.”.

10. Insertion of new section 31A

After section 31 of the principal Act, the following section shall be inserted, namely:—

“31A. Procedure and powers of Appellate Tribunal

The provisions of sections 120 of 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).”.

11. Omission of sections 32 to 43

Sections 32 to 43 of the principal Act shall be omitted.

12. Amendment of section 54

In section 54 of the principal Act, the words “Chairperson of the Appellate Tribunal or the Members of the Appellate Tribunal or officers or employees of the Appellate Tribunal or the Members of the State Commission or the” shall be omitted.

13. Amendment of section 56

In section 56 of the principal Act, in sub-section (2),—

- (i) in clause (j), for the words “energy managers”, the words “energy auditors and energy managers” shall be substituted;
- (ii) after sub-clause (l) the following clauses shall be inserted, namely:—
“(la) prescribing the procedure for issuing the energy savings certificate under sub-section (1) of section 14A;
(laa) the value of per metric ton of oil equivalent of energy consumed under section 14B;”;
- (iii) clauses (s), (t) and (u) shall be omitted.

14. Amendment of section 58

In section 58 of the principal Act, in sub-section (2),—

- (a) for clause (f), the following clause shall be substituted, namely:—

- “(f) the qualifications, criteria and conditions subject to which a person may be accredited as an energy auditor and the procedure for such accreditation under clause (p) of sub-section (2) of section 13;”;
- (b) in clause (h), for the words “energy managers”, the words “energy auditors and energy managers” shall be substituted.

15. *Amendment of the Schedule*

In the Schedule to the principal Act, in the heading, the words “specified as designated consumers” shall be omitted.

16. *Amendment of certain enactment*

The enactment specified in the Schedule to this Act shall be amended in the manner specified therein.

THE SCHEDULE

(See section 16)

AMENDMENT TO THE ELECTRICITY ACT, 2003 (36 of 2003)

Amendment of section 110

In section 110, for the words “under this Act”, the words “under this Act or any other law for the time being in force” shall be substituted.