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Government of Kerala
കേരള സർക്കാർ
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KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

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GOVERNMENT OF KERALA

Power (A) Department

NOTIFICATION

G. O. (P) No. 7/2010/PD. Dated, Thiruvananthapuram, 27th March, 2010.

S. R. O. No. 367/2010.—In exercise of the powers conferred by section 57 read with section 16 of the Energy Conservation Act, 2001 (Central Act 52 of 2001), the Government of Kerala hereby makes the following rules for the administration of the Kerala State Energy Conservation Fund, namely:—

1. *Short title and Commencement.*—(1) These Rules may be called the Kerala State Energy Conservation Fund Rules, 2010.

(2) It shall come into force at once.

2. *Definitions.*—(1) In these Rules, unless the context otherwise requires,—

(a) “Act” means the Energy conservation Act, 2001 (Central Act 52 of 2001);

(b) “beneficiary” means beneficiary of the Fund constituted under Section 16 of the Act;

(c) "Fund" means Kerala State Energy Conservation Fund, constituted under section 16 of the Act;

(d) "Government" means Government of Kerala;

(e) "State" means the State of Kerala;

(f) "State Designated Agency" means an agency designated and notified by the State Government under clause (d) of Section 15 of the Act;

(g) "State Level Steering Committee": means the Committee specified in rule 3;

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

3. *Administration of the Fund.*—(1) The Fund constituted under Section 16 of the Act shall be administered by the State Designated Agency under the supervision of the State Level Steering Committee in Accordance with the provisions of the act and the rules made thereunder.

(2) There shall be constituted a State Level Steering Committee consisting of the following members, namely:—

(a) Principal Secretary, Power Department—Chairman.

(b) Secretary, Finance (Taxes) Department.

(c) Secretary, Industries Department.

(d) Chairman, Kerala State Electricity Board or its successor utility.

(e) Representative of Bureau of Energy Efficiency.

(f) Chief Electrical Inspector.

(g) One person each representing associations in the field of industry and chambers of commerce.

(h) One person expertised in technical and financial aspects of Energy Efficiency project implementation.

(i) One representative from Financial institutions contributing to the Fund.

(j) Director, State Designated Agency—Member Secretary.

(3) Every member referred to in clauses (g), (h) and (i) of the sub-section (2) shall be nominated by Government and hold office for a term of three years from the date on which he enters upon his office unless and until removed earlier by Government for reasons to be recorded in writing provided that no such member shall be removed without affording an opportunity for hearing.

4. *Powers and functions of the State Designated Agency.*—The State Designated Agency shall under the supervision of the State Level Steering Committee exercise or perform the following powers and functions, namely:—

(a) to develop norms, guidelines and procedure for assistance from the fund;

(b) to work out modalities of the Energy conservation schemes and programmes and ensure effective monitoring in its implementation;

(c) to exercise powers relating to matters of administration, finance and budget with respect to the Fund;

(d) to process proposals for financial assistance for the Fund and issue utilization certificate thereof;

(e) to sanction and disburse financial assistance for the project approved from time to time and monitor or supervise such projects and expenditure incurred thereon and evaluate its performance;

(f) to organize various promotional, awareness creation programmes and to convene meetings, seminars and workshops for propagation of the Fund;

(g) to liaise with the Government and other stakeholders of the Fund;

(h) to maintain proper records and accounts of the fund;

(i) to maintain up-to-date and complete information including progress made in the implementation of various programmes under the Fund, from time to time;

(j) to prepare annual statement on income and expenditure and balance sheet of the Fund;

(k) to specify the manner and authority for audit of the accounts of the fund;

(l) to manage the properties of the Kerala State Energy Conservation Fund;

(m) to perform such other functions as may be assigned by the Government from time to time for the proper utilization of the fund;

(n) to exercise or perform such other powers and functions that are necessary for the administration carrying out management and utilization of the funds for the purpose of the Act and Rules therein.

5. *Establishment of Fund.*—The Fund constituted under section 16 of the Act shall consist of,—

(a) all grants and loans that may be made by the State Government or Central Government or any other organization or individual for the purpose of this Act;

(b) any other amount authorized to be credited to the Fund, under the provision of the Act.

6. *Utilization of the Fund.*—(1) The Fund shall, under the supervision of the State Level Steering Committee be utilized for meeting the expenses incurred for implementing the provisions of the Act and particularly for all or any of the following purposes, namely:—

(a) to provide assistance for investment in projects of designated consumers, Government Departments, Public Sector Undertakings, Companies, Non-governmental Organizations, Educational Institutions or any other agencies within the State for the efficient use of energy and its conservation;

(b) to meet the expenditure incurred for energy efficiency improvement projects or projects connected with energy conservation;

(c) to get conducted energy audit and implement energy efficiency improvement projects for consumers and to provide assistance to other consumers of energy other than designated consumers, at the written request of such consumers for the promotion of energy conservation;

(d) for research and development projects in the field of energy conservation;

(e) to formulate and facilitate implementation of pilot projects and demonstration projects on energy conservation, improving energy efficiency of equipment, appliances and process systems;

(f) to develop testing and certification procedure, in creation of testing facilities for certification and or verification, testing for energy consumption of equipment and appliances;

(g) to meet the expenditure incurred by the State Designated Agency to take all measures to create awareness and to disseminate information for efficient use of energy and its conservation and for undertaking awareness programme;

(h) to meet the expenditure incurred by the State Designated Agency for training of personnel and specialists for efficient use of energy and its conservation;

(i) for meeting any development cost for the Fund.

(1) such other purposes as may be prescribed by Government from time to time.

(2) All moneys forming the corpus of the Fund shall be deposited in Government Treasury or any Nationalized Bank, as may be decided by the State Level Steering Committee.

7. *Norms, Guidelines and procedures for assistance from the Fund.*—(1) The State Designated Agency may prepare norms, guidelines and procedure for the assistance from the fund, including monitoring, implementation and evaluation of projects and such other matters required for carrying out the purposes of the Act under the supervision of the State Level Steering Committee.

8. *Operation of the Fund.*—(1) The State Designated Agency shall operate the Fund as per the directions of the State Level Steering Committee issued from time to time.

9. *Power of Inspection.*—(1) The State Designated Agency shall have the authority to monitor the utilization of the Fund. If Fund is used for purposes other than the one authorized, the State Designated Agency may suspend any further assistance.

(2) The State Designated Agency may proceed against the beneficiaries after following process of law.

10. *Accounts and Audit.*—(1) The State Designated Agency shall maintain proper accounts and relevant records and prepare an annual statement of accounts and balancesheet in such form and in such manner as may be specified by the State Level Steering Committee.

(2) The Accounts of the Fund shall be audited by such auditor as may be appointed by the State Level Steering Committee with the approval of Government.

(3) The annual accounts of the Fund as certified by the auditor together with the audit report thereon shall be forwarded annually to the Government and the Government shall as soon as it is received cause the same to be laid before the Legislative Assembly.

11. *Annual Report.*—(1) The State Designated Agency shall during each financial year prepare an annual report of its activities in the previous financial year and after approval by the State Level Steering Committee a copy thereof forward to the State Government.

(2) The State Government shall immediately on receipt of the annual report cause the same to be laid before the Legislative Assembly.

By order of the Governor,

L. RADHAKRISHNAN,
Principal Secretary to Government.

Explanatory Note

(This does not form part of this notification, but is intended to indicate its general purport.)

Section 16 of the Energy Conservation Act, 2001 (Central Act 52 of 2001) provides that the State Government shall constitute a Fund to be called The Kerala State Energy Conservation Fund for the purpose of promotion of efficient use of energy and its conservation within the State. Sub-section (4) of the said section also provides that the Fund created under sub-section (1) shall be administered by such persons or any authority and in such manner as may be specified in the rules made by the State Government. Section 57 of the Act empowers the State Government to make rules for this purpose. Government have therefore decided to make rules for these matters.

The notification is intended for the above purpose.