

be prescribed.

Provided that before disposing of an appeal, the appellant shall be given a reasonable opportunity of being heard.

---

*The penalties provided under this Act are regulatory in nature. The Act creates certain administrative duties to be complied with by the energy users and for the contravention of which some civil penalties are prescribed. This type of penalties are preferred over the conventional one because of the non-feasibility of applying criminal sanctions, to eliminate criminalization and harassment and to remove genuine difficulties and delays in the judicial process. Since the industries to which the Act will affect in the first place are all large, the amount of penalties are also large to have a deterrent effect on them. To safeguard defaulters from arbitrary imposition of penalties, NECO is required to consider certain matters before imposing them. To ensure justice and fairness, provisions for review at the NECO level and an appeal to the Central Government are also provided.*

---

## CHAPTER - VIII

### MISCELLANEOUS

38. No suit, other legal proceedings, shall lie against the Appropriate Government or any other officer or other employee of that Government or any authority constituted under this Act or any member, officer or other employee of such authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder. **Ban on suits, prosecutions**
39. The Central Government may, in relation to its functions under this Act, from time to time, require any person, officer, State Government or other authority to furnish to it any reports, returns, statistics, accounts and other information and such person, officer, State Government or other authority shall be bound to do so. **Power of Central Government to call for information**

**Dues to be recovered as arrears of land revenue**

40. Any amount of penalty, cess or any other dues under this Act from any energy user may be recovered by the Central Government in the same manner as an arrear of land revenue.

**Officers to be public servants**

41. All members of the authority constituted under this Act and all officers and other employees of such authority when acting or purporting to act in pursuance of any provisions of this Act or the rules made or orders or directions issued thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

**Relation with other enactments**

42. (1) Save as otherwise provided by or under the Atomic Energy Act, 1962, in relation to Atomic Energy, and subject to the provisions of section 25 of that Act, the provisions of this Act and the rules or orders made therein, shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

(2) Where any act or omission constitutes a violation or default, action against which can be taken under this Act and constitutes a default, violation or an offence under any other Act, then the defaulter/offender shall be liable to be penalised/punished under the other Act and not under this Act.

**Rules to be laid before Parliament**

43. Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the sessions aforesaid, both Houses agree in making any modification in the rules or both Houses agree that rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

