

Energy Conservation Act 2001

Section 40 - Procedure and Powers of Appellate Tribunal

(1) The Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure 1908 (5 of 1908) but shall be guided by the principles of natural justice and, subject to the other provisions of this Act, the Appellate Tribunal shall have powers to regulate its own procedure.

(2) The Appellate Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure 1908 (5 of 1908), while trying a suit in respect of the following mailers, namely:--

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) Requiring the discovery and production of documents;
- (c) Receiving evidence on affidavits;
- (d) Subject to the provisions of sections 123 and 124 of the Indian Evidence Act 1872 (1 of 1872), requisitioning any public record or document or copy of such record or document from any office;
- (e) Issuing commissions for the examination of witnesses or documents;
- (f) Reviewing its decisions;
- (g) Dismissing a representation of default or deciding it, exparte;
- (h) Setting aside any order of dismissal or any representation for default or any order passed by it, ex parte;
- (i) Any other matter which may be prescribed by the Central Government.

(3) An order made by the Appellate Tribunal under this Act shall be executable by the Appellate Tribunal as a decree of civil court and, for this purpose, the Appellate Tribunal shall have all the powers of a civil court.

(4) Notwithstanding anything contained in sub-section (3), the Appellate Tribunal may transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

(5) All proceedings before the Appellate Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code 1860 (45 of 1860) and the Appellate Tribunal shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure 1974 (2 of 1974).