

- (k) direct any designated consumer to furnish to the designated agency, in such form and manner and within such period, as may be prescribed, the information with regard to the energy consumed and action taken on the recommendation of the accredited energy auditor;
 - (l) direct any designated consumer to designate or appoint energy manager in charge of activities for efficient use of energy and its conservation and submit a report, in the form and manner as may be prescribed, on the status of energy consumption at the end of the every financial year to designated agency;
 - (m) prescribe minimum qualification for energy managers to be designated or appointed under clause (l);
 - (n) direct every designated consumer to comply with energy consumption norms and standards;
 - (o) direct any designated consumer, who does not fulfill the energy consumption norms and standards prescribed under clause (g), to prepare a scheme for efficient use of energy and its conservation and implement such scheme keeping in view of the economic viability of the investment in such form and manner as may be prescribed;
 - (p) prescribe energy conservation building codes for efficient use of energy and its conservation in the building or building complex;
 - (q) amend the energy conservation building codes to suit the regional and local climatic conditions;
 - (r) direct every owner or occupier of the building or building complex, being a designated consumer to comply with the provisions of energy conservation building codes for efficient use of energy and its conservation;
 - (s) direct, any designated consumer referred to in clause (r), if considered necessary, for efficient use of energy and its conservation in his building to get energy audit conducted in respect of such building by an accredited energy auditor in such manner and intervals of time as may be specified by regulations;
 - (t) take all measures necessary to create awareness and disseminate information for efficient use of energy and its conservation;
 - (u) arrange and organise training of personnel and specialists in the techniques for efficient use of energy and its conservation;
 - (v) take steps to encourage preferential treatment for use of energy efficient equipment or appliances:
- 14A (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 The Central Government may, in consultation with the Bureau, prescribe the value of per metric ton of oil equivalent of energy consumed for the purposes of this Act.

CHAPTER VI of EC ACT

Power of State Government to facilitate and Enforce Efficient Use of Energy and its Conservation

15. The State Government may, by notification, in consultation with the Bureau -
- (a) amend the energy conservation building codes to suit the regional and local climatic conditions and may, by rules made by it, specify and notify energy conservation building codes with respect to use of energy in the buildings;
 - (b) direct every owner or occupier of a building or building complex being a designated consumer to comply with the provisions of the energy conservation building codes;
 - (c) direct, if considered necessary for efficient use of energy and its conservation, any designated consumer to get energy audit conducted by an accredited energy auditor in such manner and at such intervals of time as may be specified by regulations;
 - (d) designate any agency as designated agency to coordinate, regulate and enforce provisions of this Act within the State;
 - (e) take all measures necessary to create awareness and disseminate information for efficient use of energy and its conservation;
 - (f) arrange and organise training of personnel and specialists in the techniques for efficient use of energy and its conservation;
 - (g) take steps to encourage preferential treatment for use of energy efficient equipment or appliances;
 - (h) direct, any designated consumer to furnish to the designated agency, in such form and manner and within such period as may be specified by rules made by it, information with regard to the energy consumed by such consumer;
 - (i) specify the matters to be included for the purposes of inspection..

Establishment of Fund by State Government

16. (1) The State Government shall constitute a Fund to be called the State Energy Conservation Fund for the purposes of promotion of efficient use of energy and its conservation within the State.
- (2) To the Fund shall be credited all grants and loans that may be made by the State Government or, Central Government or any other organization or individual for the purposes of this Act.
- (3) The Fund shall be applied for meeting the expenses incurred for implementing the provisions of this Act.
- (4) The Fund created 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.

Power of Central Government or State Government to issue directions

18. The Central Government or the State Government may, in the exercise of its powers and performance of its functions under this Act and for efficient use of energy and its conservation, issue such directions in writing as it deems fit for the purposes of this Act to any person, officer, authority or any designated consumer and such person, officer or authority or any designated consumer shall be bound to comply with such directions.

Explanation – For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct –

- (a) Regulation of norms for process and energy consumption standards in any industry or building or building complex; or
- (b) Regulation of the energy consumption standards for equipment and appliances.

CHAPTER VIII of EC Act

PENALTIES AND ADJUDICATION

26. Penalty

- (1) If any person fails to comply with the provisions of clause (c) or clause (d) or clause (h) or clause (i) or clause (k) or clause (l) [xxx] or clause (r) or clause (s) of section 14 or clause (b) or clause (c) or clause (h) of section 15, he shall be liable to a penalty which shall not exceed ten lakh rupees for each such failure and, in the case of continuing failure, with an additional penalty which may extend to ten thousand rupees for every day during which such failure continues:

PROVIDED that no person shall be liable to pay penalty within five years from the date of commencement of this Act.

- (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.
- (2) Any amount payable under this section, if not paid, may be recovered as if it were an arrear of land revenue.

Role of State Designated Agencies

As per Energy Conservation Act 2001, State Governments have been empowered to designate agencies (State Designated Agency, i.e. SDA) in consultation with Bureau of Energy Efficiency. Designated Agencies will have the responsibility to implement the Act within the State.

Responsibilities

- Spread awareness on EC Act
- Undertake voluntary initiatives to promote energy conservation
- Liaison and coordinate with BEE, State Government Departments dealing with energy, industry, planning, regulators, consumer affairs, municipal bodies etc.
- Capacity building of staff employed
- Launch and maintain state specific website addressing the voluntary and mandatory provisions of EC Act
- Undertake energy conservation awareness program for consumers, industrial & commercial sector, school children, farmers etc.
- Arrange interactive meets between energy managers, energy auditors, designated consumers and other experts

Duties

- Prepare a list of designated consumers
- Compile information received from designated consumers through annual statements on energy consumption, energy audit reports, and action taken on the report of energy audit
- Prepare a state and sectoral energy data base and provide the feed back to designated consumers
- Take all measures necessary to create awareness and disseminate information for efficient use of energy and its conservation
- Arrange and organize training of personnel and specialists in the techniques for efficient use of energy and its conservation
- Take steps to encourage preferential treatment for use of energy efficient equipment or appliances
- Appoint or designate inspecting officer with specified powers as necessary for the purpose of ensuring compliance with energy consumption standards
- Assist State Government in the preparation of Rules under Section 57 of the Energy Conservation Act.
- Establish Energy Conservation Fund for the purposes of promotion of efficient use of energy and its conservation within the State.

2.3 Schemes of BEE under the Energy Conservation Act-2001

- Energy Conservation Building Codes (ECBC)
- Standards and Labeling (S & L)
- Demand Side Management (DSM)
- Bachat Lamp Yojana (BLY)
- Promoting Energy Efficiency in Small and Medium Enterprises (SMEs)
- Designated Consumers
- Certification of energy auditors and energy managers