

## **THE BOILER APPEAL RULES, 2013**

In exercise of the powers conferred by sub-section (1) of section 28A and clause (a) of sub-section (I A) of section 28A read with sections 20 and 20A of the Boilers Act, 1923 (5 of 1923), the Central Government hereby makes the following rules, namely:—

### **1. Short title and commencement:**

- (1) These rules may be called the Boiler Appeal Rules, 2013.
- (2) They shall come into force on the date<sup>2</sup> of their publication in the Official Gazette.

### **2. Definitions:**

- (1) In these rules, unless the context otherwise requires,—
  - (a) “Act” means the Boilers Act, 1923 (5 of 1923);
  - (b) “Appellate Board” means board constituted under rule 13;
  - (c) “Chief Inspector” means a person appointed to be a Chief Inspector under the Act;
  - (d) “Inspecting Authority” shall have the meaning assigned to it under clause (ccd) of section 2 of the Act;
  - (e) “Technical Adviser” means the Technical Adviser appointed under sub-section (1) of section 4A of the Act;

### **3. Appellate Authority:**

The Technical Adviser shall be the “Appellate Authority” under section 20 of the Act.

### **4. Filing of Appeal:**

Every appeal shall be made in writing either in Hindi or English and shall be presented to the Technical Adviser, within a period of thirty days of the communication to him of the order or refusal against which an appeal is preferred.

### **5. Presentation of appeal:**

An appeal may be presented either personally or by registered post or speed post to the Technical adviser.

## **6. Form of appeal:**

The appeal shall be accompanied by the original order, appellate order, refusal, notice or report appealed against or by a certified copy thereof; or where no such original order, appellate order, refusal, notice or report has been made in writing, by a clear statement of facts appealed against, the grounds for appeal and the relevant sections of the Act.

## **7. Fixing date for hearing:**

On receipt of an appeal, the Technical Adviser shall fix a date for hearing of the appeal within one month from the date of receipt of appeal and no delay shall be made in deciding appeals.

## **8. Procedure during hearing:**

- (1) When the date of hearing has been fixed, the Technical Adviser shall issue a notice to the appellant stating the date for hearing and informing him that if he wishes to be heard in support of the appeal or to produce evidence, he must be present either in person or by an authorized agent with his evidence on the date fixed.
- (2) The notice shall be sent by registered post or by speed post at such address as entered in the petition and if due to genuine reasons the appellant is unable to be present either in person or by an authorised agent for hearing on the date fixed for hearing and seeks postponement of hearing, he shall intimate the same in writing to the Technical Adviser and the Technical Adviser, if satisfied with the reasons for postponement of hearing may fix another date for hearing.

## **9. Presence of Chief Inspector or Inspecting Authority:**

In all appeals the Technical Adviser shall decide whether the presence of the Chief Inspector or Inspecting Authority as the case may be, is necessary and issue directions accordingly.

## **10. Attendance of witnesses:**

In all appeals the Technical Adviser shall decide whether the presence of any witnesses is required and issue directions accordingly.

## **11. Ex-parte decision:**

If the appellant is not present on the date fixed, the appeal may be decided in his absence.

## **12. Fees required for certificates granted on appeals:**

Any order or appeal authorising the grant or renewal of a certificate shall be deemed to be subject to payment of applicable fees.

## **13. Revision of order of appellate authority:**

- (1) For revision of an order of the appellate authority under section 20A of the Act, an application shall be lodged by the appellant with the Technical Adviser within two months of the communication of such order to him who will place the same before a three member Appellate Board to be constituted by the Central Government from time to time.
- (2) The Appellate Board members shall be well qualified persons with necessary technical knowledge from organizations like manufacturers of boilers or ancillaries, the Bureau of Indian Standards, National Laboratories, Engineering consultancy organizations, user of boilers.
- (3) The Appellate Board members shall not have any conflict of interest in the application.
- (4) The Appellate Board shall be constituted within fifteen days of receipt of application for revision of order of appellate authority and meeting of the appellate board shall be convened within one month from its constitution.

## **14. Presentation of application for revision of order of appellate authority:**

Every application shall be made in either in Hindi or English and may be presented either personally or by registered post or speed post to the Technical adviser.

## **15. Procedure for deciding application for revision of order of appellate authority:**

The Appellate Board may/ after calling for relevant records and other information from the appellate authority and considering the observations, if any, of that authority on the application and after obtaining such technical advice as the appellate Board may consider necessary, pass such order in relation to the application, as the Board thinks fit, and where the revision is allowed, the order shall specify the terms and conditions on which any variations from the regulations made under this Act are to be dealt with during the examination of the boiler.

## **16. Costs in appeals:**

- (1) An appeal before the Appellate Board or the appellate authority, as the case may be, shall be accompanied by a fee of one thousand rupee in the form of a crossed demand draft or pay order drawn in favour of "Pay and Accounts Officer, Department of Industrial Policy and Promotion" payable at Central Bank of India, Udyog Bhawan Branch, New Delhi.

- (2) In all cases of appeals in which an inspection is required, the appellant shall deposit in advance the full cost of such inspection.