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RESEARCH ARTICLE

The issues of subject composition power supply contract

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Abstract

The energy sector is the most important sector of the economy in any country and the rules relating to the regulation of social relations in this area deserve particular attention. The strategic importance of this sector is manifested in the fact that it is the basis for the functioning of the economy and livelihood of citizens. At the same time electric power - is the industrial sector and integrates all subsystem of fuel and energy complex, the special role which the industry is that from its operation depends largely on the development of other industries. Therefore, one of the main directions of state policy in the field of electric power are the introduction of market principles and mechanisms in the system of governance and economic relations of production, transmission and distribution of electrical energy.

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INTRODUCTION

Today widely discussed problems and prospects of development of the legal institution of power, in particular, regulation of contractual relations in this sphere. The question of the subject composition of any civil contract has an important conceptual meaning. Energy supply contract is no exception. Analysis of the current legislation, devoted to this subject, eloquently testifies to the imperfection of the legal framework, which is particularly evident when it comes to the structure of relations developing between the parties, the obligations of the subject composition of the treaty. In this regard, it is necessary to discuss a range of issues which today are the most urgent and requires urgent attention by the legislator.

Discussion and Result

The circle of subjects involved in the process of power is much broader process involving not only the supply side, but also have their own legal status based on the tasks and responsibilities assigned by law, several state agencies, enterprises and organizations.

State regulation in the field of electric power is carried out within its powers the Cabinet of Ministers of the Republic of Uzbekistan, a specially authorized body in the field of power defined by the legislation, the body of state supervision in the power industry, defined by law, the local authorities in the field. On the basis of the Resolution of the Cabinet of Ministers of 17.02.2010 № 23 "On measures to implement the law of the Republic of Uzbekistan "On Electric Power Industry" State Joint Stock Company "Uzbekenergo" (hereinafter - the Joint Stock Company "Uzbekenergo") is a specially authorized body in the field of electric power, and the State Inspection (hereinafter - the State Inspection "Uzdavenergonazorat") is a state supervisory authority in the electric power industry.

According to the Law of the Republic of Uzbekistan "On Electric Power Industry" (hereinafter - the Law) The Cabinet of Ministers organizes the development of the power development program and approve them in the

prescribed manner; implements the basic principles and the priorities of deepening the economic reforms in the electricity sector; creates a balance of production and consumption of electric energy; defines the procedure for financing the construction, commissioning and decommissioning of power facilities; supports the implementation of projects for the production of electricity using renewable energy sources; approves rules for the use of electric energy.

Joint Stock Company "Uzbekenergo" provides a safe and reliable operation of the power grid and meet the needs of consumers of electric power; developing a program for the development of electric power; participates in the formation of the balance of production and consumption of electric energy and make proposals on tariffs for electric energy; sets the mode of operation of the power grid; controls the main electric networks; carries out activities for the reconstruction, modernization and development of generating facilities and power grids; supervises the activities of the System Operator of the Unified Power System (hereinafter - system operator), a single buyer of electricity Grid Company; develops and approves regulations in the electricity sector; provides technical and technological control over the organization of legal entities operating power facilities; coordinates the work on technical regulation, standardization, metrology and certification in the field of electric power; organizes the work of testing laboratories the electric power industry; coordinate scientific research, commissioning, maintenance and engineering and design work on the electric power facilities; organizes the development and implementation of measures for the rational use of electric power and energy resources, as well as the use of renewable energy sources; coordinates the work on occupational health and safety in the electricity sector.

State Inspection "Uzdavenergonazorat" develops and approves regulations in the electricity sector; supervises the implementation of security measures in the production, transmission and consumption of electric energy, as well as its rational use;

Local authorities are involved in the development of programs for the development of electric power; taken in accordance with legislation decision on the placement of power facilities; agree presented territorial electric networks of electricity consumption for the coming year.

In accordance with the above law, the contract power as an "energy supplier" in the joint-stock company "Uzbekenergo" enterprises involved the production of electricity, the single buyer of electricity backbone electrical grids, enterprise regional electrical grids, the electricity supply company.

Companies producing electrical energy are required to ensure safety in the production and supply of electric energy in the backbone electric grid electrical energy quality indicators which correspond to the state standards. Thermal power plants, Heat and Power plants and Power plants using renewable energy sources connected to the power grid, may be in public or private property. Hydro Power Plants are connected to the Single power grid, owned by the state.

Single buyer of electric power is a specially authorized body in the field of electricity. Single buyer of electricity contracts with enterprises for the production of electricity for the purchase of electric energy; enter into contracts for sale of electric power enterprises of territorial electric networks; concludes with grid company a contract for the transfer of electrical energy from enterprises for the production of electric power enterprises of territorial electric networks; monitors the efficiency of production and transmission of electrical energy in the power grid; in the prescribed manner involved in the formation of the balance of production and consumption of electrical energy.

On the main electric networks are transmitted from the electric power companies for the production of electric power enterprises of territorial electric networks, as well as interaction with power systems of other countries.

Backbone electric grids consist of transmission facilities of the enterprise backbone electric networks and transmission facilities of legal entities used as the main electric networks. Grid Company transmits electricity from enterprises for the production of electric power enterprises of territorial electric networks, as well as interaction with power systems of other states; provides security in the transmission of electrical energy by the main electric grid; supports on its electric grid facilities established by state standards of quality of electric energy; organizes the operation and maintenance of its transmission facilities in accordance with the Rules of technical operation of power plants and networks (hereinafter - Rules of technical exploitation); develops and implements organizational and technical measures to reduce technical losses of electricity in their electric grid facilities.

As territorial power grids of electrical energy being transferred from the main electric networks to customers within the territory of the Republic of Karakalpakstan, respectively, regions and Tashkent city. Management of transmission facilities of territorial electric networks engaged in operational-dispatching services relevant enterprises of territorial electric networks.

Enterprise regional electric grids carried out distribution and sale of electricity to consumers. Enterprises territorial electric networks acquire electricity from the single buyer of electricity on a contractual basis; in the prescribed manner give general power of attorney power companies on the exercise of power to enter into contracts

with consumers; carry out the sale of electricity to consumers on the basis of the contract of power supply; provide security for supply of electricity to customers; maintained its electric grid facilities established by state standards of quality of electric energy; organize its operation and maintenance of transmission facilities in accordance with the Rules of technical operation; develop and implement organizational and technical measures to reduce technical losses of electricity in their electric grid facilities; outstanding technical conditions for connection of electrical consumers that consume electrical energy, to the territorial electric networks in due course.

Power companies are divisions of enterprises of territorial electric networks engaged in the distribution and sale of electric energy to consumers within the area of the town, the production area.

Electricity supply companies form the contractual monthly consumption of electrical energy in accordance with the amended proposals in the established order of the consumer; organize its operation and maintenance of transmission facilities in accordance with the Rules of technical operation; develop and implement organizational and technical measures to reduce technical losses of electricity in their electric grid facilities.

Under the contract power plant regional electric grids or energy supply companies committed to supplying the consumer through the attached network electrical energy, and the consumer undertakes to make timely payment for consumed electricity, to comply with the treaty regime of its consumption, to ensure the proper technical condition and safety operated by electrical networks, devices and equipment related to the consumption of electric energy.

Power companies are required to ensure the supply of electricity to consumers in accordance with the agreements of power supply; keep on their electric grid facilities established by state standards of quality of electric energy; ensure the proper technical condition and safety of electrical networks; keep records of payments for the actually used electricity consumers; to inform consumers in the established order to restrict supply of electricity due to planned maintenance work on the electric grid facilities and emergency modes; to consider applications for electricity consumers.

Electricity consumers (consumer) - a legal entity or physical persons who uses electricity for production and (or) domestic purposes in accordance with the contract power. Electricity consumers have the right to join their electrical installations to the territorial electric networks in accordance with the technical specifications; receiving electric power quality indicators which correspond to the state standards; receipt in the prescribed manner of information about the reasons for the suspension of electricity supply; adding to the established order in the company of the territorial electric networks of proposals for changes in the supply of electric power consumed by them; compensation in the prescribed manner of losses caused by the territorial electric company networks or power companies short shipment or delivery of electric energy of electric energy quality parameters which do not meet the state standards; access to a court or to a superior in accordance with subordination, an official for the settlement of disputes arising from the conclusion and execution of contracts electricity.

Consumers of electricity are obliged to respect the consumption of electric energy, certain terms of the contract of power supply; to make timely payment for consumed electricity within the electricity supply contract terms; allow the representative of the company to the regional electric networks of electric power meters; to implement measures for rational use of electric power; ensure the proper technical condition and safety of electricity networks operated by them, instruments and equipment, to inform the company of the territorial electric networks and power companies about their faults.

According to art. 468 of the Civil Code of the Republic of Uzbekistan parties of the contract of energy supply identified as a subscriber (user) and the power supply company. To indicate the parties of the contract, the terms of energy supply “power supply company”, “user” and “sub-subscriber”. These terms, is widely used in ordinary speech, it has become commonplace not only in literature, but in the texts of regulations. However, the ambiguity in the understanding and interpretation of the terms given no legislator nor the authors of the various comments. On this basis, despite the assignment of the power supply agreement to the form of sale, it is hardly justified naming party - buyer power and power supply company - manufacturer and supplier of the more. Current legislation does not clearly define the concept of “supply organization”. This leads to confusion, disturbance of a unified concept of the regulation of contractual aspects. That is why, for the purpose of uniform application of these concepts (terms), it seems necessary to bring the regulations into line with the norms of the Civil Code.

The definition of “subscriber” in the current Legislation is no place. Currently, there are two points of view regarding the relationship between the concepts “consumer” and “subscriber” for the purposes of supply. According to a position of these concepts as they are used in the Civil Code of the Republic of Uzbekistan, are identical, and according to the other - the term “consumer” is broader than the concept of “subscriber” in connection with the fact that each user is the consumer, but not every consumer is subscriber, since there are still Customer-subsubscriber. In connection with this it is necessary to clearly define the concept of “consumer” and “subscriber”.

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