

No. 47/4/2020-R&R
Government of India
Ministry of Power

Shram Shakti Bhavan, Rafi Marg
New Delhi, 22nd September, 2020

VACANCY CIRCULAR

Member (Law), Joint Electricity Regulatory Commission (JERC) for Manipur and Mizoram

Pursuant to the Memorandum of Agreement (MoA) signed among the Government of India and the State Governments of Manipur & Mizoram, the Joint Electricity Regulatory Commission (JERC) for Manipur & Mizoram was set up by the Government of India under the provisions of the Electricity Act, 2003. The Commission is located at Aizawl. The JERC is a two member Commission, each member representing the respective participating State. The Chairperson of the JERC is appointed on rotation for one year from the members.

2. The post of Member representing Manipur in the JERC is due to fall vacant on **24.1.2021**. It is proposed to fill up the vacancy.

3. Appointment to the post of Member is governed by the relevant provisions of the Electricity Act, the MoA and the Joint Electricity Regulatory Commission for the States of Manipur & Mizoram (Salaries, Allowances and other Conditions of Service of Chairperson and Member) Rules, 2006. The Pay of the Member has been revised to Rs. 67000-(annual increment @ 3%)-79000 without any grade pay (HAG scale). Further revision of pay subsequent to the 7th Central Pay Commission recommendation is yet to be made.

4. Section 84 (1) of the Electricity Act prescribes the qualification for appointment of a Member i.e. "...the Members of the State Commission shall be persons of ability, integrity and standing who have adequate knowledge of, and have shown in, dealing with, problems relating to engineering, finance, commerce, economics, law, or management."

5. Hon'ble Supreme Court pronounced its judgement on 12.04.2018 in the Civil Appeal No. 14697 of 2015 - State of Gujarat & Others vs. Utility Users' Welfare Association & Others. As per the above judgment of the Supreme Court, it is mandatory that there is a **Member of the Commission, who is person who is or has been holding a judicial office or is a person possessing professional qualifications with substantial experience in the practice of law, who has the requisite qualifications to have been appointed as a Judge of the High Court or a District Judge**. Hence, this vacancy shall be filled up from a **person of law having qualification as mentioned in apex court judgment dated 12.4.2018**.

6. The Member of JERC for Manipur & Mizoram shall hold office for a term of five years from the date on which he/ she enters upon his/ her office or till he/ she attains the age of sixty-five years, whichever is earlier. The candidate will have to

give a declaration that he/she does not have any financial or other interest, which is likely to affect prejudicially his/her function as Member of the above JERC.

7. Relevant extracts of the Electricity Act, 2003 relating to the requirement of qualification, experience, etc. for Member, JERC for Manipur & Mizoram and Hon'ble Supreme Court Judgment dated 12.4.2018 relating to the requirement of qualification, experience, etc. for Member (Law) and a copy of Joint Electricity Regulatory Commission for the States of Manipur & Mizoram (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2006 are attached in the vacancy circular dated 22.9.2020 available at website of Ministry of Power i.e . <https://powermin.nic.in/>

8. Applications/ nominations are invited in the proforma enclosed at Annexure, from suitable persons having qualification and experience as mentioned in para 5 above for appointment as **Member (Law), JERC for Manipur & Mizoram** so as to reach the **Joint Secretary, Power & Electricity Department, Government of Mizoram, Old Secretariat Building Annexe-2, Aizawl-796001 (Tel : 0389-2333285)** within six weeks from the date of publication of this circular in the Employment News. The same may also be emailed at jtsecypower@gmail.com.

Encl: as stated



(D. Chattopadhyay)
Under Secretary to the Government of India
Tel : 011-23730265

**Application to the post of Member (Law), Joint Electricity
Regulatory Commission (JERC) for Manipur and Mizoram**

1. Name of Post : Member, JERC for Manipur and Mizoram
2. Date of Vacancy : 24.01.2021
3. Name of Applicant :
4. Father's Name :
5. Present post held (since.....) :
6. Date of Birth of Applicant (DD/MM/YYYY) :
7. Age of Applicant on date of Vacancy: ...Years
.....Months.....Days
8. Correspondence Address :
9. Phone Number :
10. Mobile Number :
11. Email ID :
12. Educational Qualification(s) [In reverse chronological order]

Sl. No.	Name of University/ equivalent institution	Degree	Year of passing	Subject/specialization

13. Experience (last 15 years) :

Sl. No.	From (Date)	To (Date)	Department/Organization/ Institute	Designation	Experience

Any other relevant facts the Applicant may like to share (limited to 500 words):

Note:- copies of certificates and ACRs/APARs should not be enclosed at this stage.

Declaration

1. I hereby declare that I do not have any financial or other interest, which is likely to affect prejudicially my function as Member, Joint Electricity Regulatory Commission (JERC) for Manipur and Mizoram, in the event of my selection.
2. The information furnished above is correct is to the best of my knowledge and belief and nothing has been suppressed. I understand that in the event of my selection, if it is found at a later stage that any information furnished above is false or misrepresented, or any information or fact is suppressed, my selection is liable to be cancelled.

Place:

Signature:

Date:

Name:

Extracts from Supreme Court judgement
dated 12.04.2018

of appointment have been exclusively assailed right till the Supreme Court. It may be added that the Selection Committee was presided over by a retired Judge of the High Court.

113. We, thus, find no merit in the plea sought to be advanced

Draft No. DFA/51909

assailing either the appointment or the *suo moto* tariff revision. **Attachment: Extracts from S**

Conclusion:

114. In view of our observations above, we conclude as under:

i. Section 84(2) of the said Act is only an enabling provision to appoint a High Court Judge as a Chairperson of the State Commission of the said Act and it is not mandatory to do so.

ii. It is mandatory that there should be a person of law as a Member of the Commission, which requires a person, who is, or has been holding a judicial office or is a person possessing professional qualifications with substantial experience in the practice of law, who has the requisite qualifications to have been appointed as a Judge of the High Court or a District Judge.

iii. That in any adjudicatory function of the State

Commission, it is mandatory for a member having the aforesaid legal expertise to be a member of the Bench.

iv. The challenge to the appointment of the Chairman and Member of the Tamil Nadu State Commission is rejected as also the *suo moto* proceedings carried out by the Commission.

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Attachment: Extracts from S

v. Our judgment will apply prospectively and would not affect the orders already passed by the Commission from time to time.

vi. In case there is no member from law as a member of the Commission as required aforesaid in para 2 of our conclusion, the next vacancy arising in every State Commission shall be filled in by a Member of law in terms of clause (ii) above.

115. Transfer Petition (C) No.974/2016 is allowed and the Transferred Case arising out of transfer petition stands disposed of.

116. The appeals as well as the other transferred cases stand disposed of accordingly leaving the parties to bear their own costs. Pending application(s), if any, also stand(s) disposed of.

Draft No. DFA/51909

Attachment: Extracts from S

.....J.
(J. Chelameswar)

.....J.
(Sanjay Kishan Kaul)

New Delhi.
April 12, 2018.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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अधिसूचना

नई दिल्ली, 14 अगस्त, 2006

सा.का.नि. 480(अ).— केन्द्रीय सरकार विद्युत अधिनियम, 2003 (2003 का 36) की धारा 89 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाती है, अर्थात् :-

1. **संक्षिप्त नाम और प्रारंभ** - (1) इन नियमों का संक्षिप्त नाम मणिपुर और मिजोरम राज्यों के लिए संयुक्त विद्युत विनियामक आयोग (अध्यक्ष और सदस्यों के वेतन, भत्ते और सेवाओं की अन्य शर्तों) नियम, 2006 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. **परिभाषाएं** - (1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,-

(क) “अधिनियम” से विद्युत अधिनियम, 2003 अभिप्रेत है ;

(ख) “आयोग” से अधिनियम की धारा 83 के अधीन गठित मणिपुर और मिजोरम राज्यों के लिए संयुक्त विद्युत विनियामक आयोग अभिप्रेत है ;

(ग) उन शब्दों और पदों का, जो इनमें प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वही अर्थ होगा जो अधिनियम में उनके क्रमशः है।

3. **पद और गोपनीयता की शपथ** - आयोग का सदस्य अपना पद ग्रहण करने से पूर्व विद्युत मंत्रालय (संघ सरकार) के भारसाधक मंत्री के समक्ष पद और गोपनीयता की शपथ प्रतिज्ञापित करेगा और पद और गोपनीयता की शपथ निम्नलिखित प्रारूप में दिलाई जाएगी,-

गोपनीयता की शपथ

मैं ईश्वर की शपथ लेता हूँ और सत्यनिष्ठा से प्रतिज्ञान करता हूँ कि जो विषय मणिपुर और मिजोरम राज्यों के लिए संयुक्त विद्युत विनियामक आयोग के अध्यक्ष या सदस्य के रूप में मेरे विचार के लिए लाया जाएगा अथवा मुझे ज्ञात होगा उसे किसी व्यक्ति या व्यक्तियों को तब

के सिवाय जब कि ऐसे अध्यक्ष या सदस्य के रूप में अपने कर्तव्यों के सम्यक् निर्वहन के लिए ऐसा करना अपेक्षित हो, मैं प्रत्यक्ष अथवा अप्रत्यक्ष रूप से संसूचित या प्रकट नहीं करूंगा।

संविधान के प्रति निष्ठा की शपथ और प्रतिज्ञान

मैं जो मणिपुर और मिजोरम राज्यों के लिए संयुक्त विद्युत विनियामक आयोग का सदस्य नियुक्त हुआ हूँ, ईश्वर की शपथ लेता हूँ और सत्यनिष्ठा से प्रतिज्ञान करता हूँ कि मैं विधि द्वारा स्थापित भारत के संविधान के प्रति सच्ची श्रद्धा और निष्ठा रखूंगा, मैं भारत की प्रभुता और अखंडता अक्षुण्ण रखूंगा तथा मैं सम्यक प्रकार से और श्रद्धापूर्वक तथा अपनी पूरी योग्यता, ज्ञान और विवेक से अपने पद के कर्तव्यों का भय या पक्षपात, अनुराग या द्वेष के बिना पालन करूंगा तथा मैं संविधान और देश की विधियों की मर्यादा बनाए रखूंगा।

4. वेतन - सदस्य प्रतिमास 22,400-525-24500रु. का वेतन प्राप्त करेगा :

परंतु यदि सदस्य के रूप में नियुक्त व्यक्ति,-

(क) संघ सरकार से, जिसके अंतर्गत रेल, रक्षा, डाक और संसूचना भी है ; या

(ख) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन से ; या

(ग) पब्लिक सेक्टर उपक्रम, स्थानीय निकाय, स्वशासी निकाय जैसे विश्वविद्यालय या अर्धसरकारी संगठन जैसे पत्तन न्यास से ;

पेंशन प्राप्त करता है, तो ऐसे व्यक्ति के वेतन में से उसके द्वारा आहरित पेंशन की कुल रकम को घटा दिया जाएगा [जैसा कि केन्द्रीय सिविल सेवा (पूनःनियोजित पेंशनभोगियों के वेतन का नियतन) आदेश, 1986 में उदाहरण दिया गया है] :

परंतु यह और भी कि सदस्य वेतन के ऐसे नियतन के पूर्व अपने मूल वेतन पर अनुज्ञेय भत्ते प्राप्त करने का हकदार होगा।

5. महंगाई भत्ता और नगर प्रतिकारात्मक भत्ता - सदस्य केन्द्रीय सरकार के समूह 'क' के अधिकारी जो इनके समतुल्य वेतन प्राप्त कर रहा है, को अनुज्ञेय दर पर महंगाई भत्ता, नगर प्रतिकारात्मक भत्ता और अन्य भत्ते प्राप्त करने का हकदार होगा।

6. छुट्टी - सदस्य सेवा के प्रत्येक वर्ष के लिए तीस दिन की उपार्जित छुट्टी का हकदार होगा और छुट्टी के दौरान छुट्टी के वेतन का संदाय केन्द्रीय सिविल सेवा (छुट्टी) नियम, 1972 के नियम 40 के उपबंधों के अधीन शासित होगा।

7. छुट्टी मंजूर करने वाला प्राधिकारी - अध्यक्ष की दशा में उस राज्य का भारसाधक मंत्री जिसका वह आयोग में प्रतिनिधित्व करता है और सदस्य की दशा में अध्यक्ष छुट्टी मंजूर करने वाला प्राधिकारी होगा।

8. भविष्य निधि - सदस्य अंशदायी भविष्य निधि नियम (भारत), 1962 के उपबंधों द्वारा शासित होंगे और साधारण भविष्य निधि नियम (केन्द्रीय सेवा) 1960 के उपबंधों के अधीन अंशदान करने का कोई विकल्प उपलब्ध नहीं होगा। आयोग में की गई सेवा के लिए कोई पेंशन या उपदान अनुज्ञेय नहीं होगा।

9. यात्रा भत्ता - (1) सदस्य भारत के भीतर दौरा करते समय या स्थानांतरण पर (जिसके अंतर्गत आयोग में कार्यभार ग्रहण करने के लिए स्वयं और कुटुम्ब द्वारा की गई यात्रा या आयोग में पदावधि के पर्यवसान पर अपने कुटुम्ब के साथ अपने गृह नगर को की गई यात्रा सम्मिलित है) यात्रा भत्ता, दैनिक भत्ता और निजी समान के परिवहन के लिए उसी मापमान और उन्हीं दरों पर हकदार होंगे जो समतुल्य वेतन प्राप्त करने वाले केन्द्रीय सरकार के समूह 'क' के अधिकारी को लागू होती हैं।

(2) सदस्य द्वारा किए जाने वाले विदेशी दौरों के लिए उस सरकार का, जिसका वह आयोग में प्रतिनिधित्व करता है, पूर्व अनुमोदन और केन्द्रीय सरकार की अनापत्ति अपेक्षित होगी :

परंतु विदेशी दौरों की अवधि के दौरान दैनिक भत्ता और होटल आवास व्यवस्था केन्द्रीय सरकार के ऐसे आदेशों के जो केन्द्रीय सरकार के समतुल्य वेतन प्राप्त करने वाले समूह 'क' के अधिकारी को लागू होते हैं और समय-समय पर वित्त मंत्रालय द्वारा जारी किए गए आर्थिक अनुदेशों या अन्य अनुदेशों के अनुरूप होगी।

10. छुट्टी यात्रा रियायत - सदस्य उसी वेतनमान और उन्हीं दरों पर जो समतुल्य वेतन प्राप्त करने वाले केन्द्रीय सरकार के समूह 'क' के अधिकारियों को लागू होते हैं, छुट्टी यात्रा रियायत का हकदार होगा।

11. आवास - (1) सदस्य मिजोरम सरकार के सन्नियमों के अनुसार निवासीय आवास का हकदार होगा :

परंतु ऐसे आवास के लिए जो सदस्य की हकदारी के अनुसार और उसके भीतर है, मानक अनुज्ञप्ति फीस वही होगी जो समतुल्य वेतन प्राप्त करने वाले केन्द्रीय सरकार के समूह 'क' के आइजॉल में तैनात अधिकारी की दशा में है।

(2) यदि मिजोरम सरकार किसी सदस्य को निवासीय आवास उपलब्ध नहीं कराती है तो उसे ऐसे गृह किराया भत्ते का दावा करने का विकल्प होगा जो आइजॉल में तैनात केन्द्रीय सरकार के उसी स्तर के समूह 'क' के अधिकारियों को अनुज्ञेय है।

12. परिवहन - सदस्य को सरकारी यान का उपयोग करने अथवा ऐसी धनराशि की प्रतिपूर्ति का जो केन्द्रीय सरकार द्वारा समतुल्य वेतन प्राप्त करने वाले केन्द्रीय सरकार के समूह 'क' के अधिकारी के संबंध में समय-समय पर उसको अपनी निजी कार का उपयोग करने और उसके रख-रखाव के लिए नियत किया जाए, विकल्प अनुज्ञात होगा।

13. चिकित्सीय उपचार - सदस्य ऐसे चिकित्सीय प्रतिपूर्ति और सुविधा का हकदार होगा जो समतुल्य वेतन प्राप्त करने वाले केन्द्रीय सरकार के समूह 'क' के अधिकारी को अनुज्ञेय हों।

14. टेलीफोन सुविधा, सरकारी अधिवेशन और मनोरंजन व्यय - सदस्य ऐसी टेलीफोन सुविधा सरकारी अधिवेशनों और मनोरंजन व्ययों के लिए पात्र होगा जो समान वेतन प्राप्त करने वाले केन्द्रीय सरकार के समूह 'क' के अधिकारी को अनुज्ञेय है।

15. सेवा की अन्य शर्तें - सदस्य की सेवा की अन्य शर्तें जिनकी बाबत इन नियमों में कोई स्पष्ट उपबंध नहीं किया गया है, वे होंगी जो समतुल्य वेतन प्राप्त करने वाले केन्द्रीय सरकार के समूह 'क' के अधिकारी को अनुज्ञेय हैं।

MINISTRY OF POWER

NOTIFICATION

New Delhi, the 14th August, 2006

G.S.R. 480(E).—In exercise of the powers conferred by section 89 of the Electricity Act 2003, (36 of 2003) the Central Government hereby makes the following rules, namely:-

1. **Short title and commencement.** – (1) These rules may be called the Joint Electricity Regulatory Commission for the States of Manipur and Mizoram (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.** – In these rules, unless the context otherwise requires, -

- (a) "Act" means the Electricity Act 2003;
- (b) "Commission" means the Joint Electricity Regulatory Commission for the States of Manipur and Mizoram constituted under section 83 of the Act;
- (c) Words and expressions used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. **Oath of Office and secrecy.** – A Member of the Commission shall, before entering upon his office, subscribe to an oath of office and secrecy before the Minister in-charge of the Ministry of Power (Union Government) and the oath of office and secrecy shall be administered in the following form:-

Oath of secrecy

I, _____, do swear in the name of God and solemnly affirm that I shall not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as the Chairperson or Member of the Joint Electricity Regulatory Commission for the States of Manipur and Mizoram except as may be required for the due discharge of my duties as such Chairperson or Member.

Oath and affirmation of allegiance to Constitution

I, _____, having been appointed Member of the Joint Electricity Regulatory Commission for the States of Manipur and Mizoram, do swear in the name of God and do solemnly affirm that I shall bear true faith and allegiance to the Constitution of India as by law established, that I shall uphold the sovereignty and integrity of India, that I shall duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of the land.

4. Pay. - A Member shall be entitled to receive pay in the scale of pay of Rs.22400-525-24500 per month.

Provided that in case a person appointed as the Member is in receipt of pension from;

- (a) Union Government including Railways, Defence, Posts and Telecommunication; or
- (b) State Government or Union Territory Administration; or
- (c) Public Sector Undertaking, Local Body, Autonomous Body like University or Semi-Government Organization like Port Trust;

the pay of such person shall be reduced by the gross amount of pension [as illustrated in the Central Civil Services (fixation of pay of re-employed pensioners) Orders, 1986] drawn by him:

Provided further that a Member shall be entitled to receive admissible allowances on the original basic pay before such fixation of pay.

5. Dearness allowance and city compensatory allowance. - A Member shall be entitled to receive dearness allowances and city compensatory allowance, and other allowances at the rate admissible to a Group 'A' Officer of the Central Government drawing an equivalent pay.

6. Leave. - A Member shall be entitled to 30 days of earned leave for every year of service and the payment of leave salary, during leave, shall be governed under the provisions of rule 40 of the Central Civil Services (Leave) Rules, 1972.

7. Leave sanctioning authority. - In the case of the Chairperson, the Minister-in-charge of the State Government which he represents in the Commission, and in the case of a Member, the Chairperson, shall be the leave sanctioning authority.

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8. Provident fund. – A Member shall be governed by the Contributory Provident Fund Rules (India), 1962 and no option to subscribe under the provisions of the General Provident Fund Rules (Central Services), 1960 shall be available. No pension or gratuity shall be admissible for service rendered in the Commission.

9. Travelling allowances. - (1) A Member while on tour within India or on transfer (including the journey undertaken by self and family to join the Commission or on the expiry of term with the Commission to proceed to his home town with family) shall be entitled to the journey allowance, daily allowance and transportation of personal effects at the same scales and at the same rates as are applicable to a Group 'A' Officer of the Central Government drawing an equivalent pay.

(2) Foreign tours to be undertaken by a Member shall require prior approval of the State Government which he represents in the Commission and necessary clearances of the Central Government.

Provided that the daily allowance and provision of hotel accommodation during the period of tour abroad shall be in accordance with such orders of the Central Government as are applicable to Group "A" officers of the Central Government drawing an equivalent pay and as per the economy instructions or other instructions issued by the Ministry of Finance from time to time.

10. Leave travel concession. - A Member shall be entitled to leave travel concession at the same scale and at the same rate as admissible to group 'A' officers of the Central Government drawing an equivalent pay.

11. Accommodation. – (1) A Member shall be entitled for residential accommodation as per norms of Government of Mizoram.

Provided that for such accommodation which is according to and within the entitlement of the Member the standard licence fee shall be the same as in the case of a Group "A" officer of similar status of the Central Government posted at Aizwal.

(2) In case Government of Mizoram do not provide residential accommodation to a Member, he shall have the option of claiming house rent allowance as admissible to Group A officers of similar status of the Central Government posted at Aizwal.

12. Transport. – A Member shall be allowed the option to make use of an official vehicle or reimbursement of such amount as may be fixed by the Central Government from time to time in respect of a Group "A" officer of the Central Government drawing an equivalent pay for the use and maintenance of his personal car.

13. Medical treatment. – A Member shall be entitled to medical reimbursement and facility as admissible to a Group 'A' officer of the Central Government drawing an equivalent pay.

14. Telephone facility, official meeting and entertainment expenses. – A Member shall be eligible for telephone facilities, official meetings and entertainment expenses as admissible to a Group "A" officer of the Central Government drawing an equivalent pay.

15. Other conditions of services. – Other conditions of service of a Member, with respect to which no express provision has been made in these rules, shall be such as are admissible to a Group "A" officer of the Central Government drawing an equivalent pay.

[F.No.472/2004-R&R (Pt II)]

AJAY SHANKAR, Addl. Secy.

Extracts from the Electricity Act, 2003

Sec. 76. (1) There shall be a Commission to be known as the Central Electricity Regulatory Commission to exercise the powers conferred on, and discharge the functions assigned to, it under this Act.

(2) The Central Electricity Regulatory Commission, established under section 3 of the Electricity Regulatory Commissions Act, 1998 and functioning as such immediately before the appointed date, shall be deemed to be the Central Commission for the purposes of this Act and the Chairperson, Members, Secretary, and other officers and employees thereof shall be deemed to have been appointed under this Act and they shall continue to hold office on the same terms and conditions on which they were appointed under the Electricity Regulatory Commissions Act, 1998.

Draft No. DPA/51909 Provided that the Chairperson and other Members of the Central Commission **Attachm** immediately before the commencement of this Act, under the Electricity Regulatory Commissions Act, 1998, may, on the recommendations of the Selection Committee constituted under sub-section (1) of section 78, be allowed, to opt for the terms and conditions under this Act by the Central Government.

(3) The Central Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(4) The head office of the Central Commission shall be at such place as the Central Government may, by notification, specify.

(5) The Central Commission shall consist of the following Members namely:-

(a) a Chairperson and three other Members;

(b) the Chairperson of the Authority who shall be the Member, ex officio.

(6) The Chairperson and Members of the Central Commission shall be appointed by the Central Government on the recommendation of the Selection Committee referred to in section 78.

Sec. 77. (1) The Chairperson and the Members of the Central Commission shall be persons having adequate knowledge of, or experience in, or shown capacity in, dealing with, problems relating to engineering, law, economics, commerce, finance or, management and shall be appointed in the following manner, namely:-

(a) one person having qualifications and experience in the field of engineering with specialisation in generation, transmission or distribution of electricity;

- (b) one person having qualifications and experience in the field of finance;
- (c) two persons having qualifications and experience in the field of economics, commerce, law or management:

Provided that not more than one Member shall be appointed under the same category under clause (c).

(2) Notwithstanding anything contained in sub-section (1), the Central Government may appoint any person as the Chairperson from amongst persons who is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court:

Provided that no appointment under this sub-section shall be made except after consultation with the Chief Justice of India.

Draft No. DFA/51909 The Chairperson or any other Member of the Central Commission shall not hold any other office.

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(4) The Chairperson shall be the Chief Executive of the Central Commission.

Sec.78. (1) The Central Government shall, for the purposes of selecting the Members of the Appellate Tribunal and the Chairperson and Members of the Central Commission, constitute a Selection Committee consisting of –

- (a) Member of the Planning Commission
incharge of the energy sector Chairperson;
- (b) Secretary-in-charge of the Ministry of the Central Government
dealing with the Department of the Legal Affairs Member;
- (c) Chairperson of the Public Enterprises Selection Board Member;
- (d) a person to be nominated by the Central Government
in accordance with sub-section (2)..... Member ;
- (e) a person to be nominated by the Central Government
in accordance with sub-section (3) Member ;
- (f) Secretary-in-charge of the Ministry of the Central
Government dealing with power Member.

(2) For the purposes of clause (d) of sub-section (1), the Central Government shall nominate from amongst persons holding the post of chairperson or managing director, by whatever name called, of any public financial institution specified in section 4A of the Companies Act, 1956.

(3) For the purposes of clause (e) of sub-section (1), the Central Government shall, by notification, nominate from amongst persons holding the post of director or the head of the institution, by whatever name called, of any research, technical or management institution for this purpose.

(4) Secretary-in-charge of the Ministry of the Central Government dealing with Power shall be the Convenor of the Selection Committee.

(5) The Central Government shall, within one month from the date of occurrence of any vacancy by reason of death, resignation or removal of a Member of the Appellate Tribunal or the Chairperson or a Member of the Central Commission and six months before the superannuation or end of tenure of the Member of the Appellate Tribunal or Member of the Central Commission, make a reference to the Selection Committee for filling up of the vacancy.

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(7) The Selection Committee shall recommend a panel of two names for every vacancy referred to it.

(8) Before recommending any person for appointment as Member of the Appellate Tribunal or the Chairperson or other Member of the Central Commission, the Selection Committee shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as the Chairperson or Member.

(9) No appointment of the Chairperson or other Member shall be invalid merely by reason of any vacancy in the Selection Committee:

Provided that nothing contained in this section shall apply to the appointment of a person as the Chairperson of the Central Commission where such person is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court.

Sec. 79. (1) The Central Commission shall discharge the following functions, namely:-

- (k) to regulate the tariff of generating companies owned or controlled by the Central Government;
- (l) to regulate the tariff of generating companies other than those owned or controlled by the Central Government specified in clause (a), if such generating companies enter into or otherwise have a composite scheme for generation and sale of electricity in more than one State;

- (m) to regulate the inter-State transmission of electricity ;
- (n) to determine tariff for inter-State transmission of electricity;
- (o) to issue licenses to persons to function as Transmission Licensee and electricity trader with respect to their inter-State operations.
- (p) to adjudicate upon disputes involving generating companies or transmission licensee in regard to matters connected with clauses (a) to (d) above and to refer any dispute for arbitration;
- (q) to levy fees for the purposes of this Act;
- (r) to specify Grid Code having regard to Grid Standards;
- (s) to specify and enforce the standards with respect to quality, continuity and reliability of service by licensees.
- (t) to fix the trading margin in the inter-State trading of electricity, if considered, necessary;
- (k) to discharge such other functions as may be assigned under this Act.

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(2) The Central Commission shall advise the Central Government on all or any of the following matters, namely :-

- (i) formulation of National Electricity Policy and tariff policy;
- (ii) promotion of competition, efficiency and economy in activities of the electricity industry;
- (iii) promotion of investment in electricity industry;
- (iv) any other matter referred to the Central Commission by that Government.

(3) The Central Commission shall ensure transparency while exercising its powers and discharging its functions.

(4) In discharge of its functions, the Central Commission shall be guided by the National Electricity Policy, National Electricity Plan and tariff policy published under section 3.

Sec. 89. (1) The Chairperson or other Member shall hold office for a term of five years from the date he enters upon his office;

Provided that the Chairperson or other Member in the Central Commission or the State Commission shall not be eligible for re-appointment in the same capacity as the

Chairperson or a Member in that Commission in which he had earlier held office as such :

Provided further that no Chairperson or Member shall hold office as such after he has attained the age of sixty-five years.

- (3) The salary, allowances and other terms and conditions of service of the Chairperson and Members shall be such as may be prescribed by the Appropriate Government.

Provided that the salary, allowances and other terms and conditions of service of the Members, shall not be varied to their disadvantage after appointment.

- (3) Every Member shall, before entering upon his office, make and subscribe an affidavit of office and secrecy in such form and in such manner and before such authority as may be prescribed.

- (4) Notwithstanding anything contained in sub-section (1), a Member may-

- (b) relinquish his office by giving in writing to the Appropriate Government a notice of not less than three months; or

- (b) be removed from his office in accordance with the provisions of section 90.

- (5) Any member ceasing to hold office as such shall –

- (a) not accept any commercial employment for a period of two years from the date he ceases to hold such office; and

- (b) not represent any person before the Central Commission or any State Commission in any manner.

Explanation. - For the purposes of this sub-section "commercial employment" means employment in any capacity in any organisation which has been a party to the proceedings before the Appropriate Commission or employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in electricity industry and includes a director of a company or partner of a firm or setting up practice either independently or as partner of a firm or as an advisor or a consultant.

Section 90: (1) No Member shall be removed from office except in accordance with the provisions of this section.

(2) The Central Commission, in the case of a Member of the Central Commission, and the State Government, in the case of a Member of the State Commission, may by order remove from office any Member, if he-

- (a) has been adjudged an insolvent;

- b) has been convicted of an offence which, in the opinion of the Appropriate Government, involves moral turpitude;
- (c) has become physically or mentally incapable of acting as a Member;
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member;
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest; or (f) has been guilty of proved misbehaviour:

Provided that no Member shall be removed from his office on any ground specified in clauses (d), (e) and (f) unless the Chairperson of the Appellate Tribunal on a reference being made to him in this behalf by the Central Government, or the State Government, as the case may be, has, on an inquiry, held by him in accordance with such procedure as may be prescribed by the Central Government, reported that the Member ought on such ground or grounds to be removed.

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(3) The Central Government or the State Government, as the case may be, may, in consultation with the Chairperson of the Appellate Tribunal suspend any Member of the Appropriate Commission in respect of whom a reference has been made to the Chairperson of the Appellate Tribunal, under sub-section (2) until the Central Government or the State Government, as the case may be, has passed orders on receipt of the report of the Chairperson of the Appellate Tribunal, on such reference :

Provided that nothing contained in this section shall apply to the Chairperson of the Appropriate Commission who, at the time of his appointment as such is a sitting Judge of the Supreme court or the chief Justice of a High Court or a Judge of a High Court.
