

No. 23/11/2021-R&R
Government of India
Ministry of Power

Shram Shakti Bhawan, Rafi Marg,
New Delhi, 22nd September, 2021

To,

1. Secretary, MNRE, New Delhi
2. The Chairperson, Central Electricity Authority, Sewa Bhavan, R.K. Puram, New Delhi
3. The Secretary, Central Electricity Regulatory Commission (CERC), New Delhi
4. Principal Secretaries/Secretaries (Power/Energy) of all State Governments/UTs
5. Secretaries of All State Electricity Regulatory Commissions/JERCs.
6. Chairman/CMDs of all PSUs under administrative control of Ministry of Power
7. CMD, SECI, New Delhi
8. CMDs/MDs of Discoms/Gencos of all State Governments
9. CMD, IEX LTD New Delhi & MD/CEO, PXIL , Mumbai
10. DG, Association of Power Producers, New Delhi.
11. President, FICCI, House No. 1, Tansen Marg New Delhi
12. President, CII, New Delhi
13. President, PHDCCI, New Delhi
14. ASSOCHAM, Chanakyapuri, New Delhi
15. Member, PRAYAS Energy Group, Pune
16. DG, Electric Power Transmission Association (EPTA), New Delhi
17. Chairman Indian Wind Power Association, New Delhi
18. Chairman, Indian Wind Turbine Manufacturers Association, New Delhi
19. Director General, National Solar Energy Federation of India (NSEFI), New Delhi.

Subject: Draft Procedure for conducting Inquiry against a Member of Appropriate Commission (Amendment) Rules, 2021 - Reg.

Sir/Madam,

I am directed to forward herewith the draft Procedure for conducting Inquiry against a Member of Appropriate Commission (Amendment) Rules, 2021, with the request to provide your comments, if any, to this Ministry within 30 days from the date of this letter i.e. by 21/10/2021. The comments may also be emailed at debranjan.chattopadhyay@nic.in.

2. This issues with the approval of Competent Authority.

Yours faithfully

Encl: as above



(Debranjan Chattopadhyay)
Deputy Secretary to the Govt. of India
Ph: 011-2371 5250

Copy for information to: PS to Hon'ble Minister for Power and NRE, Sr. PPS to Secy. (P), Sr. PPS to JS (R&R), Ministry of Power.

Copy to: Technical Director, NIC Cell for uploading on MOP's website under "Current Notices" with the heading of "Seeking comments on the draft Procedure for conducting Inquiry against a Member of Appropriate Commission (Amendment) Rules, 2021".

[Published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i)]

GOVERNMENT OF INDIA
MINISTRY OF POWER

New Delhi, the September, 2021

G.S.R.- In exercise of the powers conferred by clause (l) of sub-section (2) of section 176 of the Electricity Act, 2003 (36 of 2003) the Central Government hereby makes the following rules, to amend the procedure for conducting Inquiry against a Member of Appropriate Commission Rules, 2004, namely:-

1. Short title and commencement –

(1) These rules may be called the procedure for conducting Inquiry against a Member of Appropriate Commission (Amendment) Rules, 2021.

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

2. In the Procedure for conducting Inquiry against a Member of Appropriate Commission Rules, 2004 (hereinafter referred to as the said rule), the rule 3 shall be substituted as under:

3. Procedure for conducting inquiry –

(1) The Central Government or the State Government, in case of a Member of the Commission, either suo motu or on complaint, shall make a reference along with imputation of charges and other relevant information for the purpose of conducting such inquiry to the Chairperson of the Appellate Tribunal in pursuance of the provisions of subsection (2) of section 90 of the Act.

1(A). On receipt of a reference under sub-rule (1) from the State Government, the Chairperson of the Appellate Tribunal shall send a copy of the reference to the Central Government for its views before issuing notice under sub-rule (2).

1(B) On receipt of a reference pertaining to any State Commission under sub-rule (1) from the Central Government, the Chairperson of the Appellate Tribunal shall send a copy of the reference to the concerned State Government for its views before issuing notice under sub-rule (2).

(2) The Chairperson of the Appellate Tribunal shall consider the views received within four weeks from State Government or Central Government and shall after suitably incorporating the views , issue a notice, to the Member concerned to appear before him on the time and date specified in the notice.

(3) A copy of the charges preferred against the Member shall be supplied along with the notice.

(4) The Chairperson of the Appellate Tribunal may seek assistance of an expert or expert agency for investigating into the charges against the Member.

(5) For the purposes of discharging his functions under these rules, the Chairperson of the Appellate Tribunal may summon such witnesses or records as he may consider necessary.

(6) After hearing the views of the Member, Chairperson shall forward his findings to the Appropriate Government.

[File No. 23/11/2021-R&R]

(Ghanshyam Prasad)
Joint Secretary to the Government of India

Note: The principal rules were published in the Gazette of India, Extraordinary *vide* notification number G.S.R. 370 (E), dated the 21st June, 2004.
