

No. 25/3/2018-R&R  
Government of India  
Ministry of Power

Shram Shakti Bhavan, Rafi Marg  
New Delhi, April 30, 2019

The Director  
'Employment News'  
Ministry of Information & Broadcasting,  
7th Floor, Soochna Bhavan, CGO Complex,  
Lodhi Road, New Delhi-110003

**Subject: Filling up the post of Member, Central Electricity Regulatory Commission (CERC) – publishing of vacancy circular in the 'Employment News'**

Sir,

I am directed to forward a copy of the vacancy circular dated 30.4.2019 regarding filling up the post of Member, Central Electricity Regulatory Commission (CERC) and to request to publish the vacancy circular in the next edition of the Employment News (English and Hindi versions).

2. Bill for payment of the publishing charges may be sent to the undersigned along with the published copy of the vacancy circular.

Yours faithfully,

Encl : as above



(D. Chattopadhyay)  
Under Secretary to the Govt of India  
Tel : 2373 0265

Copy to: 1. Under Secretary (IT), Ministry of Power - with request to post the vacancy circular on the website of the Ministry.  
2. Secretary, CERC, Chandralok Building, Janpath, New Delhi.

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Shram Shakti Bhavan, Rafi Marg  
New Delhi. 30<sup>th</sup> April, 2019

### VACANCY CIRCULAR

The Central Electricity Regulatory Commission (CERC) had been set up by the Government of India at New Delhi under the provisions of the Electricity Regulatory Commissions Act, 1998 and is deemed to be constituted under the corresponding provisions of the Electricity Act, 2003 which has repealed the Electricity Regulatory Commission Act, 1998. The Commission consists of the Chairperson and three other Members (and also Chairperson, Central Electricity Authority as ex-officio Member of the Commission). One post of Member, CERC became vacant on 09.10.2018.

2. Vacancy Circular No. 25/3/2018-R&R dated 08.03.2018 was issued for filling up the above stated vacancy of Member, CERC, which was published in the Employment News in its edition of March 24 - 30, 2018, inviting applications from persons having qualifications and experience in the field of commerce, law or management. In pursuance to the Hon'ble Supreme Court Judgment dated 12.04.2018 in the Civil Appeal No. 14697 of 2015 - State of Gujarat & Others vs. Utility Users' Welfare Association & Others and subsequent legal opinion received in this regard, it has been decided to annul the selection process for the post Member, CERC as per above Vacancy Circular dated 08.03.2018.

3. Section 77(1) of the Electricity Act, inter-alia, states that the Chairperson and the Members of the CERC 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. The above vacancy of Member is required to be filled up from **the field of Law** as per Section 77(1) (c) of the Electricity Act and the judgment of Hon'ble Supreme Court dated 12.04.2018 in the in Civil Appeal No. 14697 of 2015 - State of Gujarat & Others vs. Utility Users' Welfare Association & Others and subsequent legal opinion received in this regard.

4. As per Hon'ble Supreme Court Judgment dated 12.04.2018, a person of law as a Member of the Commission, shall be 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.

5. In terms of section 89 of the Act, the Member 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 is required 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, CERC.
6. Appointment to the post of Member, CERC is governed by the relevant provision of the Electricity Act and the Central Electricity Regulatory Commission (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004, the Central Electricity Regulatory Commission (Salary, allowances and other conditions of service of Chairperson and Members) Amendment Rules 2010 and Central Electricity Regulatory Commission (Salary, allowances and other conditions of service of Chairperson and Members) Amendment Rules 2018.
7. Relevant extracts of the Electricity Act, 2003 and Hon'ble Supreme Court Judgment dated 12.4.2018 relating to the requirement of qualification, experience, etc. for Member, CERC and copy of CERC (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004 and CERC (Salary, allowances and other conditions of service of Chairperson and Members) Amendment Rules 2010, CERC (Salary, allowances and other conditions of service of Chairperson and Members) Amendment Rules 2018 are available at Ministry's website [www.powermin.nic.in](http://www.powermin.nic.in).
8. Applications/ nominations are invited in the proforma enclosed at **Annexure**, from suitable persons having qualification and experience as mentioned above for appointment as Member, CERC so as to reach the Ministry latest by 5.30 p.m. on 11.06.2019, addressed to the Director (R&R), Ministry of Power, 2<sup>nd</sup> Floor (Room No.223), Shram Shakti Bhavan, Rafi Marg, New Delhi – 110001.

Encl: as above



(D. Chattopadhyay)  
Under Secretary to the Govt of India  
Telefax : 2373 0265

**Application to the post of Member, Central Electricity Regulatory  
Commission (CERC)**

1. **Name of Post** : **Member, CERC**
2. **Date of Vacancy** : **09.10.2018**
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, CERC, 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 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.

Provided that the Chairperson and other Members of the Central Commission appointed, 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.

(3) The Chairperson or any other Member of the Central Commission shall not hold any other office.

(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.

(6) The Selection Committee shall finalise the selection of the Chairperson and Members referred to in sub-section (5) within three month from the date on which the reference is made to it.

(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.

(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 to an oath 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.

(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.

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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 assailing either the appointment or the *suo moto* tariff revision.

**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.

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.

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

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

New Delhi.  
April 12, 2018.

15. सेवा की अन्य शर्तें- अध्यक्ष और 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 है।

[ फा. सं. 23/22/2003-आर एण्ड आर ]

अजय शंकर, संयुक्त सचिव

**MINISTRY OF POWER**

**NOTIFICATION**

New Delhi, the 8th March, 2004

**G.S.R. 177(E).**— In exercise of the powers conferred by clauses (j) and (k) of sub-section (2) of section 176 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 Central Electricity Regulatory Commission (Salary, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004.

(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; and

(b) 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.** - The Chairperson and Members shall, before entering upon his office, subscribe to an oath of office and secrecy before the Minister-in-charge of the Ministry of Power. 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 Chairperson/Member of the Central Electricity Regulatory Commission except as may be required for the due discharge of my duties as such Chairperson/Member.*

Oath and affirmation of allegiance to Constitution

*I ,..... having been appointed Chairperson/Member of the Central Electricity Regulatory Commission, do swear in the name of God and 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.** - The Chairperson and a Member shall be entitled to receive a pay of rupees twenty six thousand per month:

Provided that if the Chairperson has been a Judge of the Supreme Court or Chief Justice of a High Court, he shall receive pay as admissible to a Judge of the Supreme Court or the Chief Justice of a High Court, as the case may be:



Provided further that in case a person appointed as the Chairperson or a Member is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension drawn by him:

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

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

Provided that in case the Chairperson is or has been a Judge of the Supreme Court or Chief Justice of a High Court, he shall receive dearness allowance at the rate admissible to a Judge of the Supreme Court or the Chief Justice of a High Court, as the case may be.

**6. Leave.** - The Chairperson or a Member shall be entitled to thirty days earned leave for every year of service. The payment of leave salary, during leave, shall be governed under the provisions of rule 40 of Central Civil Services (Leave) Rules, 1972. A person may be entitled to encashment of fifty per cent of earned leave to his credit at any time.

**7. Leave sanctioning authority.** - In the case of the Chairperson, the Minister-in-charge of the Ministry of Power, and in the case of a Member, the Chairperson, shall be the leave sanctioning authority.

**8. Provident fund.** - The Chairperson and a Member shall be governed by the provisions of the Contributory Provident Fund (India) Rules, 1962 and no option to subscribe under the provisions of the General Provident Fund Rules (Central Services), 1960 shall be available. Additional pension and gratuity shall not be admissible for service rendered in the Commission.

**9. Travelling allowances.** - (1) The Chairperson and 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 the Chairperson or a Member shall require prior approval of the Minister-in-charge of the Ministry of Power and of the Screening Committee of the Secretaries and clearance from the Ministry of External Affairs from political angle and from the Ministry of Home Affairs for acceptance of foreign hospitality, if any, under the provisions of the Foreign Contribution (Regulation) Act, 1976 :

Provided that the daily allowance and provision for hotel accommodation during the period of tour abroad, shall be in accordance with such orders of the Central Government as are applicable to a Group "A" officer 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.** - The Chairperson and a Member shall be entitled to leave travel concession at the same scale and at the same rate as applicable to Group 'A' Officers of the Central Government drawing an equivalent pay:

Provided that if the Chairperson has been a Judge of the Supreme Court or a Chief Justice of a High Court, he shall be entitled to leave travel concession at the same scale and at the same rate as applicable to a Judge of the Supreme Court or the Chief Justice of High as the case may be.

**11. Accommodation.** - (1) The Chairperson and a Member shall have the option of claiming house rent allowance for residence located in Delhi or in one of the satellite towns surrounding the National Capital Territory of Delhi at the rate of thirty per cent of the basic pay drawn but no house will be allotted by the Central Government.

(2) In the case of a leased accommodation, the entitlement shall be determined by the Central Government keeping in view the entitlements of the Chairman and Managing Director of a Schedule "A" public sector enterprise in terms of plinth area and rental ceiling specified by the Department of Public Enterprises from time to time and also taking into consideration the market rents and plinth area specified by the Ministry of Urban Development for type VI accommodation:

Provided that for such leased accommodation which is according to and within the entitlement of the Chairperson or the Member, the standard license fee shall be the same as in the case of a Group "A" officer of the Central Government drawing an equivalent pay:

Provided further that for leased accommodation which is higher than the entitlement, recovery at the rate of ten per cent of the basic pay i.e., without deducting pension shall be made from the salary of the Chairperson or Member, as the case may be.

**12. Transport.** - The Chairperson and 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.** - The Chairperson and a Member shall be entitled to medical reimbursement and facility as may be applicable to a Group "A" officer of the Central Government drawing an equivalent pay.

**14. Telephone facility, official meetings and entertainment expenses:-** The Chairperson and 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 the Chairperson and 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.23/22/2003-R&R]

AJAY SHANKAR, Jt. Secy.

5. उक्त नियमों के नियम 10 में, "समतुल्य वेतन" शब्दों के स्थान पर, "80,000 रु. (नियत) के वेतनमान में वेतन" शब्द, अक्षर, अंक तथा कोष्ठक रखे जाएंगे;

6. उक्त नियमों के नियम 11 के स्थान पर, निम्नलिखित नियम रखा जाएगा, अर्थात् :—

"11. आवास :—जहां अध्यक्ष उच्चतम न्यायालय का न्यायाधीश या किसी उच्च न्यायालय का मुख्य न्यायमूर्ति रहा है, वहां वह ऐसे आवास के लिए हकदार होगा जो यथास्थिति, उच्चतम न्यायालय के न्यायाधीश या किसी उच्च न्यायालय के मुख्य न्यायमूर्ति को अनुज्ञेय है।"

7. उक्त नियमों के नियम 12 के स्थान पर, निम्नलिखित नियम रखा जाएगा, अर्थात् :—

"12 परिवहन :—जहां अध्यक्ष उच्चतम न्यायालय का न्यायाधीश या किसी उच्च न्यायालय का मुख्य न्यायमूर्ति रहा है वहां वह ऐसी परिवहन सुविधा का हकदार होगा जो, यथास्थिति, उच्चतम न्यायालय के न्यायाधीश या किसी उच्च न्यायालय के मुख्य न्यायमूर्ति को अनुज्ञेय है।"

8. उक्त नियमों के नियम 14 के स्थान पर, निम्नलिखित नियम रखा जाएगा, अर्थात् :—

"14. टेलीफोन सुविधा : अध्यक्ष तथा पूर्ण-कालिक सदस्य, केन्द्रीय सरकार के ऐसे समूह "क" अधिकारी, जो 80,000 रु. (नियत) के वेतनमान में वेतन ले रहा हो, को यथा अनुज्ञेय टेलीफोन सुविधा के हकदार होंगे;

परंतु यह कि जहां अध्यक्ष उच्चतम न्यायालय का न्यायाधीश या किसी उच्च न्यायालय का मुख्य न्यायमूर्ति रहा है वहां वह उसी टेलीफोन सुविधा का हकदार होगा जो यथास्थिति, उच्चतम न्यायालय के न्यायाधीश या किसी उच्च न्यायालय के मुख्य न्यायमूर्ति को अनुज्ञेय है।"

9. उक्त नियमों के नियम 15 में,—

(क) "समतुल्य वेतन" शब्दों के स्थान पर, "80,000 रुपए (नियत) के वेतनमान में वेतन" शब्द, अक्षर, अंक तथा कोष्ठक रखे जाएंगे;

(ख) अंत में निम्नलिखित परंतुक जोड़ा जाएगा, अर्थात् :—

"परंतु यह कि जहां अध्यक्ष उच्चतम न्यायालय का न्यायाधीश या किसी उच्च न्यायालय का मुख्य न्यायमूर्ति रहा है वहां अध्यक्ष की सेवा की अन्य ऐसी शर्तें, जिनके संबंध में, इन नियमों में कोई अभिव्यक्त उपबंध नहीं किया गया है, ऐसी होंगी, जो यथास्थिति, उच्चतम न्यायालय के न्यायाधीश या किसी उच्च न्यायालय के मुख्य न्यायमूर्ति को लागू है।"

[फा. सं. 25/1/2009-आर एंड आर]

आई. सी. पी. केशरी, संयुक्त सचिव

पाद टिप्पण :—मूल नियम संख्यांक सा.का.नि. 177(अ), तारीख 8 मार्च, 2004 द्वारा प्रकाशित किए गए थे।

## MINISTRY OF POWER NOTIFICATION

New Delhi, the 19th March, 2010

G.S.R. 196(E).—In exercise of the powers conferred by clause (j) 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 Central Electricity Regulatory Commission (Salary, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004, namely:—

1. (1) These rules may be called the Central Electricity Regulatory Commission (Salary, Allowances and other Conditions of Service of Chairperson and Members) Amendment Rules, 2010.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Central Electricity Regulatory Commission (Salary, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004 (hereinafter referred to as the said rules), for rule 4, the following rule shall be substituted, namely:—

"4. Pay.—The Chairperson shall be entitled to receive a pay of rupees three lakhs per mensem and the full-time Members shall receive a pay of rupees two lakh fifty thousand per mensem, without facility of Government Accommodation and Staff Car :

Provided that where the Chairperson has been a Judge of the Supreme Court or Chief Justice of a High Court, he shall be entitled to receive pay as admissible to a Judge of the Supreme Court or the Chief Justice of a High Court, as the case may be."

3. For rule 5 of the said rules, the following rule shall be substituted, namely :—

"5. Dearness allowance.— Where the Chairperson is or has been a Judge of the Supreme Court or Chief Justice of a High Court, he shall be entitled to receive dearness allowance at the rate admissible to a Judge of the Supreme Court or the Chief Justice of a High Court, as the case may be."

4. In rule 9 of the said rules,—

(a) in sub-rule (1), for the words "an equivalent pay", the words, letters, figures and brackets "pay in the pay scale of Rs. 80,000 (fixed)" shall be substituted;

- (b) in sub-rule (2),—

(i) the words "and of the Screening Committee of the Secretaries" shall be omitted;

(ii) in the proviso, for the words "an equivalent pay and as per the economy instructions or other instructions issued by the Ministry of Finance from time to time.", the words, letters, figures and brackets "pay in the pay scale of Rs. 80,000 (fixed)." shall be substituted;

5. In rule 10 of the said rules, for the words "an equivalent pay", the words, letters, figures and brackets "pay in the pay scale of Rs. 80,000 (fixed)" shall be substituted.

6. For rule 11 of the said rules, the following rule shall be substituted, namely:—

"11. Accommodation.—Where the Chairperson has been a Judge of the Supreme Court or a Chief Justice of a High Court, he shall be entitled to accommodation as is admissible to a Judge of the Supreme Court or a Chief Justice of a High Court, as the case may be."

7. For rule 12 of the said rules, the following rule shall be substituted, namely:—

"12. Transport.—Where the Chairperson has been a Judge of the Supreme Court or a Chief Justice of a High Court, he shall be entitled to transport facility as is admissible to a Judge of the Supreme Court or a Chief Justice of a High Court, as the case may be."

8. For rule 14, the following rule shall be substituted, namely:—

"14. Telephone facility.—The Chairperson and a full-time Member shall be eligible for telephone facility as admissible to a Group 'A' officer of the Central Government drawing pay in the pay scale of Rs. 80,000 (fixed):

Provided that where the Chairperson has been a Judge of the Supreme Court or a Chief Justice of a High Court, he shall be entitled to Telephone facility as admissible to a Judge of the Supreme Court or a Chief Justice of a High Court, as the case may be."

9. In rule 15 of the said rules,—

(a) for the words "an equivalent pay", the words, letters, figures and brackets "pay in the pay scale of Rs. 80,000 (fixed)" shall be substituted;

(b) at the end, the following proviso shall be added, namely:—

"Provided that where the Chairperson has been a Judge of the Supreme Court or a Chief Justice of a High Court, the other conditions of service of the Chairperson, with respect to which no express provision has been made in these rules shall be as applicable to a Judge of the Supreme Court or a Chief Justice of a High Court, as the case may be."

[F. No. 25/1/2009-R&R]

I. C. P. KESHARI, Jt. Secy.

Foot Note:— The principal rules were published *vide* number G.S.R. 177(E), dated the 8th March, 2004.

(2) उप-नियम (1) के अनुसार अध्यक्ष और पूर्ण-कालिक सदस्य का वेतन समय-समय पर वित्त मंत्रालय (व्यय विभाग) द्वारा जारी आदेशों के अनुसार पुनरीक्षित किया जाएगा।"

3. उक्त नियमों में नियम 9 में, -

(क) उप-नियम (1) में शब्द, अक्षर, अंक तथा कोष्ठक "80,000 रु.(नियत) के वेतनमान में वेतन" के स्थान पर शब्द, अक्षर, अंक और कोष्ठक "वेतन मैट्रिक्स में वेतन का स्तर 17 (225000 रु.)" रखे जाएंगे;

(ख) उप-नियम (2) के परंतुक में शब्द, अक्षर, अंक तथा कोष्ठक "80,000 रु.(नियत) के वेतनमान में वेतन" के स्थान पर शब्द, अक्षर, अंक और कोष्ठक "वेतन मैट्रिक्स में वेतन का स्तर 17 (225000 रु.)" रखे जाएंगे।

4. उक्त नियमों के नियम 10 में शब्द, अक्षर, अंक तथा कोष्ठक "80,000 रु.(नियत) के वेतनमान में वेतन" के स्थान पर शब्द, अक्षर, अंक और कोष्ठक "वेतन मैट्रिक्स में वेतन का स्तर 17 (225000 रु.)" रखे जाएंगे।

5. उक्त नियमों के नियम 14 में शब्द, अक्षर, अंक तथा कोष्ठक "80,000 रु.(नियत) के वेतनमान में वेतन" के स्थान पर शब्द, अक्षर, अंक और कोष्ठक "वेतन मैट्रिक्स में वेतन का स्तर 17 (225000 रु.)" रखे जाएंगे।

6. उक्त नियमों के नियम 15 में शब्द, अक्षर, अंक तथा कोष्ठक "80,000 रु.(नियत) के वेतनमान में वेतन" के स्थान पर शब्द, अक्षर, अंक और कोष्ठक "वेतन मैट्रिक्स में वेतन का स्तर 17 (225000 रु.)" रखे जाएंगे।

[फा.सं.25/2/2018-आरएण्डआर]

घनश्याम प्रसाद, मुख्य अभियंता

**टिप्पण:** मूल नियम अधिसूचना संख्या सा.का.नि.177(अ) तारीख 08 मार्च, 2004 द्वारा भारत के राजपत्र, असाधारण में प्रकाशित किए गए थे और भारत के राजपत्र, असाधारण तारीख 19 मार्च, 2010 में अधिसूचना संख्या सा.का.नि.196(अ) तारीख 19 मार्च, 2010 द्वारा तत्पश्चात् रूप से संशोधित किए गए।

## MINISTRY OF POWER

### NOTIFICATION

New Delhi, the 24th May, 2018

**G.S.R. 485(E).**—In exercise of the powers conferred by clause (j) of sub-section (2) of section 176 of the Electricity Act, 2003 (36 of 2003), the Central Government hereby makes the following rules further to amend the Central Electricity Regulatory Commission (Salary, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004, namely:-

1. **Short title and commencement.** – (1) These rules may be called the Central Electricity Regulatory Commission (Salary, Allowances and other Conditions of Service of Chairperson and Members) Amendment Rules, 2018.

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

2. In the Central Electricity Regulatory Commission (Salary, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004 (hereinafter referred to as the said rules), for rule 4, the following rule shall be substituted, namely:-

"4. Pay . – (1) The Chairperson shall be entitled to receive a pay of four lakh fifty thousand rupees per mensem and the whole-time Members shall receive a pay of four lakh rupees per mensem, without facility of Government accommodation and staff car:

Provided that where the Chairperson has been a Judge of the Supreme Court or Chief Justice of a High Court, he shall be entitled to receive pay as admissible to a Judge of the Supreme Court or the Chief Justice of a High Court, as the case may be.

(2) The pay of Chairperson and whole-time Members as per sub-rule (1) shall stand revised in accordance with the orders issued by the Ministry of Finance (Department of Expenditure) from time to time.”;

3. In rule 9 of the said rules, -

- (a) in sub-rule(1), for the words, letters, figures and brackets “pay in the pay scale of Rs.80,000 (fixed)”, the words, figures, brackets and letters, “pay in level-17 in the pay matrix (Rs.225000)” shall be substituted;
- (b) in the proviso under sub-rule (2), for the words, letters, figures and brackets “pay in the pay scale of Rs.80,000 (fixed)”, the words, figures, brackets and letters, “pay in level-17 in the pay matrix (Rs.225000)” shall be substituted.

4. In rule 10 of the said rules, for the words, letters, figures and brackets “pay in the pay scale of Rs.80,000 (fixed)”, the words, figures, brackets and letters, “pay in level-17 in the pay matrix (Rs.225000)” shall be substituted.

5. In rule 14 of the said rules, for the words, letters, figures and brackets “pay in the pay scale of Rs.80,000 (fixed)”, the words, figures, brackets and letters, “pay in level-17 in the pay matrix (Rs.225000)” shall be substituted.

6. In rule 15 of the said rules, for the words, letters, figures and brackets “pay in the pay scale of Rs.80,000 (fixed)”, the words, figures, brackets and letters, “pay in level-17 in the pay matrix (Rs.225000)” shall be substituted.

[F. No. 25/2/2018-R&R]

GHANSHYAM PRASAD, Chief Engineer

**Note :** The principal rules were published in the Gazette of India, Extraordinary vide notification number G.S.R. 177(E) dated the 8<sup>th</sup> March, 2004 and subsequently amended vide notification number G.S.R. 196(E), dated the 19<sup>th</sup> March, 2010 in the Gazette of India Extraordinary dated the 19<sup>th</sup> March, 2010.