

**No. 47/4/2023-R&R
Government of India
Ministry of Power**

Shram Shakti Bhavan, Rafi Marg
New Delhi, the 17th May, 2023

VACANCY CIRCULAR

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 Mizoram in the JERC has become vacant on 10.5.2023. 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. In light of Judgment of Hon'ble Supreme Court pronounced on 12.04.2018 in the Civil Appeal No. 14697 of 2015 - State of Gujarat & Others vs. Utility Users' Welfare Association & Others, this Ministry has already made appointment of Member in the Commission from the field of Law background in January 2022. The anticipated vacancy is required to be filled up from the field of engineering, finance, commerce, economics, or management as mentioned in para 4 above.

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 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 with the vacancy circular posted on the website of Ministry of Power.

8. Applications 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, 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)
Deputy Secretary to the Government of India
Tel : 011-2371550

Annexure

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

1. Name of Post : Member, JERC for Manipur and Mizoram
2. **Date of Vacancy** : **10.05.2023**
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:



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

PUBLISHED BY AUTHORITY

सं. 371]

नई दिल्ली, सोमवार, अगस्त 14, 2006/श्रावण 23, 1928

No. 371]

NEW DELHI, MONDAY, AUGUST 14, 2006/SRAVANA 23, 1928

विद्युत मंत्रालय

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 शर्तें) 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 हूं और सत्यनिष्ठा से प्रतिज्ञान करता हूं 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 उपाजित 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 हैं) 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 दौरो के लिए उस सरकार का, जिसका वह आयोग में प्रतिनिधित्व करता है, पूर्व अनुमोदन और केन्द्रीय सरकार की अनापत्ति अपेक्षित होगी :

परंतु विदेशी दौरे 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।

[फा. सं. 47/2/2004-आरएंडआर (पीटी. II)]

अजय शंकर, अपर सचिव

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.47/2/2004-R&R (Pt. II)]

AJAY SHANKAR, Addl. Secy.

Extracts from the Electricity Act 2003

Section 82: (1) Every State Government shall, within six months from the appointed date, by notification, constitute for the purposes of this Act, a Commission for the State to be known as the (name of the State) Electricity Regulatory Commission:

Provided that the State Electricity Regulatory Commission, established by a State Government under section 17 of the Electricity Regulatory Commissions Act, 1998 and the enactments specified in the Schedule, and functioning as such immediately before the appointed date shall be the State Commission for the purposes of this Act and the Chairperson, Members, Secretary, and officers and other employees thereof shall continue to hold office, on the same terms and conditions on which they were appointed under those Acts.

Provided further that the Chairperson and other Members of the State Commission appointed before the commencement of this Act under the Electricity Regulatory Commissions Act, 1998 or under the enactments specified in the Schedule, may on the recommendations of the Selection Committee constituted under sub-section (1) of section 85 be allowed to opt for the terms and conditions under this Act by the concerned State Government.

(2) The State 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.

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

(4) The State Commission shall consist of not more than three Members, including the Chairperson.

(5) The Chairperson and Members of the State Commission shall be appointed by the State Government on the recommendation of a Selection Committee referred to in section 85.

Section 83: (1) Notwithstanding anything to the contrary contained in section 82, a Joint Commission may be constituted by an agreement to be entered into -

(a) by two or more Governments of States; or

(a) by the Central Government, in respect of one or more Union territories, and one or more Governments of States,

and shall be in force for such period and shall be subject to renewal for each further period, if any, as may be stipulated in the agreement:

Provided that the Joint Commission, constituted under section 21 A of the Electricity Regulatory Commissions Act, 1998 and functioning as such immediately before the appointed day, shall be the Joint 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 as such 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.

(2) The Joint Commission shall consist of 1 Member from each of the participating States and Union Territories and the Chairperson shall be appointed from amongst the Members by consensus, failing which by rotation.

(2) An agreement under sub-section (1) shall contain provisions as to the name of the Joint Commission, the manner in which the participating States may be associated in the selection of the Chairperson and Members of the Joint Commission, manner of appointment of Members and appointment of Chairperson by rotation or consensus, places at which the Commission shall sit, apportionment among the participating States of the expenditure in connection with the Joint Commission, manner in which the differences of opinion between the Joint Commission and the State Government concerned would be resolved and may also contain such other supplemental, incidental and consequential provisions not inconsistent with this Act as may be deemed necessary or expedient for giving effect to the agreement.

(4) The Joint Commission shall determine tariff in respect of the participating States or Union Territories separately and independently.

(5) Notwithstanding anything contained in this section, the Central Government may, if so authorised by all the participating States, constitute a Joint Commission and may exercise the powers in respect of all or any of the matters specified under sub-section (3) and when so specifically authorized by the participating States.

Section 84: (1) The Chairperson and the Members of the State Commission shall be persons of ability, integrity and standing who have adequate knowledge of, and have shown capacity in, dealing with problems relating to engineering, finance, commerce, economics, law or management.

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

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

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

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

Section 86. (1) The State Commission shall discharge the following functions, namely: -

(a) determine the tariff for generation, supply, transmission and wheeling of electricity, wholesale, bulk or retail, as the case may be, within the State:

Provided that where open access has been permitted to a category of consumers under section 42, the State Commission shall determine only the wheeling charges and surcharge thereon, if any, for the said category of consumers;

(b) regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State;

(c) facilitate intra-state transmission and wheeling of electricity;

(d) issue licences to persons seeking to act as transmission licensees, distribution licensees and electricity traders with respect to their operations within the State;

(e) promote congeneration and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licence;

(f) adjudicate upon the disputes between the licensees, and generating companies and to refer any dispute for arbitration;

(g) levy fee for the purposes of this Act;

(h) specify State Grid Code consistent with the Grid Code specified under clause (h) of sub-section (1) of section 79;

(i) specify or enforce standards with respect to quality, continuity and reliability of service by licensees;

(j) fix the trading margin in the intra-State trading of electricity, if considered, necessary; and

(k) discharge such other functions as may be assigned to it under this Act.

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

(i) promotion of competition, efficiency and economy in activities of the electricity industry;

(ii) promotion of investment in electricity industry;

(iii) reorganization and restructuring of electricity industry in the State;

(iv) matters concerning generation, transmission, distribution and trading of electricity or any other matter referred to the State Commission by that Government.

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

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

Section 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.

(2) 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-

(a) 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.
