



No. 47/5/2020-R&R
Government of India
Ministry of Power

Shram Shakti Bhavan, Rafi Marg
New Delhi, 14th October, 2020

VACANCY CIRCULAR

The Joint Electricity Regulatory Commission (JERC) for Goa & UTs was set up by the Government of India under the provisions of the Electricity Act, 2003. The Commission is located at Gurgaon (Haryana). The Commission consists of a Chairperson and another Member. The post of Chairperson in the above JERC is due to fall vacant on **17.9.2021**. It is proposed to fill up the anticipated vacancy.

2. Appointment to the post of Chairperson, JERC for Goa & UTs is governed by the relevant provisions of the Electricity Act and the Joint Electricity Regulatory Commission for Union Territories except Delhi (Salary, Allowances and other Conditions of Service of Chairperson and Member) Rules, 2007. The pay of the Chairperson has since been revised to Rs.80, 000/- (fixed) p.m in accordance with 6th CPC recommendations. Further, revision of pay subsequent to the 7th Central Pay Commission recommendation is being undertaken.

3. Section 84 (1) of the Electricity Act prescribes the qualification for appointment of a Member (including Chairperson) 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."

4. **In view of the Supreme Court Judgment dated 12.4.2018, the selection process for the vacant post of Member in this JERC from field of law is underway. Hence, the anticipated vacancy of Chairperson, JERC for Goa and UTs is required to be filled up from the fields of engineering, finance, commerce, economics or management.**

5. The Chairperson of JERC for Goa & UTs 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 Chairperson of the above JERC.

6. Relevant extracts of the Electricity Act, 2003 relating to the requirement of qualification, experience, etc. for Member, JERC for Goa & UTs and a copy of Joint Electricity Regulatory Commission (Salaries, Allowances and other Conditions of

Service of Chairperson and Members) Rules, 2007 are attached in the vacancy circular dated 14.10.2020 available at the website of Ministry of Power i.e. <https://powermin.nic.in/> .

7. Applications/ nominations are invited in the proforma enclosed at Annexure, from suitable persons having qualification and experience as mentioned above for appointment as Chairperson, JERC for Goa & UTs so as to reach this Ministry latest by **5.30 p.m. on 25.11.2020**, addressed to the Director (R&R), Ministry of Power, 2nd Floor (Room No.223), Shram Shakti Bhavan, Rafi Marg, New Delhi – 110001. The same may also be emailed at sandeep.naik68@gov.in and debranjan.chattopadhyay@nic.in. The applications/nominations after the last date shall not be entertained.

Encl: as above

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

Annexure

Application to the post of Chairperson, Joint Electricity Regulatory Commission (JERC) for Goa and UTs

1. Name of Post : Chairperson, JERC for Goa and UTs
2. **Date of Vacancy** : **17.09.2021**
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: ...YearsMonths.....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 Chairperson, Joint Electricity Regulatory Commission (JERC) for Goa and UTs, 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:

रजिस्ट्री सं. डी. एल.-33004/99

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अधिसूचना

नई दिल्ली, 19 मार्च, 2007

सा.का.नि. 211(अ).—केन्द्रीय सरकार, विद्युत अधिनियम, 2003 (2003 का 36) की धारा 89 के खण्ड (2) और खण्ड (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाती है, अर्थात् :-

1. **संक्षिप्त नाम और प्रारंभ.**—(1) इन नियमों का संक्षिप्त नाम संघ राज्य-क्षेत्रों के लिए, दिल्ली को छोड़कर, संयुक्त विद्युत विनियामक आयोग (अध्यक्ष और सदस्य के वेतन, भत्ते और सेवाओं की अन्य शर्तों) नियम, 2007 है।

(2) ये राजपत्र में प्रकाशन की तारीख से 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; और

(ख) "आयोग" से संघ राज्य क्षेत्रों के लिए संयुक्त विद्युत विनियामक आयोग अभिप्रेत है।

(2) उन शब्दों और पदों के, जो इनमें प्रयुक्त हैं और परिभाषित नहीं हैं किंतु अधिनियम में परिभाषित हैं, वही अर्थ होंगे जो अधिनियम में उनके क्रमशः हैं।

3. **पद और गोपनीयता की शपथ.**—आयोग का अध्यक्ष और सदस्य अपने पद ग्रहण से पूर्व विद्युत मंत्रालय के भारसाधक मंत्री के समक्ष पद और गोपनीयता की शपथ प्रतिज्ञापित करेंगे। 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 संघ राज्य क्षेत्रों के लिए दिल्ली को छोड़कर, संयुक्त विद्युत विनियामक आयोग के अध्यक्ष/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/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

में जो संघ राज्य क्षेत्रों के लिए, दिल्ली को छोड़कर संयुक्त विद्युत विनियामक आयोग का अध्यक्ष/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 अखण्डता अक्षुण्ण रखूंगा तथा मैं सम्यक् 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-संयुक्त आयोग का अध्यक्ष और सदस्य प्रतिमास छब्बीस हजार रुपये का वेतन प्राप्त करने के हकदार होंगे -

परंतु यदि अध्यक्ष या सदस्य के रूप में नियुक्त व्यक्ति निम्न स्रोतों से पेंशन प्राप्त करता हो।

(क) संघ सरकार जिसमें रेलवे, रक्षा डाक और दूरसंचार सम्मिलित है; या

(ख) राज्य सरकारों और संघ राज्य क्षेत्र प्रशासन; या

(ग) सार्वजनिक क्षेत्र उपक्रम, स्थानीय निकाय, स्वायत्त निकाय जैसे विश्वविद्यालय या अर्द्ध सरकारी संगठन जैसे पत्तन न्यास;

तो ऐसे व्यक्ति के वेतन में से उसके द्वारा प्राप्त की जाने वाली पेंशन की कुल रकम को घटा दिया जाएगा।

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

5. महंगाई भत्ता और नगर प्रतिकारात्मक भत्ता—अध्यक्ष और 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 प्राप्त करने के हकदार होंगे।

6. छुट्टी—अध्यक्ष या सदस्य सेवा के प्रत्येक वर्ष के लिए तीस दिन की उपाजित छुट्टी का हकदार होगा। 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, विद्युत मंत्रालय का भरसाधक मंत्री और सदस्य की दशा में अध्यक्ष छुट्टी मंजूर करने वाला प्राधिकारी होगा।

8. भविष्य निधि—अध्यक्ष और सदस्य अंशदायी भविष्य निधि नियम, 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 अतिरिक्त पेंशन और उपदान अनुज्ञेय नहीं होंगे।

9. यात्रा भत्ता—(1) अध्यक्ष और सदस्य भारत के भीतर दौरा करते समय या 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 के लिए यात्रा भत्ता, दैनिक भत्ता और निजी सामान 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 है।

(2) अध्यक्ष या सदस्य द्वारा किए जाने वाले विदेशी दौरों के लिए विद्युत मंत्रालय के भरसाधक मंत्री और सचिवों की अनुवीक्षण समिति का पूर्व अनुमोदन और विदेश मंत्रालय से राजनीतिक दृष्टिकोण से और विदेशी अभिदाय (विनियमन) अधिनियम, 1976 के उपबंधों के अधीन विदेशी मेहमाननवाजी स्वीकार करने के लिए यदि कोई हो, गृह मंत्रालय से अनापत्ति अपेक्षित होगी।

परन्तु विदेशी दौरों की अवधि के दौरान दैनिक भत्ता और होटल आवास व्यवस्था ऐसे आदेशों के जो केन्द्रीय सरकार के समतुल्य वेतन प्राप्त करने वाले समूह "क" के अधिकारी को लागू होती है, समय-समय पर वित्त मंत्रालय द्वारा जारी किए गए आर्थिक अनुदेशों या अन्य अनुदेशों के अनुरूप होंगे।

10. छुट्टी यात्रा रियायत—अध्यक्ष और 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 प्राप्त करने के हकदार होंगे।

11. आवास सुविधा—(1) अध्यक्ष और सदस्य संयुक्त आयोग के मुख्यालय में आवास के लिए मकान किराया भत्ते के हकदार उस दर पर होंगे जैसा कि समतुल्य वेतन पाने वाले केन्द्रीय सरकार के अधिकारी के मामले में लागू हैं।

(2) पट्टे पर आवास की दशा में, हकदारी केन्द्रीय सरकार द्वारा अनुसूची 'क' के पब्लिक सेक्टर उद्यमों के अध्यक्ष और प्रबंध निदेशक की हकदारियों को ध्यान में रखते हुए सार्वजनिक उद्यम विभाग द्वारा समय-समय पर विनिर्दिष्ट कुर्सी क्षेत्र और किराए की अधिकतम सीमा के अनुसार तथा टाइप-6 के आवासों के लिए शहरी विकास मंत्रालय द्वारा विनिर्दिष्ट बाजार किराये और कुर्सी क्षेत्र को भी ध्यान में रखते हुए की जाएगी :

परन्तु ऐसे पट्टे पर आवास के लिए जो अध्यक्ष या 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 अधिकारी की दशा में है :

परन्तु यह और कि ऐसे पट्टे पर आवास के लिए जो हकदारी से उच्चतर है, यथास्थिति, अध्यक्ष या सदस्य के वेतन से मूल वेतन के अर्थात् पेंशन घटाए बिना दस प्रतिशत की दर पर वसूल की जाएगी ।

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

13. चिकित्सीय उपचार—अध्यक्ष और सदस्य ऐसे चिकित्सीय प्रतिपूर्ति और सुविधा के हकदार होंगे जो समतुल्य वेतन प्राप्त करने वाले केन्द्रीय सरकार के समूह "क" के अधिकारी को लागू हों ।

14. टेलीफोन सुविधा, सरकारी अधिवेशन और मनोरंजन व्यय—अध्यक्ष और सदस्य ऐसी टेलीफोन सुविधा, सरकारी अधिवेशनों और मनोरंजन व्ययों के लिए पात्र होंगे जो समतुल्य वेतन प्राप्त करने वाले केन्द्रीय सरकार के समूह "क" के अधिकारी का अनुज्ञेय है ।

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 पर लागू हैं ।

16. शिथिल करने की शक्ति—जहां केन्द्रीय सरकार की यह राह है कि ऐसा करना आवश्यक या समीचीन है, वहां वह उसके लिए जो कारण हैं उन्हें लेखबद्ध करके और जन हित में इन नियमों के किसी उपबंध को आदेश द्वारा शिथिल कर सकेगी ।

[फा. सं. 47/1/2005-आर एंड आर]

गिरीश भा. प्रधान, संयुक्त सचिव

MINISTRY OF POWER

NOTIFICATION

New Delhi, the 19th March, 2007

G.S.R. 211(E).—In exercise of the powers conferred by clause (2) and (3) of 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 Union Territories except Delhi (Salary, Allowances and other Conditions of Service of Chairperson and Member) Rules, 2007.

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

2. Definitions.—(1) In these rules unless the context otherwise requires,—

(a) "Act" means the Electricity Act, 2003; and

(b) "Commission" means Joint Electricity Regulatory Commission for Union Territories.

(2) 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 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. 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 Joint Electricity Regulatory Commission for Union Territories except Delhi, 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 Joint Electricity Regulatory Commission for Union Territories except Delhi, 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 Member of the Joint Commission shall be entitled to receive a pay of rupees twenty six thousand per month :

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

(a) Union Government including Railways, Defence, Posts and Telecommunication; or

(b) State Governments and Union Territory Administrations; or

(c) Public Sector Undertakings, Local Bodies, Autonomous Bodies like Universities or Semi-Government Organizations like Port Trusts;

the pay of such person shall be reduced by the gross amount of pension drawn by him :

Provided further that the Chairperson or 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 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 :

6. Leave.—The Chairperson or 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.

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

8. Provident Fund.—The Chairperson and 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 Member while on tour within India or for 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 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 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.

11. Accommodation.—(1) The Chairperson and Member shall be entitled for House Rent Allowance for residence located at the headquarter of the Joint Commission at the rate as applicable in the case of a Central Government officer drawing equivalent pay.

(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 rent 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 Members 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 Members 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.

16. Power to relax.—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, in the public interest by order and for reasons to be recorded in writing, relax any of the provisions of these rules.

[F.No. 47/1/2005-R&R]

GIREESH B. PRADHAN, Jt. Secy.

952 GI/07-2

Extracts from the Electricity Act 2003

Section 2(64) "State Commission" means the State Electricity Regulatory Commission constituted under sub-section (1) of section 82 and includes a Joint Commission constituted under sub-section (1) of section 83;

Section 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
in-charge 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. 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.

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 other 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

(b) 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 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 consists 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.

(3) 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 specifically so 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 85. (1) The State Government shall, for the purposes of selecting the Members of the State Commission, constitute a Selection Committee consisting of –

- (a) a person who has been a Judge of the High Court.... Chairperson;
- (b) the Chief Secretary of the concerned State... ..Member;
- (c) the Chairperson of the Authority or

the Chairperson of the Central Commission Member:

Provided that nothing contained in this section shall apply to the appointment of a person as the Chairperson who is or has been a Judge of the High Court.

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

(3) The Selection Committee shall finalise the selection of the Chairperson and Members within three month from the date on which the reference is made to it.

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

(5) Before recommending any person for appointment as the Chairperson or other Member of the State 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 Chairperson or Member, as the case may be.

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

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:

Providing 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.

Appropriate Commission – Other Provisions

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.
