

**AUTHORITATIVE ENGLISH TEXT**

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION  
SHIMLA**

No.HPERC/021

Dated: Shimla, the 21st June, 2004.

**NOTIFICATION**

The Himachal Pradesh Electricity Regulatory Commission in exercise of the powers conferred by sub-section (1) of section 181, read with section 87, of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, after previous publication, makes the following regulations, namely:-

**REGULATIONS**

**PART-I PRELIMINARY**

**1. Short title and commencement** (1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (State Advisory Committee) Regulations, 2004.

(2) These regulations shall come into force on the date of their publication in the Rajpatra, Himachal Pradesh.

**2. Definitions** --- (1) In these regulations, unless the context otherwise requires,-

- (a) "Act" means the Electricity Act, 2003 ( 36 of 2003);
- (b) "agenda" means the list of business proposed to be transacted at a meeting of the State Advisory Committee;
- (c) "Chairperson" means the Chairperson of the Commission;
- (d) "Commission" means the Himachal Pradesh Electricity Regulatory Commission;
- (e) "Committee" means the State Advisory Committee;
- (f) "Committee Member" means a Member of the State Advisory Committee other than a Member of the Commission;
- (g) "Member" means a Member of the Commission;

(2) The words or expressions used, but not defined, in these regulations shall have the same meanings as are given to them in the Act.

## **PART- II CONSTITUTION AND FUNCTIONS OF THE COMMITTEE**

**3. Constitution of the State Advisory Committee** --- (1) The Commission shall, by notification, constitute with effect from such date, as it may specify in such notification, a Committee consisting of not more than twenty-one members to be known as the State Advisory Committee.

(2) The Commission shall nominate members to the Committee to represent the interests, in the electricity sector, of –

- (a) commerce;
- (b) electricity industry;
- (c) transport;
- (d) agriculture;
- (e) labour ;
- (f) consumers ;
- (g) non-governmental organisations ; and
- (h) academic and research bodies in the electricity sector.

(3) The Commission may consult the representatives or bodies of interest groups before nominating the members, if it considers it necessary.

(4) The following shall be ex-officio Members of the Committee:-

- (a) the Chairperson of the Commission;
- (b) the Members of the Commission;
- (c) the Secretary to the State Govt. in-charge of the Ministry or Department dealing with the Consumer Affairs and Public Distribution System.

(5) The Chairperson of the Commission shall be the ex-officio Chairperson of the Committee.

(6) The Secretary of the Commission shall be the ex-officio Secretary of the Committee.

(7) The term of Committee Members, nominated under sub - regulation (2), shall be two years from the date of the notification of their appointment:

Provided that a nominated Committee Member shall be eligible for re-nomination.

**4. Functions of the State Advisory Committee** (1) The functions of the Committee shall be to advise the Commission on -

- (a) major questions of policy;
- (b) matters relating to quality, continuity and extent of service provided by the licensees;

- (c) compliance by licensees with the conditions and requirements of their licence;
- (d) protection of consumer interest;
- (e) electricity supply and overall standards of performance by the Utilities; and
- (f) matters which the Commission may refer specifically.

(2) In discharging the functions under sub-regulation (1), the Committee shall be guided by the National Electricity Policy prepared and published by the Central Govt. under the Act.

### **PART-III MEETINGS**

**5. Meetings of the Committee** - The Committee shall, for transaction of its business, meet once in every six months or at such intervals as may be decided by the Chairperson.

**6. Venue of Meetings** - The meetings of the Committee shall be held at such places as may be decided by the Chairperson.

**7. Agenda and Notice of Meetings** - (1) The Secretary of the Commission shall, after approval of the Chairperson, convene the meetings of the Committee by sending the agenda of the meeting together with notice, statements and report, if any, and by giving Members/Committee Members thereof not less than twenty-one (21) days notice in writing of the date, time and place of the proposed meeting.

(2) The members may write to the Secretary, indicating, through a brief note, any particular matter referred to in regulation 4, for inclusion in the agenda of the subsequent meeting and, if permitted by the Chairperson, the same shall be included in the agenda to be circulated under sub-regulation (1).

(3) A special meeting can be convened by the Chairperson, in which case the notice for the meeting may be of less than three days.

(4) A notice shall be deemed to have been duly issued if it is sent, by post or by a messenger, within the prescribed time to the registered address of the Member/Committee Member.

**8. Quorum for and discussions in Meetings** --- (1) The quorum for the meeting shall be one-third of the existing filled up strength of the Committee:

Provided that attendance by proxy shall not be permitted at the meeting of the Committee.

(2) If there is no quorum, the meeting shall stand adjourned and no further notice and quorum shall be required at the adjourned meeting:

Provided that if at any time after the meeting is commenced a quorum ceases to exist, the meeting shall not be dissolved but shall continue.

(3) No matter shall be considered at an adjourned meeting other than the matters remaining from the meeting at which the adjournment took place:

Provided that, with or without notice, the Chairperson may bring in, or direct to be brought before an adjourned meeting of the Committee any new matter which, in his opinion, is urgent.

(4) The discussions held and consequent conclusions, if any, drawn in the meeting shall strictly follow the agenda scheduled for the meeting:

Provided that the Chairperson may take up additional subjects to the agenda at the end of the meeting.

**9. Vacancies and non-receipt of agenda not to invalidate proceedings-** No proceedings of the Committee or any resolution passed or any decision taken shall be invalid by reason solely of the vacancies existing in the Committee, or by reason of non-receipt, by any Committee Member, of the notice or the agenda papers, provided that the notice and agenda is duly issued.

**10. Presiding Officer** - (1) The Chairperson shall preside over the meetings and conduct the business. If the Chairperson is unable to be present in the meeting, for any reason, the senior-most Member of the Commission shall preside over the meeting and perform the duties of the Chairperson of the Committee.

(2) The rulings given by the Chairperson, or the Member presiding over the meeting, on any points of procedure shall be final and binding.

**11. Participation of Meetings** - (1) The Chairperson may invite any person, who is not member of the Committee, as a special invitee to aid and advise the Committee on any matter on the agenda of the meeting.

(2) The Secretary and such other person who is invited by the Chairperson to attend any meeting may, with the approval of the Chairperson or of the presiding Member, participate in the discussions.

**12. Minutes of Meetings** --- (1) The Secretary, or in his absence an officer of the Commission designated by the Chairperson, shall record the minutes of the meetings and maintain a book, which will, amongst other things, contain the names and designations of the Members and invitees present in the meeting and proceedings thereof.

(2) The minutes of the meeting shall be signed by the Chairperson of the meeting.

(3) In relation to the decisions taken in the previous meeting the action taken report shall be laid by the Commission in the next meeting for the information of the members.

(4) The record of proceedings shall be open for inspection to the Committee Members.

(5) Any person, other than the Committee Member, may, on the payment of fees prescribed by the Commission for obtaining the certified copies of its record, be supplied with a copy of the record of the proceedings of the Committee.

## PART - IV

### FEES AND ALLOWANCES TO MEMBERS AND RESIGNATION/CESSATION OF MEMBERSHIP

**13. Fees and travelling allowances for Committee Members** --- (1) A Committee Member, including an invitee under regulation 11, shall not be entitled to any remuneration other than provided in these regulations.

(2) A Committee Member, including the invitee, who is a Government officer or an employee/officer of any Govt. instrumentality or of any Public Sector Undertaking, shall draw travelling and daily allowance from his parent department or organisation.

(3) All Committee Members, or an invitee, other than those referred to under sub-regulation (2) shall be paid a sitting fee of Rs. 500/- per meeting and the TA and DA at the rates admissible, in the State Govt. to its Grade -I officers.

(4) Whenever it is expedient to do so, the Commission may make Boarding and Lodging arrangements for the members coming from places outside the place fixed as the venue of the meeting and provide conveyance facility from and to the nearest railway station/airport.

**14. Cessation of Membership** --- (1) A nominated Committee Member who fails to attend two consecutive meetings of the Committee without prior information to the Commission and without any valid reasons for his absence shall forthwith cease to be a Committee Member.

(2) Any nominated Member, may, by writing under his hand addressed to the Secretary of the Commission, resign his office as a Committee Member, and such resignation shall come into effect from the day the Chairperson accepts the same.

(3) The Commission will take appropriate action to nominate a Committee Member to fill up the vacancy so caused and the term of the Committee Member nominated under this sub-regulation shall be coterminous with the term of office of the other Committee Members nominated under regulation 3(2) of these regulations.

**15. Removal of Member** - (1) The Commission may remove any Member of the Committee, other than an ex-officio Member, who –

- (a) has been adjudged as insolvent; or
- (b) has been convicted of an offence involving moral turpitude; or
- (c) has become physically or mentally incapable of acting as a member; or
- (d) has conducted himself in the manner or has abused his position as to render his continuance as a member prejudicial to the public interest or to the object and purpose of the Act.

(2) The Member who is proposed to be removed under sub- regulation (1) shall be given an opportunity to represent his position to the Chairman of the Commission.

#### **PART –V MISCELLANEOUS**

**16. Power to remove difficulties -** (1) Subject to the provisions of the Electricity Act, 2003 (36 of 2003) and these regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of these regulations and procedures to be followed on various matters, which the Commission has been empowered by these regulations to direct, and matters incidental or ancillary thereto.

(2) If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, by general or special order, do or undertake or permit the Committee to do or undertake things, which in the opinion of the Commission is necessary or expedient for removing the difficulties.

(3) Subject to the provisions of the Electricity Act, 2003 (36 of 2003), the Commission may, at any time, by an order, add, vary, modify or amend any of the provisions of these regulations.

(4) Every order made under this regulation shall be laid, as soon as may, after it is made, before the State Legislative Assembly.

**17.Repeal and Savings –** (1) The Guidelines for Functioning of the State Advisory Committee dated the 28<sup>th</sup> February, 2001 issued under sections 24 and 25 of the Electricity Regulatory Commissions Act, 1998 (Act No.14 of 1998) by the Himachal Pradesh Electricity Regulatory Commission, are hereby repealed.

(2) Notwithstanding such repeal, the sitting Members of the Advisory Committee nominated under the repealed Guidelines shall continue as Members under these regulations for the remaining period of their term of office.

**By order of the Commission**

**Sd/-  
Secretary**