

**No. 25/6/2014-R&R
Government of India
Ministry of Power**

Shram Shakti Bhavan, Rafi Marg
New Delhi, August 19, 2014

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Act, 1998 and is deemed to be constituted under the corresponding provisions of the Electricity Act, 2003 which has repealed the Electricity Regulatory Commission Act, 1998.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 is due to fall vacant on 22.2.2015. It is proposed to fill up the anticipated vacancy.

2. 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, and the Central Electricity Regulatory Commission (Salary, allowances and other conditions of service of Chairperson and Members) Amendment Rules 2010, as may be amended from time to time. Presently, a full-time Member of CERC is entitled to a consolidated monthly salary of Rs.3.75 lakh (without house and car).

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 anticipated vacancy of Member is required to be filled up from finance field. 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.

4. Relevant extracts of the Electricity Act, 2003 relating to the requirement of qualification, experience, etc. for Member, CERC and copy of Central Electricity Regulatory Commission (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004 and the Central Electricity Regulatory Commission (Salary, allowances and other conditions of service of Chairperson and Members) Amendment Rules 2010, and format of the declaration mentioned in para 3 are available at Ministry's website www.powermin.nic.in.

5. Applications/ nominations are invited from suitable persons having qualification and experience in the field of finance as prescribed in the Act for appointment as Member, CERC so as to reach the Ministry within six weeks from the date of publication of this circular in the Employment News, addressed to the Director (R&R), Ministry of Power, 2nd Floor (Room No.220A), Shram Shakti Bhavan, Rafi Marg, New Delhi – 110001.

Sd/-
(Rajendra Singh)
Under Secretary to the Govt of India
Tel : 2373 0265

Declaration

I hereby declare that I do not have any financial or other interest, which is likely to affect prejudicially my function as Member, Central Electricity Regulatory Commission, in the event of my selection.

(Signature of Applicant)

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:-

- (a) to regulate the tariff of generating companies owned or controlled by the Central Government;
- (b) 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;
- (c) to regulate the inter-State transmission of electricity ;
- (d) to determine tariff for inter-State transmission of electricity;
- (e) to issue licenses to persons to function as Transmission Licensee and electricity trader with respect to their inter-State operations.
- (f) 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;
- (g) to levy fees for the purposes of this Act;
- (h) to specify Grid Code having regard to Grid Standards;
- (i) to specify and enforce the standards with respect to quality,

continuity and reliability of service by licensees.

- (j) 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.

- (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.