

No. 25/7/2012-R&R
Government of India
Ministry of Power

Shram Shakti Bhavan, Rafi Marg
New Delhi, November 9, 2012

VACANCY CIRCULAR

The Central Electricity Regulatory Commission (CERC) was set up by the Government of India at New Delhi under the provisions of the erstwhile Electricity Regulatory Commissions Act, 1998. CERC is deemed to have been constituted under the corresponding provisions of the Electricity Act, 2003 which repealed the Electricity Regulatory Commission Act, 1998.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 in CERC will fall vacant on 10.5.2013.** 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 as amended from time to time. Members of CERC are presently entitled to a consolidated pay of Rs.3.125 lakh per month (without house and car).

3. Section 77(1) of the Electricity Act, inter-alia, provides 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 the fields of economics, commerce, or law. 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, Amendment Rules of 2010 and format of the declaration mentioned in para 3 are available at Ministry's website www.powermin.nic.in and the website of DoPT www.persmin.nic.in.

5. Applications/ nominations are invited from suitable persons having qualification and experience in the field of economics, commerce, or law 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.

(Pranay Kumar)
Director
Tel : 2371 5250

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.

GOVERNMENT OF INDIA
MINISTRY OF POWER

New Delhi, the 8th March, 2004.

Notification

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.

Sd/-

(Ajay Shankar)

Joint Secretary to the Government of India

(F.No. 23/22/2003-R&R)

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 word “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)

Joint Secretary to the Government of India

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