

# The Rajasthan Electricity Regulatory Commission

## Establishment and constitution of the Commission.-

(1) The State Government shall within three months of coming into force of this Act, establish by notification a Commission to be known as the Rajasthan Electricity Regulatory Commission :

Provided that Commission constituted by the State Government in terms of sub-section (1) of section 17 of the Electricity Regulatory Commission Act, 1998 (Central Act No. 14 of 1998) and existing on the date of the commencement of this Act shall be the first Commission for the purpose of this Act.

(2) The Commission shall be a body corporate by the name aforesaid, having perpetual succession and 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 Commission shall consist of three Members including the Chairperson. The State Government shall specifically designate one of the three members as Chairperson, the *inter-se* seniority of the other two members shall be such as may be indicated in the orders of appointment.

(4) The Chairperson and the Members of the Commission shall be appointed by the State Government on the recommendation of a selection committee referred to in section 4.

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

## Constitution of the selection committee to select Members.-

(1) The State Government shall for the purposes of selecting the Members of the Commission, constitute a selection committee, consisting of,-

- A person who is or has been a Judge of the High Court as recommended by the Chief Justice of the High Court- Chairperson;
- Chief Secretary to the Government of Rajasthan ◆ ◆ Member
- Chairperson or Member of the Central Electricity Regulatory Commission as recommended by the Chairperson ◆ Member :

Provided that the selection committee constituted under section 18 of the Electricity Regulatory Commissions Act, 1998 (Central Act No. 14 of 1998) and existing on the date of commencement of this Act shall be deemed to have been constituted under this Act.

(2) No appointment of a Member shall be invalid merely by reason of any vacancy in the selection committee.

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

(4) The selection committee shall finalize the selection of the Members, within one month from the date on which the reference is made to it.

(5) The selection committee shall submit a panel of two suitable persons in alphabetical order for each vacancy referred to it.

(6) Before recommending any person for appointment as a Member, 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 a Member.

## Qualification for appointment of Chairperson and other Members of the Commission.-

(1) The Chairperson and the Members of the Commission shall be persons having adequate knowledge or have capacity in, dealing with problems relating to engineering, finance, commerce, economics, law or administration and shall be appointed in the following manner, namely:-

- One person having qualification and experience in the field of engineering with specialization in generation, transmission or distribution of electricity;
- Two persons having qualification and experience in the field of finance, economics, commerce, law or administration:

Provided that not more than one Member shall be appointed under the same category under clause(ii):

Provided further that persons below the age of fifty years shall not be eligible for appointment as Chairperson or Member, as the case may be.

(2) A person shall be disqualified for being appointed as a Member of the Commission if he is a Member of Parliament or of any State Legislature or of any local authority or holds any post in a political party or if he has any financial or other interest, directly or indirectly, in any private company or undertaking dealing with any of the businesses related to generation, transmission, distribution or supply of electricity or manufacture, sale or supply of any fuel, machinery, plant, equipment etc. related to these activities.

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

## Term of office, salaries and allowances and other conditions of service of Chairperson and Members.-

(1) The Chairperson and any other Member shall hold office for a period of five years from the date he enters upon his office but shall not be eligible for re-appointment :

Provided that no Chairperson or no other Member shall hold office as such after he has attained,-

- In the case of the Chairperson, the age of sixty five years, and
- In the case of any other Member, the age of sixty two years;

Provided further that a Member shall be eligible for appointment as Chairperson subject however that his combined tenure in the Commission as Member and Chairperson shall not exceed five years :

Provided also that the first three Members shall be appointed for varying periods of three years, four years and five years respectively so as to avoid the retirement of all the members at the same time and ensure continuity in the functioning of the Commission:

(2) The salary and allowances payable to, and the other terms and conditions of service of, the Members of the Commission shall be such as may be prescribed by the State Government.

(3) The salary, allowances and other conditions of service of the Members, shall not be varied to their disadvantage after appointment.

(4) The Chairperson and every other Member shall before entering upon his office, make and subscribe to an oath of office and of secrecy in such form and in such manner and before such authority as may be prescribed.

(5) Notwithstanding anything contained in sub-section (1) or sub-section (2), a Member may,-

- Relinquish his office by giving in writing to the State Government a notice of not less than three months; or
- Be removed from his office in accordance with the provisions of section 7.

◆◆ (6) Any Member ceasing to hold office as such shall,-

- Be ineligible for further employment under the Central Government or any State Government for a period of two years from the date he ceases to hold such office;
- Not accept any commercial employment for a period of two years from the date he ceases to hold such office; and
- Not represent any person before the Central Commission or any State Commission in any manner.

**Explanation.-** For the purpose of this sub-section,-

◆ **Employment under the Central Government or under the State Government** ◆ includes employment under any local or other authority within the territory of India under the control of the Central Government or a State Government, or under any corporation or society owned or controlled by the Government

◆ **Commercial employment** ◆ means employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in the electricity industry and also includes a director of a company or partner of a firm and it also includes setting up practice either independently or as partner of a firm or as an advisor or a consultant.

#### **Removal of Members.-**

(1) Subject to the provisions of sub-section (3), any Member of the Commission shall only be removed from his office by order of the State Government on the ground of proved misbehavior after the High Court, on reference being made to it by the State Government, has on inquiry, held in accordance with the procedure prescribed in that behalf by the High Court, reported that the Member, ought on such ground to be removed.

(2) The State Government may, in consultation with the Chief justice of the High Court, suspend any Member of the Commission in respect of whom a reference has been made to the High Court under sub-section (1) until the State Government has passed orders on the receipt of the report of the High Court on such reference.

(3) Notwithstanding anything contained in sub-section (1), the State Government may by order remove from office any Member if he,-

- Has been adjudged as insolvent; or
- Has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- Has become physically or mentally incapable of acting as a Member; or
- Has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member, or
- Has so abused his position as to render his continuance in office prejudicial to the public interest.

(4) Notwithstanding anything contained in sub-section (3), no Member shall be removed from office on the grounds specified in clause (d) or clause (e) of that sub-section unless the High Court on a reference being made to it in this behalf by the state government, has, on an inquiry held by it in accordance with such procedure as prescribed in this behalf by the High Court, reported that the Member ought on such ground or grounds to be removed.

#### **Officers of the Commission and other staff -**

(1) The State Government may appoint a Secretary to exercise and perform under the control of the Chairperson such duties and powers as may be specified by regulations made by the Commission.

(2) The Commission, may in consultation with the State Government, determine the number, nature and categories of other officers and employees required to assist the Commission in the discharge of its functions.

(3) The salaries and allowances payable to, and other conditions of service of the Secretary, other officers and employees shall be such as may be determined by the Commission, by regulations with the approval of the State Government.

(4) The method and manner of selection of the officers and other employees may be prescribed by the Commission by regulations with prior consultation with the State Government.

(5) The Commission may appoint consultants required to assist the Commission in the discharge of its functions on the terms and conditions as may be determined by regulations by the Commission.