

MANIPUR



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**JOINT ELECTRICITY REGULATORY COMMISSION
FOR MANIPUR AND MIZORAM
AIZAWL : : : MIZORAM**

NOTIFICATION

No. H. 11019/3/08-JERC: dated 18th June, 2010. In exercise of powers conferred under Section 87 read with Section 181 of the Electricity Act, 2003 (36 of 2003), the Commission hereby makes the following Regulations, namely;

1 Short title, extent and commencement:

- (1) These Regulations may be called the Joint Electricity Regulatory Commission for the States of Manipur and Mizoram (**Constitution of State Advisory Committee and its Function**) Regulations, 2010.
- (2) These Regulations extend to the whole of the States of Manipur and Mizoram and shall apply in relation to all matters falling within the jurisdiction of the Commission.
- (3) These Regulations shall come into force from the date of their publication in the Official Gazette of Manipur and Mizoram.

2 Definitions

- (1) In these Regulations unless the context otherwise requires;
 - (a) "Act" means The Electricity Act, 2003 (36 of 2003);
 - (b) "JERC" or "Commission" means the Joint Electricity Regulatory Commission for the States of Manipur and Mizoram constituted under Section 83 of The Electricity Act, 2003 (36 of 2003);
 - (c) "Committee" means the State Advisory Committee constituted in accordance with the provisions of Section 87 of the Act.
 - (d) Words and expressions used and not defined herein but defined in the Act shall have the meaning assigned to them in the Act.

3 Constitution of the Committee

- (1) There shall be two Committees one for each of the States of Manipur and Mizoram.

- (2) The State Advisory Committee shall consist of not more than twenty one members to represent the interest of commerce, industries, transport, agriculture, labour, consumers, non-governmental organizations and academic and research bodies in the electricity sector.
- (3) The Members of the Committee shall be nominated for a period of two years and shall be eligible for re-appointment.
- (4) A member other than the ex-officio member, who fails to attend three consecutive meetings of the committee without prior intimation to the Commission and without valid reasons for his absence, shall cease to be a member of the Committee.
- (5) The Chairperson of the Commission shall be the ex-officio Chairperson of the Committee and Member of the Commission, the Secretaries to Manipur and Mizoram Governments in charge of the Department dealing with consumer affairs and public distribution system shall be the ex-officio members of the Committees.

4 Functions of the Committee

- (1) Pursuant to Section 88 of the Act, 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 license;
 - (d) protection of consumer interest; and
 - (e) electricity supply and overall standards of performance by utilities.
- (2) The Committee of the State established under clause 3 of these regulations shall be competent to give advice to the Commission only in cases where such advice relates to matter within the exclusive territorial jurisdiction of the State.

5 Secretary of the Committee

- (1) The Secretary of the Commission shall be the ex-officio Secretary to the Committee. The Secretary shall not be entitled to any extra remuneration on account of such duty.

- (2) It shall be the duty of the Secretary to convene the meetings of the Committee with the permission of the Chairperson and to give to the members thereof, unless otherwise specifically directed by the Chairperson not less than 14 days' notice in writing of the date, time and place of the proposed meeting. The agenda of the meeting shall accompany such notice.

6 The agenda of the meeting

- (1) The agenda for the meeting shall be in accordance with subjects on which the Committee is required to be consulted under the Act. No matter other than that included in the agenda shall be considered or discussed at the meeting of the Committee except with the specific permission of the Chairman of the meeting. The ruling of the Chairman as regards whether a matter is related to the scope and function of the Committee or otherwise, shall be final and binding on the Committee.
- (2) If a Member desires to bring a subject for discussion in the meeting of the Committee, he shall notify the Secretary in writing accordingly before 21 days of the ensuing meeting.

7 Proceedings of the Committee

- (1) The proceedings of the meetings of the Committee shall be recorded in a minute book to be kept for the purpose and shall be signed by the Chairperson of the meeting at the next succeeding meeting or at any time before such succeeding meeting. Copies of the minutes shall be sent to all the members of the State Advisory Committee.
- (2) The Committee of each State shall meet at least once in every three months.
- (3) The quorum for the commencement of a meeting of a Committee shall be one-third of the total members of the Committee.
- (4) The meeting after such commencement with a valid quorum can be continued even if during the meeting the number of participating members reduces below the quorum.
- (5) If there is no quorum in the commencement of the meeting, no business shall be transacted and the Chairperson of the meeting may adjourn the meeting to another date to be fixed by the Chairperson. No quorum shall be necessary at an adjourned meeting.

- (6) At the adjourned meeting the agenda proposed for the previous meeting shall be considered first. No other matter may be considered provided that the Chairperson may bring or direct to be brought, any new matter, which in his opinion is urgent.
- (7) No proceedings of the Committee shall be invalid by reason merely of a vacancy existing in the Committee or by reason of non-receipt of the notice or the agenda papers by any member of the Committee or by reason of any irregularity in the conduct of the business of the meeting.
- (8) The Chairperson may invite person or persons other than the members of the Committee, having special or useful knowledge on a matter of interest to the Commission to assist in its deliberation.
- (9) The Chairperson of the Commission has to preside over every meeting of the Committee. In his absence, Member of the Commission shall chair the meeting.
- (10) All meetings of the Committee shall be held at a place normally in the Office of the Commission at Aizawl or elsewhere as notified by the Commission.

8 Fees and allowances for members of the State Advisory Committee

- (1) A member of the Committee other than an ex-officio member shall be entitled to a fee of Rs.500 (Rupees five hundred only) for each sitting.
- (2) A member of the Committee attending the meeting of the Committee shall be entitled to allowances for traveling and stay on the basis stated as follows:
 - (a) A member of the Committee who is a Government Servant or an employee of any Public Sector Undertaking shall draw traveling and daily allowances from his parent organization. The sitting fee alone shall be paid by the Commission.
 - (b) A member of the Committee other than a Government Servant or an employee of Public Sector Undertaking shall be entitled to traveling allowance and daily allowance for attending the meeting payable at the Scale and according to the rules applicable to Grade A officer of the Government of India.

9 Resignation of Member

A member of the Committee other than an ex-officio member may, by a written notice to the Secretary of the Commission resign from his office and it shall come into effect from the day the Chairperson of the Commission accepts the same.

10 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 a manner or has so abused his position as to render his continuance as a member prejudicial to public interest or to the objects and purpose of the Act.
- (2) The member who is proposed to be removed under sub-clause (1) above shall be given an opportunity to represent his position to the Chairperson of the Commission.

11 Miscellaneous

- (1) Subject to the provisions of the Act and these Regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of these Regulations and procedure to be followed on various matters, which the Commission has been empowered by these Regulations to direct and matters incidental or ancillary thereto.
- (2) The Commission may, at any time, add, vary, alter, modify or amend any of the provisions of these Regulations.
- (3) 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.
- (4) The decisions of the Chairperson of the Commission in the matter of interpretation of these Regulations and relating to conduct of business at the meetings of the Committee shall be final.

12 Repeal and Saving

- (1) Save as otherwise provided in these Regulations, the Joint Electricity Regulatory Commission for the States of Manipur & Mizoram (Constitution of State Advisory Committee and its Function) Regulations 2008 is hereby repealed.

- (2) Notwithstanding such repeal, all proceedings and actions taken and orders passed by the Commission or by any authority or Committee under the Regulations or the Orders so repealed, exercising or purporting to exercise jurisdiction under such Regulations or Orders shall be deemed to be as good and valid in law as if it has been so taken and made under the relevant provisions of this Regulations or the order, as the case may be.

By order of the Commission,

RICHARD ZOTHANKIMA,
Assistant Secretary,
Joint Electricity Regulatory Commission
For Manipur and Mizoram.