

UTTARANCHAL ELECTRICITY REGULATORY COMMISSION**Uttaranchal Electricity Regulatory Commission (State Advisory Committee) Regulations, 2004****Notification**

September 14, 2004

No. F-9(9)/RG/UERC/2004/597--In exercise of powers conferred on it under Section 87 read with Section 181 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it on that behalf, the Uttaranchal Electricity Regulatory Commission hereby makes the following Regulations, namely.

1. Short title, Commencement and Interpretation

- (1) These Regulations may be called the "Uttaranchal Electricity Regulatory Commission (State Advisory Committee) Regulations, 2004".
- (2) These Regulations shall come into force from the date the Commission may, by notification, appoint.

2. Definitions

- (1) In these Regulations, unless the context otherwise requires:
 - (a) "Act" means the Electricity Act, 2003;
 - (b) "Chairperson" means ex-officio Chairperson of the Electricity Advisory Committee, as also the Chairperson of the Commission as is specified in sub-section (3) of Section 87 of the Act;
 - (c) "Commission" means the Uttaranchal Electricity Regulatory Commission;
 - (d) "Committee" means the State Advisory Committee constituted in accordance with provisions of Section 87 of the Act;
 - (e) "Government" means the Government of Uttaranchal;
 - (f) Words and expressions used and not defined herein but defined in the Act shall have the meaning assigned to them in the Act.

3. Term of Office of Members of the Committee

Every member of the Committee other than the Chairperson shall hold office for a period of one year, unless his appointment is terminated earlier in the manner described in these regulations. On the expiration of the term of office of any member, the Commission may in its discretion re-appoint him as such member.

4. Objects of the State Advisory Committee

The objects of the Committee shall be in accordance to those provided under Section 88 of the Act.

5. Secretary of the Committee

The Secretary of the Commission shall be the Secretary to the Committee. He shall not be entitled to any extra remuneration for such work.

6. Notice of Meetings

Meetings of the Committee shall be convened by its Secretary under the direction of the Chairperson of the Committee, at least once in three months. The Secretary shall, ordinarily, give to the members of the Committee, not less than 10 days notice, in writing, of the date, time and place of the proposed meeting. Ordinarily, not less than seven days before the date of the meeting, the Secretary shall send to such members copies of the Agenda of the meeting.

7. Chairman at Meetings of the Committee

The ex-officio Chairperson of the Committee shall preside over a meeting of the Committee, as Chairman of the meeting.

8. Travelling and Daily Allowance for the Members of the Committee

- (1) A member of the Committee shall be entitled only to travelling allowance, including daily allowance, as hereinafter provided in these Regulations, for attending the meetings of the Committee and to no other remuneration.
- (2) A member of the Committee other than a Government servant shall be entitled to travelling allowance, including daily allowance, for the days he attends the meetings, payable at the rates and according to the rules applicable to a Government servant in the rank of Secretary to the Government of Uttaranchal, subject to the proviso that the entitlement of a retired Government Servant of the Committee shall not be below his entitlement at the time of his retirement from the Government.

- (3) A member of the Committee, who is a Government Servant shall be entitled to draw travelling allowance, including daily allowance, on the scale admissible to him, under the Travelling Allowance Rules of the Government with which he is employed.
- (4) The Secretary of the Committee shall be the controlling authority in respect of such travelling/daily allowance bills.

9. Proceedings

- (1) The proceedings of every meeting of the Committee shall be prepared and shall be approved by the Chairman of the meeting.
- (2) The Agenda for the meetings of the Committee shall broadly be in accordance with the subjects on which the Committee is required to be consulted under the Act.
- (3) No matter other than that included in the Agenda, shall be considered or discussed at a meeting of the Committee except with the special permission of the Chairman of the meeting.

10. Quorum and Adjourned Meeting

- (1) One-third of the members will constitute a Quorum at a meeting of the Committee. If there is no Quorum within thirty minutes of the appointed time for the meeting, no meeting shall be held and the Chairman of the meeting, if present, may then and there adjourn the meeting to such future date as may be directed by him. No further notice need be given for a meeting so adjourned.
- (2) If at any time during the progress of the meeting, after its commencement, there ceases to be Quorum, the meeting shall ignore the want of Quorum and shall continue to transact its business.
- (3) No quorum shall be necessary at an adjourned meeting.
- (4) No matter shall be considered at meeting adjourned under sub-clause (1) other than matters scheduled at the meeting from which the adjournment took place, provided that the Chairman of the meeting may bring or permit or direct a new matter, which in his opinion is urgent, to be brought before the adjourned meeting, with or without notice.

11. Point of order

Any point of order raised at meeting shall be decided by the Chairman presiding at the meeting and his decision shall be final.

12. 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.

13. 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.

14. Savings as to Validity of Proceedings

No proceeding of the Commission shall be invalidated by reason merely of a vacancy or vacancies existing in the Committee or by reason of non-receipt of the notice or of the copy of the Agenda, provided it was duly issued, or by reason of any irregularity in the conduct of the business of the meeting.

Explanation: A notice shall be deemed to be duly issued if it is dispatched within the prescribed time to the registered address of a member by post or peon.

15. Invitation to Persons other than Members to attend

To assist the Committee in its deliberations, persons other than Members of the Committee, having special or useful knowledge on a matter of interest to the Committee may be invited by the Chairperson of the Committee to attend any meeting thereof, and such persons may take part in the deliberations.

16. Consultation

The Commission while deciding issues on which the Committee's views have been obtained may consider them into account.

17. General

In cases not expressly provided for in these Regulations for the conduct of meetings the decision of the Chairman presiding at a meeting on all matters relating to the conduct of business at the meeting shall be final.

18. Miscellaneous

- (1) The Commission may, at any time, add, vary, alter, modify or amend any of the provisions of these Regulations.
- (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.

By Order of the Commission,

ANAND KUMAR,

Secretary,

Uttaranchal Electricity Regulatory Commission.

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