

U.P. ELECTRICITY REGULATORY COMMISSION

No. 3870/UPERC/Regulation/2004

Dated: Lucknow, August 24, 2004

NOTIFICATION

U.P. Electricity Regulatory Commission (Constitution of State Advisory Committee and its Functioning) Regulation - 2004.

In exercise of powers conferred under Section 87 read with Section 181 of the Electricity Act, 2003 (36 of 2003), and in supercession of the notification No. UPERC 579- 2000 dated May 19, 2000, the Commission hereby makes the following Regulation, namely, in regard to the State Advisory Committee and for matters incidental and ancillary thereto:-

1 Short title and commencement

- (1) This Regulation may be called the UP Electricity Regulatory Commission (Constitution of State Advisory Committee and its functioning) Regulation, 2004.
- (2) These extend to the State of UP.
- (3) The UP General Clauses Act 1904, (Act 1 of 1904) shall apply to the interpretation of these Regulations.
- (4) This Regulation shall come into force on the date of their publication in the official Gazette.

2. Definitions

- (1) In this Regulations unless the context otherwise requires;
 - (a) "Act" means the Electricity Act, 2003;
 - (b) "Commission" means the UP Electricity Regulatory Commission;
 - (c) "Committee" means the State Advisory Committee;
 - (d) Words and expressions used and not defined herein but defined in the Act shall have the meaning assigned to them in the Act.
 - (e) The original Regulation will be in English and it will be translated in Hind.

3. Constitution of the Committee

- (1) The Committee shall consist of not more than 21 members to be nominated by the Commission from time to time consistent with Section 87 of the Electricity Act, 2003.
- (2) The Members of the Committee shall be nominated for a period of two years. The Commission may in its discretion reappoint him as member for another term.
- (3) A member other than the ex-officio member, who fails to attend three consecutive meetings of the committee, shall cease to be a member of the Committee.
- (4) The Chairperson of the Commission shall be the ex-officio Chairperson of the Committee and members of the Commission, the Secretary to State Government in charge of the Ministry or Department dealing with consumer affairs and public distribution system shall be the ex-officio members of the Committee. The Chairperson, or if he is unable to attend a meeting the State Advisory Committee, any other member nominated by the Chairperson in this behalf and, in absence of such nomination or where there is no Chairperson, any member chosen by the members present from amongst themselves, shall preside at the meeting.

4. Secretary of the Committee

- (1) The Secretary of the Commission shall be the ex-officio Secretary to the Committee.
- (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.

5. 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.
- (2) The Committee shall meet at least once in every four months.
- (3) The quorum for the commencement of a meeting of the Committee shall be one third of the total strength (No. of members) of the Committee.
- (4) If there is no quorum at 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.

- (5) At the adjourned meeting the agenda proposed for the initial meeting shall be considered first before other matters are taken up for consideration.
- (6) Any point of order raised at meeting shall be decided by the Chairman presiding at the meeting and his decision shall be final.
- (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) 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 deliberation.
- (9) Unless otherwise decided by the Commission notifies, all meetings of the Committee shall generally be held at the Office of the Commission.

6. Fees and allowances for members of the State Advisory Committee

- (1) A member of the Committee shall be entitled only to traveling 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 traveling allowance, including daily allowance, for the days he attends the meeting. The traveling allowance shall be limited to to & fro AC-I class train fare by shortest distance. The daily allowance payable shall be Rs.500/= for members residing in Lucknow and Rs.1000/= for others.
- (3) The Secretary of the Committee shall be the controlling authority in respect of such traveling/daily allowance bills.

7. 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.

8. 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.

9. Miscellaneous

- (1) Subject to the provisions of the Electricity Act, 2003 and this regulation, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of this Regulation and procedure to be followed on various matters, which the Commission has been empowered by this regulation 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 this regulation.
- (3) If any difficulty arises in giving effect to any of the provisions of this Regulation, 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)
SANGEETA VERMA
SECRETARY,
U.P.E.R.C.
LUCKNOW.**