HARYANA ELECTRICITY REGULATORY COMMISSION

Notification
Dated 12.04.2004

Regulation No. HERC/01/2004

ESTABLISHMENT OF THE STATE ADVISORY COMMITTEE

Preamble

The Haryana Electricity Regulatory Commission made guideline No.-3 under the powers conferred by Section 32 of the Haryana Electricity Reform Act, 1997 for constitution of Commission Advisory Committee. Section 87 of the Electricity Act, 2003 which came into force on 10.12.2003 in Haryana makes provisions for constitution of the State Advisory Committee (SAC), a body different from the one contemplated in Section 32 of the Haryana Electricity Reform Act, 1997. The Commission accordingly considers it expedient to make Regulation for constitution of the SAC consistent with provisions of Section 87 of the Electricity Act, 2003 in supersession of the earlier guideline No. 3 on Commission Advisory committee.

Therefore, in exercise of powers conferred under Section 181(1) of the Electricity Act, 2003 (36 of 2003), the Commission hereby makes the following Regulations, namely, the Haryana Electricity Regulatory Commission (Establishment of State Advisory Committee) Regulations, 2004, in regard to the State Advisory Committee and for matters incidental and ancillary thereto:-

1 Short title commencement and Interpretation

(1) These Regulations may be called the Haryana Electricity Regulatory Commission (Establishment of State Advisory Committee) Regulations, 2004.

(2) These Regulations shall extend to the State of Haryana.

(3) These Regulations shall come into force on the date of their publication in the Haryana Gazette.

(4) The Punjab general clauses Act 1898(1 of 1898), as applicable to the state of Haryana shall apply to the interpretation of these regulations.

2 Definitions

In these regulations, unless the context otherwise requires: -

a) “Act” means the Electricity Act, 2003;

b) "SAC" means the State Advisory Committee established and notified by the Commission under Section 87 of the Act;

c) "Agenda" means the list of business proposed to be transacted at a meeting of the State Advisory Committee;

d) "Commission" means the Haryana Electricity Regulatory Commission;

e) All other expressions used herein but not specifically defined herein but defined in the Act shall have the meaning assigned to them in the Act. The other expressions used herein but not specifically defined in these regulations or in the Act but defined under the Haryana Electricity Reform Act, 1997 shall have the meaning assigned to them under the said Act, provided that such definitions in the Haryana Electricity Reform Act, 1997 are not inconsistent with the provisions of the Electricity Act, 2003.

3 Establishment of the State Advisory Committee (SAC)

1. The Commission may, by notification, establish with effect from such date as it may specify in such notification, a committee to be known as the State Advisory Committee (SAC).
2. The SAC shall consist of not more than 21 members to represent the interests of commerce, industry, transport, agriculture, labour, consumers, non-governmental organisations and academic and research bodies in electricity sector.
3. The Chairperson of the Commission shall be the *ex-officio* Chairperson of the SAC. Members of the Commission, the Secretary to State Government in charge of the Ministry or Department dealing with Consumer Affairs and Public Distribution System, Managing Director of State Transmission Utility, Managing Director of HPGCL and Managing Director(s) of Distribution licensee(s) shall be the *ex-officio* Members of the SAC.
4. The Commission may appoint members after consultation with representatives, or bodies representative, of such interest groups outlined in sub-regulation 3 (2). Preference may be given to candidates with significant technical understanding of the electricity sector.
5. The Members of the SAC shall be appointed for a term of three years and shall be eligible for re-appointment.
6. The SAC shall meet at least once every three months.
7. A 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 forthwith cease to be a member of the Committee.

4 Objects of the State Advisory Committee

(1) Pursuant to section 88 of the electricity act the objects of the State Advisory Committee shall be to advise the Commission on-

i) major questions of policy;
ii) matters relating to quality, continuity and extent of service provided by the licensees;
iii) compliance by licensees with the conditions and requirements of their licence;
iv) protection of consumer interest; and
v) electricity supply and overall standards of performance by utilities.

(2) To advise the Commission on any matters, which the Commission may put before it.

5 Secretary of the SAC

1. The Secretary of the Commission or any person from among the staff of the Commission authorised by the chairperson of the Commission shall be the Secretary of the SAC.

2. It shall be the duty of the Secretary to the SAC to call meetings of the SAC and to give members thereof not less than 14 days' notice in writing of the date, time and place of the proposed meeting. The Secretary will also send agenda papers to each member of the SAC. The Chairperson, if he so considers necessary, may reduce the period of notice in case of meetings convened to transact any urgent business.

6 State Advisory committee's Interaction with the Commission

1. Pursuant to Section 88 of the Electricity Act 2003, the SAC shall perform an advisory role for the Commission.
2. The suggestions/advice of the members of the Committee are to be made in the course of meetings of the Committee or in writing.
3. The proceedings of every meeting of the SAC shall be recorded in a minute book to be kept for the purpose and shall be signed by the Chairperson of the meeting at that or at the next succeeding meeting.

7 Conduct of Business of the SAC

1. The quorum for a meeting of the SAC shall be six.
2. If there is no quorum within 30 minutes of the time established for a meeting, no meeting shall be held and the Chairperson of the meeting may adjourn the meeting to a specified time.
3. No further notice need be given for an adjourned meeting.
4. No quorum shall be necessary at an adjourned meeting.

5. If at any time after the meeting commences a quorum ceases to exist, the meeting shall not be dissolved but shall continue
6. No matter shall be considered at an adjourned meeting other than matters remaining from the meeting at which the adjournment took place, provided that, with or without notice, the Chairperson may bring, or direct to be brought, any new matter, which in his opinion is urgent, before an adjourned meeting of the SAC.
7. No proceedings of the SAC shall be invalid by reason solely of a vacancy/vacancies existing in the Committee, or by reason of non-receipt of the notice or the agenda paper, provided the notice and agenda were duly issued, or by reason of any irregularity in the conduct of the business of the meeting.
8. A notice shall be deemed duly issued if it is sent, by post or by messenger, within the prescribed time to the registered address of a member.
9. The Chairperson, during any meeting, may direct any member of the SAC whose conduct at the meeting is, in the Chairperson's opinion, disorderly, to withdraw. Any such member so ordered shall be deemed to have withdrawn from the meeting, whether or not he physically withdraws.
10. In cases not expressly provided for in these guidelines for the conduct of meetings, the decision of the presiding Chairperson on all matters relating to the conduct of business during the meeting shall be final.
11. **Chairperson of the meeting** The Chairperson of the SAC shall preside at every meeting of the SAC. In his absence, the senior-most member of the Commission shall act as the Chairperson of the meeting.
12. **Place of the meeting**. All meetings of the SAC shall be held at the main office of the Commission, unless the Commission otherwise notifies.

8 Fees and Travelling Allowance for Members of the SAC

1. A member of the SAC shall not be entitled to any remuneration other than that provided in this guideline.
2. A member of the SAC who is not a Government servant, or employee of a Public Sector Undertaking, shall be entitled to receive for each day on which a meeting is held and he is present, a daily allowance and travelling allowance, or such other allowances, at the rate admissible for the time being under the Haryana Travelling Allowance Rules to 1st Grade (Category I) of the State Government. In addition there shall be a daily sitting fee of Rs 500/- (Rupees five hundred only) or as may be prescribed by the Commission from time to time.

3. A member of the SAC who is a Government servant or employee of a Public Sector Undertaking shall draw travelling and daily or halting allowances on the scale admissible to him from his parent organisation.

9 Resignation

Any member of the SAC may, by writing under his hand addressed to the Secretary of the Commission, resign his office as member of the SAC and it shall come into effect from the day the Chairperson of the Commission accepts the same.

10 Repeal

The Haryana Electricity Regulatory Commission's Guideline No-3 for constitution of Commission Advisory Committee is hereby repealed.

11 Miscellaneous

(1) Subject to the provisions of the Electricity Act, 2003 and these regulations, the Commission may, from time to time, issue orders and practice directions with regard to the implementation of these regulations and procedures to be followed.

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

By order of the Commission

Sd/-
Secretary
HERC