

**ASSAM ELECTRICITY REGULATORY
COMMISSION (CONSTITUTION OF STATE
ADVISORY COMMITTEE AND ITS
FUNCTION) REGULATIONS, 2004**

ASSAM ELECTRICITY REGULATORY COMMISSION (CONSTITUTION OF STATE ADVISORY COMMITTEE AND ITS FUNCTION) REGULATIONS, 2004

Notified by the Assam Electricity Regulatory Commission on 30th August, 2004 and published in the Assam Gazette Extraordinary No. 242 dated 10th December, 2004

No. AERC. /2004/12.-- 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 Regulation, namely, in regard to the State Advisory Committee and for matters incidental and ancillary thereto:-

1. Short title and commencement

- (1) These Regulations may be called the Assam Electricity Regulatory Commission (Constitution of State Advisory Committee and its function) Regulation, 2004.
- (2) These Regulations shall come into force from the date of its notification in the Assam Gazette.
- (3) The Assam Electricity Regulatory Commission (Constitution of State Advisory Committee and its Functioning) Regulations, 2002, shall stand repealed from the date of notification as stated in clause 1 (2) of these regulations.

2. Definitions

1. In these Regulations unless the context otherwise requires;
 - (a) “Act” means the Electricity Act, 2003 (36 of 2003);
 - (b) “AERC” or “Commission” means the Assam Electricity Regulatory Commission constituted under section 17 of the Electricity Regulatory Commissions Act, 1998 and which continues to be so under section 82 of the Electricity Act, 2003 (36 of 2003);
 - (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.

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. While nominating members preference will be given to persons with significant technical understanding of the power sector.
- (2) The Members of the Committee shall be nominated for a period of two years and shall be eligible for re-appointment.
- (3) 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.
- (4) The Chairperson of the Commission shall be the ex-officio Chairperson of the

Committee and members of the Commission, the Secretary to Assam 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.

4. Functions of the Committee

- (1) Pursuant to section 87 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 services provided by 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.

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.

6. 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 shall meet at least once in every three months.
- (3) The quorum for the commencement of a meeting of the 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 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.
- (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 Chairman 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 Chairman 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 deliberations.
- (9) The Chairman of the Commission has preside over every meeting of the Committee. In his absence, any member of the Commission nominated by the Chairman shall chair the meeting.
- (10) Unless the Commission otherwise notifies, all meetings of the Committee shall be held at the Office of the Commission.

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

- (1) ¹[A member of the Committee other than an ex-officio Member shall be entitled to such honorarium per sitting as may be decided by the Commission from time to time].
- (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 I officer of the Government of Assam.

8. 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.

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1. Clause 7.1 substituted by Notification no. AERC. 37/200 Pt. V/15 dated 6th July, 2017 by the Assam Electricity Regulatory Commission and published in the Assam Gazette Extraordinary No. 421 dated 24th July, 2017. Prior to substitution, the Clause stood as under -

“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”.

9. 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.

10. 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 Chairman 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.