

*Extraordinary*  
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PART I-Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury etc.

**GOVERNMENT OF WEST BENGAL**

**Department of Power**

**NOTIFICATION**

No. 337-Power/III Dated : 29th December, 2003

In exercise of the power conferred by sub-section (1), read with clause (i), clause (j) and clause (o) of sub-section (2) of section 180 of the Electricity Act, 2003 (36 of 2003) and in supersession of this Department Notification No. 396-Power/III dated Calcutta, the 30th December, 1999, published on January, 7, 2000, in the Calcutta Gazette, Extraordinary, the Governor is pleased hereby to make the following rules :

**1. Short title and commencement :**

(1) These rules may be called the West Bengal Electricity Regulatory Commission (Appointment of Chairperson and Members, Budget and Annual Report) Rules, 2003.

(2) They shall come into force at once.

**2. Definitions :**

(1) In the rules, unless the context otherwise requires,-

(a) "The Act" means the Electricity Act, 2003 (36 of 2003);

(b) "Board" means the West Bengal State Electricity Board, constituted before the commencement of the Act, under section 5 of the Electricity (Supply) Act, 1948 (54 of 1948);

(c) "Chairperson" means the Chairperson of the Commission;

(d) "Convenor" means the Convenor of the Selection Committee;

(e) "Form" means Form appended to these rules;

(f) "Local Authority" shall have the same meaning as in the Bengal General Clauses Act, 1899 (Ben. Act. 1 of 1899);

(g) "Member" means the Member of the State Commission, and includes the Chairperson;

(h) "Section" means Section of the Act;

(i) "Selection Committee" means the Selection Committee constituted under sub-section (1) of section 85;

(j) "State Commission" means the West Bengal Electricity Regulatory Commission constituted under section 82;

(2) Words and expressions used, and not defined in these rules, shall have the meanings respectively assigned to them in the Act.

### **3. Method of Selection of and conditions of Appointment as, member of the Commission:**

(1) The Selection Committee shall have as its Convenor the Secretary of the Power Department, Government of West Bengal.

(2) Subject to the provisions of the Act and these rules, the Selection Committee shall make its own procedure for the conduct of its proceedings.

(3) For the purpose of selection of members, the Selection Committee may call for application from such individuals, or nominations from such sources, and in such manner, as the Selection Committee may consider appropriate.

(4) All decisions of the Selection Committee shall be by majority.

(5) Subject to the provisions of sub-section (1) of section 84, one of the Members of the State Commission shall be a graduate in Electrical Engineering with at least 25 years of experience in sector related to generation / transmission / distribution of electric energy / power system operation and control.

(6) A person shall be disqualified from being appointed as a Member if he is a Member of Parliament or of a State Legislature or any local authority or holds any post in any political party.

(7) Every person, who is considered for appointment as a Member shall inform the Convenor of -

(a) any office, employment, consultancy, agreement or arrangement which he has in his own name in any firm, association of persons or body corporate or in the name of any relative, carrying on any of the following business having any financial interest therein :

(i) generation, transmission, trading, distribution, franchise or supply of electricity;

(ii) manufacture, sale or supply of any fuel for generation of electricity;

(iii) manufacture, sale, lease, hire supply or otherwise dealing in machinery plant, equipment, apparatus or fittings, for generation, transmission, distribution supply or use of electricity;

(iv) supply of fuel for generation of electricity and

(v) providing professional services to any person or organization engaged in any business referred to in sub-clauses (i) to (iv); and

(b) such other details and information as the Selection Committee may require.

Explanation - For the purposes of this sub-rule, the term "relative" shall have the same meaning as in section 6 of the Companies Act, 1956 (1 of 1956), and a member or his relative shall not be taken to have any financial interest in any business of a public company or private company engaged in any business referred to in sub-clause (i) to (v) of clause (a) of this sub-rule, if he is a shareholder, holding, in aggregate, less than 2% of the issued share capital in the company.

(8) The details received from the person referred to in sub-rule (7) shall be placed before the Selection Committee for consideration.

(9) If a person to be appointed as Member holds any office under the State Government or the Central Government or any public sector corporation or any Government organization or any private organization doing business on generation, transmission, distribution, or supply of fuels for generation or is gainfully employed or engaged in the service of any person, he shall submit a letter or resignation of his office or take voluntary retirement from service under that Government or public sector corporation or Government organization or private organization, as the case may be.

(10) Secretary of the State Commission shall notify an impending vacancy in the office of a Member to the State Government six months before the superannuation or end of tenure of any Member. He shall also notify any vacancy in the office of a Member to the State Government within one month from the date of occurrence of such vacancy by reason of death, resignation or removal.

(11) Immediately after receiving the intimation regarding a vacancy, or otherwise upon knowledge of the vacancy, the Convenor shall arrange for a meeting the Selection Committee to consider and recommend the persons for filling up the vacancy.

#### **4. Budget of the State Commission :**

The State Commission shall prepare in each financial year its budget in Form I and Form II for the next financial year showing the estimated receipts and expenditure of the State Commission, and forward the same to the Department of Power of the State Government before the 30th September, of the current financial year.

#### **5. Annual Report of the State Commission :**

The State Commission shall prepare once in every year an Annual Report giving summary of its activities during the previous year and other relevant information in Form III and forward three copies of the said Annual Report to the State Government before the 30th September of the current year.

### **FORM I**

(SEE RULE 4)

Revised Estimate for the year ..... and Budget Estimate for the year ..... of the West Bengal Electricity Regulatory Commission.

| <b>Receipts</b>                             | <b>Actuals for the Year</b> | <b>Budget Estimate for the Year</b> | <b>Revised Estimate for the Year</b> | <b>Budget Estimate for the Year</b> |
|---|-----------------------------|-------------------------------------|--------------------------------------|-------------------------------------|
|   | <b>Rs.</b>                  | <b>Rs.</b>                          | <b>Rs.</b>                           | <b>Rs.</b>                          |
| (1) Grants-in-aid from the State Government |                             |                                     |                                      |                                     |
| (i) Grants-in-aid towards salaries          |                             |                                     |                                      |                                     |
| (ii) Other grants-in-aid                    |                             |                                     |                                      |                                     |
| (2) Licence Fee                             |                             |                                     |                                      |                                     |
| (3) Other Fees                              |                             |                                     |                                      |                                     |
| Grand Total                                 |                             |                                     |                                      |                                     |

**Secretary**

**West Bengal Electricity Regulation Commission**

**FORM II**

(SEE RULE 4)

| <b>Expenditure</b>                            | <b>Actuals for the Year</b> | <b>Budget Estimate for the Year</b> | <b>Revised Estimate for the Year</b> | <b>Budget Estimate for the Year</b> |
|---|-----------------------------|-------------------------------------|--------------------------------------|-------------------------------------|
|   | <b>Rs.</b>                  | <b>Rs.</b>                          | <b>Rs.</b>                           | <b>Rs.</b>                          |
| Salaries                                      |                             |                                     |                                      |                                     |
| Pay   |                             |                                     |                                      |                                     |
| Dearness Allowance                            |                             |                                     |                                      |                                     |
| House Rent and other allowances               |                             |                                     |                                      |                                     |
| Ad-hoc Bonus                                  |                             |                                     |                                      |                                     |
| Total Salaries :                              |                             |                                     |                                      |                                     |
| Wages   |                             |                                     |                                      |                                     |
| Travel Expenses                               |                             |                                     |                                      |                                     |
| Office Expenses                               |                             |                                     |                                      |                                     |
| Rent, Rates and Taxes                         |                             |                                     |                                      |                                     |
| Maintenance                                   |                             |                                     |                                      |                                     |
| Major / Minor Works                           |                             |                                     |                                      |                                     |
| Payment for professional and special Services |                             |                                     |                                      |                                     |
| Other Charges                                 |                             |                                     |                                      |                                     |
| Motor Vehicles                                |                             |                                     |                                      |                                     |
| Tools and Plants / Machinery and Equipments   |                             |                                     |                                      |                                     |

|       |  |  |  |  |
|-------|--|--|--|--|
| Total |  |  |  |  |
|-------|--|--|--|--|

**Secretary**

**West Bengal Electricity Regulation Commission**

**FORM III**

(SEE RULE 5)

Annual Report of the West Bengal Electricity Regulatory Commission for the year

.....

1. Introduction.
2. Organization Chart.
3. Functions of the Commission.
4. State Advisory Committee - Organization and functions.
5. Progress of different works of the Commission
6. Determination of tariff for generation, supply, transmission of electricity-wholesale, bulk, grid or retail.
7. Determination of tariff for use of transmission facilities.
8. Regulation of power purchase and procurement process of the transmission utilities and distribution utilities.
9. Grant of licence for transmission, distribution and trading in electricity - Amendment / Revocation of licence.
10. Adjudication of disputes between licensees and generating companies.
11. Other functions performed by the Commission during the year.

**By order of the Governor.**

**Dr. K.K. Bagchi**

**Principal Secretary to the**

**Govt. of West Bengal**

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WEDNESDAY, MAY 19, 2004

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PART I-Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury etc.

**GOVERNMENT OF WEST BENGAL**

**Department of Power**

**NOTIFICATION**

No. 189-Power/III

Dated : 17th May, 2004

In exercise of the power conferred by sub--section (1) of section 180 of the Electricity Act, 2003 (36 of 2003) the Governor is pleased hereby to make the following amendment in the West Bengal Electricity Regulatory Commission (Appointment of Chairperson and Members. Budget and Annual Report) Rules, 2003 (hereinafter referred to as the said Rules).

**Amendment**

In the said rules in rule 3.Omit sub rule (5).

BY order of the Governor

**U.N. Bhandari**

**Spl. Secretary to the**

**Govt. of West Bengal**