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BIHAR ELECTRICITY REGULATORY COMMISSION, PATNA STATE ADVISORY COMMITTEE REGULATIONS, 2005

NOTIFICATION

The 27th October, 2005

No. BERC/03/2005 – In exercise of the powers conferred on it by Sub-section (1) Section 87 of the Electricity Act, 2003, (36 of 2003), and all powers enabling it in that behalf, the Bihar Electricity Regulatory Commission hereby makes the following Regulations :

CHAPTER -I

GENERAL

1. Short title, extent and commencement

- (1) These regulations may be called the **Bihar Electricity Regulatory Commission- State Advisory Committee Regulations, 2005**.
- (2) These regulations extend to the whole of the State of Bihar.
- (3) These regulations shall come into force from the date of their publication in the Official Gazette.

2. Definitions

- (1) In these regulations, unless the context otherwise requires :

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- (a) "**Act**" means the Electricity Act, 2003 (36 of 2003);
 - (b) "**Agenda**" means the list of business proposed to be transacted at a meeting of the State Advisory Committee;
 - (c) "**Commission**" means the Bihar Electricity Regulatory Commission;
 - (d) "**Chairman**" means the Chairman of the Bihar Electricity Regulatory Commission;
 - (e) "**Committee**" means State Advisory Committee;
 - (f) "**Committee Member**" means a member of State Advisory Committee other than a member of the Commission;
 - (g) "**Member**" means a member of the Bihar Electricity Regulatory Commission;
 - (h) "**Officer**" means an officer of the Commission;
 - (i) "**Regulations**" means the Bihar Electricity Regulatory Commission – State Advisory Committee Regulations, 2005;
 - (j) "**Secretary**" means Secretary of the Bihar Electricity Regulatory Commission.
- (2) Words and expressions used and not defined in the Regulations but defined in the Act shall have the meanings assigned to them in the Act. Expressions used herein but not specifically defined in the Regulations or in the Act but defined under any law passed by a competent legislature and applicable to the electricity industry in the state shall have the meaning assigned to them in such law. Subject to the above, expressions used herein but not specifically defined in these Regulations or in the Act or any law passed by a competent legislature shall have the meaning as is generally assigned in the electricity industry.

CHAPTER - II

CONSTITUTION AND OBJECTS OF THE COMMITTEE

3. Constitution of the State Advisory Committee

- (1) In accordance with Section 87 of the Act, the Commission shall, by notification constitute with effect from such date as it may specify in such notification a Committee to be known as State Advisory Committee.
- (2) The Committee shall consist of not more than twenty one (21) committee members with a view to reflect a balance of various interest, groups in the state power sector as outlined in Section 87(2) of the Act regard being had to the representatives of the Power Sector with a significant understanding and contribution from the following sectors.
 - (a) Consumers of electricity

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- (b) Commerce;
 - (c) Industry;
 - (d) Transport;
 - (e) Agriculture;
 - (f) Labour;
 - (g) Non-governmental organisations in the Electricity sector;
 - (h) Academic and Research bodies in the Electricity sector;
 - (i) Licensees and Generating companies;
 - (j) State Transmission Utility.

The Commission may consult the representatives or bodies of interest groups, before nominating the members, if it considers it necessary.

- (4) The Commission may nominate person(s) of eminence to the Committee.
- (5) Every member of the Committee other than the Chairman and Members of the Commission who are respectively ex-officio Chairman and Members of the Committee shall hold office for a period of 3 years unless he ceases to be a member earlier. However a member/institution/organisation representing the interest groups as are listed at Sub clause (2) above shall be eligible for renomination.
- (6) The following shall be ex-officio members of the Committee:
 - (a) Chairman of the Commission;
 - (b) Members of the Commission;
 - (c) Secretary to the State Government dealing with Food & Civil Supply.
- (7) The Chairman of the Commission shall be the ex-officio Chairperson of the State Advisory Committee.
- (8) The Secretary of the Commission shall be the ex-officio Secretary of the Committee.

4. Objects of the State Advisory Committee

The objects of the State Advisory Committee shall be to advise the Commission on :

- (k) major questions of policy relating to the electricity supply industry in the State;
- (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 license;
- (iv) protection of consumer interest;

- (v) electricity supply and overall standards of performance by utilities;
- (vi) on any matters, which the Commission may put before it.

CHAPTER - III

MEETINGS OF THE COMMITTEE

5. Frequency and Venue of Meetings

- (1) The Committee shall meet at least once in every four months for transaction of business.
- (2) Meetings of the Committee shall ordinarily be held in the Commission's office at Patna unless Commission otherwise notifies.

6. Notice of Meetings

- (1) The meeting of the Committee shall be convened by the Secretary with the permission of the Chairman, giving members, thereof not less than 14 days notice in writing of the date, time and place of the proposed meeting. If considered necessary, Chairman may reduce the period of notice to transact any urgent business.
- (2) A notice shall be deemed duly issued if it is sent, by post or by a messenger, within the prescribed time to the registered address of the Member/Committee Member.

7. Matters which may be discussed in Meetings

- (1) The Secretary shall normally send the agenda for the meeting together with notes, statements and reports, if any, along with the notice of the meeting.
- (2) No matter other than that included in the Agenda shall be considered or discussed at a meeting of the Committee except with the permission of the Chairman of the meeting.

8. Quorum for Meetings

- (1) The quorum for the meeting shall be one-third of the total strength of the Committee. If there is no quorum, the meeting shall stand adjourned by the Chairman. No further notice need be given for a meeting so adjourned and no quorum may be also necessary for the adjourned meeting. If at any time after the meeting has commenced, and quorum ceases to exist, the meeting shall continue to transact its business.
- (2) No matter shall be considered at an adjourned meeting other than the matters scheduled at the meeting from which the adjournment took place, provided that, with or without notice, the Chairman may bring in, or direct to be brought before an adjourned meeting of the Committee any new matter which, in his opinion, is urgent.

- (3) 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 conduct of business of the meeting.

9. Presiding Officer

- (1) The Chairman shall preside over the meetings and conduct the business. If the Chairman is unable to be present in the meeting for any reason, the senior-most Member of the Commission shall preside over the meeting and perform the duties of the Chairman.
- (2) The rulings given by the Chairman, or the Member presiding over the meeting on any point of order shall be final and binding.

10. Participation at Meetings

The Secretary and such persons as have been invited by the Chairman to attend any meeting may participate in the discussions with the approval of the Chairman or the presiding Member, as the case may be.

11. Minutes of Meetings

- (1) The Secretary or in his absence an officer of the Commission designated by the Chairman, shall record the minutes of the meetings and maintain a register which will, amongst other things, contain the names and designation of Committee Members and invitees present in the meeting and proceedings thereof. The minutes of the meeting shall be signed by the Chairman or the presiding Member, as the case may be.
- (2) The minutes of the previous meeting shall be confirmed in the following meeting.

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

CHAPTER - IV

FEES AND ALLOWANCE OF COMMITTEE MEMBERS AND RESIGNATION/CESSATION OF MEMBERSHIP

13. Fees and travelling allowances for Committee Members

- (1) A Committee Member shall not be entitled to any remuneration other than that provided in these regulations.
- (2) ¹[An amount of honorarium to be decided by the commission from time to time per meeting, shall be payable to the members of the committee except ex-officio members.]

[1] Substituted Clause 13(2) by the BERC (State Advisory Committee) [1st Amendment] Regulations, 2019 vide Bihar Gazette No. 911 dated 1st August, 2019 (w.e.f. 01.08.2019)

- (3) The Committee Members shall be paid T.A. at the rates as admissible to Class - I officers of the State of Bihar.
- (4) A member of the Committee who is a Govt. servant or an employee of Public Sector Undertaking shall draw T.A. from his/her parent organization.

14. Cessation of Membership

- (1) **By Absence** – A Committee 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 Committee Member.
- (2) **By Resignation** – Any Committee Member, may, by writing under his hand addressed to Secretary of the Commission, resign as a Committee Member, and it shall come into effect from the day the Chairperson of the Committee accepts the same.
- (3) The Commission will take appropriate action to nominate a Committee Member to fill up the vacancy thus caused for the remaining period.

CHAPTER - V

REMOVAL OF MEMBER

15. Removal of Member

- (1) The Commission may remove any member of the Committee other than 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/her position as to render his continuance as a member prejudiced to public interest or as to the objects and purpose of the Act.
- (2) The Committee member who is proposed to be removed, shall be given an opportunity to represent his position to the Chairman of the Commission.

CHAPTER - VI

MISCELLANEOUS

16. Miscellaneous

- (1) Subject to the provisions of the Electricity Act 2003, and these regulations, the Commission may from time to time issue orders and directives 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.
- (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 opinion of the Commission is necessary or expedient for removing the difficulties.

By order of the Commission

Sd/-

(M.S. Haque)
Secretary