

Bhopal, Dated: 25th June, 2004

No.1714./MPERC/2004. In exercise of powers conferred under Section 87 read with Section 181 (1) of the Electricity Act, 2003 (36 of 2003), the Commission hereby makes the following Regulation with regard to the State Advisory Committee and for matters incidental and ancillary thereto, namely

**MPERC (CONSTITUTION OF STATE ADVISORY COMMITTEE AND ITS
FUNCTIONING) REGULATION, 2004.**

1 Short title and commencement

- (1) This Regulation may be called the Madhya Pradesh Electricity Regulatory Commission (Constitution of State Advisory Committee and its functioning) Regulation, 2004.
- (2) These Regulations shall come into force from the date of their publication in the Madhya Pradesh Gazette of the Government of Madhya Pradesh.

2. Definitions

- (1) In this Regulations unless the context otherwise requires;
 - (a) "Act" means the Electricity Act, 2003 (36 of 2003);
 - (b) "Commission" means the Madhya Pradesh 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.

3. Constitution of the Committee

- (1) The Committee shall consist of not more than 21 members and not less than 15 members to be nominated by the Commission from time to time consistent with Section 87 of the Electricity Act, 2003 (36 of 2003). A new member should be nominated by the Commission, within a period of two months, from the date on which a position falls vacant, if the said position is required to be filled up under section 87 of the Act. A member nominated can be re-nominated for one more term only.
- (2) The Members of the Committee shall be nominated for a period of three years.
- (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 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.

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 three months.
- (3) The quorum for the commencement of a meeting of the Committee shall be six.
- (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 initial meeting shall be considered first before other matters are taken up for consideration.
- (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) Unless the Commission otherwise notifies, all meetings of the Committee shall 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 other than an ex-officio member shall be entitled to a fee of Rs. 200 (Rupees two hundred only) for each sitting lasting upto four hours and Rs 350 (Rupees three hundred and fifty only) for duration more than four hours on a day.
- (2) A member of the Committee attending the meeting of the Committee shall be entitled to get expenses for traveling on production of tickets etc and this shall be limited to 2nd AC train fare or actual expenses whichever is lower.

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 (36 of 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

ASHOK SHARMA, Dy. Secy.