



## ASSAM ELECTRICITY REGULATORY COMMISSION

### NOTIFICATION (Draft)

Dated: Guwahati, 1<sup>st</sup> August, 2017

### **DRAFT ASSAM ELECTRICITY REGULATORY COMMISSION (CONDUCT OF BUSINESS) REGULATIONS, (FIRST AMENDMENT), 2017.**

No. AERC 626/2017/07 -- In exercise of powers conferred by Section 181(1) of the Electricity Act 2003 (36 of 2003) and all other powers enabling the Commission in this behalf, and after previous publication, the Assam Electricity Regulatory Commission hereby makes the following Regulations, to amend the Assam Electricity Regulatory Commission (Conduct of Business) Regulations, 2004 (hereinafter referred to as the "Principal Regulations"), namely:

#### **1. Short title, commencement and interpretation**

- (1) These Regulations shall be called the Assam Electricity Regulatory Commission (Conduct of Business) Regulations (First Amendment) 2017.
- (2) These Regulations shall extend to the whole of the State of Assam.
- (3) These Regulations shall come into force from the date of its publication in the Assam Gazette.

#### **2. Amendment of Regulation 6(1) of the Principal Regulations:** Regulation 6 (1) of the Principal Regulations shall be substituted as under, namely:

##### **Functions and Duties of the Secretary:**

"6(1). The Secretary shall be the Principal Officer of the Commission and shall exercise such functions as are assigned to him by these Regulations or otherwise by the Chairperson".

#### **3. Amendment of Regulation 9(2) of the Principal Regulations:** Regulation 9 (2) of the Principal Regulations shall be substituted as under, namely:

##### **Proceedings before the Commission**

"9(2). The quorum for the proceedings of the Commission including any decision to be taken in any meeting shall be two, except in circumstances where the Commission is currently constituted only with the Chairperson or with only one Member".

#### **4. Insertion of new Regulations 9(8) and 9(9):** The following new Regulations shall be inserted after Regulation 9(7) of the Principal Regulations as under, namely:

##### **Proceedings before the Commission**

"9(8). No member of the Commission shall exercise his vote on a decision

unless he is present during the substantial hearings of the Commission on such matter”.

“9(9). The Commission may decide urgent matters by the procedure of circulation subject to the following conditions:

Where a matter is required to be decided by the Commission urgently, the Chairperson may, instead of bringing the matter for discussion at a meeting of the Commission, direct that it may be circulated to the Members for opinion and if all the Members are unanimous and the Chairperson thinks that a discussion at a meeting of the Commission is not necessary, the matter shall be decided without such discussion.

If the Members are not unanimous or if the Chairperson thinks that a discussion at a meeting is necessary, the matter shall be discussed at a meeting of the Commission”.

5. **Shifting of Regulation 27(2) of the Principal Regulations as Regulation 11(7):** Regulation 27(2) of the Principal Regulations shall be shifted and inserted after Regulation 11 (6) of the Principal Regulations as under, namely:

**Petitions before the Commission:-**

“11(7). Any person intending to apply for license shall duly comply with the conditions and requirements laid down by the Commission”.

6. **Insertion of new Clause (v) in Regulation 15(1):** The following new Clause shall be inserted after Clause (iv) of Regulation 15 (1) of the Principal Regulations as under, namely:

**Service of notices and processes issued by the Commission**

“15(1)(v). in any other manner as considered appropriate by the Commission”.

7. **Amendment of Regulation 34(4) of the Principal Regulations:** Regulation 34 (4) of the Principal Regulations shall be substituted as under, namely:

**Review of the decisions, directions and orders**

“34(4). The application for review shall be accompanied by such fee as specified in Regulation 39”.

8. **Insertion of new Regulation 34(5):** The following new Regulation shall be inserted after Regulation 34(4) of the Principal Regulations as under, namely:

**Review of the decisions, directions and orders**

“34(5). The review applications shall be disposed of within 15 days from the date of hearing, if the review is not admitted and within two months from the date of admission if the application is admitted;

Provided that where the review applications cannot be disposed of within

the period as stipulated, the Commission shall record the reasons for the additional time taken for disposal of the review applications”.

9. **Insertion of new Regulation 34(A):** The following new Regulation shall be inserted after Regulation 34 of the Principal Regulations as under, namely:

**34(A). Amendment of Orders**

“Clerical or arithmetical mistakes in the orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Commission either of its own motion or on application of any of the parties”.

10. **Amendment of Regulation 36 of the Principal Regulations:** Regulation 36 of the Principal Regulations shall be substituted as under, namely:

**36. Proceedings to be open to public**

“The Commission may decide the proceedings to be made open to the public subject to availability of sitting accommodation.

Provided that the Commission may, if it thinks fit, and for reasons to be recorded in writing, order at any stage of the proceedings of a case that the public generally or any particular person or group of persons shall not have access to or be or remain in, the room or building used by the Commission for the purpose of conduct of the proceeding”.

11. **Amendment of Regulation 39 of the Principal Regulations:** Regulation 39 of the Principal Regulations shall be substituted as under, namely:

**39. Fees on Petition, Application etc**

“Every petition/application etc. filed before the Commission shall be accompanied by such fee and in such manner as notified in the AERC (Payment of Fees) Regulations, 2015 and its subsequent amendments

Provided further that no fee is payable on filing of objections or replies in response to a filed petition or application”.

12. **Amendment of Regulation 44 of the Principal Regulations:** Regulation 44 of the Principal Regulations shall be substituted as under, namely:

**44. Extension or abridgment of time allowed**

“Subject to the provisions of the Act, the time allowed by these regulations or by order of the Commission for doing any act (whether it has already expired or not) may be extended by order of the Commission”.

13. **Deletion of Appendix 4: Schedule of Fees**

Appendix 4: Schedule of Fees of the Principal Regulations shall stand deleted.

Sd/-

Secretary,

Assam Electricity Regulatory Commission.