

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION MUMBAI

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No. MERC. 115/2000/446.- In exercise of the power conferred on it by sub-section (1) clause (e) of sub-section (2) of section 58 of the Electricity Regulatory Act, 1998 (Act 14 of 1998), the Maharashtra Electricity Regulatory Commission hereby makes the following Regulatory relating to the terms and conditions of appointment of the Standing Legal Counsel to the Maharashtra Electricity Regulatory Commission

1 Short title and Commencement

- i These Regulations may be called the Maharashtra Electricity Regulatory Commission (Standing Legal Counsels: Terms and Conditions of Appointment) Regulations, 2000
- ii These Regulations shall come into force on the date of their publication in the Maharashtra Gazette.
- iii These Regulations shall apply to the legal Counsels as may be appointed from time to time.

2 Appointment

- i Standing Legal Counsel shall be appointed by the Maharashtra Electricity Regulatory Commission. The number of the standing counsels to be appointed shall be determined by the Commission depending upon the volume of work.
- ii a) An Advocate with not less than 20 years standing at the bar shall only be appointed as Standing Legal Counsel in the High Court and the Supreme Court.
(b) An advocate with not less than 15 years standing can be appointed in criminal courts.
- iii The services of a Standing Legal Counsel shall be terminable on three months' notice in writing on either side.
- iv The Commission reserves its right to engage any other Advocate in any specific case either before the High Court or any other Court or Tribunal or Forum depending on the nature of the case and the specialization possessed by such Advocate in the Subject relating to such case.
- v The Commission can engage an Advocate for a specific case for consultation only.

3 Appointment of a Senior Counsel

- i The Commission, may, if it so desires or on the advice of the standing Legal Counsel, Engage a senior Counsel in any case in high Court/Supreme Court, at a fee determined by the Commission.

4 Duties

The duties of the Standing Legal Counsel shall be as follows:-

- i To tender advice and opinion to the commission and its functional heads in all matters involving legal implications as and when required.
- ii To prepare, settle and scrutinize agreements, deeds and other documents of legal nature as may be referred to him by the Commission or its functional heads.
- iii To prepare affidavits, counter affidavits, petitions, statement of cases and all other connected documentation in which they appear on behalf of the Commission.
- iv To appear on behalf of the Commission in all cases or classes of cases assigned to them, where the Commission is a party or its interests are involved before the High Court and When so required, before other courts.
- v To appear personally, as far as possible, in cases entrusted to him and leave the case to the junior only in unavoidable and unforeseen contingencies and that too, with the prior consent of the Commission.
- vi To perform such other work of a legal nature as may be entrusted to him by the Commission from time to time.

5 Standing Legal Counsel not to represent interests adverse to the Commission

The Standing Legal Counsel shall not appear against the Commission in any case or represent or give opinion or advice to others in any matter adverse to the interests of the Commission.

6 Honorarium

The Principal Standing Legal Counsel, when more than one Standing Counsel are required to be appointed for the High Court depending upon the pendency of matters, shall be paid towards his duties as mentioned in the schedule.

7 Fees

Standing Legal Counsel shall be paid, besides the honorarium payable under Regulation 6, the fees as prescribed by the Government of Maharashtra for A-Panel Counsel in the High Court under the Maharashtra Law Officers (Appointment, Conditions of Service, Remuneration) Rules, 1984 as amended by the Government from time to time.

8 Payment of higher or lower fees in certain cases

The Commission may order payment of fees higher or lower than fixed under the Schedule, if the nature of the case and the labour and time spent by the Standing Counsel in a particular case so warrants.

9 Payment of Reasonable fees when engagement becomes terminated in pending cases

i In case the engagement of the Standing Legal Counsel in any case or cases or generally on behalf of the Commission becomes terminated either by reason of resignation or by the giving up of the case by the Commission or by the expiry of the term or by the Commission termination the services of the Standing Legal Counsel for nay reason and the case is still pending completion, the Commission shall have discretion to fix such fees irrespective of the case as it considers reasonable, having regard to the work done in the case or cases till the date of such termination of service.

Schedule

(Under Regulation 6)

Serial No.	Payable to the Principal Legal Counsel	Rate
1	Honorarium as retainer	Rs. 3,000 per month
2	Payments towards postage, fax, etc for correspondence	Rs. 1,000 per month

Place: Mumbai

AMITABH RAJAN, IAS

Dated 30th March 2000

Secretary.