

NOTIFICATION

Industries, Energy and Labour Department,
Mantralaya, Mumbai-400 032,
Dated the 16th Nov 2005.

Electricity
Act, 2003.

No. ERC 004/CR-8467/NRG-2 - In exercise of the powers conferred by sub-sections (2) and (3) of section 89 read with clauses (d) and (e) of sub-section (2) of section 180 of the Electricity Act, 2003 (36 of 2003), and of all other powers enabling it in that behalf, and in supersession of the Maharashtra Electricity Regulatory Commission (Oath of Office and Secrecy by Members) Rules, 1999 and the Maharashtra Electricity Regulatory Commission (Conditions of service of Chairperson and Members) Rules, 2000, the Government of Maharashtra hereby makes the following rules, namely:-

1. *Short title*:- These rules may be called the Maharashtra Electricity Regulatory Commission (Conditions of service of Chairperson and Members) Rules, 2005.
2. *Definitions*:- (1) In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Electricity Act, 2003 (36 of 2003);
 - (b) "Commission" means the Maharashtra Electricity Regulatory Commission established and functioning as such before the date of commencement of the Act;
 - (c) "Compensatory local allowance" means the allowance granted to a Member to meet his personal expenditure necessitated by the special circumstances of the duty which he performs;
 - (d) "Government" means the Government of Maharashtra;
 - (e) "Member" means the Member of the Commission and includes the Chairperson;
 - (f) "Schedule" means the Schedule appended to these Rules;(II) Words and expressions used but not defined herein shall have their respective meanings, as assigned to them in the Act.
3. *Oath of office and secrecy*:- Every Member shall, before entering upon the office, make and subscribe, before the Minister in-charge of Energy Department of the Government, the oath of office and secrecy, in accordance with the form set out for that purpose in the Schedule.
4. *Pay and allowances to the Chairperson and Members* :- (1) The Chairperson of the Commission shall be paid a salary of Rupees Twenty Six Thousand per mensem;
Provided that, in case of appointment of a person as the Chairperson of the Commission, under sub-section (2) of section 84 of the Act, who, -

(a) is a sitting judge of a High Court, such person shall be paid monthly salary and allowances and other benefits of service at the same rate, as are admissible to a Judge of the High Court;

(b) is a retired judge of a High Court, the monthly salary including any pension received or receivable and any other form of retirement benefits, by such person shall not exceed the last pay drawn by him before retirement. He shall be entitled to such allowances (including dearness allowance) and other benefits as are admissible to a serving Judge of a High Court.

(2) A Member of the Commission shall be paid a monthly salary in pay scale of Rs. 22400-525-24500:

Provided that, in the case of an appointment of a person as a Member, who is retired from service under the Central Government or the State Government and who is in receipt of or has received or has become entitled to receive any retirement benefit by way of pension, or other form of monthly retirement benefits, the monthly salary of such Member shall be reduced by the gross amount of pension or any other form of monthly retirement benefit, if any, drawn or to be drawn by him.

(3) A Member shall be entitled to receive dearness allowance and compensatory local allowance at the same rate admissible to the officer of the corresponding grade of the Indian Administrative Service.

5. Accommodation to Chairperson and Members - (a) A Chairperson shall, throughout his term of office and immediately thereafter for a period not exceeding fifteen days, be entitled to official residence free of rent, i.e. a flat admeasuring 1750 square feet or of more area, subject to the maximum of 3,200 square feet, if available.

(b) A Member shall, throughout his term of office and immediately thereafter for a period not exceeding fifteen days, be entitled to an official residence, free of rent, of the equal area admissible to a member of the Indian Administrative Service of the corresponding grade in the State:

Provided that, if a Member is staying in his own house, he shall be paid a house rent allowance at the same rate admissible to a member of the Indian Administrative Service of the corresponding grade in the State:

Provided further that, for any overstay beyond the permissible limit of fifteen days, a Chairperson or a Member shall be liable to pay rent and other charges calculated in accordance with rules applicable in that behalf to the member of the Indian Administrative Service of the corresponding grade in the State.-

Explanation.- For the purposes of this rule,-

(i) "official residence" means an accommodation owned or taken on lease or requisitioned or otherwise, by the Government;

(ii) "rent" shall not include water and electricity charges.

6. Leave .- (a) A Member, shall be entitled to leave as follows:-

(i) Earned leave of thirty days for every completed year of service or a part thereof;

Provided that, the leave account shall be credited with earned leave, in advance, in two instalments of fifteen days each on the first day of January and July, of every calendar year:

Provided further that, the leave account at the credit of the close of previous half-year shall be carried forward to the next half-year, subject to the condition that the leave so accrued including the leave credited in accordance with the first proviso shall not exceed three hundred days.

(ii) Half pay leave on medical certificate of twenty days in respect of each completed year of service. The leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave:

Provided that, the leave accrued shall be credited with Half Pay Leave in advance in two instalments of ten days each on the first day of January and July every calendar year:

Provided also that, such Half Pay leave may be commuted to full pay leave (twice of half pay leave) at the discretion of the Government, provided it is taken on medical ground and is supported by a medical certificate by a registered medical practitioner.

(iii) Casual leave and other leave as admissible to a member of the Indian Administrative Service of the corresponding grade in the State.

(b) Any leave at the credit of a Member shall lapse on the date on which such Member vacates his office ;

Provided that, the leave shall not lapse if such Member has,-

(i) applied for leave and the same has been refused; or

(ii) ascertained, in writing, from the sanctioning authority that the leave, if applied for, will be refused on the ground of the necessity of public services.

(c) Notwithstanding anything contained in the preceding rules, or the Maharashtra Civil Services (Leave) Rules, 1981, a Member shall be entitled to an allowance equivalent to the earned leave to his credit, on the date on which he vacates his office, subject to the condition that the payment of allowance equivalent to the leave salary shall be limited to earned leave for a maximum of one hundred and fifty days. The leave salary shall be paid in full in lump sum, as one time settlement, upon vacating office.

Explanation .- For the purpose of computation of such allowance, compensatory local allowance or the house rent allowance shall not be counted.

7. Leave sanctioning authority . - In case of,-

(a) the Chairperson- the Minister-in-charge of the Energy Department of the Government;

(b) Members- the Chairperson,

shall be the authority competent to sanction leave.

8. Gratuity.- A Member shall be entitled to the benefit of gratuity at the rate of thirty days of pay for each completed year of service on the Commission:

Provided that, such Member should have completed a minimum of two years of service on the Commission to be entitled to pay gratuity:

Provided further that, no gratuity shall be payable to the Member on his removal from office for any of the grounds specified in clause (a),(b), (d),(e) or (f) of sub-section (2) of section 90 of the Act.

9. Conveyance .- (a) A Member shall be provided with a chauffeur driven car for official purposes at the cost of the Commission:

Provided that, in the event the official vehicle is not available for any reason, a Member may, for the purpose of travel in connection with his duty at the headquarters; shall be entitled to the reimbursement of the taxi-fare incurred.

(b) A Member shall be permitted to use the car provided to him for his private purposes on the same terms and conditions as applicable to a member of the Indian Administrative Service of the corresponding grade in the State Government.

10. Travelling allowance .- (a) A Member while on tour or on transfer (including the journey undertaken or on expiry of his term to proceed to his hometown) shall be entitled to travelling allowances, daily allowances, transportation of personal effects and other similar matters at the same rates as are applicable to a member of the Indian Administrative Service of the corresponding grade in the State:

Provided that, in the event of Government accommodation not being available, the daily allowance on the basis of actual expenditure incurred by such Member, supported by necessary vouchers, may be granted.

Provided further that, a Member shall be entitled to a daily allowance for the entire period of absence from the head-office of the Commission, the absence being reckoned from the time of departure from the head office till his time of return:

Provided also that, any matter relating to the aforesaid traveling allowances with respect to which no express provision exists in the rules and regulations which are applicable to a member of the Indian Administrative Service of the corresponding grade in the State, shall be referred in each case to the Government for its decision and the decision of the Government thereon shall be binding on the Member.

(b) A Member shall be entitled to leave travel concession at the same rate as are applicable to a member of the Indian Administrative Service of the corresponding grade in the State.

(c) A Member shall not go on foreign tour for official purposes, unless he has obtained prior permission of the Minister-in-charge of the Energy Department of Government and clearance from the Central Government, as applicable, to a member of the Indian Administrative Service of the corresponding grade in the State.

11. Telephone facilities. - A Member shall be provided with a telephone with S.T.D. and I.S.D. facilities at his residence, at the cost of the Commission.

12. Medical treatment . - A Member shall be entitled to medical treatment and reimbursement of medical expenses as applicable to an officer of the State Government of the corresponding grade in the State in accordance with the Maharashtra State Medical Attendance Rules, 1961 and Orders of the Government issued, from time to time.

13. Expenses on official meetings and entertainment allowance .- (1) The Chairperson may authorize expenses to be incurred by the Commission in meetings in which tea, coffee and refreshment might be provided.

(2) The Chairperson may authorize reasonable expenses on the entertainment of visitors to the Commission.

14. Sumptuary allowance .- The Chairperson and the Member shall be entitled to a sumptuary allowance at the rate of rupees Three Thousand per mensem.

15. Other allowances .- The Chairperson and the Member shall be entitled to such other allowances as are applicable to a member of the Indian Administrative Service of the corresponding grade in the State.

16. Residuary provision .- (1) Matters relating to the conditions of service of the Chairperson and Members of the Commission with respect to which no express provision has been made in these rules shall be referred in each case to the Government for its decision and the decision of the Government thereon shall be binding on the Chairperson and Members.

(2) When the Government is satisfied that the operation of these rules causes undue hardship in any particular case it may, in the public interest and for

reasons to be recorded in writing, relax the provisions or the requirements of any of these Rules.

17. Power of the Government to notify grades.- The Government may, for the determination of the admissibility of various allowances under these rules to the Chairperson and Members, notify the corresponding grade of a member of the Indian Administrative Service.

SCHEDULE

(a) Form of oath of Office. -

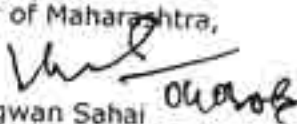
"I, having been appointed as the *Chairperson/ the *Member of the Maharashtra Electricity Regulatory Commission, do swear in the name of *God / * solemnly affirm that, I shall bear true faith and allegiance to the Constitution of India, I shall uphold the sovereignty and integrity of India. I shall duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill will and I will uphold the Constitution and the laws of the land."

(b) Form of oath of secrecy. -

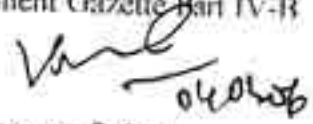
"I,, do swear in the name of *God / *solemnly affirm that, I shall not directly or indirectly, communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as *Chairperson/*Member of the Maharashtra Electricity Regulatory Commission, except as may be required for the due discharge of my duties as such *Chairperson/*Member."

* Strike out whichever is not applicable.

By order and in the name of the
Governor of Maharashtra,


Bhagwan Sahai
Secretary to Government.

To, The Manager, Government Printing Press, Charni Road, Mumbai. He is requested to publish the above notification in the Extra-ordinary government Gazette Part IV-B and send 100 copies of such gazette to this Department.


Bhagwan Sahai
Secretary to Government

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