

(Authoritative English text of this Department Notification No. MPP-A(3)-2/2003, dated 30th November, 2006 as required under Clause(3) of article 348 of the Constitution of India.)

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Government of Himachal Pradesh
Department of MPP & Power

No.MPP-A(3)-2/2003

Dated: Shimla-2, the 30th November, 2006

NOTIFICATION

In exercise of the powers conferred by Clause (d) & © of sub Section (2) of Section 180 readwith sub section(2) & (3) of Section 89 of the Electricity Act, 2003 , the State Government hereby makes the following rules, namely:-

1.Short title and commencement:- (1) These rules may be called the Himachal Pradesh Electricity Regulatory Commission (salary, allowances and other conditions of service of Chairperson and Members) Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions:- (1) In these rules unless the context otherwise requires;

(a) "Act" means the Electricity Act, 2003;

(b) "Commission" means the Himachal Pradesh Electricity Regulatory Commission

(2) Words and expression used and not defined in these rules but defined in the Electricity Act, 2003 (36 of 2003) shall have the meanings respectively assigned to them in that Act..

3. Oath of office and secrecy:- The Chairperson and Members of the Commission shall, before entering upon his Office, subscribed to an oath of office and secrecy before the Chief Minister, Himachal Pradesh. The Oath of office and secrecy shall be administered in the following form:-

Oath of Secrecy

I.....do swear in the name of God and solemnly affirm

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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 Himachal Pradesh Electricity Regulatory Commission except as may be required for the due discharge of my duties as such Chairperson/ Member.

Oath and affirmation of allegiance to Constitution

I,.....having been appointed Chairperson/ Member of the Himachal Pradesh Electricity Regulatory Commission, do swear in the name of God and solemnly affirm that I shall bear true faith and allegiance to the Constitution of India as by law established, that I shall uphold the sovereignty and integrity of India, that 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 that I will uphold the Constitution and the laws of the land.

4. Pay:- The Chairperson of the Commission shall be entitled to receive a fixed basic pay of Rs. 26,000/- (Rs. Twenty six thousand) per month only plus Dearness Pay and a Member shall be entitled for basic pay plus Dearness Pay in the pay scale of Rs. 22,400-525-24,500 .

Provided that if the Chairperson of the Commission has been a Judge of the High Court, he shall receive pay as admissible to a Judge of the High Court.

Provided further if a person appointed as the Chairperson or a Member of the Commission is in receipt of any pension, the pay of such person shall be reduced by an amount equal to the gross amount of pension drawn by him.

5. Dearness allowance and other allowances:- The Chairperson and the Member of the Commission shall be entitled to receive dearness allowance and other allowances on the basic pay at the rate admissible to a Class-I Officer of the State Government drawing an equivalent pay.

6. Leave:- The Central Civil Services (Leave) Rules, 1972 shall be

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applicable to the Chairperson or the Member of the Commission.

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7. **Leave sanctioning authority:-** In the case of the Chairperson of the Commission the leave sanctioning authority shall be the 'Minister-in-charge of Multi-Purposes Projects & Power Department', and in the case of the Member, the Chairperson, shall be the leave sanctioning authority.
8. **Provident Fund:** The subscription towards Provident Fund of the Chairperson and the Member shall be governed by the provisions of the Contributory Provident Fund(India) Rules, 1962 and no option to subscribe under the provisions of the General Provident Fund Rules(Central Services), 1960 shall be available. Additional pension and gratuity shall not be admissible for service rendered in the Commission.
9. **Travelling Allowances:-** (I) The Chairperson and the Member while on tour shall be entitled to the traveling allowance/ mileage allowance and daily allowance at the same rates as are applicable to a Group 'A' Officer of the State Government drawing an equivalent pay. However, tours abroad shall be subject to the prior approval of the Chief Minister through the Multi-Purposes Projects & Power Department and clearance from the the Ministry of External Affairs from political angle and from the Ministry of Home Affairs for acceptance of foreign hospitality, if any, under the provisions of the Foreign Contribution (Regulation) Act, 1976.
10. **Leave travel concession:-** The Chairperson and the Member shall be entitled to leave travel concession at the same scale and at the same rate as applicable to Class-I Officers of the State Government drawing an equivalent pay as per the instructions issued by the Finance Department from time to time.
11. **Accommodation:-** The Chairperson and the Member of the Commission shall have the option either for allotment of Government Accommodation or house rent allowance in lieu thereof, as admissible to the officer of the State Government drawing an equivalent pay.
12. **Transport:-** The Chairperson or the Member of the Commission shall be

allowed to make use of an official vehicle.

- 13. **Medical treatment:-** The Chairperson and the Member of the Commission shall be entitled to medical reimbursement and facility as may be applicable to a Class-I officer of the State Government drawing an equivalent pay.
- 14. **Telephone facility:-** The Chairperson and the Member of the Commission shall be eligible for telephone facilities at Office & Residence as admissible to a Class-I Officer of the State Government drawing an equivalent pay.
- 15. **Other conditions of service:-** Other conditions of service of the Chairperson and the Member of the Commission, with respect to which no express provision have been made in these rules, shall be such as are admissible to a Class-I officer of the State Government drawing an equivalent pay.
- 16. **Interpretation:-** If the question arises relating to the interpretation of any of the provisions of these rules, the Governemnt shall decide the same and its interpretation shall be final..

By Order

Principal Secretary (Power) to the Government of Himachal Pradesh.

Endst. No. As above. Dated: Shimla - 171002, the 3rd November, 2006

Copy is forwarded for information & necessary action to:-

- 1. The Controller (P&S), Himachal Pradesh, Shimla-5 for publication in the official Gazette
- 2. The Joint Secretary, Ministry of Power, Government of India, Sharm Shakti Bhawan, Rafi Marg, New Delhi.
- 3. The Chairman, Himachal Pradesh State Electricity Board, Vidyut Bhawan, Shimla-4.
- 4. The Secretary, Himachal Pradesh Electricity Regulatory Commission, Keonthal Complex, Khalini, Shimla-2.
- 5. The Principal Secretary (Fin) to the Govt. of Himachal Pradesh, Shimla-2 w.r. to their concurrence obtained vide No.82 (Fin-Reg.) dated 1/2/2006-Fin(C)-B(15)-5/2003.

6. The LR-cum-Secretary (Law) to the Govt. of Himachal Pradesh,
Shimla-2.
7. The Dealing hand dealing with the matters of tariff etc. in the MPP
& Power Branch, H P Secretariat, Shimla-2.
8. Guard file.
9. Spare Copies...20.

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**Additional Secretary (Power) to the
Government of Himachal Pradesh.**

(17) 37 (18)

(AUTHORITATIVE ENGLISH TEXT OF THIS DEPARTMENT
NOTIFICATION NUMBER MPP-A(3)-2/2003-I DATED 6th APRIL, 2017
AS REQUIRED UNDER CLAUSE (3) OF THE ARTICLE 348 OF THE
CONSTITUTION OF INDIA)

Government of Himachal Pradesh
Department of MPP & Power

File No.MPP-A(3)-2/2003-I Dated: Shimla-171002, the 6th April, 2017.

NOTIFICATION

In exercise of the powers conferred by section 180 read with section 89 of the Electricity Act, 2003 (36 of 2003), the Governor of Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Electricity Regulatory Commission (Salary, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2006, notified vide Notification No.MPP-A(3)-2/2003 dated 30th November, 2006 and published in the Rajpatra, Himachal Pradesh on the 10th March, 2007, namely:-

Short title and commencement.

1. (1) These rules may be called the Himachal Pradesh Electricity Regulatory Commission (Salary, Allowances and other Conditions of Service of Chairperson and Members) Amendment Rules, 2017.
- (2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

Substitution of rule 4.

2. For rule 4 of the Himachal Pradesh Electricity Regulatory Commission

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(Salary, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2006, the following rule shall be substituted, namely:-

"4. Pay.- The Chairperson of the Commission shall be entitled to receive a fixed salary of Rs. 2,25,000/- (Two Lakh and Twenty Five Thousand only) per month as per the Central Civil Services (Revised pay) Rules, 2016, notified vide Notification No.G.S.R721(E) dated 25th July, 2016, applicable from 1st day of January, 2016, and the Member shall be entitled to draw salary equal to the salary drawn by officer of Higher Administrative Grade:

Provided that if the Chairperson of the Commission has been a Judge of the High Court, he shall receive pay as admissible to a Judge of the High Court.

Provided further that if a person appointed as the Chairperson or Member of the Commission is a re-employed pensioner, his pay in the prescribed scale of the post in which he is re-employed shall be fixed by deducting the amount of pension i.e. pay minus pension, in

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accordance with the provisions contained in Himachal Pradesh Civil Service (Fixation of Pay of Re-employed Pensioners) Orders, 1988, issued by the Finance Department vide OM No.Fin(C)-B(7)-10/84 dated 1.12.1988.”

By Order

(Tarun Shridhar)

Addl. Chief Secretary (Power) to the
Government of Himachal Pradesh.

Endst No MPP-A(3)-2/2003-I Dated: Shimla-171002, the 6th April, 2017

Copy forwarded to followings for information and necessary action:-

1. The Accountant General (A&E), Himachal Pradesh, Shimla-03.
2. All Administrative Secretaries/All ACSs/All Pr. Secretaries/All Secretaries to the Government of Himachal Pradesh, Shimla-2.
3. The Special Secretary (GAD) to the Government of Himachal Pradesh, Shimla-02 w.r.t. Cabinet Memorandum Item No. 22 dated 30.03.2017 for kind information.
4. The DLR-cum-Deputy Secretary Law (Legn) to the Government of Himachal Pradesh, Shimla-2
5. All Divisional Commissioners/All Deputy Commissioners in Himachal Pradesh.
6. All Head of Departments in Himachal Pradesh.
7. The Secretary, H.P. Electricity Regulatory Commission, Keonthal Complex, Khalini, Shimla-02.
8. Guard File.

(Dr. Ajay Sharma)

Special Secretary (Power) to the
Government of Himachal Pradesh.

- 39 The Managing Director,
HPPCL, Himfed Building,
BCS, New Shimla.
40. The Director Energy
Shanti Bhawan, Phase-III, New Shimla,
Shimla-09.
41. The Managing Director,
HPSEBL, Vidyut Bhawan,
Shimla-04.
42. The Managing Director,
HPPTCL, Himfed Building,
Panjri near Old MLA Quarter,
Tutikandi, Shimla-5.

Dated Shimla-2, the

21 -05-2022

Subject: - Inviting application for the post of Member in H.P. Electricity Regulatory Commission.

Sir/Madam,

The one post of Member in the Himachal Pradesh Electricity Regulatory Commission (HPERC) is lying vacant. It is proposed to fill this post of Member as per the provision contained in Electricity Act, 2003.

Those interested in this position and fulfills the criteria as prescribed in section 84 (1) of the Electricity Act, 2003 may send application and reach this office latest by 15th June, 2022. A suitable person will be selected for this post by the Selection Committee.

The Qualifications for appointment of Member of State Commission and their terms of office and conditions of service are provided in section 84 and 89 of the Electricity Act, 2003, respectively.

As per Section 84 of the Electricity Act, 2003, the Chairperson and the Members of the State Commission shall be person of ability, integrity and standing who have adequate knowledge of, and has shown capacity in, dealing with problems relating to engineering, finance, commerce, economics, law or management. The Chairperson and the Members of the State Commission shall not hold any other office as provided in sub-section (3) of Section 84 of the Electricity Act, 2003.

The Member shall hold office for a term of five years from the date he enters upon his office provided that no Chairperson shall hold office as such after he has attained the age of sixty five years, as provided in Section 89 of the Act.

As per the aforesaid judgement, the person should be holding a judicial office or is a person possessing professional qualifications with substantial experience in the practice of law, who has the requisite qualifications to have been appointed as a Judge of the High Court or a District Judge.

Salary, allowances & other conditions of Chairman/Member have been provided in the Himachal Pradesh Electricity Regulatory Commission (Salary, allowances and other conditions of Service of Chairperson and Members) Rules, 2006 notified on 30.11.2006 with amendment dated 06th April, 2017 (copies enclosed)

The last date of receipt of applications in the office of Addl. Chief Secretary (MPP&Power) to the GoHP is 15th June, 2022. The Address for correspondence is :-

The Addl. Chief Secretary (MPP&Power) to the
Govt. of Himachal Pradesh,
Shimla-171002.

I am directed to request you to give wide publicity and also to send the applications of the eligible and willing candidates, if any, with the following information:-

A) The bio-data of the proposed candidate should include the following details alongwith his /her signature and date:

- i) Name
- ii) Age & Date of Birth
- iii) Position now held
- iv) Educational Qualification
- v) Details of posts previously held and experience in any of the field of engineering, finance, commerce, Economics, law or management.

B) The Proposal should contain a letter from the person proposed intimating the details of any office, employment or consultancy agreement or arrangement which he/she has in his/her own name or in any firm, association or persons or body corporate, or in the names of any relative, carrying on any of the following business, namely:-

- i) Generation, transmission, distribution or supply of electricity.
- ii) Manufacture, sale or supply of any fuel for generation of electricity.
- iii) Manufacture, sale, lease, hire or otherwise, supply or dealing in machinery, plant, equivalent, apparatus or fittings for the generation, transmission, distribution, supply or use of electricity and
- iv) Any entity providing professional services or any of the business referred to in sub-clause (i), (ii) and (iii) above.

C) In addition to the above data, proposal should also include a letter of willingness to resign his/her post and to join as Member in HPERC, if selected.

D) A declaration in the form of undertaking is also required to be submitted along with the application on the following points:-

- i) That he/she does not have any financial or other interest which is likely to affect prejudicially his/her function as Member HPERC.
- ii) Whether any criminal case has been registered against applicant?
- iii) Whether applicant has been charge-sheeted for any criminal offence? If yes, the details thereof.
- iv) Whether applicant has been convicted by any competent court for any criminal offence? If yes, the details thereof.

Yours faithfully,

(Kiran Bhadana) I.A.S
Special Secretary (Power) to the
Govt. of Himachal Pradesh