



# REGULATION

## TERMS AND CONDITIONS OF CONSULTANTS, REGULATIONS, 2005.

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**TRIPURA ELECTRICITY REGULATORY COMMISSION**

**NOTIFICATION**

NEP 17/TERC/2005

Dated, Agartala, 13<sup>th</sup> May, 2005.

In exercise of the powers conferred under section-91(4) of Electricity Act, 2003 (36 of 2003) and all powers enabling or that behalf, **Tripura Electricity Regulatory Commission** hereby makes the following Regulations:

**1. Short title, commencement and Interpretation.**

These Regulations may be called the **Tripura Electricity Regulatory Commission (Terms and Conditions of Consultants) Regulations, 2005.**

- (1) These shall come into force on the date of the publication in the official Gazette.
- (2) The Tripura General Clauses Act, 1899(Tripura Act-I of 1899) shall apply to the interpretation of these regulations unless otherwise indicated in these Regulation.

**2. Definitions.**

In these Regulations unless the context other-wise requires,

1. a) the Act means the Electricity Act,2003(36 of 2003)
- b) the Regulation means the Regulation made under the Act;
- c) Rules means the Rules made under the Act;
- d) Commission means, Tripura Electricity Regulatory Commission in short called, TERC constituted under Section-82 of the Act;
- e) Consultant means any individual, firm, company, association of persons, Institution, body or the like engaged by the Commission to assist in discharge of its functions.
- 2) Words and expression occurring in these Regulations and not defined herein above shall bear the same meaning as in the Act, Rules and Regulations.

**3. Method of selection and Conditions of appointment of Consultants:**

- a) The Commission may call for application or offer or nomination from such individuals, firms, companies, association of persons, bodies, institutions etc. in such manner as the Commission may consider appropriate. The decision of the Commission will be final in this regard.

- b) The commission while calling application/offer/nomination shall keep in view the integrity, experience, capabilities, professional qualifications, knowledge in the relevant field, of such persons/bodies.
- c) No person shall be considered for selection if he is a Member of any legislative body/local authority or holds any post in a political party or its affiliated/attached/linked organizations etc.
- d) No person shall be considered for selection if he or any one of his relatives holds directly or indirectly any office including an employment, consultancy, advisory or other arrangement or has business/ financial interest in any of the Utilities/Boards/Companies or its Group/associated concerns for which the Commission has to fix Tariff or which comes within the jurisdiction of the Commission for any other function.
- e) The period of engagement of a consultant will be such as may be decided by the Commission, but normally it will not exceed one year at a time unless appointment for a longer period is considered necessary.
- f) The consolidated remuneration for any consultant shall be such as may be decided by the Commission from time to time but shall not exceed rupees twenty thousand per month in case of individuals and rupees five lakhs per case for other bodies. These amounts may be increased by the Commission for reasons to be recorded in writing.
- g) The consultant shall maintain absolute secrecy on all matters/issues related to the work of the Commission. The consultant shall not reveal or cause to reveal directly or indirectly any information related to the commission or gathered by him during the work of the Commission to any person other than those authorized by the Commission.
- h) The Commission shall have full and unrestricted right to appoint a consultant or terminate, curtail or extend the term of any consultant at its sole discretion.

**Explanation:**

For the purpose of this clause;

- i) the term "relative" shall have same meaning as in section-6 of the Companies Act, 1956 (1 of 1956)
- ii) "Person" in case of bodies shall include a Partner in a firm, Director of a company, owner of a body or member of a management team in a body or a shareholder holding 2% or more of the issued capital in the company.

**4. Other terms and conditions**

- a) The consultant shall work under the control and supervision of the Chairperson of the Commission or any of the Members or officers as may be authorized by him, but shall be liable to furnish its independent professional expert opinion.
- b) The consultant shall submit his/their report/advice to the Chairperson.



c) The consultant will not be an officer of the Commission in terms of the Act or Rules or Regulations but other terms of appointment of the consultant in addition to consolidated remuneration and other conditions given in these Regulations, shall be such as may be decided by the Commission.

d) In case of non compliance of the Regulations and orders of the commission, the Commission may take suitable action as per the provisions under the Act, Rules and Regulations or any other action as may be deemed proper by the Commission.

**5. Saving and general powers:**

- a) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the commission to make such orders as may be necessary.
- b) Nothing in these Regulations shall bar the commission from adopting a procedure which is at variance with any of the provisions of the Regulations, if the Commission, in view of special circumstances and reasons to be recorded in writing, deems it necessary or expedient.
- c) The Commission may at any time amend or modify the Regulations at its sole discretion.

By order of the Commission

P. C. ROY

Secretary of the Commission