

## **Functions, Proceedings and Powers of the Commission**

### **Functions of the Commission.-**

(1) Subject to the provision of this Act, the Commission shall discharge the following functions, namely:-

(a) to determine the tariff for electricity, wholesale, bulk, grid or retail, as the case may be, in the manner provided in section 26 of this Act;

(b) to determine the tariff payable for the use of the transmission facilities in the manner provided in section 26 of this Act;

(c) to issue licenses for transmission, bulk supply, distribution or supply of electricity and determine the conditions to be included in the licenses;

(d) to regulate the working of the licensees and other persons authorised or permitted to engage in the electricity industry in the State and to promote their working in an efficient, economical and equitable manner;

(e) to regulate power purchase and procurement process of the transmission utilities and distribution utilities including the price at which the power shall be procured from the generating companies, generating stations or from other sources for transmission, sale, distribution and supply in the State;

(f) to regulate the investment approval for transmission, distribution and supply of electricity to the entities operating within the State;

(g) to aid and advise the State Government, in matters concerning electricity generation, transmission, distribution and supply in the State;

(h) to regulate the operation of the power system within the State;

(i) to require licensees to formulate perspective plans and schemes in co-ordination with others for the promotion of generation, transmission, distribution, supply and utilization of electricity, quality of service and to devise proper power purchase and procurement process;

(j) to set standards for the electricity industry in the State including standards relating to quality, continuity and reliability of service;

(k) to promote competitiveness, efficiency and economy and make avenues for participation of private sector in the electricity industry in the State, and also to ensure a fair deal to the customers;

(l) to lay down and enforce safety standards;

(m) to aid and advise the State Government in the formulation of the State Power Policy;

(n) to collect and record information concerning the generation, transmission, distribution and utilization of electricity;

(o) to collect and publish data and forecasts on the demand for, and use of, electricity in the State and to require the licensees to collect and publish such data;

(p) to regulate the assets, properties and interest in properties concerning or related to the

electricity industry in the State including the conditions governing entry into, and exit from, the electricity industry in such manner as to safeguard the public interest;

(q) to adjudicate upon the disputes and differences between the licensees and utilities and to refer the matter for arbitration;

(r) to co-ordinate with environmental regulatory agencies and evolve policies and procedures for appropriate environmental regulation of the electricity sector and utilities in the State;

(s) to aid and advise the State Government on any other matter referred to the Commission by such Government;

(t) to lay down uniform system of accounts among the licensees; and

(u) to regulate the intra-state transmission of energy.

(2) The Commission shall exercise its functions in conformity with the national power plan

#### **Head Quarters and proceedings of the Commission.-**

((1) The headquarters of the Commission shall be at Jaipur. The Commission shall meet at the headquarter or any other place in the State at such time as the Chairperson may direct and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meeting) as may be determined by regulations.

(2) The Chairperson or, if he is unable to attend a meeting of the Commission, any other Member nominated by the Chairperson in this behalf and, in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present from among themselves, shall preside at the meeting.

(3) All questions which come up before any meeting of the Commission shall be decided by a majority of votes of the Members present and voting, and in the event of and equality of votes, the Chairperson or the person presiding shall have the rights to exercise a second or casting vote.

(4) Save as otherwise provided in sub-section (3), every Member shall have one vote.

(5) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorised by the Chairperson in this behalf.

#### **Qualification for appointment of Chairperson and other Members of the Commission.-**

(1) The Chairperson and the Members of the Commission shall be persons having adequate knowledge or have capacity in, dealing with problems relating to engineering, finance, commerce, economics, law or administration and shall be appointed in the following manner, namely:-

- One person having qualification and experience in the field of engineering with specialization in generation, transmission or distribution of electricity;
- Two persons having qualification and experience in the field of finance, economics, commerce, law or administration:

Provided that not more than one Member shall be appointed under the same category under clause(ii):

Provided further that persons below the age of fifty years shall not be eligible for appointment

as Chairperson or Member, as the case may be.

(2) A person shall be disqualified for being appointed as a Member of the Commission if he is a Member of Parliament or of any State Legislature or of any local authority or holds any post in a political party or if he has any financial or other interest, directly or indirectly, in any private company or undertaking dealing with any of the businesses related to generation, transmission, distribution or supply of electricity or manufacture, sale or supply of any fuel, machinery, plant, equipment etc. related to these activities.

(3) The Chairperson or any other Member of the Commission shall not hold any other office.

**Powers of the Commission.-**

(1) The Commission shall, for the purpose of any inquiry or proceedings under this Act have the powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908), in respect of following matters, namely:-

(a) the summoning and enforcing of attendance of any witness and examining him on oath;

(b) the discovery and production of any document or other material object, producible as evidence;

(c) the reception of evidence on affidavits;

(d) the requisition of any public record;

(e) the issue of commission for examination of witnesses;

(f) review of its decisions, directions and orders; and

(g) any other matter which may be prescribed.

(2) The Commission shall have the powers to pass such interim order in any proceeding, hearing or matter before the Commission as the Commission may consider appropriate.