

FORUM OF REGULATORS

New Delhi

No15/11/2009-CBR/FOR/CERC

Date: 18th June, 2009

NOTIFICATION

In exercise of powers conferred by sub-rule (2) of rule 6 of the Forum of Regulators Rules, 2005 notified under the Electricity Act, 2003 (Act. 36 of 2003). the Forum of Regulators makes the following rules, namely: -

CHAPTER I

GENERAL

1. Short title and commencement.—

- (1) These rules may be called the Forum of Regulators (Procedure for Transaction of Business) Rules, 2009.
- (2) They shall come into force with effect from the date of their adoption by the Forum of Regulators.

2. Definitions.—

- (1) In these rules, unless the context otherwise requires. -
 - (a) "Act" means the Electricity Act, 2003;
 - (b) "agenda" means the list of business proposed to be transacted at a meeting of the Forum;
 - (c) "Forum" means the Forum of Regulators constituted under sub-sections (2) (a), 3 of section 166 of the Act;
 - (d) "Chairperson" means the chairperson of the Forum in terms of sub-section (3) of section 166 of the Act;
 - (e) "meeting" means a meeting of the Forum convened by

the Chairperson or any Member authorised to convene a meeting in the absence of the chairperson:

- (f) "Member" means a Member of the Forum in terms of sub-section (2) of section 166 of the Act;
- (g) "Secretary" means the Secretary of the Forum in terms of sub-rule (2) of rule 3 of the Forum of Regulators Rules, 2005.

(2) Words and expressions used but not defined in these rules shall have the same meanings respectively assigned to them in the Act.

3. Duties of the Secretary.—

- (1) The Secretary shall perform his duties under the control of the Chairperson.
- (2) The Forum, in discharge of its functions under the Act, may take such assistance from the Secretary as it may deem fit and the Secretary shall be bound to assist the Forum.
- (3) In particular and without prejudice to the generality of the above provisions, the Secretary shall perform the following duties, namely:
 - (a) he shall have custody of the records of proceedings of meetings of the Forum;
 - (b) he shall receive or cause to receive all correspondence related to the Forum;
 - (c) he shall prepare or cause to be prepared briefs and summaries of proceedings of all meetings of the Forum;
 - (d) he shall assist the Forum in the proceedings relating to the power exercisable by the Forum;

- (e) he shall authenticate the resolutions passed by the Forum;
- (f) he shall ensure compliance of the resolution passed by the Forum; and
- (g) he shall collect from the Central or the State Governments or the Central or the State Electricity Regulatory Commissions other offices, companies and firms or any other party as may be directed by the Forum, such information as may be considered useful for the purpose of efficient discharge of the functions of the Forum under the Act and place the information before the Forum.

4. Power to designate officers.—

In the absence of the Secretary, the Chairperson, or in the absence of Chairperson, the senior most Member of the Forum may designate such other officer of the Central Commission, who may exercise any or all of the functions of the Secretary.

CHAPTER II

MEETINGS

5. Place and time of Meetings.—

All meetings of the Forum shall be held either at New Delhi or any other place at such time as the Forum or Chairperson may decide. The Forum shall meet at least twice in a year, out of which one meeting will be held in New Delhi in the first quarter of every financial year where the annual accounts of the previous year and the budget for current year shall be taken up for consideration.

6. Notice for Ordinary Meetings.—

The Secretary or such other officer authorized by the chairperson, for every ordinary meeting of the Forum shall send a notice in writing of at least seven days in advance to all Members, including the Chairperson.

7. Agenda and notes for the meeting.—

The Secretary or such other officer authorized officer shall invariably send the agenda for the meeting together with notes, statements and reports, if any, along with notice of the meeting.

8. Special Meeting.—

- (1) The Chairperson may, at his discretion, call for a special meeting either on his own or on receipt of a requisition in writing from any Member, specifying the subject for consideration at the said meeting.
- (2) In case of a special meeting is called by the Chairperson under subsection (1) above, the notice period of seven days, stipulated under rule 6 shall not apply.

9. Presiding of meetings in the absence of Chairperson.—

The Chairperson shall preside over the meetings and the conduct of business of the-Forum. If for any reason the Chairperson is unable to be present at the meeting, any other Member nominated by the Chairperson in this behalf and in the absence of such nomination or when there is no Chairperson, the senior-most Member (seniority on the basis of length of tenure as chairperson of ERCs) shall preside over the meeting and perform the duties of the Chairperson.

10. Effect of Non-receipt of notice of Meeting by a Member.—

The non-receipt of a notice of meeting by any Member shall not invalidate the proceedings of the meetings or any resolution passed or decision taken at such meetings.

11. Quorum.—

- (1) The quorum for the meeting shall be ten Members, including the Chairperson. If the Chairperson is unable to attend the meeting for any reason, the quorum shall be ten Members.
- (2) In the absence of a quorum, the meeting of the Forum shall stand adjourned.
- (3) In case of adjournment, the Chairperson shall decide the date, time and place of meeting for transacting the business of the Forum which could not take place due to adjournment and notice for such meeting shall be sent by the Secretary to all the Members including the Chairperson, in writing. In such cases, the notice period of seven days stipulated under rule 6 shall not apply.

12. Decisions of the Forum.—

As far as possible, all decisions of the Forum shall be taken on the basis of consensus among Members present in the meeting. In case of any difference, if 2/3rd 's of the members attending the meeting are agreed on a matter, it shall be considered as the decision of the Forum.

13. Discussion on matters not included in the Agenda.—

Any Member of the Forum may propose for discussion of any matter which is not included in the agenda, with the permission of the Chairperson, and the decision taken at the meeting on such item shall be deemed to be a decision of the Forum.

14. Decision of Forum by circulation.—

The Chairperson or any Member with the permission of the Chairperson, may propose any matter of importance to be circulated for a decision to all the Members of the Forum and in case the majority of the Members are agreed on a matter, it shall be construed as a decision of the Forum. The members shall convey their decision within 07 days from the date of circulation of the proposal.

15. Ratification of decisions taken by circulation.—

All matters, on which decision has been taken by circulation by majority of the Members including the Chairperson, shall be placed in the succeeding meeting of the Forum, for ratification by the Forum.

CHAPTER III

RECORDING OF MINUTES OF MEETINGS AND COMMUNICATION

16. Recording of Minutes.—

- (1) The Secretary or any other person authorized by the Chairperson shall be responsible for recording the minutes of the meeting which shall contain a fair, concise and correct summary of the proceedings at the meeting and which shall mention, among others the name and designation of Members and invitees present in the meeting.
- (2) The minutes shall be approved by the Chairperson and the approved minutes shall be communicated to the Chairperson and Members by the Secretary or such other officer authorized by Secretary.

17. Confirmation of Minutes of Meeting of Forum.—

The minutes of the previous meeting of the Forum shall be placed in its next meeting for confirmation.

18. Register of Minutes of Meetings of the Forum.—

The Secretary or any person authorised in this behalf shall maintain a register for recording the minutes of the meetings of the Forum and shall record therein the minutes of each meeting and shall be responsible for getting the minutes of each meeting authenticated by the person who presided over the meeting.

CHAPTER IV

FINANCES OF THE FORUM

19. Annual Financial Contribution-

The Annual Financial Contribution to be made by the members shall be as decided by the Forum in the meeting to be held in the first quarter of every year.

20. Budget-

The Secretariat of the Forum shall prepare its budget for the next financial year, showing the estimated receipts and expenditure of the Forum and place before the Forum for consideration in its meeting to be held in the first quarter of every year.

21. Accounts and Audit of the Forum-

1. The Secretariat of the Forum shall maintain proper accounts and other relevant remarks and prepare an annual statement of accounts.
2. The accounts of the Forum shall be audited by such Chartered Accountant firm as may be engaged by the Secretariat.

CHAPTER V
MISCELLANEOUS

22. Annual Report-

The Forum of Regulators shall prepare every year, an annual report, giving a summary of its activities during the previous financial year and copies of the report shall be forwarded to the Central government.

23. Power to relax.—

Nothing in these rules shall bar the Forum from adopting in conformity with the provisions of the Act, a procedure, which is at variance with any of the provisions of these rules, if the Forum, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.

(ALOK KUMAR)

Secretary