

DRAFT

**JOINT ELECTRICITY REGULATORY COMMISSION
For the State of Goa and Union Territories**

NOTIFICATION

Gurugram, the _____ August, 2022

**DRAFT OF THE AMENDMENTS IN THE JOINT ELECTRICITY
REGULATORY COMMISSION FOR THE STATE OF GOA AND
UNION TERRITORIES (CONDUCT OF BUSINESS) REGULATIONS, 2009**

No. _____ -

In exercise of powers conferred under Section 181 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in that behalf, and after previous publication, the Joint Electricity Regulatory Commission for the State of Goa and Union Territories hereby makes the following amendments in the Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Conduct of Business) Regulations, 2009 and as amended by 1st, 2nd, 3rd, 4th, and 5th amendment from time to time.

1. Short Title and Commencement:

- (i) These Regulations may be called the Joint Electricity Regulatory Commission (Conduct of Business) (Sixth Amendment) Regulations, 2022.
- (ii). In sub- clause (iii) ‘comma’ after Dadra and Nagar Haveli shall be substituted by the word ‘and’.

2. Amendment in Regulation 2

Definitions

Amendment in sub-clause (i) (c)

- 'coma' after Dadra and Nagar Haveli shall be substituted by the word 'and'.
- In sub-clause (I) 'Regulations means these Regulations' shall be substituted by 'these Regulations means the Joint Electricity Regulatory Commission (Conduct of Business) Regulations, 2009' and as amended from time to time.
- In sub- clause (j) – Add after the word 'Commission' 'appointed under sub-section (1) of Section 91 of the Act and includes an Officer of the Commission authorized by the Commission to function as Secretary'.
- Insertion of a sub-clause after 'k'
 - (l) "Adjudication' means the process of arriving at decisions on the Petitions submitted to the Commission."
- Insertion of a sub-clause after (l)
 - (m) 'Admission'' means the stage of consideration or hearing of a Petition where its maintainability for further proceedings before the Commission is decided having due regard to the jurisdiction of the Commission, limitation in filing the Petition and such other factors as considered relevant by the Commission, and does not include any decision on merit on the issues raised in the Petition."
- Insertion of a sub-clause after (m)
 - (n) 'Consultant'' means and includes any individual, firm, body or association of persons, not in the employment of the Commission who may be engaged as such in accordance with Consultant Regulations for rendering advice or assistance to the Commission in discharge of its functions under the Act.

- Insertion of a sub- Clause after (n)
 - (o) 'Consultants Regulations” means the Joint Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2009, as amended from time to time or subsequent enactments thereof.

- Insertion of a sub-clause after (o)
 - (p) 'Consumer Representative' means an individual or a professional body or a non-governmental organization who is permitted by the Commission to present the case of electricity consumers and participate in the proceedings of the Commission.

- Insertion of a sub-clause after (p)
 - (q) 'Digital Signature' means the digital signature as defined under clause (p) of sub-section (1) of Section 2 of the IT Act, 2000 or any subsequent enactment thereof.

- Insertion of a sub-clause after (q)
 - (r) 'Intervener' means a person who has not been arrayed as a party in a Petition but the Commission on being satisfied that the person has a personal stake in the outcome of the Petition, has allowed the person to participate in the proceedings of the said Petition, without being arrayed as a party.

- Insertion of a sub-clause after (r)

(s) 'Member' means and includes the Chairperson and Members of the Commission for the purpose of Conduct of Business under these Regulations.

- Insertion of a sub-clause after (s)

(t) 'Proforma Respondent' means a person who has been arrayed as a Respondent in a Petition against whom no relief has been sought, but whose presence is considered necessary for effective and complete adjudication of the issue(s) raised in the Petition.

- Insertion of a sub-clause after (t)

(u) 'Respondent' means a person who has been arrayed as an opposite party in a Petition and against whom relief(s) have been sought.

3 (II). Existing Regulation 2 (II) shall be substituted as under

The words and expressions used in these regulations and not defined herein but defined in the Act or any other Regulations of the Commission shall have the same meaning assigned to them under the Act or any other Regulations of the Commission.

(III) New Regulation 2 (III) shall be inserted after 2 (II)

All other expressions used in these regulations shall have the meanings ascribed to them by the Code, Arbitration and Conciliation Act, 1996, Limitation Act, 1961, Indian Contract Act, 1878, Information Technologies Act, 2000 and General Clauses Act, 1897, as amended from time to time

4. Period how calculated

Where a particular number of days are prescribed by these regulations or by or under any other law, or is fixed by the Commission for doing any act, the starting day from which the said period is to be reckoned shall be excluded, and if the last day expired on a day when the office of the Commission is closed for the day or part thereof, that day and any succeeding day(s) on which the Commission remains closed for the day or part thereof, shall be excluded.

5. Commission's office, office hours and sittings

- In sub-clause (i) Add after the word 'at' "any" and the word 'Gurgaon' is substituted by -word "Gurugram".
- Insertion of a proviso after sub-clause (iii)

Provided that in the exigencies of work, the Chairperson or in his absence, the senior most Member may direct that the office of the Commission shall remain open on a non-working day".

Insertion of a Regulation after Regulation (4)

6. Executive Powers of the Commission

- (I) In accordance with sub-section (4) of Section 84 of the Act, the Chairperson shall be the Chief Executive of the State Commission.
- (II) If the post of Chairperson is vacant or where there is no Chairperson, the senior most Member of the Commission shall exercise the executive powers of the Commission.

7. Officers of the Commission

Insertion of a sub-clause after sub-clause (III) (g)

- (IV) The Commission in discharge of its functions under the Act shall be assisted by the heads of functional divisions such as Engineering, Finance, Law, Economics, Regulatory Affairs, Administration & Accounts, IT & Management Information Systems.

Insertion of a sub-clause after sub-clause (IV)

- (V) The Commission may delegate to its Officers such functions including functions that may be required by these regulations to be exercised by the Secretary on the terms and conditions as may be specified by the Commission for the purpose.

8. Insertion of Sub-Clause (v) in Regulation 12

- a) In Memo/Parties Full name and other particulars including email address and fax number etc. describing each party shall be provided. The names of the parties shall bear consecutive numbers and a separate line shall be allotted to the name and description of each party.

- b) adding Regulation 12(vi) to be titled as “Provision of Law” followed by description–
‘Every Petition or Application shall state, after the cause title, the provisions of the Act or Rules or Regulations of the Commission under which it purports to be made’.
- c) Adding Regulation 12 (vii) to be titled as “Non-filing clause” followed by description –
‘Every petition shall state that no such proceedings in the same subject matter has been previously filed before the Commission or any other forum. To the extent the subject matter at present is also directly and substantially the subject matter of any pending/ previous litigation in the Commission or any other forum, a suitable endorsement to that effect shall be made in the affidavit filed to the Commission.’

Insertion of a Regulation after Regulation (12)

Authority to represent before the Commission – Advocate through Vakalatnama

1. A party being represented through an Advocate shall file a Vakalatnama as per Form-1.
2. Every Vakalatnama shall be duly signed by the party and contain the seal of the party, the name of the party signing and on whose behalf he has signed.
3. Whereas a Vakalatnama is executed by an agent or authorized representative of a party, copy of the instrument or document of such authorization, shall accompany the Vakalatnama.
4. Where several persons sign a single Vakalatnama, they must put their signatures seriatim, mentioning their serial number and name in the brackets corresponding to their serial number and name mentioned in the memo of parties.
5. Where a single Vakalatnama has been executed in favour of more than one advocate, names and particulars of all the Advocates must be provided therein in accordance with these regulations.
6. The case number and its cause title must be clearly mentioned in the Vakalatnama.

7. Vakalatnama shall contain the enrolment number of the advocate(s), complete address, email, phone number and fax number of the advocate(s).
 8. An Advocate on his filing the Vakalatnama, duly executed by a party that discloses name and designation of the party, shall be entitled to act, to plead for that party in the matter, and to conduct and prosecute all proceedings that may be taken in respect of such matter, or any application connected with the same or any order passed therein and take all such other steps as he may be specifically authorized by the Vakalatnama.
 9. An Advocate may be discharged by the consent of both the Advocate and the party by a letter addressed to the Commission and signed by both the Advocate and the Party.
9. Insertion of sub-Clause (v) in Regulation 14
- (v) ‘Every Affidavit accompanying Petition shall clearly and separately state that whether no such proceedings on the same subject matter have been previously filed before the Commission or in any other forum and that the subject matter in the present is also not, or, is, substantially the subject matter of any pleading/ previous litigation before the Commission or any other forum. If so, then provide the details for the same in the affidavit.
10. Insertion of a Regulation relating to Interlocutory Applications after Regulation 14
- (1) Every Interlocutory Application may be instituted in the petition or matter in which it is filed.
 - (2) Interlocutory Applications as per Form 12 may be filed for seeking the following reliefs;
 - (a) For interim relief;
 - (b) For amendment of Petition or prayer;

- (c) For impleadment of a new party in the Petition;
 - (d) For deletion and/or substitution of a party in the Petition;
 - (e) For condonation of delay, wherever applicable;
 - (f) For restoration of a Petition disposed of ex parte;
 - (g) For a leave to file additional documents or submissions;
 - (h) For exemption from filing original document or translated copies or certified copies of orders, wherever applicable;
 - (i) For recall of an ex-parte order;
 - (j) For waiver of fees;
 - (k) For withdrawal of petition;
 - (l) For change of name of party in the Petition;
 - (m) For early/urgent hearing of Petition
 - (n) Any other matter not covered under these regulations with the prior approval of the Commission.
- (3) Except where otherwise provided in these regulations or by any law for the time being in force, an interlocutory application:
- (a) Shall contain only one prayer or one series of alternative prayers of the same kind;
 - (b) Shall not contain any argumentative matter;
 - (c) Shall be supported by an affidavit and declaration, stating clearly the grounds and

the facts on which the application is based;

(d) An advance copy of the interlocutory application together with the affidavit and other documents and materials filed along therewith shall be served upon the Opposite Party or its Advocate and written proof of such service and number of non-applicants shall be filed along with the interlocutory application;

(4) The interlocutory applications shall be listed on the dates the matters are listed before the Commission or as may be directed by the Commission. The Commission shall pass such orders on the interim applications as may be considered appropriate after hearing the parties.

11. Add the following as sub-Clause (xi) in Regulation 25

The date of uploading of the order on the website of the Commission shall be presumed to be a sufficient service of orders of the Commission upon the concerned parties and the period of limitation for filing of the Appeal against any such order(s) passed by the Commission shall commence from the next day calculated from the date when the order(s) was actually uploaded on the website of the Commission.

Add the following sub- Clause (xii) in Regulation 25

The order(s) of the Commission uploaded on the website of the Commission shall be deemed to be true copies of such order(s) for the purposes of filing of the Appeal by any party.