

Chhattisgarh State Electricity Regulatory Commission

Order

Regarding the matter of procedure for notification of regulations made by the Commission.

The Commission considers it appropriate to issue this order regarding the procedure to be followed in making regulations in exercise of the powers vested in the Commission under Section 181 of the Electricity Act, 2003, on the grounds hereinafter described.

Sec. 181 of the Electricity Act '03 (hereinafter 'the Act') empowers the State Regulatory Commissions to make regulations consistent with the provisions of the Act and the rules, generally to carry out the provisions of the Act. This section lists out the matters to provide for which such regulations may be made.

2. The procedure to make the regulations is 'by notification' and notification has been defined in Sec.2(46) to mean "a notification published in the official gazette and the expression 'notified' shall be construed accordingly".

3. Sub-sec. (3) of Sec. 181 requires that 'all regulations made by the State Commission under this Act shall be subject to the condition of previous publication'. The manner of 'previous publication' has not been defined in the Act.

4. The objective of previous would appear to be to ensure that the procedure adopted by the State Commissions in making regulations

should be transparent and an opportunity should be given to all the stakeholders to have their say on the matter dealt with in the proposed regulation. The intention of framers of the law in providing for 'previous publication' is apparently to ensure that the draft regulation is widely circulated and is made known to the people before it is finally notified in the official gazette.

5. In the light of the above, the Commission considers it appropriate that in order to meet the requirement of 'previous publication' the draft regulations should be published in the following manner before it is finalised and notified in Chhattisgarh Rajpatra the official gazette of the State:

- 5.1 The draft regulations shall be placed in the website of the Commission. A copy shall also be available in the Commission office/library for perusal by interested persons during office timing on working days.
- 5.2 The information regarding the draft regulation shall be published in at least two largest circulated local newspapers in the form of a notice inviting objections/comments/suggestions. Information shall also be placed on the public notice board of the Commission. This notice shall contain, in brief, the subject matter of the draft regulations.
- 5.3 A copy of the draft regulations shall be given to the (a) State Government in the Energy Department; (b) to all the members of the State Advisory Committee; and (c) to all licensees.
- 5.4 A period of two weeks, or more as the Commission considers necessary in appropriate cases, shall be given for submission of objections, comments and suggestions on the draft regulations.
- 5.5 The Commission may, in appropriate cases, hold public hearing on the draft regulations on the basis of the comments/objections received or otherwise.

6. The regulations in the final form as approved by the Commission, shall be sent for notification in the official gazette. On its notification in the gazette it shall be placed on the website of the Board. A notice to the effect that the regulations have been notified shall also be placed on the public notice board of the Commission. A suitable press note to that effect may be issued.

7. It is ordered that the procedure described above be followed hereafter in making regulations. It is also ordered that regulation made by the Commission till the date of this order shall not be invalid merely on the ground of the procedure as specified in para 5 above having not been followed in its making.

Sd/-

Member

Sd/-

Chairman