

CHHATTISGARH STATE ELECTRICITY REGULATORY COMMISSION
Shanti Nagar, Irrigation Colony Raipur - 492 001(C.G.)

Raipur Dated 15 February 2013

No. 46/CSERC/2013 – In exercise of the powers conferred under Sections 181(1) and 91(4) of the Electricity Act, 2003 (No.36 of 2003), and all other powers enabling it in this behalf, and after previous publication, the Chhattisgarh State Electricity Regulatory Commission hereby makes the following regulations, namely;

1. Title and Commencement of the Regulations:

- (i) These Regulations shall be called "Chhattisgarh State Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2013".
- (ii) The Regulations shall come into force w.e.f. 1st march 2013.
- (iii) These regulations shall not be interpreted or implemented in any manner which is repugnant to any provision of the Act or Rules made thereunder.

2. Definitions:

- (i) In these Regulations, unless the context otherwise requires:
 - (a) '**Act**' means the Electricity Act, 2003 (36 of 2003);
 - (b) '**Chairman**' means the Chairman of the Commission;
 - (c) '**Commission**' means the Chhattisgarh State Electricity Regulatory Commission.
 - (d) '**Consultant**' means any individual, firm, body or association of persons, who or which possess or has access to any specialized knowledge, experience or skill.
 - (e) '**Member**' means Member of the Commission;
 - (f) '**Secretary**' means the Secretary of the Commission;
 - (g) '**State Government**' means the Government of Chhattisgarh.
- (ii) The words and expressions used in these Regulations and not defined herein but defined in the Act or any other Regulations notified by the Commission shall have the meaning assigned to them under the Act or such other Regulations notified by the Commission, provided that when a word or phrase is used by the Commission in a specific context, the meaning applicable in that specific context, shall prevail and the generic definition may not be applicable.

3. Scope and extent:

Consultants may be engaged for the following purposes, namely,—

- (i) Providing expert advice on specific issues of relevance and interest to the Commission;
- (ii) Conducting study of best practices, analyzing data, developing bench marks, or for any other similar purpose;
- (iii) Performance of tasks requiring experience and qualifications which are either not available within the Commission or, in the opinion of the Commission, the engagement of consultant shall be a more efficacious and efficient method of completing the task in terms of quality, time or for any other consideration;
- (iv) Assisting the Commission in performing their functions, if the Commission is satisfied that there has been increase in quantum of work in the Commission or regular posts could not be filled due to various constraints.

4. Categorization of consultants:

Consultant shall be categorized as:

- (i) Corporate Consultant
- (ii) Individual Consultant
- (iii) Professional Expert

5. Appointment of Corporate Consultants:

- (i) On being satisfied that there is a need for availing consultancy services on assignment basis which, in opinion of concern department of Commission, may be provided by a firm, or a company, or an association or body of persons, the concerned department shall prepare a proposal including terms of reference (TOR) indicating the detail scope of the work and various deliverables, role and responsibility of consultant, various milestones (e.g. work break down structure and/or schedule), nature and duration of assignment and the schedule of payments linked to achievement of each milestone but not restricted to above points. The proposal shall be submitted to the Commission for approval.
- (ii) After receiving the approval, the proposal shall be sent to secretariat for further necessary action. The Chairman shall constitute the evaluation committee headed by the Secretary, one officer of Commission having knowledge in the area of work for which the consultancy services are to be obtained and one officer from the finance wing of the Commission. If considered necessary, an external expert may also be nominated by the Chairman as member of the evaluation committee.

- (iii) The evaluation committee shall obtain the approval of the Commission regarding procedure and parameters for evaluation of bids including weightage to be given to the technical proposal.
- (iv) After finalizing the pre qualification for evaluation of bid, the evaluation committee shall invite single stage bids, containing technical and financial proposals in separate sealed envelopes, through publication of notice in newspapers and on Commission's website. The period of notice shall be minimum of three weeks.

Provided that in matters of urgency and for reason to be recorded in writing, the period of notice may be reduced to less than three weeks but shall not be less than two weeks in any case, as may be decided with the prior approval of the Commission.
- (v) The evaluation committee shall evaluate the bids based on the pre-determined weightages allocated to each of the parameters:

Provided that in case less than three bids are received, the one time extension shall be considered for minimum 10 days.
- (vi) The consultant shall be engaged after obtaining approval of the Commission.
- (vii) Notwithstanding anything contained in this regulation, in matters of urgent nature or if the task represents continuation of previous work, with reasons to be recorded in writing, the Commission may avail consultancy services of a consultant on the basis of limited tender or single source basis also. However, this proviso shall be applicable only in such cases where financial commitment is not expected to exceed Rs. 10 lakhs.

6. Appointment of Individual Consultant:

- (i) The Chairperson, on being satisfied that there is a need for availing consultancy services, which in its opinion can be more efficiently performed by an individual, having experience and qualification considered essential for an assignment (as specified in regulation 3 of these regulations), may decide to engage an individual consultant for such period as may be decided and direct the Secreteriat to prepare the TOR including the scope of work.
- (ii) An individual consultant can be appointed on retainership basis and/or on assignment basis as the case may be.
- (iii) An individual consultant appointed on retainership basis may be appointed on monthly basis or part thereof on prorata basis.
- (iv) On the Chairperson so deciding, the Secreteriat shall formalize the proposal and prepare a list of not less than three subject

experts. On approval of the panel of names by the Commission, willingness to accept consultancy work and the fee demanded by each of them shall be obtained and submitted to the Commission.

- (v) The Commission may approve any of the empaneled expert for engagement as individual consultant, on payment of such fee and on such other terms as may be considered appropriate.

Provided that in the case of appointment of employees retired from Central Govt. / State Govt./ CPSU / State Govt. Undertakings, fixation of remuneration shall be done as under:

{Last drawn Basic Pay + Grade Pay + Dearness Allowance + HRA (in case Govt accommodation has not been provided) + city compensatory allowance at the place of posting} – (pension Before commutation + dearness relief on pension).

However purpose of above calculation the last drawn basic pay and grade pay shall not be considered more than Rs. 67,000/- and Rs. 10,000/- respectively. The aforesaid ceiling shall be subject to corresponding revision at the time of pay revision.

Provided further that in case of appointment of the person not covered in aforesaid proviso the monthly consolidated remuneration shall be equal to the amount fixed by the Finance Deptt. of Govt. of Chhattisgarh from time to time for contract appointment on grade pay of Rs. 10,000/-. Further, in cases the finance deptt. has not specified the consolidated remuneration to be paid for contract appointment on a post having grade pay of Rs. 10,000/-, the remuneration to be paid shall be decided by Commission on case to case basis and such remuneration shall not be more than sum of Rs. 62,120/- (being minimum Pay in PB-4 for Grade Pay of Rs. 10,000/-) and dearness allowance payable as on 1st January of the year of appointment. The aforesaid ceiling shall be subject to corresponding revision at the time of pay revision.

Provided further; that in any case, the aggregate remuneration payable for appointment on retainership basis shall be maximum Rs. 80,000 per month and the aggregate fee payable in a financial year for appointment on assignment basis shall not exceed Rs. 9.60 lakh. The aforesaid ceiling shall be subject to corresponding revision at the time of pay revision.

- (vi) The period of engagement of an individual consultant appointed on retainership basis shall be for one year which can be extended on justifiable basis for another one years depending on the requirement & performance as decided by the Commission on case to case basis. However such extension will be allowed only twice against such contracts.

- (vii) The maximum age of such consultant shall not in any case exceed the age as may be prescribed in the Contract Appointment Rules notified by the Chhattisgarh State Govt. from time to time.
- (viii) The other terms and conditions of appointment shall be as decided by the Commission from time to time in line with Chhattisgarh State Govt. Contract Appointment rule.

7. Availing Services of a Professional Expert :

- (i) The Chairperson, on being satisfied for the need, may decide to engage a professional for advice on an issue of important nature.
- (ii) On the Chairperson so deciding, the Secretariat shall formalize the proposal and prepare a list of not less than three professionals having the requisite expertise in the field. On approval of the panel of names by the Commission, willingness to accept consultancy work and the fee demanded by each of them shall be obtained and submitted to the Commission.
- (iii) The Commission may approve any of the empaneled experts for availing professional services on payment of such fee and on such other terms as may be considered appropriate: Provided that in a financial year the aggregate fee payable shall not exceed Rs. ten lakh.
- (iv) The other terms and conditions of appointment shall be as decided by the Commission from time to time.

8. Miscellaneous:

- (i) The consultants shall work under the control and supervision of the Chairman of the Commission or officers as may be authorized by him, but shall be liable to furnish its independent professional expert opinion.
- (ii) The Commission shall have full and unrestricted right to appoint or terminate, curtail or extend the terms of any consultant at its sole discretion,
- (iii) The consultants appointed by the Commission shall in no case represent or give opinion or advice to others in such matters for which there services have been availed by Commission.
- (iv) Without the express written consent of the Commission, a consultant appointed by the Commission shall not utilize, publish, disclose, or part with any information collected on behalf of the Commission. The consultant shall be duty bound to hand over the entire record of the assignment to the Commission before the expiry of the contract.

- (v) Reports and other materials delivered by the consultant shall become sole / property of the Commission and the Commission may use it in the manner it likes. The Commission shall have the right to post it on its website.

9. Power to remove difficulties:

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order make provisions, not being inconsistent with the provisions of Act, as may appear to be necessary or expedient for the purpose of removing the difficulties.

10. Repeal and Saving:

- (i) Save as otherwise provided in these regulations, Chhattisgarh State Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2005 are hereby repealed.
- (ii) Notwithstanding such repeal, anything done or purported to have been done under the repealed regulations shall be deemed to have been done or purported to have been done under these regulations.

Note: - In case of any difference in the interpretation of regulation or difference in English / Hindi version, decision of the Commission shall be final and binding.

By Order of the Commission

(P. N. Singh)
Secretary