

GUJARAT ELECTRICITY REGULATORY COMMISSION

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Whereas section 181 of the Electricity Act,2003 (for short, “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 and lists out the matters to provide for which regulations may be made;

And whereas sub-section (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’;

And whereas the manner of ‘previous publication’ has not been defined in the Act;

And whereas the objective of previous publication is apparently to ensure that the draft regulation is circulated to all the stakeholders and they are given an opportunity to submit their objections and suggestions on the proposed regulations;

And whereas the Electricity (Procedure for previous publication) Rules, 2005 made by the Central Government (for short, “Rules”) provides in rule 3 that previous publication ‘shall be made in such manner as the Authority or the Appropriate Commission deems to be sufficient’;

Now, therefore, the Gujarat Electricity Regulatory Commission makes the following Order in pursuance of rule 3 of the Rules:

1. Short title and commencement

(1)

This order may be called the Gujarat Electricity Regulatory Commission (Procedure for previous publication of regulations to be made under section 181 of the Electricity Act,2003) Order.

(2)

It shall come into force with immediate effect.

2. Procedure for previous publication

The following procedure, which the Commission considers sufficient in terms of rule 3(2) of the Rules, shall be followed for publication of regulations:

(a)

Information regarding the draft regulation shall be published in at least two largely circulated local newspapers in Gujarati and widely circulated English local newspaper in the form of a notice inviting objections/suggestions/comments.

(b)

The draft regulations shall be placed in the website of the Commission. A copy shall also be available in the Commission's office library for perusal by interested persons during office hours on working days.

(c)

A copy of the draft regulations shall be given to the (i) State Government in the Energy and Petrochemicals Department; (ii) all the members of the State Advisory Committee; and (iii) all licensees.

(d)

The notice referred to in (a) above shall specify the time period within which objections, comments and suggestions on the regulations may be submitted to the Commission. The period shall be two weeks, or more, as the Commission considers necessary in appropriate cases.

(e)

The Commission shall consider the objections/ suggestions/ comments received from the stakeholders in response to the notice referred to in (a) above or otherwise before finalizing the regulations. In exceptional circumstances, the Commission may hold public hearing in appropriate cases before finalizing the same.

3. Notification of Regulation

(1)

The regulations in the final form, as approved by the Commission, shall be notified in the official gazette. The publication in the official gazette of the regulations shall be conclusive proof that the regulations have been duly made.

(2)

The notified copy of the regulations shall be placed on the website of the Commission. The Commission shall also place on its Notice Board by way of information that the regulations have been notified. The Commission will also issue Press Note for information of the general public regarding the notified regulations.

4.

Since the regulations made by the Commission before the Rules came into force have been so made with almost similar procedure to previous publication as laid down in para 2 of this order have been followed and as such, any action taken under the regulations made by the Commission before this order came into force shall not invalidate merely on the ground that the procedure specified in para 2 above has not been complied with.

Sd/-

(Man Mohan)
Member(T)

Sd/-

(K.P.Gupta)
Member(F)

Sd/-

(G.Subba Rao)
Chairman