

THE ELECTRICITY REGULATORY COMMISSIONS
(AMENDMENT) ACT, 2001

No. 21 OF 2001

[29th August, 2001.]

An Act to amend the Electricity Regulatory Commissions Act, 1998.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Electricity Regulatory Commissions (Amendment) Act, 2001.

Amendment
of section 2.

2. In the Electricity Regulatory Commissions Act, 1998 (hereinafter referred to as the principal Act), in section 2,—

(a) in clause (c), for the words “or the State Commission”, the words “or the State Commission or the Joint Electricity Regulatory Commission” shall be substituted;

(b) after clause (e), the following clause shall be inserted, namely:—

‘(ea) “Joint Electricity Regulatory Commission” means the Joint Electricity Regulatory Commission constituted under section 21A;’

3. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of new Chapter IVA.

"CHAPTER IVA

JOINT ELECTRICITY REGULATORY COMMISSION

21A. (1) Notwithstanding anything contained in this Act, an agreement may be entered into—

Constitution of Joint State Commission.

(a) by two or more State Governments,

(b) by the Central Government (in respect of one or more Union territories) and one or more State Governments,

to be in force for such period and to be subject to renewal for such further period, if any, as may be specified in the agreement to provide for the constitution of a Joint Electricity Regulatory Commission,—

(i) in a case referred to in clause (a), for all the participating States; and

(ii) in a case referred to in clause (b), for the participating Union territory or Union territories and the State or States.

(2) The Joint Electricity Regulatory Commission shall consist of one Member from each of the participating States and Union territories and the Chairperson shall be appointed from amongst the Members by consensus, failing which by rotation.

(3) An agreement under sub-section (1) shall contain provisions as to the name of the Joint Electricity Regulatory Commission, the manner in which the participating States may be associated in the selection of the Chairperson and Members of the Joint Electricity Regulatory Commission, manner of appointment of Chairperson and Members by consensus, failing which by rotation, places at which the Commission shall sit, apportionment among the participating States of the expenditure in connection with the Joint Electricity Regulatory Commission and may also contain such other supplemental, incidental and consequential provisions not inconsistent with this Act as may be deemed necessary or expedient for giving effect to the agreement.

21B. Notwithstanding anything contained in this Act, where any Joint Electricity Regulatory Commission is constituted under section 21A,—

Special provision relating to giving of directions.

(a) the Government of the State for which the Joint Electricity Regulatory Commission is constituted shall be competent to give any direction under this Act only in cases where such direction relates to a matter within the exclusive territorial jurisdiction of the State;

(b) the Central Government alone shall be competent to give any direction under this Act where such direction relates to a matter within the territorial jurisdiction of two or more States or pertains to a Union territory if the participating Governments fail to reach an agreement or the participating States or majority of them request the Central Government to issue such directions."

4. In section 29 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

Amendment of section 29.

"Provided that in States or Union territories where Joint Electricity Regulatory Commission has been constituted, such Joint Electricity Regulatory Commission shall determine different tariff for each of the participating States or Union territories."