

THE CENTRAL ELECTRICITY AUTHORITY (PROCEDURE FOR TRANSACTION OF BUSINESS) REGULATIONS, 2006

SYNOPSIS

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THE CENTRAL ELECTRICITY AUTHORITY (PROCEDURE FOR TRANSACTION OF BUSINESS) REGULATIONS, 2006¹

In exercise of powers conferred by sub-section (9) of section 70 and sub-section (1) and clause (d) of sub-section (2) of section 177 of the Electricity Act, 2003 (36 of 2003), the Central Electricity Authority, after following the procedure of previous publication in accordance with Electricity (Procedure for Previous Publication) Rules, 2005, makes the following regulations, namely:—

CHAPTER I

GENERAL

1. Short title and commencement.—(1) These regulations may be called the Central Electricity Authority (Procedure for Transaction of Business) Regulations, 2006.

(2) They shall come into force on the date of their final publication in the Official Gazette.

2. Definitions.—(1) In these regulations, unless the context otherwise requires,—

- (a) “Act” means the Electricity Act, 2003 (36 of 2003);
- (b) “agenda” means the list of business proposed to be transacted at a meeting of the Authority;
- (c) “Authority” means the Central Electricity Authority established under sub-section (2) of section 70 of the Act;
- (d) “Chairperson” means the chairperson of the Authority appointed under sub-section (4) of section 70 of the Act;
- (e) “meeting” means a meeting of the Authority convened by the Chairperson or any Member authorised to convene a meeting in the absence of the chairperson;
- (f) “Member” means a Member of the Authority appointed under sub-section (3) of section 70 of the Act;
- (g) “Secretary” means the Secretary of the Authority appointed under section 72 of the Act.

(2) Words and expressions used but not defined in these regulations shall have the same meanings respectively assigned to them in the Act.

3. Duties of the Secretary.—(1) The Secretary shall perform his duties under the control of the Chairperson.

(2) The Authority, in discharge of its functions under the Act, may take such assistance from the Secretary as it may deem fit and the Secretary shall be bound to assist the Authority.

1. *Vide* No. CEA/5-28/Secy/2006, dated the 18th August, 2006, published in the Gazette of India, Extra., Pt. III, Sec. 4.

(3) In particular and without prejudice to the generality of the above provisions, the Secretary shall perform the following duties, namely:—

- (a) he shall have custody of the records of proceedings of meetings of the Authority;
- (b) he shall receive or cause to receive all correspondence related to the Authority;
- (c) he shall prepare or cause to be prepared briefs and summaries of proceedings of all meetings of the Authority;
- (d) he shall assist the Authority in the proceedings relating to the power exercisable by the Authority;
- (e) he shall authenticate the orders and resolutions passed by the Authority;
- (f) he shall ensure compliance of the orders and resolution passed by the Authority; and
- (g) he shall collect from the Central or the State Governments or other offices, companies and firms or any other party as may be directed by the Authority, such information as may be considered useful for the purpose of efficient discharge of the functions of the Authority under the Act and place the information before the Authority.

4. Power to designate officers.—In the absence of the Secretary, the Chairperson, or in the absence of Chairperson, the senior most Member present in office may designate such other officer of the Authority, who may exercise any or all of the functions of the Secretary.

5. Power to review, revoke, etc., of orders made or action taken.—The Authority shall have the power either on an application made by any interested or affected party or *suo motu*, to review, revoke, revise, modify, amend, alter or otherwise change any order made or action taken by the Secretary or any officer of the Authority, if the Authority considers the same to be appropriate.

CHAPTER II MEETINGS

6. Place and time of Meetings.—All meetings of the Authority shall ordinarily be held at the office of the Authority in New Delhi or any other place at such time as the Chairperson may direct. The Authority shall ordinarily meet once in a month.

7. Notice for Ordinary Meetings.—The Secretary, for every ordinary meeting of the Authority shall send a notice in writing of at least seven days in advance to all Members, including the Chairperson.

8. Agenda and notes for the meeting.—The Secretary shall invariably send the agenda for the meeting together with notes, statements and reports, if any, along with notice of the meeting.

9. Special Meeting.—(1) The Chairperson may, at his discretion, call for a special meeting either on his own or on receipt of a requisition in writing from any Member, specifying the subject for consideration at the said meeting.

(2) In case of a special meeting is called by the Chairperson under sub-section (1) above, the notice period of seven days, stipulated under regulation 7 shall not apply.

10. Presiding of meetings in the absence of Chairperson.—The Chairperson shall preside over the meetings and the conduct of business of the Authority. If for any reason the Chairperson is unable to be present at the meeting, any other Member nominated by the Chairperson in this behalf and in the absence of such nomination or when there is no Chairperson, any Member present at the meeting shall be elected by the Members present, to preside over the meeting and perform the duties of the Chairperson.

11. Effect of Non-receipt of notice of Meeting by a Member.—The non-receipt of a notice of meeting by any Member shall not invalidate the proceedings of the meetings or any resolution passed or decision taken at such meetings.

12. Quorum.—(1) The quorum for the meeting shall be four full-time Members, including the Chairperson. If the Chairperson is unable to attend the meeting for any reason, the quorum shall be four full-time Members.

(2) In the absence of a quorum, the meeting of the Authority shall stand adjourned.

(3) In case of adjournment, the Chairperson shall decide the date, time and place of meeting for transacting the business of the Authority which could not take place due to adjournment and notice for such meeting shall be sent by the Secretary to all the Members including the Chairperson, in writing. In such cases, the notice period of seven days stipulated under regulation 7 shall not apply.

13. Decisions of the Authority.—All decisions of the Authority shall be taken on the basis of the majority of Members present and voting and in the event of an equality of votes, the Chairperson or a Member presiding over the meeting shall have the right to exercise a second or casting vote.

14. Discussion on matters not included in the Agenda.—Any Member of the Authority may propose for discussion of any matter which is not included in the agenda, with the permission of the Chairperson, and the decision taken at the meeting on such item shall be deemed to be a decision of the Authority.

15. Decision of Authority by circulation.—The Chairperson or any Member with the permission of the Chairperson, may propose any matter of importance to be circulated for a decision to all the Members of the Authority and in case the majority of the Members are agreed on a matter, it shall be construed as a decision of the Authority.

16. Ratification of decisions taken by circulation.—All matters, on which decision has been taken by circulation by majority of the Members including the Chairperson, shall be placed in the succeeding meeting of the Authority, for ratification by the Authority.

CHAPTER III

RECORDING OF MINUTES OF MEETINGS AND COMMUNICATION

17. Recording of Minutes.—(1) The Secretary or any other person authorized by the Chairperson shall be responsible for recording the minutes of the meeting

which shall contain a fair, concise and correct summary of the proceedings at the meeting and which shall mention the following, among others:—

- (a) the name and designation of Members and invitees present in the meeting, and
- (b) notes of dissent, if any.

(2) The draft minutes shall, as soon as possible after conclusion of the meeting, be sent to the Chairperson and the Members who have attended the meeting for approval.

(3) The approved minutes shall be communicated to the Chairperson and Members and only the relevant portion of the minutes shall be communicated to other concerned officers for implementation.

18. Confirmation of Minutes of Meeting of Authority.—The minutes of the previous meeting of the Authority shall be placed in its next meeting for confirmation.

19. Register of Minutes of Meetings of the Authority.—The Secretary or any person authorised in this behalf shall maintain a register for recording the minutes of the meetings of the Authority and shall record therein the minutes of each meeting and shall be responsible for getting the minutes of each meeting authenticated by the person who presided over the meeting.

20. Minutes in the form of resolutions.—All the minutes of the decisions taken at the meeting of the Authority shall be recorded in the form of resolutions in clear and concise manner to facilitate implementation.

21. Compilation of Resolutions.—The Secretary shall codify and compile subject-wise all resolutions and decisions taken in the meetings of the Authority and shall, at the end of the calendar year, make it available to all Members of the Authority.

CHAPTER IV MISCELLANEOUS

22. Power to relax.—(i) Nothing in these regulations shall bar the Authority from adopting in conformity with the provisions of the Act, a procedure, which is at variance with any of the provisions of these regulations, if the Authority, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.

(ii) Nothing of these regulations shall, expressly or impliedly, bar the Authority to deal with any matter or exercise any power under sub-section (9) of section 70 the Act for which no regulations have been framed, and the Authority may deal with such matters, powers and functions in accordance with the provisions of the Act.
