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GOVERNMENT OF ARUNACHAL PRADESH
POWER SECRETARIAT

NOTIFICATION

The 20th June 2017

No. PWRS/E-2243/2012.—In exercise of the powers conferred by Sub-Section (3) of Section 103, read with Clauses (g) of Sub-Section (2) of Section 180 of the Electricity Act, 2003 (Central Act No. 36 of 2003), the Governor of Arunachal Pradesh is hereby pleased to make the following rules for regulating the Arunachal Pradesh State Electricity Regulatory Commission Fund :

1. Short title and commencement :

- (1) These rules may be called Arunachal Pradesh State Electricity Regulatory Commission Fund Rules, 2017.
- (2) They shall come into force on the date of their publication in the Arunachal Pradesh Gazette.

2. Definitions :

- (1) In these Rules, unless the context otherwise requires.
 - (i) 'Act' means the Electricity Act, 2003 (Central Act No. 36 of 2003),
 - (ii) 'Bank' means the State Bank of India designated for the purpose of maintaining the fund as per Sub-Rule (2) of Rule -3,
 - (iii) 'Commission' means the Arunachal Pradesh State Electricity Regulatory Commission, constituted under Section 82 of the Act.
 - (iv) 'Chairperson' means the Chairperson of the Arunachal Pradesh State Electricity Regulatory Commission.
 - (v) 'Member' means Member of the Arunachal Pradesh State Electricity Regulatory Commission.
 - (vi) 'Fund' means the Arunachal Pradesh State Electricity Regulatory Commission Fund to be maintained as per provisions of these Rules.
 - (vii) 'Officer' means the officer of the Arunachal Pradesh State Electricity Regulatory Commission.
 - (viii) 'Secretary' means the Secretary of the Arunachal Pradesh State Electricity Regulatory Commission.
 - (ix) 'State Government' means the Government of Arunachal Pradesh.
 - (x) 'Budget' means the statement of estimated Income/expenditure of the Commission prepared as per Section 106 of the Act.
 - (xi) 'Government' means the Government of Arunachal Pradesh.
- (2) Words and expressions used in these Rules but not defined in these Rules shall have the meaning assigned to them in the Electricity Act 2003, (36 of 2003).

3. Creation of Fund :

- (1) There shall be constituted a fund under Section 103 of the Act, to be called the Arunachal Pradesh State Electricity Regulatory Commission Fund to be maintained by the Commission for the purpose of meeting the expenses of the Commission specified in Sub-Section (2) of Section 103, of the Act.
- (2) The Commission shall maintain the fund in a Nationalised Commercial Bank as the main account and with subsidiary accounts at such other branches of such bank as the Commission considers appropriate.
- (3) (a) All revenues of the Commission including the grants and loans from the State Government under Section 102 of the Act, the fees and other sum received by the State Commission under Sub-Section (1) of Section 103 of the Act, shall be deposited or remitted to the Fund.
(b) If the amount is received by the Commission by cash, cheque or draft as the case may be, the same shall be deposited by the Commission in the Fund within 24 hours of its receipt so far as practicable, excluding, however, any day on which the bank is closed.

- (4) (a) The Commission shall deposit all moneys received in cash, cheque or draft by the Commission in the Fund within the time specified in Sub-Rule (3) (b) and the Commission shall not utilize any such amount directly, for any purpose including the purpose for which the amount had been paid or collected.
- (b) The Commission shall meet any expenses of the Commission only by drawal of the amount from the Fund and not otherwise.
4. **Operation of the Fund :**
- (1) Fund shall be operated jointly by two officers of the commission to be designated by an order of the Chairperson from time to time. The officers so designated shall be the authorized signatories of the bank accounts in which the Fund is maintained.
- (2) The Commission shall maintain a register of the persons designated by the Commission from time to time to operate the Fund.
5. **Accounts :**
- (1) The accounts of the Fund shall be maintained by the Commission as per the provisions of Section 104 of the Act and in such form as the State Government may prescribe in consultation with the Comptroller and Auditor General of India.
- (2) Till such time as provided in Sub-Rule 5 (1) above, the Commission shall maintain the accounts in the manner it has been maintaining on date of coming into force of the rules.
6. **Budget :**
- (1) The Commission shall prepare and submit to the State Government the Budget showing the estimated receipts and expenditure of the Commission for the ensuing financial year at least three months before the commencement of the financial year.
- (2) The Grants / Loans to be provided to the Commission shall be provided by the Government in the Annual Operating Plan (AOP) of the Department of Power, Government of Arunachal Pradesh under the head of account "Grants-in-Aid" which in turn shall be deposited by the Department of Power to the said Fund.
- (3) The Budget shall be prepared in such form and in such manner as the State Government may prescribe from time to time.
- (4) Till such a prescription is made, the Budget shall be prepared in the same form and manner as is being done by Government Departments, etc.
7. **Audit of the Accounts :** The accounts of the Commission shall be subject to audit as per the provisions of Section 104 of the Act.
8. **Utilization of Fund :**
- (1) Withdrawal from fund shall be only against proper authorization and after sanction from the appropriate authority i.e., Chairperson or his duly authorized representative.
- (2) The Commission shall ensure that all expenditure are as per the financial guidelines laid down in General Financial Rules, 2005, Delegation of Financial Powers Rules, 1978 (Schedule II to Schedule VII) and as amended from time to time by the Finance Department of the State Government from time to time and as per those prescribed for officers of equivalent stature in the State Government.
- (3) The Commission shall lay down detailed procedure for sanction of various expenditure and delegation of power among the Commission, Chairperson and Secretary.
- (4) The Commission shall be entitled to utilize the fund for the payment of salary, allowances and other remuneration of Chairperson, Members, Secretary, Officers and other employees of the Commission as provided in Clause (a) of Sub- Section (2) of Section 103 of the Act.
- (5) The Commission shall be entitled to utilize the fund for expenses other than those mentioned in Clause (a) of Sub-Section (2) of Section 103 of the Act in accordance with the Budget for the financial year submitted by the Commission under Rule 6 without any other prior approval or sanction of any authority, provided such expenses are within the scope of the expenses envisaged under Clauses (b) and (c) of Sub-Section (2) of Section 103.
- (6) The Commission shall keep the State Government apprised of the expenses in excess of the provisions made in the Budget for the financial year. Such additional expenses shall be incurred only with the prior approval of the State Government.
- (7) The Commission shall invest available surplus funds, if any, judiciously and in transparent manner in the best interest of the Commission and as per rules and procedure laid down by the Government from time to time.
9. **Interpretation :**
- These Rules shall be read and construed in all respects to meaning assigned to the provisions in the Act.
10. **Issue of orders and practice Directions :**
- Subject to the provisions of the Act and these Rules, the State Government may from time to time issue orders and directions in regard to the implementation of these Rules and procedures to be followed on various matters, which the State Government has been empowered by these Rules or by the provisions of the Act to direct and also matter incidental or ancillary thereto.

11. Power to remove difficulties :

If any difficulty arises in giving effect to any of the provisions of these Rules, the State Government may by a general or special order direct the Commission to take suitable action not being inconsistent with the provisions of the Act, which appears for the State Government to be necessary or expedient for the purposes of removing difficulties.

12. Closure of the Fund :

- (1) The Fund shall remain operative so long as the relevant provision of the Act remains in force.
- (2) At the time of closure of the fund when the Fund is no longer required, all the unspent balance under the Fund shall be remitted into the Government Treasury.

13. Power to Amend :

The State Government may at any time vary, alter, modify or amend any of the provisions of these Rules, not being in-consistent with the provisions of the Act.

Ashish Kundra, IAS
Commissioner (Power),
Government of Arunachal Pradesh,
Itanagar.