

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

No. L-7/1/0S44(59)-CERC

Dated: _____

DRAFT NOTIFICATION

No. L-7/1/0S44(59)-CERC.- In exercise of the powers conferred under Section 91(4) read Section 178 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, and after previous publication, the Central Electricity Regulatory Commission, hereby makes the following regulations, to amend the Central Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2008 (hereinafter referred to as the “Principal Regulations”), namely:-

1. Short title and Commencement:-

- 1.1. These regulations shall be called the Central Electricity Regulatory Commission (Appointment of Consultants) (Fifth Amendment) Regulations, 2024;
- 1.2. These regulations shall come into force with effect from the date of their publication in the Official Gazette.

2. Amendment to Regulation 5 of Principal regulations:

2.1 A new clause (aa) shall be added after clause (a) of Regulation 5 of the principal regulations as under:-

“(aa) Academic and Research Institutions/Organisations”

3. Insertion of New Regulation 6B of the Principal Regulations

3.1 New regulation 6B shall be inserted as under:

“(6B) The Single Source Selection or Consultancy by nomination method shall be used for procurement of consultancy services under exceptional circumstances as under:-

- (i) where the assignment represents a natural continuation of previous work carried out by the firm;
- (ii) in case of an urgency where timely completion of the assignment is of utmost importance ;

- (iii) in situations where execution of assignment may involve the use of proprietary techniques or only a specialized agency/institution/consultant has requisite expertise;
- (iv) under some special circumstances, when it may become necessary to select a particular consultant where adequate justification is available for such single-source selection in the context of the overall interest of the CERC.”

4. Insertion of New Regulations 6C of the Principal Regulations

3.1 After Regulation 6B, the following new sub-regulation (6C) shall be inserted:-

“6C. Academic and Research Institutions/Organisations.

- (1) The Commission, on being satisfied that there is a need for availing consultancy services for regulatory research which, in its opinion, can be more effectively performed by an academic or research institutions/ organizations, having research profile considered necessary for an assignment, may decide to engage an academic or research institution or organization on receiving a proposal from the Secretariat of the Commission comprising terms of reference indicating the broad scope of work, and the experience/qualification required for obtaining consultancy services.
- (2) The Consultancy Evaluation Committee shall, with the approval of the Chairperson, call for Expression of Interest through advertising on the website, newspaper, or as may be decided. The expression of Interest shall include broad types of consulting assignments, eligibility, and the pre-qualification criteria to be met by the academic or research institutions/ organization related to the research experience and technical expertise to meet the regulatory research requirements of the commission.
- (3) CEC shall prepare a panel of academic or research institutions/organisations meeting the eligibility and pre-qualification requirements based on responses received against EOI.
- (4) The panel prepared shall be valid for three years which can be extended for two more years. The Commission may call for bids/offers from empaneled academic or research institutions/ organizations for conducting research studies proposed by the Commission or approved by the Commission.

(5) The academic or research institutions/organisations, from the valid panel, fulfilling technical requirements for a specific research study, shall be selected for identified studies by the Commission on the least cost method.”

5. Insertion of New Regulations 8B of the Principal Regulations

5.1 New Regulation 8B shall be added after Regulation 8A in the Principal Regulations as under:-

“8B. Performance-related variable pay

(1) The individual consultants engaged under regulation 7 and staff consultants engaged under regulation 8A shall be entitled to performance-related variable pay of up to 40% of the Monthly fee, which will be admissible on achieving the prespecified annual targets by the Commission for organisation, division or team and individual and released on a six monthly basis as per the procedure issued by the Commission.

(2) A separate procedure shall be issued by the Commission for arriving at the rating of performance.

(Harpreet Singh Pruthi)
Secretary

Note: The Central Electricity Regulatory Commission (Appointment of consultants) Regulations, 2008 were published in the Gazette of India (Extraordinary) No. 160, Part III, Section 4 on 14th October, 2008, Central Electricity Regulatory Commission (Appointment of Consultants) (Amendment) Regulations, 2010 were published on 6th September, 2010 in Gazette of India, Extraordinary, Part-III, Section-4, No 223 on 6th September, 2010, Central Electricity Regulatory Commission (Appointment of Consultants) (Second Amendment) Regulations, 2014 were published on 7th October, 2014 in Gazette of India, Extraordinary, Part-III, Section-4, No 286, Central Electricity Regulatory Commission (Appointment of Consultants) (Third Amendment) Regulations, 2017 were published on 10th February, 2017 in Gazette of India, Extraordinary, Part-III, Section-4, No 46 and Central Electricity Regulatory Commission (Appointment of Consultants) (Fourth Amendment) Regulations, 2023 were published on 12th May, 2023 in Gazette of India, Extraordinary, Part-III, Section-4, No 333.