

# CENTRAL ELECTRICITY REGULATORY COMMISSION

8<sup>th</sup> Floor, Tower-B, World Trade Centre, Nauroji Nagar,  
New Delhi 110029

No. ADMN-11017/8/2024-CERC

Dated, the 30<sup>th</sup> August, 2024

**Subject: Engagement of individual Consultant at the level of Advisor on contract basis in the Legal Division of CERC**

## Introduction

### 1. Background:

1.1 The Central Electricity Regulatory Commission constituted under the erstwhile Electricity Regulatory Commissions Act, 1998 (short as "ERC Act") was recognized as the Central Electricity Regulatory Commission (short as "CERC") under the Electricity Act, 2003. The Electricity Act, 2003 has significantly enlarged the spectrum of responsibility of the Central Electricity Regulatory Commission. The Central Commission has been vested with the functions under the Electricity Act, 2003 (short as "the Act") to regulate the tariff of the generating companies owned or controlled by Central Government, generating companies having a composite scheme for generation and sale of electricity in more than one State, to regulate inter-State transmission of electricity and determination of tariff for inter-State transmission in electricity and development of market among other functions.

1.2 Following are the statutory functions of CERC:

- a. to regulate the tariff of generating companies owned or controlled by the Central Government;
- b. to regulate the tariff of generating companies other than those owned or controlled by the Central Government specified in clause (a), if such generating companies enter into or otherwise have a composite scheme for generation and sale of electricity in more than one State;
- c. to regulate the inter-State transmission of electricity;
- d. to determine tariff for inter-State transmission of electricity;
- e. to issue licenses to persons to function as transmission Licensee and electricity trader with respect to their inter-State operations;
- f. to adjudicate upon disputes involving generating companies or transmission licensee in regard to matters connected with clauses (a) to (d) above and to refer any dispute for arbitration;
- g. to levy fees for the purposes of this Act;
- h. to specify Grid Code having regard to Grid Standards;
- i. to specify and enforce the standards with respect to quality, continuity and reliability of service by licensees;
- j. to fix the trading margin in the inter-State trading of electricity, if considered, necessary;
- k. to discharge such other functions as may be assigned under this Act.



1.3 Under section 66 of the Electricity Act, CERC has been mandated to take steps for promoting the development of a market (including trading) in power taking into account the National Electricity Policy. Under section 60 of the Act, CERC has also powers to deal with situations of market domination. It can issue appropriate directions to a licensee or a generating company if such an entity enters into any agreement or abuses its dominant position or enters into a combination which is likely to cause or causes an adverse effect on competition in electricity industry.

1.4 The Act has also given advisory role to CERC. It has been mandated to advise the Central Government on the matters relating to formulation of National Electricity Policy and Tariff Policy, promotion of competition, efficiency and economy in activities of the electricity industry, and promotion of investment in electricity industry.

1.5 The Commission in discharge of its functions is assisted by different wings. The activities presently handled by the Legal Wing involve inter alia drafting of orders, regulations, record of proceedings of oral hearings, assisting the Commission in discharge of its proceeding as per the CERC (Conduct of Business) Regulations, 1999 etc.

1.6 The Commission receives petitions for determination of tariff for generating stations/units, transmission systems, petitions for grant of license and also petitions of miscellaneous nature.

1.7 In view of the above activities, CERC proposes to engage one Individual Consultant in the capacity of Advisor (Law) to the Commission. The detailed Terms of Reference containing the essential qualifications/ experience, duties and responsibilities and process of selection are given below:-

## **2. Scope of work for the Consultant**

The duties of the Consultant / Advisor shall be as under:

- a. Advise/guide the staff of the Commission in disposal of the petitions related to determination of tariff for Generating Stations/Transmission Systems. The scope includes, but not limited to, interacting with the staff of the Commission and staff of the Corporate Consultant groups for resolution of the matters related to admissibility of Capital Expenditure/Add-Cap, and related financial / technical/ commercial issues of the Generators/Transmission Licensees;
- b. Advise/guide the staff of the Commission in disposal of the petitions related to natural inter-state transmission assets, RLDC/ULDC tariff calculations, grant of trading licenses;
- c. Assist and augment the work of the Commission in dealing with the miscellaneous petitions pertaining to Transmission/Generation projects;
- d. Assisting staff of the Commission in finalization of amendments to various Regulations, based on views of various stake holders;
- e. Assisting Commission in implementation of the Terms and Conditions of Tariff for transmission systems/generating Stations for the period 2024-29;
- f. Render legal opinion/substantial legal advice on issues before the Commission;

- g. Provide advice to the legal counsels engaged by the Commission in respect of matters before the Appellate Tribunal for Electricity, High Courts and the Supreme Court; and
- h. Any other work as assigned by the Commission.

### 3.0. Qualification and experience required for Consultant

Post	No. of Consultant	Qualifications, Experience & Competencies
Advisor (Law) to Commission	One	<p><b>Qualification:</b> Bachelor degree in law from a reputed institution/ University.</p> <p><b>Experience:</b> The candidate should have at least 10 to 15 years working experience in judicial / quasi-judicial body / regulatory body/ electricity sector, dealing with legal matters.</p> <p><b>Competencies:</b> In depth understanding of regulatory framework in the electricity sector of India including CERC terms and conditions of tariff.</p> <ul style="list-style-type: none"> <li>i. Knowledge of relevant legislation of India.</li> <li>ii. The policy regime including National Electricity Policy and Tariff Policy of India.</li> <li>iii. Experience in drafting of regulations and orders</li> <li>iv. Excellent written and communications skills</li> <li>v. <b>Strong analytical skills</b></li> <li>vi. Adept in working on computers including MS Office.</li> </ul>

#### 4. **General Terms and Conditions: -**

4.1 Normal working hours would be 9.30 A.M to 6.00 P.M (05 days week) including half an hour lunch break. The personnel may be called on Saturdays/ Sundays and other gazetted holidays, and required to be present beyond normal working hours in case of exigencies.

4.2 In addition to holidays notified by Central Government, the Consultant shall be entitled for fifteen (15) days leave in a calendar year (January to December) which shall be credited in advance, on quarterly basis, as under. The intervening Saturdays/ Sundays / holidays, if any, shall not be counted as leave. Unutilised leave shall not be carried forward to the next calendar year and is not encashable. Leave of any other nature is not admissible

- (a) 1<sup>st</sup> Quarter: (January to March) – 04 days
- (b) 2<sup>nd</sup> Quarter: (April to June) – 04 days
- (c) 3<sup>rd</sup> Quarter: (July to September) – 04 days
- (d) 4<sup>th</sup> Quarter: (October to December) – 03 days



4.3 The Consultant shall not be entitled to any professional fees for the period of absence beyond the entitled leave of 15 days as above. Any availed leave during a calendar year shall not be carried forward to the next calendar year or qualify for encashment.

4.4 In case the Consultant remain absent for more than 15 days beyond the entitled leave in a calendar year, without any prior intimation/prior sanction, except in case of emergency, CERC would be free to terminate the services of the said Consultant.

4.5 In the event of absence on the ground of sickness, the Consultant shall be required to submit a proper medical and fitness certificate. However, any leave including the leave on medical grounds beyond the cumulative period of 15 days shall be without any profession fees.

4.6 In case of tour within India, the Commission shall reimburse the expenses for journey undertaken for official work by the Consultants as per the following entitlement:-

- a. By air - Economy class
- b. By train - AC II tier
- c. For local travel - Non AC taxi .

**5. Consolidated profession fee: Individual consultant shall be** engaged in the category of " Adviser" with a maximum consolidated professional fee of Rs. 1,50,000/- (excluding G.S.T, if applicable) per month commensurate with their academic qualifications, total experience in number of years, domain expertise and knowledge required for the deliverables. In deserving cases, additional fee not exceeding 10% of the fees indicated above may be granted at the time of initial engagement on the basis of the recommendations of the Selection Committee and after approval by the Chairperson.

6. **Age Limits:** The age of the applicant to be appointed as Individual Consultant for different categories as on 1st January of the year of advertisement shall be below 62 years; Provided that no Consultant would be retained in the Commission after attaining the age of 65 years.

7. **Duration of Contract:** The contract will be initially for a period of two years which can be extended for up to one year on each occasion, limited to a total period of four years. In deserving cases, an annual escalation up to 10% on the fee may be given with the approval of the competent authority based on the performance during preceding year. The Commission and the Consultant would both have option to terminate the contract by giving a notice of three months or the equivalent remuneration in lieu thereof.

8. Applications are to be submitted in prescribed format only. Otherwise, the applications which are not in prescribed format are liable to be rejected. Incomplete applications or those received after due date will not be entertained and will be summarily rejected without any communication. The candidature of such candidates who are subsequently found ineligible according to the terms and conditions laid down in this notice will be cancelled. The decision of the Consultancy Evaluation Committee regarding eligibility of the candidate shall be final.

## 9. Secrecy Clause

- a. All official information, documents etc., whether in physical form or in electronic form, shall be the propriety ownership of CERC and the consultant shall not disclose the same to any person or persons or firms etc., unless required to do so, in due discharge of the official duties, with prior permission/ approval of the Controlling officer/ Competent authority in CERC.
- b. The consultant will not utilize or publish or part with, to a third party, any part of the data or statistics or proceedings or information collected for the purpose of their assignments or during the course of, assignment for the CERC without the express written consent of CERC.
- c. The consultant will maintain highest standards of integrity, transparency, competitiveness, economy and efficiency while working in CERC. The consultant so appointed shall in no case represent or give opinion or advice to others in any matter which is adverse to the interest of CERC nor will indulge in any activity outside the terms of the contractual assignment.

## 10. Procedure for Selection

10.1. The Consultant will be engaged in accordance with the terms and conditions laid down in CERC (Appointment of Consultants) Regulation, 2008 and as amended from time to time (copies available in CERC's website [www.cercind.gov.in](http://www.cercind.gov.in)).

10.2 The eligibility will be considered by a Consultancy Evaluation Committee (CEC) to be set up by CERC and their performance will be evaluated based on the following criteria:

S.No	Technical Parameters	Weights (in %)
1.	The Consultant's Academic background	0.40
2.	The Consultants relevant experience for the assignment	0.50
3.	Knowledge of the working environment such as language, culture, administrative system, and other relevant factors	0.10

11. The Commission reserves the right to reject any or all applications without assigning any reason, or whatsoever.

12. Appointment under this assignment shall be on purely contract basis for a limited period only. Such appointment shall not bestow any rights what so ever to claim for regular appointment or continued contractual appointment in CERC.

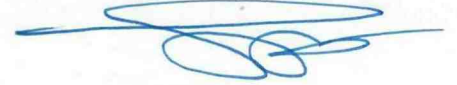
13. Relaxation in essential qualifications/experience can be considered in deserving cases at the discretion of CERC.

14. CERC reserves the right not to fill up all or any of the above-mentioned positions.



15. Only short-listed candidates will be called for an interaction with the Selection Committee.

16. Interested and eligible candidates may kindly send their applications, in the prescribed format to the Dy. Chief (Admin), CERC, 8<sup>th</sup> Floor, Tower-B, Nauroji Nagar, New Delhi-110029 by **20<sup>th</sup> September, 2024 up to 5.00 P.M.** Applications received after the last date and time indicated above will not be entertained.

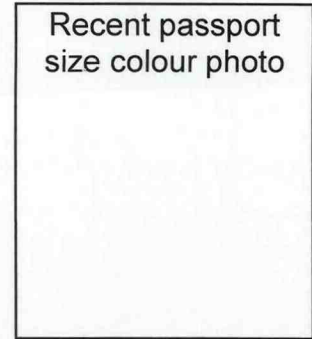


(Rajiv Kumar)  
Deputy Chief (Admin)

**POST APPLIED FOR :**

**RESUME**

**I Personal Details**



- 1. Name :
- 2. Gender :
- 3. Date of Birth :
- 4. Father's Name :
- 5. Marital Status :
- 6. Permanent Address :
- 7. Contact Address :
- 8. Tel No :  
Mobile No. :  
E Mail Id :
- 9. Post applied for :
- 10. Last Pay drawn :

**II Academic / Professional Qualification (Graduation onwards):** Attach self attested copy of certificates.

<b>Course / Degree and no. of years</b>	<b>Institute/ University / College</b>	<b>Year of passing</b>	<b>Regular / Distance education</b>	<b>Subjects specialized</b>	<b>Achievements, if any</b>

**III Experience**

Organisation / Institute / Office	Post held	Period		No. of years and months	Description of duties	Remarks
		From	To			

(Attach self attested copies of experience certificates and salary slips in chronological order. Enclose a separate sheet, duly authenticated by your signature, if space is insufficient)

**IV Other Details : Additional information/ specific professional achievement/ contribution**

**V Please state why you want to take up this role and are suitable for the post in 100 words.**

**Date :**

(Signature of the candidate)