

# **MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION**

## **The Meghalaya State Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2007**

(Published in the Gazette of Meghalaya issue dated 22<sup>nd</sup> February 2007)

**Notification No. MSERC /Regn 3 / 2007.** In exercise of the powers conferred by sub section (2) of section 181 read with sub section (4) of section 91 of the Electricity Act, 2003 and all other powers enabling it in that behalf, the Meghalaya State Electricity Regulatory Commission hereby makes the following regulations, the same having being previously published in the Gazette of Meghalaya issue dated 3<sup>rd</sup> August, 2006 and duly considered.

### **1. Short title and commencement**

- (1) These regulations may be called the Meghalaya State Regulatory Commission (Appointment of Consultants) Regulations, 2007.
- (2) They shall come into force on the date of their notification in the Gazette of Meghalaya.

### **2. Definitions**

- (a) “Commission” means the Meghalaya State Electricity Regulatory Commission;
- (b) “consultant” means a person appointed as such under regulation 3 and it includes an association of persons, an institution, organization, society or company; and
- (c) “regulations” means the Meghalaya State Electricity Regulatory Commission (Appointment of Consultants) Regulations 2006.

### **3. Appointment of consultants.**

- (1) The Commission, may appoint a person of known experience and capability as consultant.
- (2) The consultant may be appointed on full time, part time or on contract basis: Provided that if the engagement is on full time basis the period of such engagement shall not be for more than one year at a time.
- (3) A consultant appointed under these regulations shall not be deemed to be an officer or employee of the Commission.

### **4. Qualifications of the consultants.**

A person to be appointed as consultant must be one possessing, adequate knowledge and experience or specialised or professional skill in engineering and technology, power management, law, finance, economics, accountancy or in any other field that the Commission needs assistance in for discharging its powers and functions under the Electricity Act, 2003.

### **5. Engagement of consultants.**

Engagement of a consultant shall be by an agreement laying down among other things, the scope, nature and conditions of the assignment.

6. **Fees and honorarium.**

- (1) The fees or honorarium of a consultant, and other terms and conditions of engagement, shall be specified in the agreement.
- (2) Payment of the fees or honorarium may be by way of a retainer or on the basis of completion of work assigned or according to fixed milestones or as may be settled by agreement.

7. **Mode of selecting consultants.**

Without prejudice to the provisions of sub-section (1) of regulation 3, the Commission may invite offers for consultancy services from the open market and may constitute a committee of competent persons to assess the offers as may be received.

8. **Restrictions and other conditions.**

- (1) A person shall not be appointed as consultant if his other engagements are likely to affect or interfere with his obligations towards the Commission.
- (2) When a work is assigned to a consultant, the consultant shall not re-assign it to any other person and shall not part with or disclose elsewhere any information or data he has collected nor otherwise utilise the same for other works not being the works of the Commission.

9. **Reports.**

The Commission may call for reports, including interim implementation reports, from the consultant from time to time.

10. **Inherent powers of the Commission and other provisions.**

- (1) Nothing in these regulations shall bar the Commission from adopting, without violating the principles as spelt out in the regulations, a different procedure with regard to consultants if the Commission is convinced, with reasons to be recorded, that special circumstances for doing so exist.
- (2) The provisions of these regulations shall not adversely affect the appointment of any consultant made prior to the coming into force of these regulations.