

The Jammu and Kashmir State Electricity Regulatory Commission Act, 2000

JAMMU & KASHMIR

India

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Act 8 of 2000

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The Jammu and Kashmir State Electricity Regulatory Commission Act, 2000(Act No. 8 of 2000)[Received the assent of the Governor on 11th April, 2000 and published in Government Gazette dated 11th April, 2000.]An Act to provide for the establishment of a State Electricity Regulatory Commission, rationalization of electricity tariff, transparent policies regarding subsidies, promotion of efficient and environmentally benign policies and matters connected therewith or incidental thereto.Be it enacted by the Jammu and Kashmir State Legislature in the Fifty-first Year of the Republic of India as follows :-Chapter-I Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Jammu and Kashmir State Electricity Regulatory Commission Act, 2000.(2)It extends to whole of the State of Jammu and Kashmir.(3)[It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint.] [Enforced w.e.f. 05, 2002 vide SRO-104 dated 27-03-2006.]

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Central Commission" means the Central Electricity Regulatory Commission established under the corresponding Central law;(b)"Chairperson" means the Chairperson of the Commission;(c)"Commission" means the State Electricity Regulatory Commission established under sub-section (1) of section 3;(d)"Government" means the Government of Jammu and Kashmir;(e)"High Court" means the High Court of the State of Jammu and Kashmir;(f)"Member" means the Member of the Commission and includes the Chairperson;(g)"prescribed" means prescribed by rules made under this Act;(h)"regulations" means regulations made under this Act;(i)"transmission utility" means any generating company, and

licensee or other person engaged in the transmission of energy;(j)"utility" means any person or entity engaged in the generation, transmission, sale, distribution or supply, as the case may be, of energy;(k)words and expressions used and not defined in this Act but defined in the Jammu and Kashmir Electricity (Supply) Act, 1971, the Jammu and Kashmir Electricity Act, Samvat 1977 or the Jammu and Kashmir Electricity Duty Act, 1963 shall have the meanings respectively assigned to them in those Acts.

3. Establishment and incorporation of Commission.

(1)The Government shall, within three months of the commencement of this Act, by notification in the Government Gazette, establish, for the purpose of this Act, a Commission, to be known as "the State Electricity Regulatory Commission".(2)The Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power⁴ to acquire, hold and dispose of property, both movable, and immovable, and to contract and shall, by the said name, sue or be sued.(3)The head office of the Commission shall be at such place as the Government may, by notification in the Government Gazette, specify,(4)The Commission shall consist of not more than three members including the Chairperson.(5)The Chairperson and the Members of the Commission shall be persons of ability, integrity and standing who have adequate knowledge of, and have shown capacity in dealing with problems relating to engineering, finance, commerce, economics, environment law or management.(6)The Chairperson and the Members of the Commission shall be appointed by the Government on the recommendation of a Selection Committee referred to in section 4.(7)The Chairperson shall be the Chief Executive of the Commission.[4. Constitution of the Selection Committee to recommend Members. - (1) For purposes of selection of the Members of the Commission, there shall be a Selection Committee consisting of the following :-

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| (a) Minister of Power Development Department | ... Chairperson |
| (b) Principal Secretary to Government, Power DevelopmentDepartment | ... Member |
| (c) Member, Central Electricity Regulatory Commission as nominated by the
Chairman, Central Electricity Regulatory Commission | ... Member] |

[Substituted by Act VIII of 2002](2)No appointment of a Member shall be invalid merely by reason of any vacancy in the Selection Committee.(3)The Government shall within one month of the date of occurrence of any vacancy by reason of death, resignation or removal, and six months before the superannuation or end of tenure of any Chairperson or a Member, make a reference to the Selection Committee for filling up of the vacancy.(4)The Selection Committee shall finalise the selection of the Members within one month from the date on which the reference is made to it.(5)The Selection Committee shall recommend a panel of two names for every vacancy referred to it.(6)Before recommending any person for appointment as a Member, the Selection Committee shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as such Member.

5. Term of office, salary and allowances and other conditions of service of Chairperson and Members.

(1)The Chairperson or the Member shall hold office as such for a term of five years from the date on which he enters upon his office, but shall not be eligible for reappointment :Provided that no Chairperson or the Member shall hold office as such after he attains,-(a)in the case of the Chairperson, the age of sixty-five years; and(b)in the case of the Member, the age of sixty-two years.(2)The salary and allowances payable to and the other terms and conditions of service of the Members of the Commission shall be such as may be prescribed.(3)The salary, allowances and other conditions of service of the Members shall not be varied to their disadvantage after appointment.(4)Every Member of the Commission shall, before entering upon his office, make and subscribe to, an oath of office and secrecy in such form and in such manner and before such authority as may be prescribed.(5)Notwithstanding anything contained in sub-sections (1) and (2), a Member may,-(a)relinquish his office by giving in writing to the Governor a notice of not less than three months; or(b)be removed from his office in accordance with the provisions of section 6.(6)Any member ceasing to hold office as such shall,-(a)be ineligible for further employment under the State Government for a period of two years from the date he ceased to hold such office;(b)not accept any commercial employment for a period of two years from the date he ceased to hold such office;(c)not represent any person before any Commission in any manner.Explanation. - For the purposes of this sub-section,-(i)"employment under the Government" includes employment under any local or other authority within the territory of India or under the control of the Government or under any Corporation or society owned or controlled by the Government;(ii)"commercial employment" means employment in any capacity under, an agency of, a person engaged in trading, commercial, industrial or financial business in the electricity industry and includes also a director of a company or partner of a firm and it also includes setting up practice either independently or as partner of a firm or as an adviser or a consultant.

6. Removal of Members.

(1)Subject to the provisions of subsection (3), any Member of the Commission shall only be removed from his office by order of the Governor on the ground of proved misbehaviour after the High Court, on reference being made to it by the Governor, has, on inquiry held in accordance with the procedure prescribed in that behalf by the High Court, reported that the Member, ought on any such ground to be removed.(2)The Governor may suspend any Member of the Commission in respect of whom a reference has been made to the High Court under sub-section (1) until the Governor has passed orders on the receipt of the report of the High Court on such reference.(3)Notwithstanding anything contained in sub-section (1), the Governor may, by order, remove from office the Member if he,-(a)has been adjudged an insolvent; or(b)has been convicted of an offence which in the opinion of the Government involves moral turpitude; or(c)has become physically or mentally incapable of acting as a Member; or(d)has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or(e)has so abused his position as to render his continuance in office prejudicial to the public interest; or(f)is, without leave of absence from the Commission, absent for thirty days;(g)engages during His term of office in any paid employment outside the duties of his office.(4)Notwithstanding anything contained in sub-section (3), no

Member shall be removed from his office on the ground specified in clause (d) or clause (e) of that sub-section unless the High Court on a reference being made to it in this behalf by the Governor, has, on an enquiry, held by it in accordance with such procedure as prescribed in this behalf by the High Court, reported that the Member ought on such ground or grounds to be removed.

7. Officers of the Commission and other staff.

(1)The Commission may appoint a Secretary to exercise and perform under the control of the Chairperson such duties and powers as may be specified by regulations made by the Commission.(2)The Commission may, with the approval of the Government, determine the number, nature and categories of other officers and employees required to assist the Commission in the discharge of its functions.(3)The salaries and allowances payable to and other conditions of service of the Secretary, officers and other employees shall be such as may be determined by regulations with the approval of the Government.(4)The Commission may appoint consultants required to assist the Commission in the discharge of its functions on terms and conditions as may be determined by regulations by the Commission.

Chapter-III Powers and Functions of the Commission

8. Functions of the Commission.

(1)The Commission shall discharge the following functions, namely :-(a)to determine the tariff or electricity, wholesale, bulk, grid or retail, as the case may be, in the manner provided in section 17;(b)to determine the tariff payable for use of the transmission facilities in the manner provided in section 17;(c)to regulate power purchase and procurement process of the transmission utilities and distribution utilities including the price at which the power shall be procured from the generating companies, generating stations or from other source for transmission, sale, distribution and supply in the State;(d)to promote competition, efficiency and economy in the activities of the electricity industry to achieve the objects and purposes of this Act :Provided that nothing in this section shall apply to the following functions which shall be the responsibility of the Central Commission, namely :-(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 owned or controlled by the Central Government specified in clause (a), if such generating companies enter into or otherwise have a composite scheme for generating and sale of electricity in more than one State;(c)to regulate-(i)the Inter-State transmission of energy including tariff of the transmission utilities;(ii)conveyance of energy by means of a main transmission line from the territory of one State to the territory of the another State;(iii)conveyance of energy across the territory of an intervening State as well as conveyance within a State which is incidental to such inter-State transmission of energy;(iv)the transmission of energy within the territory of the State on a system built, owned, operated, maintained or controlled by a Central transmission utility or by any person under the supervision and control of-a Central transmission utility.(2)Without prejudice to the provisions of sub-section (1), the Government may, by notification in the Government Gazette, confer or withdraw any of the following functions upon the Commission, namely :-(a)to regulate the investment approval, for generation, transmission, distribution and supply of power to the entities operating within the State;(b)to aid and advise the Government, in matters concerning electricity generation, transmission, distribution and supply in the State;(c)to regulate the operation of the

power system within the State;(d)to issue licenses for transmission, bulk supply, distribution or supply of electricity and determine the conditions to be included in the licenses;(e)to regulate the working of the licensees and other persons authorized to engage in the electricity industry in the State and to promote their working in an efficient, economical and equitable manner;(f)to require licensees to formulate perspective plans and schemes in coordination with others for promotion of generation, transmission, distribution, supply and utilisation of electricity, quality of service and to devise proper power purchase and procurement process;(g)to set standards for the electricity industry in the State including standards relating to quality, continuity, and reliability of service;(h)to promote competitiveness and make venues for participation to private sector in the electricity industry in the State, and also to ensure a fair deal to the customers;(i)to lay down and enforce safety standards;(j)to aid and advise the Government in the formulation of the State power policy;(k)to collect and record information concerning the generation, transmission, distribution and utilization of electricity;(l)to collect and publish data and forecasts on the demand for, and use of, electricity in the State and to require the licensees to collect and publish such data;(m)to regulate the assets, properties and interest in properties concerning or related to the electricity industry in the State including the conditions governing entry into, and exit from the electricity industry in such manner as to safeguard the public interest;(n)to adjudicate upon the disputes and differences between the licensees and utilities and to refer the matter for arbitration;(o)to coordinate with environmental regulatory agencies and to evolve policies and procedures for appropriate environmental regulations of the electricity sector and utilities in the State; and(p)to aid and advise the Government on any other matter referred to the Commission.

9. Proceedings of the Commission.

(1)The Commission shall meet at the head office or any its offices at such times as the Chairperson may direct, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be determined by regulations.(2)The Chairperson or, if he is unable to attend a meeting of the Commission, any other Member nominated by the Chairperson in this behalf and, in the absence of such nominations or where there is no Chairperson, any Member chosen by the members present from amongst themselves, shall preside at the meeting.(3)All questions which come up before any meeting of the Commission shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson or the person presiding shall have the right to exercise a second or casting vote.(4)Save as otherwise provided in sub-section (3), every Member of the Commission shall have one vote.(5)All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized by the Chairperson in this behalf.

10. Vacancies etc. not to invalidate acts or proceedings of the Commission.

- No act or proceedings of the Commission shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Commission.

11. Expenses of the State Commission to be charged on Consolidated Fund of the State.

- The expenses of the Commission including all salaries and allowances payable to or in respect of the Chairperson and the Members of the Commission shall be charged upon the Consolidated Fund of the State.

12. Powers of the Commission.

- The Commission shall, for the purposes of any inquiry or proceedings under this Act have the powers as are vested in a Civil Court under the Code of Civil Procedure, Samvat 1977 in respect of the following matters, namely :-(a)The summoning and enforcing of attendance, of any witness and examining him on oath;(b)The discovery and production of any document or other material object producible as evidence;(c)The reception of evidence on affidavits;(d)The requisition of any public record;(e)The issue of Commission for examination of witnesses;(f)Any other matter which may be prescribed.

13. The State Advisory Committee.

(1)The Commission may, by notification in the Government Gazette, establish with effect from such date as it may specify in such notification, a Committee to be known as the State Advisory Committee.(2)Then State Advisory Committee shall consist of not more than twenty one members to represent the interests of commerce, industry, transport, agriculture, labour, consumers, nongovernmental organizations and academic and research bodies in the energy sector.(3)The Chairperson and the Members of the Commission shall be ex officio Chairperson and ex officio Members of the State Advisory Committee.

14. Objects of the State Advisory Committee.

- The objects of the State Advisory Committee shall be to advise the Commission on,-(i)Major questions of policy;(ii)Matters relating to quality, continuity and extent of service provided by the licensees;(iii)Compliance by licensees with the conditions and requirements of their license;(iv)Protection of consumer interest; and(v)Energy supply and overall standards of performance by utilities.

15. Representation before the Commission.

- The Commission shall authorise any person as it deems fit to represent the interest of the consumers in all the proceedings before it.

16. Appeal to High Court in certain cases.

(1) Any person aggrieved by any decision, order of the Commission may file an appeal to the High Court. (2) Except as aforesaid, no appeal or revision shall lie to any court from any decision or order of the Commission. (3) Every appeal under this section shall be preferred within sixty days from the date of communication of the decision or order of the Commission to the person aggrieved by the said decision or order : Provided that the High Court may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the aggrieved person had sufficient cause for not preferring the appeal within the said period of sixty days. Chapter-IV Energy Tariff

17. Tariff by the Commission.

(1) Notwithstanding anything contained in any other law, the tariff for interstate transmission of electricity and the tariff for supply of electricity, grid, wholesale, bulk or retail, as the case may be, in the State (hereinafter referred to as the 'tariff'), shall be subject to the provisions of this Act and the tariff shall be determined by the Commission in accordance with the provisions of this Act. (2) The Commission shall determine by regulations the terms and conditions for the fixation of tariff, and in doing so, shall be guided by the following, namely :-(a) The principles and their applications provided in sections 41, 52 and 53 of the Jammu and Kashmir Electricity (Supply) Act, 1971 and the Sixth Schedule thereto; (b) In the case of the Board or its successor entities, the principles under section 56 of the Jammu and Kashmir Electricity (Supply) Act, 1971; (c) That the tariff progressively reflects the cost of supply of electricity at an adequate and improving level of efficiency; (d) The factors which would encourage efficiency, economical use of the resources, good performance, optimum investments and other matters which the Commission considers appropriate for the purposes of this Act; (e) The interests of the consumers are safeguarded and at the same time, the consumers pay for the use of electricity in a reasonable manner based on the average cost of supply of energy; (f) The electricity generation, transmission, distribution and supply are conducted on commercial principles. (3) [x x x x] [Deleted by Act VII of 2007, sections 2.] (3) [] [Sub-sections (4) and (5) renumbered as (3), (4) and (5) by Act VII of 2007, sections 2.] If the Government requires the grant of any subsidy to any consumer or class of consumers in the tariff determined by the Commission under this section, the Government shall pay the amount to compensate the person affected by the grant of subsidy in the manner the Commission may direct, as a condition for the licensee or any other person concerned to implement the subsidy provided for by the Government. (4) [] [Sub-sections (4) and (5) renumbered as (3), (4) and (5) by Act VII of 2007, sections 2.] [x x x x] [Deleted by Act VII of 2007, sections 2.] The Commission while determining the tariff under this Act, shall not show undue preference to any consumer of electricity, but may differentiate according to the consumer's load factor, power factor, total consumption of energy during any specified period of the time at which the supply is required or the geographical position of any area, the nature of supply and the purpose for which the supply is required. (5) [] [Sub-sections (4) and (5) renumbered as (3), (4) and (5) by Act VII of 2007, sections 2.] The holder of each licence and other persons including the Board or its successor body authorised to transmit, sell, distribute or supply electricity, wholesale, bulk or retail in the State shall observe the methodologies and procedures specified by the Commission from time to time in calculating the expected revenue from charges which he is permitted to recover and in determining tariffs to collect

those revenues.[17A. Determination of tariff by bidding process. - Notwithstanding anything contained in section 17, the Commission shall adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Government.] [Section 17-A inserted by Act IV of 2009 w.e.f. 17-03-2009.]

18. Reasons for deviation by the Commission.

- Where the Commission departs from factors specified in clauses (a) to (f) of subsection (2) of section 17, they shall record the reasons for such departure in writing.Chapter-V Accounts, Audit and Reports

19. Budget of the Commission.

- The Commission shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Commission and forward the same to the Government.

20. Accounts and audit of the Commission.

- The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Government in consultation with the Comptroller and Auditor General of India.(2)The accounts of the Commission shall be audited by the Comptroller and Auditor General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor General.(3)The Comptroller and Auditor General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor General has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.(4)The accounts of the Commission, as certified by the Comptroller and Auditor General or any person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Government by the Commission and the Government shall cause the audit report to be laid, as soon as may be after it is received, before the State Legislature.

21. Annual report of the Commission.

(1)The Commission shall prepare once every year in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Government.(2)A copy of the report received under subsection (1) shall be laid, as soon as may be after it is received, before the State Legislature.Chapter-VI Miscellaneous

22. Transparency in the Commission.

- The Commission shall ensure transparency while exercising its powers and discharging its functions.

23. Directions by the Government.

- The Commission may carry out such directions as may be issued to it from time to time by the Government for the efficient administration of this Act.

24. Chairperson, Members and Officers to be public servants.

- The Chairperson, Members, officers and other employees of the Commission shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Ranbir Penal Code.

25. Proceedings before the Commission.

- All proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Ranbir Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, Samvat 1989.

26. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the Government, or the Commission or any of the Members, officers or other employees of the Commission for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

27. Punishment for non-compliance of orders or directions under the Act.

- Whoever fails to comply with any order or direction given under this Act within such time as may be specified in the said order or direction or contravenes, or attempts to contravene or abets the contravention of any of the provisions of this Act or any rules or regulations made thereunder shall be punished with imprisonment for a term which may extend to three months or with fine, which may extend to rupees one lakh or with both in respect of such offence and in the case of a continuing failure, with an additional fine which may extend to rupees four thousand for every day during which the failure continues after conviction of the first such offence.

28. Punishment for non-compliance of directions given by the Commission.

(1) In case any complaint is filed before the Commission by any person or if the Commission is satisfied that any person has contravened any directions issued by the Commission under the Act, rules or regulations made thereunder, the Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such persons shall pay, by way of penalty, which shall not exceed rupees one lakh for each contravention and in case of a continuing failure with an additional penalty which may extend to rupees six thousand for every day during which the failure continues after contravention for the first such direction. (2) Any amount payable under this section, if not paid, may be recovered as if it were an arrear of land revenue.

29. Power of seizure.

- The Commission or any other officer, not below the rank of a gazetted officer, specially authorized in this behalf by the Commission may enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies therefrom subject to the provisions of section 102 of the Code of Criminal Procedure, Samvat 1989, in so far as it may be applicable.

30. Offence by companies.

(1) Where an offence under this Act has been committed by a company, every person who at the time, the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Explanation. - For the purposes of this section, - (a) 'Company' means any body corporate and includes a firm or other association of individuals; and (b) 'Director' in relation to a firm means a partner in the firm.

31. Cognizance of offence.

- No court shall take cognizance of an offence punishable under this Act except upon a complaint, in writing, made by the Commission or by any other officer duly authorised by the Commission for this purpose.

32. Inconsistency in laws.

- Nothing contained in this Act or any rule or regulations made thereunder or any instrument having effect by virtue of this Act, rules or regulations shall have effect in so far as it is inconsistent with any provisions of the Jammu and Kashmir Consumer Protection Act, 1987 or the Atomic Energy Act, 1962 (Central Act No. 33 of 1962).

33. Delegation.

- The Commission may, by general or special order in writing, delegate to any Member, officer of the Commission or any other person subject to such conditions, as may be specified in the order, such of its powers and functions under this Act (except the power to settle disputes under Chapter III and the power to make regulations under section 36 as it may deem necessary.

34. Overriding effect.

- Save as otherwise provided in section 32, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

35. Power to make rules.

(1)The Government may, by notification in the Government Gazette, make rules to carry out the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-(a)the salary, allowances and other conditions of service of the members under sub-section (2) of section 5;(b)the form and manner in which and the authority before whom the oath of office and secrecy should be subscribed under sub-section (4) of section 5;(c)the form in which annual statement of accounts to be prepared by the Commission under sub-section (1) of section 20;(d)the form in which and the time at which the Commission shall prepare its budget under section 19;(e)the manner and the form in which annual report shall be furnished under sub-section (1) of section 21;(f)any other matter which is to be, or may be prescribed or in respect of which provision is to be made by rules.

36. Power to make regulations.

(1)The Commission may, by notification in the Government Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power such regulations may provide for all or any of the following matters, namely :-(a)the duties and powers of the Secretary under sub-section (1) of section 7;(b)the salary, allowances and other conditions of service of the Secretary, officers and other employees under subsection (3) of section 7;(c)the terms and conditions of consultants appointed under sub-section (4) of section 7;(d)the manner in which charges for energy may be determined under sub-section (2) of section 17;(e)any other matter which is to be, or may be specified.

37. Rules and regulations to be laid before State Legislature.

- Every rule made by the Government and every regulation made by the Commission under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature.

38. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act the Government may, by order, published in the Government Gazette make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty : Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act. (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature.