

2019
IN THE HIGH COURT AT CALCUTTA
APPELLATE SIDE

No. -A

Dated, Calcutta, the Nov, 2019

From : **Sri Bibhas Ranjan De,**
 Registrar (Judicial Service),
 High Court, Appellate Side,
 Calcutta.

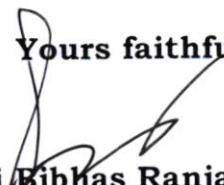
To : **1) The District Judge of all Districts**
 Including Andaman & Nicobar Islands
 2) The Chief Judge , City Civil Court , Calcutta
 3) The Chief Judge , City Sessions Court , Calcutta
 4) The Chief Judge , Presidency Small Causes Court ,
 Calcutta

Sub : Vacancy Circular for the post of Member(Law) in
Central Electricity Regulatory Commission (CERC)

Sir/Madam ,

The vacancy circular being no.25/3/2018-R&R dated 03.10.2019 as issued by the Ministry of Power Govt. of India and enclosures thereof being the proforma of application is being uploaded in the website of this Hon'ble Court for information of all eligible judicial officers in the state of West Bengal and Andaman & Nicobar Islands requesting you to send/forward filled in application and annexures thereof so that the same should reach the office of the under-signed by 11th November, 2019 , enabling this end for onward transmission of the same to the appropriate authority before the last date (i.e. 14/11/1019).

Yours faithfully,


Sri Bibhas Ranjan De
Registrar (Judicial Service)

No. 25/3/2018-R&R
Government of India
Ministry of Power

Shram Shakti Bhavan, Rafi Marg,
New Delhi-110001. November 4, 2019

To

Registrar General,
All High Courts.

Subject : Filling up the post of Member (Law) in CERC.

Sir,

The Central Electricity Regulatory Commission (CERC) had been set up by the Government of India at New Delhi under the provisions of the Electricity Regulatory Commissions Act, 1998 and is deemed to be constituted under the corresponding provisions of the Electricity Act, 2003 which has repealed the Electricity Regulatory Commission Act, 1998. The Commission consists of the Chairperson and three other Members (and also Chairperson, Central Electricity Authority as ex-officio Member of the Commission). One post of Member, CERC became vacant on 09.10.2018.

2. A vacancy circular No. 25/3/2018-R&R dated 3.10.2019 (copy enclosed) has been published in the Employment News dated October 19 - 25, 2019 and at the websites of Ministry of Power (weblink : https://powermin.gov.in/sites/default/files/webform/notices/Filling_up_the_post_of_Member_Law%29_CERC_0.pdf) and that of DoPT i.e. www.dopt.gov.in. Last date for receipt of applications is 14.11.2019.

3. As per the direction of Hon'ble Supreme Court in its judgement dated 12.4.2018 in Civil Appeal No. 14697 of 2015 - State of Gujarat & Others vs. Utility Users' Welfare Association & Others, the qualification for Member (Law) in CERC would be:

"a person, who is, or has been holding a judicial office or is a person possessing professional qualifications with substantial experience in the practice of law, who has the requisite qualifications to have been appointed as a Judge of the High Court or a District Judge."

This has also been mentioned in the vacancy circular dated 3.10.2019.

4. I shall be grateful if you could kindly give wide circulation to the vacancy circular among the prospective/eligible candidates.

Yours faithfully,



Encl: as above

(D. Chattopadhyay)
Under Secretary to the Govt of India
Telefax : 011-23730265

No. 25/3/2018-R&R
Government of India
Ministry of Power

Shram Shakti Bhavan, Rafi Marg
New Delhi. 3rd October. 2019

VACANCY CIRCULAR

For the post of Member (Law), Central Electricity Regulatory Commission

The Central Electricity Regulatory Commission (CERC) had been set up by the Government of India at New Delhi under the provisions of the Electricity Regulatory Commissions Act, 1998 and is deemed to be constituted under the corresponding provisions of the Electricity Act, 2003 which has repealed the Electricity Regulatory Commission Act, 1998. The Commission consists of the Chairperson and three other Members (and also Chairperson, Central Electricity Authority as ex-officio Member of the Commission). One post of Member, CERC became vacant on 09.10.2018.

2. Hon'ble Supreme Court pronounced judgement on 12.04.2018 in the Civil Appeal No. 14697 of 2015 - State of Gujarat & Others vs. Utility Users' Welfare Association & Others. As per the above judgment of the Supreme Court, a person of law as a Member of the Commission, shall be a person, who is, or has been holding a judicial office or is a person possessing professional qualifications with substantial experience in the practice of law, who has the requisite qualifications to have been appointed as a Judge of the High Court or a District Judge. In the light of the above Supreme Court judgement and subsequent legal opinion received in this regard, Vacancy Circular No. 25/3/2018-R&R dated 30.04.2019 was issued for filling up the above stated vacancy of Member, CERC, which was published in the Employment News in its edition of May 11 - 17, 2019.

3. Section 77(1) of the Electricity Act, inter-alia, states that the Chairperson and the Members of the CERC shall be persons having adequate knowledge of, or experience in, or shown capacity in, dealing with, problems relating to engineering, law, economics, commerce, finance or management. The above vacancy of Member is required to be filled up from **the field of Law** as per Section 77(1) (c) of the Electricity Act and the judgment of Hon'ble Supreme Court dated 12.04.2018 in the in Civil Appeal No. 14697 of 2015 - State of Gujarat & Others vs. Utility Users' Welfare Association & Others and subsequent legal opinion received in this regard.

4. Applications received pursuant to the above vacancy circular dated 30.04.2019 were considered by the Selection Committee. In the light of the deliberations of the Selection Committee, it has been decided to advertise the post again. Those who had applied in response to earlier vacancy circular dated 30.04.2019 need not apply again.

5. In terms of section 89 of the Act, the Member shall hold office for a term of five years from the date on which he/ she enters upon his/ her office or till he/ she attains the age of sixty-five years, whichever is earlier. The candidate is required to give a declaration

Central . . .

that he/she does not have any financial or other interest, which is likely to affect prejudicially his/her function as Member, CERC.

6. Appointment to the post of Member, CERC is governed by the relevant provision of the Electricity Act and the Central Electricity Regulatory Commission (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004, the Central Electricity Regulatory Commission (Salary, allowances and other conditions of service of Chairperson and Members) Amendment Rules 2010 and Central Electricity Regulatory Commission (Salary, allowances and other conditions of service of Chairperson and Members) Amendment Rules 2018.

7. Relevant extracts of the Electricity Act, 2003 and Hon'ble Supreme Court Judgment dated 12.4.2018 relating to the requirement of qualification, experience, etc. for Member, CERC and copy of CERC (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004 and CERC (Salary, allowances and other conditions of service of Chairperson and Members) Amendment Rules 2010, CERC (Salary, allowances and other conditions of service of Chairperson and Members) Amendment Rules 2018 are available at Ministry's website www.powermin.nic.in.

8. Applications/ nominations are invited in the proforma enclosed at Annexure, from suitable persons having qualification and experience as mentioned above for appointment as Member, CERC so as to reach the Ministry latest by 5.30 p.m. on 14.11.2019, addressed to the Director (R&R), Ministry of Power, 2nd Floor (Room No.223), Shram Shakti Bhavan, Rafi Marg, New Delhi – 110001.

Encl: as above



(D. Chattopadhyay)
Under Secretary to the Govt of India
Telefax : 2373 0265

**Application to the post of Member, Central Electricity Regulatory
Commission (CERC)**

1. Name of Post : Member (Law), CERC
 2. Date of Vacancy : 09.10.2018
 3. Name of Applicant :
 4. Father's Name :
 5. Present post held (since.....):
 6. Date of Birth of Applicant (DD/MM/YYYY) :
 7. Age of Applicant on date of Vacancy: ...YearsMonths.....Days
 8. Correspondence Address :
 9. Phone Number :
 10. Mobile Number :
 11. Email ID :
 12. Educational Qualification(s) [In reverse chronological order]

Sl. No.	Name of University/ equivalent institution	Degree	Year of passing	Subject/specialization

13. Experience (last 15 years) :

Sl. No.	From (Date)	To (Date)	Department/Organization/Institute	Designation	Experience

Any other relevant facts the Applicant may like to share (limited to 500 words):

Note: - copies of certificates and ACRs/APARs should not be enclosed at this stage.

Declaration

1. I hereby declare that I do not have any financial or other interest, which is likely to affect prejudicially my function as Member, CERC, in the event of my selection.
2. The information furnished above is correct is to the best of my knowledge and belief and nothing has been suppressed. I understand that in the event of my selection, if it is found at a later stage that any information furnished above is false or misrepresented, or any information or fact is suppressed, my selection is liable to be cancelled.

Place:

Signature:

Date:

Name: