

No. 46/2/2022-R&R
Government of India
Ministry of Power

Shram Shakti Bhavan, Rafi Marg,
New Delhi - 110 001, the 2nd May, 2022

To
Registrar
All High Courts

Subject: Selection of Judicial Member in Appellate Tribunal for Electricity-
reg.

Sir/ Madam,

The Appellate Tribunal for Electricity (APTEL) was set up at New Delhi by Government of India under the provisions of the Electricity Act, 2003. The Tribunal consists of a Chairperson and four other Members including one Technical Member appointed under the Petroleum and Natural Gas Regulatory Board Act, 2006. Appointment to the posts of Chairperson and Members is governed by the relevant provisions of the Electricity Act, 2003; Tribunal Reforms Act, 2021; and Tribunal (Conditions of Service) Rules, 2021. One post of Judicial Member in the Tribunal will fall vacant on 4.12.2022 on completion of present incumbent's tenure. The anticipated vacancy is to be filled up.

2. As per Rule 3(13) of Tribunal (Conditions of Service) Rules, 2021, a person shall not be qualified for appointment as *Judicial Member*, unless he,—
- (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for a combined period of ten years, been a District Judge and Additional District Judge; or
 - (iii) has been an advocate for ten years with substantial experience in litigation in matters relating to power sector before Central Electricity Regulatory Commission, State Electricity Regulatory Commission, Appellate Tribunal for Electricity, High Court or Supreme Court.

The other terms and conditions of the appointment of a candidate will be governed by the provisions of the Electricity Act, 2003; Tribunal (Conditions of Service) Rules, 2021; and Tribunal Reforms Act, 2021.

3. The prospective candidates have also to give a declaration that he/she does not have any financial or other interest, which is likely to affect prejudicially his/her functioning as Member of the Appellate Tribunal for Electricity.

4. A copy of the prescribed application form, Tribunal Reforms Act, 2021; and Tribunal (Conditions of Service) Rules, 2021 are attached with the vacancy circular No. 46/2/2022-R&R dated 29th April, 2022 posted at website of Ministry of Power i.e. www.powermin.gov.in and that of DoPT.

5. Applications/ nominations are invited from suitable persons having qualification and experience as prescribed above for appointment as Judicial Member of APTEL so as to reach this Ministry latest by 10.6.2022, addressed to Deputy Director (R&R), Ministry of Power, 2nd Floor, Room No. 222A, Shram Shakti Bhawan, New Delhi 110001. A duly filled-up application must also be emailed at debranjan.chattopadhyay@nic.in. Any application received after due date will not be entertained.

Yours faithfully,


(Ghanshyam Prasad)
Joint Secretary to the Government of India
Tel: 23710389

Copy to:

1. Secretary, Department of Legal Affairs, Shastri Bhavan, New Delhi.
2. Secretary, Department of Legislative Affairs, Shastri Bhavan, New Delhi
3. Secretary, Department of Justice, Jaisalmer House, 26, Mansingh Road, New Delhi - 110011
4. Secretary, Bar Council of India, 21, Rouse Avenue Institutional Area, New Delhi.

PROFORMA



1. Name :
2. Date of Birth :
3. Category(SC/ST/OBC/UR) :
4. Designation/Profession :
5. Contact Details:

	Residential		Official
Address	Present	Permanent	
Mobile/Phone No.			
Email:			

6. Cadre/Service [Wherever applicable]
7. Educational qualification (in reverse chronological order):

Sl. No	Name of University/ Equivalent Institution	Degree	Year of passing	Division/ % of marks obtained	Academic Distinction	Subject/ Specialization

8. Work Experience:

8A. For the experience as employee, Employment record in chronological order starting with present Employment, list in reverse:

Sl. No.	Name & address of employer	Designation, Pay or Scale	Period of Service	Nature of work/

	(Govt./PSU/Ministry/ Department/any other	of pay (Pay in Pay Matrix)*		experience
			From	To

*Also indicate SI No. in above, which is equivalent to Additional Secretary/District Judge/Additional District Judge/Major General (as applicable under the qualification) or above

8B. For the experience as Professional record in chronological order starting with present Engagement, list in reverse:

Sl. No.	Details of Profession	Period of Service		Nature of work done*
		From	To	

*Such as Administration /Service matters /Judicial or Quasi-Judicial /Criminal /Civil /Taxation /Company Affairs /Environmental matters /Finance /Accountancy /Economics /Business /Commerce /Management /Public Affairs or any other as may be applicable. Engagement with Government, if any, may be indicated.

9. Date from which drawing the pay scale in the grade of Additional Secretary/ District Judge/Additional District Judge/ Major General to the Government of India or any equivalent rank (wherever applicable). :
10. Write up on adjudicating experience of the applicant (200 words) [Wherever applicable] :
11. Experience alongwith brief write up in handling Cases before relevant Courts/Tribunals/ Cases/Unreported Cases) : Details of Such cases (Reported)
12. Proof of Experience, including Enrolment/Registration No. As an Advocate/CA etc. [For candidates other than Govt. or Judicial Officers]

13. Annual Income along with copy of :
latest ITR [For Candidates other than
Govt. or Judicial Officers]
14. Write up on 05, major achievement :
(200 words each)
15. Awards/honours/Publications, if any
16. Affiliation with the professional bodies/
Institutions/societies/or any other body
Including political party.
17. Additional information, if any, which :
You would like to mention in support
of the application for the post.

DECLARATION

1. I certify that the foregoing information is correct and complete to the best of knowledge and belief and nothing has been concealed/distorted. If at any time I found to have concealed/distorted any material information; my appointment shall be liable to summary termination without notice.
2. I shall not withdraw my candidature after the meeting of the Selection Committee.
3. I shall not decline the appointment, if selected for appointment by the ACC.
4. I shall join within 30 days from the date of issue of order of appointment.
5. I am aware that in case I violate any of the conditions mentioned at SI.No.2 to 4, the Government of India is likely to debar me for a period of three years for consideration for appointment outside the cadre and in any Autonomous Body/Statutory Body/Regulatory Body.

Place:

Date:

Signature of the candidate

CERTIFICATE TO BE FURNISHED BY THE EMPLOYER/HEAD OF

OFFICE/FORWARDEING AUTHOTITY

1. Certified that the particular furnished by Shri/Smt/Kum-----
-----are correct and he/she possesses educational qualifications and experience
mentioned in Annexure-I.
2. It is also certified that there is no vigilance/ disciplinary case either pending or being
contemplated against him/her and vigilance clearance issued by CVO in the enclosed
Annexure (III).
3. His/her integrity is certified.
4. No major or minor penalty was imposed on Shri/Smt/Kum-----
-----during the last 10 years period.
5. The up-to-date attested Photostat copies of ACR/APAR of last years (each Photostat
copy of ACR/APAR should be attested) in respect of Shri/Smt/Kum-----
-----in enclosed herewith.

Seal & Signature of the cadre controlling Authority

PARTICULARS OF THE OFFICERS FOR WHOM VIGILANCE CLEARANCE IS BEING SOUGHT

(To be furnished and signed by the CVO or HOD)

1. Name of the Officer (in full) :
2. Fathers name :
3. Date of Birth :
4. Date of Retirement :
5. Date of entry into service :
6. Service to which the officer belongs including batch /year/ cadre etc. , wherever applicable :
7. Positions held (During ten preceding years) :

S. No.	Organisation (name in full)	Designation & Place of Posting	Administrative/ Nodal Ministry/ Department concerned (in case of officers of PSUs etc.)	From	To

8. Whether the officer has been placed on the agreed list or list of Officer of Doubtful Integrity (if yes, details to be given) :
9. Whether any allegation of misconduct involving vigilance angle was examined against the officer during the last 10 Years and if so with what result (*) :
10. Whether any punishment was awards to the officer during the last 10 years and if so, the date of imposition and details of penalty (*) :
11. Is any disciplinary/ criminal proceedings or charge sheet pending against the :

officer as on date (if so, details to be furnished, including reference number, if any of the Commission)

12. Is any action contemplated against the Officer as on date (if so, details to be furnished (*)) :

(*) If vigilance clearance had been obtained from the Commission in the past, the information may be provided for the period thereafter,

Date:

(NAME AND SIGNATURE)



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड I

PART II — Section I

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 45] नई दिल्ली, शुक्रवार, अगस्त 13, 2021/ श्रावण 22, 1943 (शक)
No. 45] NEW DELHI, FRIDAY, AUGUST 13, 2021/SRAVANA 22, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th August, 2021/ Sravana 22, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 13th August, 2021, and is hereby published for general information:—

THE TRIBUNALS REFORMS ACT, 2021

No. 33 OF 2021

[13th August, 2021.]

An Act further to amend the Cinematograph Act, 1952, the Customs Act, 1962, the Airports Authority of India Act, 1994, the Trade Marks Act, 1999 and the Protection of Plant Varieties and Farmers' Rights Act, 2001 and certain other Acts.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- (1) This Act may be called the Tribunals Reforms Act, 2021.
- (2) It shall be deemed to have come into force on the 4th April, 2021.

Short title and commencement.

finance, accountancy, management, industry, public affairs, administration or any other matter which is useful to the National Consumer Disputes Redressal Commission.

(13) In case of Appellate Tribunal for Electricity under the Electricity Act, 2003 (36 of 2003), a person shall not be qualified for appointment as,-

- (a) *Chairperson*, unless he, —
 - (i) is, or has been, a Judge of Supreme Court; or
 - (ii) is, or has been, Chief Justice of a High Court.
- (b) *Judicial Member*, unless he,—
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for a combined period of ten years, been a District Judge and Additional District Judge; or
 - (iii) has been an advocate for ten years with substantial experience in litigation in matters relating to power sector before Central Electricity Regulatory Commission, State Electricity Regulatory Commission, Appellate Tribunal for Electricity, High Court or Supreme Court.
- (c) *Technical Member* unless he is a person of ability, integrity and standing having special knowledge of, and professional experience of, not less than twenty-five years in matters dealing with electricity generation, transmission, distribution, regulation, economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or in any other matter which is useful to the Appellate Tribunal.

(14) In case of Armed Forces Tribunal under the Armed Forces Act, 2007 (55 of 2007), a person shall not be qualified for appointment as,-

- (a) *Chairperson*, unless he, -
 - (i) is, or has been, a Judge of Supreme Court; or
 - (ii) is, or has been, a Chief Justice of a High Court.
- (b) *Judicial Member* unless he is-
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for ten years, been an advocate with substantial experience in litigation in service matters in Central Administrative Tribunal, Armed Forces Tribunal, High Court or Supreme Court.
- (c) *Administrative Member*, unless he, -
 - (i) has held or has been holding the rank of Major General or above for a total period of three years in the Army or equivalent rank in the Navy or the Air Force; or
 - (ii) has served for not less than one year as Judge Advocate General in the Army or the Navy or the Air Force, and is not below the rank of Major General, Commodore and Air Commodore respectively; or
 - (iii) is a person of ability, integrity and standing having special knowledge of, and professional experience of not less than thirty years in, economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or in any other matter useful to the Armed Forces Tribunal.

(15) In case of National Green Tribunal under the National Green Tribunal Act, 2010 (19 of 2010), a person shall not be qualified for appointment as,-

- (a) *Chairperson*, unless he, —
 - (i) is, or has been, a Judge of Supreme Court; or
 - (ii) is, or has been, Chief Justice of a High Court.
- (b) *Judicial Member*, unless he, —
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for a combined period of ten years, been a District Judge and Additional District Judge; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that where the Chairperson or Member is proposed to be removed on any ground specified in clauses (c) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

Term of office of Chairperson and Member of Tribunal.

5. Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force,—

(i) the Chairperson of a Tribunal shall hold office for a term of four years or till he attains the age of seventy years, whichever is earlier;

(ii) the Member of a Tribunal shall hold office for a term of four years or till he attains the age of sixty-seven years, whichever is earlier:

Provided that where a Chairperson or Member is appointed between the 26th day of May, 2017 and the notified date, and the term of his office or the age of retirement specified in the order of appointment issued by the Central Government is greater than that which is specified in this section, then, notwithstanding anything contained in this section, the term of office or age of retirement or both, as the case may be, of the Chairperson or Member shall be as specified in his order of appointment, subject to a maximum term of office of five years.

Eligibility for re-appointment.

6. (1) The Chairperson and Member of a Tribunal shall be eligible for re-appointment in accordance with the provisions of this Act:

Provided that, in making such re-appointment, preference shall be given to the service rendered by such person.

(2) All re-appointments shall be made in the same manner as provided in sub-section (2) of section 3.

Salary and allowances.

7. (1) Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force, and without prejudice to the generality of the foregoing power, the Central Government may make rules to provide for the salary of the Chairperson and Member of a Tribunal and they shall be paid allowances and benefits to the extent as are admissible to a Central Government officer holding the post carrying the same pay:

Provided that, if the Chairperson or Member takes a house on rent, he may be reimbursed a house rent higher than the house rent allowance as are admissible to a Central Government officer holding the post carrying the same pay, subject to such limitations and conditions as may be provided by rules.

(2) Neither the salary and allowances nor the other terms and conditions of service of the Chairperson or Member of the Tribunal may be varied to his disadvantage after his appointment.

CHAPTER III

AMENDMENT TO THE INDUSTRIAL DISPUTES ACT, 1947

Amendment of Act 14 of 1947.

8. In section 7D of the Industrial Disputes Act, 1947, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.