

CENTRAL ELECTRICITY REGULATORY COMMISSION
Ground Floor, Chanderlok Building,
36, Janpath, New Delhi - 110 001

No. ADMN-11017/24/2019-CERC

Dated, the 26th June 2023

Sub: "Engagement of Individual Consultant at the level of Sr. Advisor (Law)"

1. 0. Background:

1.1 Since the enactment of Electricity Act, 2003 (the Act) the power sector has undergone major structural changes. The Act is based on the philosophy that consumers benefit from growth of competitive markets. The Act has de-licensed generation, encouraged captive power by allowing them to sell almost half of the generation without any license requirements. Multiple players are required for competitive markets. Central Electricity Regulatory Commission (CERC) has an important role to play in translating the vision of the Act into reality.

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 Sr. Advisor (Law). The detailed Terms of Reference containing the essential qualifications/ experience, duties and responsibilities and process of selection are given below: -

2.0 Duties and responsibilities of the Individual Consultant: -

2.1 The Individual consultant shall assist the Commission in discharge of its functions which inter alia include:

- a. Assist the Commission in drafting of orders and framing of regulations;
- b. Render legal opinion/ substantial legal advice on issues before the Commission;
- c. 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
- d. Assist in monitoring regulatory compliance by regulated entities of CERC.
- e. To perform such other work of legal nature as may be entrusted by the Commission to the Consultant from time to time

3.0 Qualifications and experience required

Post	No. of consultant	Qualifications, Experience & Competencies
Sr. Advisor (Law) to the Commission	01	<p>Qualification: Bachelor degree in law from a reputed institution/University,</p> <p>Experience: At least 10 years' working experience in judicial/ quasi-judicial body/ regulatory/, dealing with legal matters (of which at least five years of experience should be in Power sector)</p> <p>Competencies: The candidate should have knowledge of the following:</p> <ol style="list-style-type: none"> i. The regulatory framework in the electricity sector of India. ii. Relevant legislations of India. iii. The policy regime including National Electricity Policy and Tariff Policy of India. iv. Knowledge of Electricity Markets.

4.0 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 Individual 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. Un-utilised leave shall not be carried forward to the next calendar year and is not en-cashable. Leave of any other nature is not admissible

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

4.3 The Individual 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 Individual 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 Individual Consultant.

4.5 In the event of absence on the ground of sickness, the Individual 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),
- (b) For local travel - Non-AC taxi.

5. **Consolidated professional fee:** Individual consultant shall be engaged in the category of " Senior Adviser" with a maximum consolidated professional fee of Rs. 2,25,000/- (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.

*** In case of applicants retired from the Central/ State Government, Public Sector Undertakings or Autonomous / Statutory Bodies, their fee will be regulated as per guidelines issued by Ministry of Finance vide letter No. 3-25/2020-EIIIA dated 09 December, 2020. Monthly emoluments/ remuneration payable shall be equivalent to the last basic pay drawn minus the amount of pension being drawn by the selected person, if any.**

6. **Age limit:** 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 tender notice will be cancelled. The decision of the Consultancy Evaluation Committee regarding eligibility of the candidate shall be final.

9.0 Evaluation Criteria:-

9.1 The Consultants will be engaged in accordance with the terms and conditions laid down in CERC (Appointment of Consultants) Regulation, 2008 and its amendments from time to time (copies available on CERC website www.cercind.gov.in).

9.1 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	40
2.	The Consultants relevant experience for the assignment	50
3.	Knowledge of the working environment such as language, culture, administrative system, and other relevant factors	10

9.2 Based on the evaluation as above, the Consultancy Evaluation Committee shall prepare a panel of three candidates (the top three scorers). The Chairperson, CERC shall select one candidate for Senior Advisor out of the panel.

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

11. 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.

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

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

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

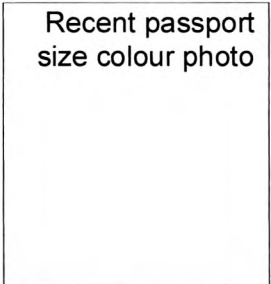
15. Interested and eligible candidates may kindly send their applications, in the prescribed format to the Assistant Secretary (P&A), CERC. Ground Floor, Chanderlok Building, 36, Janpath, New Delhi-110001 by **17th July, 2023 up to 5.00 P.M.** Applications received after the last date and time indicated above will not be entertained.



(Rajiv Kumar)
Assistant Secretary (P&A)

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

a. Tenth standard onwards. (Attach self attested copy of certificates)

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

(b) Diplomas, if any.

(Attach self-attested copy of certificates)

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

III Experience

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

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

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.

(Signature of the candidate)

Date :