

TAMIL NADU ELECTRICITY CONSUMERS' ASSOCIATION
Regd. No. 181-8524/1998 – **CIN.No.** U37102TZ1998GAP008524
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TECA: 2017/2018/SR/022
18th April 2018

To

ALL MEMBERS,

Dear Sir,

Sub: Guidelines for appointment of Chair Person and Members – by Supreme Court - for State Electricity Regulatory Commissions.

Ref : Supreme Court Order dated 13.04.2018

We wish to inform our members that the Hon'ble Supreme Court of India passed an order dated 12th April 2018 on Civil Appeal No. 14697 of 2015 to set the guidelines for appointment of Chairperson and Members for the State Electricity Regulatory Commissions.

The Operative Portion of the Judgement is extracted below.

"114. In view of our observations above, we conclude as under:

- i. Section 84(2) of the said Act is only an enabling provision to appoint a High Court Judge as a Chairperson of the State Commission of the said Act and it is not mandatory to do so.*
- ii. It is mandatory that there should be a person of law as a Member of the Commission, which requires 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.*
- iii. That in any adjudicatory function of the State Commission, it is mandatory for a member having the aforesaid legal expertise to be a member of the Bench.*
- iv. The challenge to the appointment of the Chairman and Member of the Tamil Nadu State Commission is rejected as also the suo moto proceedings carried out by the Commission.*
- v. Our judgment will apply prospectively and would not affect the orders already passed by the Commission from time to time.*
- vi. In case there is no member from law as a member of the Commission as required aforesaid in para 2 of our conclusion, the next vacancy arising in every State Commission shall be filled in by a Member of law in terms of clause (ii) above."*

Members may be aware that at present, TNERC has no Member from Judiciary. The Present Chairperson was while Director-Transmission, TANGEDCO before his retirement. Likewise, one Member of the Commission was Director Finance of TANGEDCO before his appointment as Member in TNERC. The other Member is a retired IAS Personnel. As such, if anyone retires from TNERC, the future appointment would be from Judiciary. As such, the guidelines are made applicable only prospectively and the TNERC in its present form can function without any disturbance.

The copy of the Supreme Court was posted in TECA Website

This is for the information of all members.

With Warm Regards,

N. Pradeep
Secretary