

No. 46/16/2018-R&R
Government of India
Ministry of Power

Shram Shakti Bhavan, Rafi Marg,
New Delhi. December 17, 2018

To

The Registrar General,
All High Courts

Subject: **Filling up the post of Judicial Member, Appellate Tribunal for Electricity (APTEL)**

The Central Government has established the Appellate Tribunal for Electricity (APTEL) under the provisions of the Electricity Act 2003 (36 of 2003) to hear appeals against the orders of the Adjudicating Officer or Appropriate Commission, with its headquarters in Delhi. As per Section 112 of the Electricity Act, the Tribunal consists of the Chairperson and three other Members (including one Judicial Member). One post of Judicial Member, APTEL will become vacant on 2.5.2019. This anticipated vacancy of the post of Judicial Member, APTEL is proposed to be filled up.

2. Appointment of Judicial Member of APTEL is to be made in accordance with the provisions of the Electricity Act 2003 and the Rules made there under. The proposed appointment of Judicial Member (APTEL) shall be made in accordance with the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules 2017 notified vide Notification No. G.S.R. 514(E) on 1.6.2017 ("Tribunal Rules 2017").

3. Hon'ble Supreme Court of India vide its Order of dated 9.2.2018 in WP(C) 279/2017 challenging certain provisions of Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules 2017, has accepted the suggestion for constituting an interim Search-cum-Selection Committee ("interim SCSC") for Selection of Members of the Tribunals. In pursuance of the said order of the Supreme Court and the opinion of Ld Attorney General of India dated 20.3.2018, the interim SCSC for selection of Judicial Member of APTEL has been constituted vide Ministry of Power Notification dated 30.10.2018.

4. In terms of Supreme Court orders dated 9.2.2018 and 20.3.2018 in WP(C) 279/2017, a Judicial Member of the Tribunal is to be appointed based on the recommendation of the interim Search-cum-Selection Committee shall hold office for a term of five years from the date on which he or she assumes office or till he or she attains the age of sixty-five years, whichever is earlier. The Member of APTEL shall also be eligible for re-appointment subject to the maximum age of 65 years.

Further, conditions of service attached to the post of Judicial Member, APTEL shall be as per the relevant provisions of the Electricity Act and the Appellate Tribunal for Electricity (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004 and the Appellate Tribunal for Electricity (Salaries, Allowances and other conditions of service of Chairperson and Members) (Amendment) Rules, 2008 as amended from time to time.

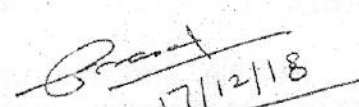
5. Copies of the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules 2017, Supreme Court Order dated 9.2.2018 and 20.3.2018, Appellate Tribunal for Electricity (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004 and the Appellate Tribunal for Electricity (Salaries, Allowances and other conditions of service of Chairperson and Members) (Amendment) Rules, 2008 are enclosed herewith.

6. It is requested that the above anticipated vacancy of Judicial Member (APTEL) may kindly be placed before all the serving as well as retired judges of High Courts and thus accordingly circulated.

7. Request only from those retired or sitting judges of High Courts would be considered who can serve as Judicial Member (APTEL) for at least two or more years with effect from 02.05.2019. Request as per the prescribed format (**Annexure**), may be forwarded to Under Secretary (R&R), Ministry of Power, 2nd Floor, Room No. 222A, Shram Shakti Bhawan, New Delhi 110001 and also through email at debranjanchattopadhyay@nic.in, so as to reach this Ministry on or before 31st January 2019 (5.30 pm).

Yours faithfully,

Encl: as above. (Annexure attachments)


17/12/18
(Ghanshyam Prasad)
Chief Engineer
Tel: 011-23710389

RAJASTHAN HIGH COURT, JODHPUR

No. Estt.B1(i)/03/2006/22

Date : 02/01/2019

Copy forwarded to following for information and necessary action:-

1. Hon'ble Judges sitting at Rajasthan High Court, Jodhpur through their P.S.
2. Registrar (Admn.), RHC, Jaipur with the request to circulate it amongst all the Hon'ble Judges sitting at RHC, Jaipur through their P.s.
3. Hon'ble Judges who have retired in January, 2017 and thereafter.
4. All the District & Sessions Judge with the direction to circulate it amongst eligible officers in their judgeship including officers posted on deputation.
5. Computer Cell, RHC, Jodhpur to upload it on website of Rajasthan High Court and E-mail to retired Hon'ble Judges.


02.1.19
Registrar (Admn.)

Application to the post of Judicial Member, Appellate Tribunal for Electricity (APTEL)

1. Name of Post : Judicial Member,
Appellate Tribunal for Electricity (APTEL)
2. Date of Vacancy : 02.05.2019
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]

SN	Name of University/ equivalent institution	Degree	Year of passing	Subject/specialization

13. Experience (Past 20 years) :

SN	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, Appellate Tribunal for Electricity, 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:

	<p>डिग्री/स्नातकोत्तर डिग्री/पीएचडी हो तथा सुसंगत क्षेत्र में बीस वर्ष का अनुभव हो, जिसमें पर्यावरण और वन (जिसके अंतर्गत प्रदूषण नियंत्रण, परिसंरक्षण पदार्थ प्रबंध, पर्यावरण समाधान निर्धारण, जलवायु परिवर्तन प्रबंध, जैविक विविधता प्रबंध और वन संरक्षण भी है) के क्षेत्र में किसी सुविख्यात राष्ट्रीय स्तर की संस्था में पांच वर्ष का व्यवहारिक अनुभव सम्मिलित हो; या</p> <p>(ख) उसके पास पच्चीस वर्षों का प्रशासनिक अनुभव है, जिसमें पांच वर्ष का ऐसा अनुभव सम्मिलित हो, जिसके दौरान उसने केंद्रीय सरकार या किसी राज्य सरकार या सुविख्यात राष्ट्रीय या राज्य स्तर की संस्था में पर्यावरण संबंधी मामलों से संबंधित कार्यवाही की हो।</p>		
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[फा. सं. ए-50050/9/2016-एडी1सी (सीईएसटीएटी) पीटी.]

उदय सिंह कुमावत, संयुक्त सचिव

MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATION

New Delhi, the 1st June, 2017

G.S.R. 514(E).—In exercise of the powers conferred by section 184 of the Finance Act, 2017 (7 of 2017), the Central Government hereby makes the following rules, namely: -

1. Short title, commencement and application.—(1) These rules may be called the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) These rules shall apply to the Chairman, Vice-Chairman, Chairperson, Vice-Chairperson, President, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member, Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority as specified in column (2) of the Eighth Schedule of the Finance Act, 2017 (7 of 2017).

2. Definitions.—In these rules, unless the context otherwise requires, -

- "Act" means an Act specified in column (3) of the Eighth Schedule of the Finance Act, 2017 (7 of 2017);
- "Accountant Member", "Administrative Member", "Judicial Member", "Expert Member", "Law Member", "Revenue Member" or "Technical Member" means the Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member or Technical Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority appointed under the corresponding provisions of the Act;
- "Appellate Tribunal", "Authority" or "Tribunal" has the same meaning as assigned to it in the corresponding provisions of the Act;
- "Chairman" or "Chairperson" or "President" means the Chairman, Chairperson or President of the Tribunal, Appellate Tribunal or, as the case may be, Authority appointed under the corresponding provisions of the Act;
- "Member" means the Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member or Technical Member and includes the Chairman, Vice-Chairman, Chairperson, Vice-

Chairperson, Presiding Officer of the Security Appellate Tribunal, President or, as the case may be, Vice-President;

(f) "Presiding Officer" means the Presiding Officer of the Security Appellate Tribunal appointed under section 15L of the Securities and Exchange Board of India Act, 1992 (15 of 1992), Presiding Officer of the Debt Recovery Tribunal appointed under sub-section (1) of section 4 of the Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993) and Presiding Officer of the Industrial Tribunal appointed by the Central Government under sub-section (1) of section 7A of the Industrial Disputes Act, 1947 (14 of 1947);

(g) "Search-cum-Selection Committee" means the Search-cum-Selection Committee referred to in rule 4;

(h) "Vice-Chairman" or "Vice-Chairperson" or "Vice-President" means the Vice-Chairman, the Vice-Chairperson or Vice-President of the Tribunal, Appellate Tribunal or, as the case may be, Authority;

(i) words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the respective Acts.

3. Qualifications for appointment of Member.—The qualification for appointment of the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority shall be such as specified in column (3) of the Schedule annexed to these rules.

4. Method of recruitment.—(1) The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority shall be appointed by the Central Government on the recommendation of a Search-cum-Selection Committee specified in column (4) of the said Schedule in respect of the Tribunal, Appellate Tribunal or, as the case may be, Authority specified in column (2) of the said Schedule.

(2) The Secretary to the Government of India in the Ministry or Department under which the Tribunal, Appellate Tribunal or, as the case may be, Authority is constituted or established shall be the convener of the Search-cum-Selection Committee.

(3) The Search-cum-Selection Committee shall determine its procedure for making its recommendation.

(4) No appointment of Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or Authorities shall be invalid merely by reason of any vacancy or absence in the Search-cum-Selection Committee.

(5) Nothing in this rule shall apply to the appointment of Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority functioning as such immediately before the commencement of these rules.

5. Medical fitness.—No person shall be appointed as the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or Authority, or a case may be unless he is declared medically fit by an authority specified by the Central Government in this behalf.

6. Resignation by a Member.—A Member may, by writing under his hand addressed to the Central Government, resign his office at any time:

Provided that the Member shall, unless he is permitted by the Central Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

7. Removal of Member from office.—The Central Government may, on the recommendation of a Committee constituted by it in this behalf, remove from office any Member, who—

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as such 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:

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

Provided further that the Chairperson or member of the National Company Appellate Tribunal shall be removed from office in consultation with the Chief Justice of India.

8. Procedure for inquiry of misbehavior or incapacity of the Member.—

(1) If a written complaint is received by the Central Government, alleging any definite charge of misbehavior or incapacity to perform the functions of the office in respect of a Chairman, Vice-Chairman, Chairperson, Vice-Chairperson, President, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member, the Ministry or Department of the Government of India under which the Tribunal, Appellate Tribunal or, as the case may be, Authority is constituted or established, shall make a preliminary scrutiny of such complaint.

(2) If on preliminary scrutiny, the Ministry or Department of the Government of India under which the Tribunal, Appellate Tribunal or, as the case may be, Authority is constituted or established, is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehavior or incapacity of a Chairman, Vice-Chairman, Chairperson, Vice-Chairperson, President, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member, it shall make a reference to the Committee constituted under rule 7 to conduct the inquiry.

(3) The Committee shall complete the inquiry within such time or such further time as may be specified by the Central Government.

(4) After the conclusion of the inquiry, the Committee shall submit its report to the Central Government stating therein its findings and the reasons therefor on each of the charges separately with such observations on the whole case as it may think fit.

(5) The Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

9. Term of office of Member.—Save as otherwise provided in these rules, the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or, as the case may be, Member shall hold office for a term as specified in column (5) of the said Schedule and shall hold the office up to such age as specified in column (6) in the said Schedule from the date on which he enters upon his office and shall be eligible for reappointment.

10. Casual vacancy.—(1) In case of a casual vacancy in the office of,—

(a) the Chairman, Chairperson, President, or Presiding Officer of the Security Appellate Tribunal, the Central Government shall have the power to appoint the senior most Vice-Chairperson or Vice-Chairman, Vice-President or in his absence, one of the Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member, or Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority to officiate as Chairperson, Chairman, President or Presiding Officer.

(b) the Chairperson of the Debts Recovery Appellate Tribunal, the Central Government shall have power to appoint the Chairperson of another Debts Recovery Appellate Tribunal to officiate as Chairperson and in case of a casual vacancy in the office of the Presiding Officer of the Debts Recovery Tribunal, the Chairperson of the Debts Recovery Appellate Tribunal shall have power to appoint the Presiding Officer of another Debts Recovery Appellate Tribunal to officiate as Presiding Officer.

11. Salary and allowances.—(1) The Chairman, Chairperson or President of the Tribunal, Appellate Tribunal or, as the case may be, Authority or the Presiding Officer of the Security Appellate Tribunal shall be paid a salary of Rs. 2,50,000 (fixed) and other allowances and benefits as are admissible to a Central Government officer holding posts carrying the same pay.

(2) The Vice-Chairman, Vice-Chairperson, Vice-President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or, as the case may be, Member shall be paid a salary of Rs. 2,25,000 and shall be entitled to draw allowances as are admissible to a Government of India Officer holding Group 'A' post carrying the same pay.

(3) A Presiding Officer of the Debt Recovery Tribunal or a Presiding Officer of the Industrial Tribunal constituted by the Central Government shall be paid a salary of Rs. 1,44,200 -- 2,18,200 and shall be entitled to draw allowances as are admissible to a Government of India officer holding Group 'A' post carrying the same pay.

(4) In case of a person appointed as the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law

Member, Revenue Member, Technical Member or Member, as the case may be, is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension drawn by him.

12. Pension, Gratuity and Provident Fund.—(1) In case of a serving Judge of the Supreme Court, a High Court or a serving Judicial Member of the Tribunal or a member of the Indian Legal Service or a member of an organised Service appointed to the post of the Chairperson, Chairman, President or Presiding Officer of the Security Appellate Tribunal, the service rendered in the Tribunal, Appellate Tribunal or, as the case may be, Authority shall count for pension to be drawn in accordance with the rules of the service to which he belongs and he shall be governed by the provisions of the General Provident Fund (Central Services) Rules, 1960 and the Contribution Pension System.

(2) In all other cases, the Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member shall be governed by the provisions of the Contributory Provident Fund (India) Rules, 1962 and the Contribution Pension System.

(3) Additional pension and gratuity shall not be admissible for service rendered in the Tribunal, Appellate Tribunal or, as the case may be, Authority.

13 Leave.—(1) The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member, Presiding Officer or a Member shall be entitled to thirty days of earned Leave for every year of service.

(2) Casual Leave not exceeding eight days may be granted to the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member or Technical Member, Presiding Officer or a Member in a calendar year.

(3) The payment of leave salary during leave shall be governed by rule 40 of the Central Civil Services (Leave) Rules, 1972.

(4) The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member shall be entitled to encashment of leave in respect of the earned Leave standing to his credit, subject to the condition that maximum leave encashment, including the amount received at the time of retirement from previous service shall not in any case exceed the prescribed limit under the Central Civil Service (Leave) Rules, 1972.

14. Leave sanctioning authority.—(1) Leave sanctioning authority,—

(a) for the Vice-Chairman, Vice-Chairperson, Vice-President, Presiding Officer of the Debts Recovery Tribunal and Industrial Tribunal, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member shall be Chairman, Chairperson or as the case may be, President; and

(b) for the Chairman, Chairperson, Presiding Officer of Security Appellate Tribunal or President, shall be the Central Government, who shall also be sanctioning authority for Accountant Member, Administrative Member, Judicial Member, Expert Member or Member in case of absence of Chairman, Chairperson, Presiding Officer of Security Appellate Tribunal or President.

(2) The Central Government shall be the sanctioning authority for foreign travel to the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or a Member.

15. House rent allowance.—The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member or Member shall be entitled to house rent allowance at the same rate as are admissible to Group 'A' Officer of the Government of India of a corresponding status.

16. Transport allowance.—The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member shall be entitled to the facility of staff car for journeys for official and private purposes in accordance with the facilities as are admissible to Group 'A' Officer of the Government of India of a corresponding status as per the provisions of Staff Car Rules.

17. Declaration of Financial and other Interests.—The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member shall, before entering upon his office, declare his assets, and his liabilities and financial and other interests.

18. Other conditions of service.—(1) The terms and conditions of service of a Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member with respect to which no express provision has been made in these rules, shall be such as are admissible to a Group 'A' Officer of the Government of India of a corresponding status.

(2) The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member shall not practice before the Tribunal, Appellate Tribunal or Authority after retirement from the service of that Tribunal, Appellate Tribunal or, as the case may be, Authority.

(3) The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member shall not undertake any arbitration work while functioning in these capacities in the Tribunal, Appellate Tribunal or Authority.

(4) The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the Tribunal, Appellate Tribunal or, as the case may be, Authority:

Provided that nothing contained in this rule shall apply to any employment under the Central Government or a State Government or a local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (18 of 2013).

19. Oaths of office and secrecy.—Every person appointed to be the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in Forms I and II annexed to these rules.

20. Power to relax.—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

21. Interpretation.—If any question arises relating to the interpretation of these rules, the decision of the Central Government thereon shall be final.

22. Saving.—Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

FORM I

(See rule 19)

Form of Oath of Office for Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer/Administrative Member/Judicial Member/ Expert Member/Law Member/Revenue Member/Technical Member, /Member of the (Name of the Tribunal/Appellate Tribunal/Authority)

I, A. B., having been appointed as Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer/ Accountant Member/ Administrative Member, Judicial Member/ Expert Member / Law Member/ Revenue Member/ Technical Member/ Member of the (Name of the Tribunal/Appellate Tribunal/Authority)

do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer/ Accountant Member/ Administrative Member/ Judicial Member/ Expert Member / Law Member/ Revenue Member/ Technical Member/ Member (Name of the Tribunal/Appellate Tribunal/Authority) to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of land.

FORM II

(See rule 19)

Form of Oath of Secrecy for Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer / Accountant Member/ Administrative Member/ Judicial Member/ Expert Member / Law Member/ Revenue Member/ Technical Member /Member of the (Name of Tribunal/Appellate Tribunal/Authority)

I, A. B., having been appointed as the Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer/Member of the (Name of Tribunal/Appellate Tribunal/Authority), do solemnly affirm/do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer / Accountant Member/ Administrative Member, Judicial Member/ Expert Member / Law Member/ Revenue Member/ Technical Member /Member of the said (Name of Tribunal/Appellate Tribunal/Authority) except as may be required for the due discharge of my duties as the Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer/Member.

16.	National Consumer Disputes Redressal Commission under the Consumer Protection Act, 1986 (68 of 1986)	<p>(1) A person shall not be qualified for appointment as President, unless he, —</p> <p>(a) is, or has been, or is qualified to be, a Judge of the Supreme Court; or</p> <p>(b) is, or has been, Chief Justice of a High Court; or</p> <p>(c) has, for a period not less than three years, held office of Member or Judicial Member; or</p> <p>(d) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty-five years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or any other matter which in the opinion of the Central Government, is useful to the National Consumer Disputes Redressal Commission.</p> <p>(2) A person shall not be qualified for appointment as Member unless he is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or any other matter which in the opinion of the Central Government, is useful to the National Consumer Disputes Redressal Commission:</p> <p>Provided that a person shall not be appointed as a Judicial Member, unless he, —</p> <p>(a) is, or has been, or is qualified to be, a Judge of a High Court;</p> <p>(b) has, for at least ten years, held a Judicial office in the territory of India.</p>	<p>(A) The President shall be appointed by the Central Government after consultation with the Chief Justice of India.</p> <p>(B) Search-cum-Selection Committee for the post of member, —</p> <p>(i) a person who is a Judge of the Supreme Court, to be nominated by the Chief Justice of India -chairperson;</p> <p>(ii) Secretary to the Government of India, Ministry of Law and Justice (Department of Legal Affairs) - member;</p> <p>(iii) Secretary to the Government of India, Ministry of Consumer Affairs - member;</p> <p>(iv) two experts to be nominated by the Central Government - members.</p>	Three Years	President - Seventy years Member- Seventy years
17.	Appellate Tribunal for Electricity under the Electricity Act, 2003 (36 of 2003).	<p>(1) A person shall not be qualified for appointment as Chairperson of the Appellate Tribunal, unless he, —</p>	<p>(A) Search-cum-Selection Committee for the post of Chairperson and Judicial Member of the Appellate</p>	Three Years	Chairperson- Seventy years

		<p>(a) is, or has been, or is qualified to be, a Judge of Supreme Court; or</p> <p>(b) is, or has been, Chief Justice of a High Court; or</p> <p>(c) has, for a period of not less than three years, held office of Judicial Member, or Technical member; or</p> <p>(d) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty-five years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or any other matter which in the opinion of the Central Government is useful to Appellate Tribunal.</p> <p>(2) A person shall not be qualified for appointment as Judicial Member, unless, he—</p> <p>(a) is, or has been, or is qualified to be, a Judge of a High Court; or</p> <p>(b) has, for at least ten years, held a judicial office in the territory of India.</p> <p>(3) A person shall not be qualified for appointment as Technical Member unless he is a person of ability, integrity and standing having special knowledge of, and professional experience of, not less than twenty 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 in the opinion of the Central Government is useful to the Appellate Tribunal.</p>	<p>Tribunal,—</p> <p>(i) Chief Justice of India or his nominee-chairperson;</p> <p>(ii) Secretary to the Government of India, Ministry of Power- member;</p> <p>(iii) Secretary to the Government of India to be nominated by the Central Government- member;</p> <p>(iv) two experts, to be nominated by the Central Government-members.</p> <p>(B) Search-cum-Selection Committee for the post of the Technical Member of the Appellate Tribunal,—</p> <p>(i) a person to be nominated by the Central Government-chairperson;</p> <p>(ii) Secretary to the Government of India, Ministry of Power- member;</p> <p>(iii) Secretary to the Government of India to be nominated by the Central Government- member;</p> <p>(iv) two experts to be nominated by the Central Government-members.</p>		Member-Sixty-five years
18.	Armed Force Tribunal under the Armed Forces Act, 2007 (55 of 2007)	<p>(1) A person shall not be qualified for appointment as Chairperson, unless, he -</p> <p>(a) is, or has been, or is qualified to be a Judge of Supreme Court or,</p>	<p>(A) The Chairperson of the Armed Forces Tribunal shall be appointed by the Central Government in consultation with Chief Justice of India.</p>	Three Years	<p>Chairperson- Seventy years</p> <p>Member- Sixty-five years</p>

MINISTRY OF POWER

NOTIFICATION

New Delhi, the 13th April, 2004

G.S.R. 259(E).—In exercise of the powers conferred by clause (r) of sub-section (2) of section 176 of the Electricity Act, 2003 (36 of 2003), the Central Government hereby makes the following rules, namely:

1. **Short title and commencement** — (i) These rules may be called the Appellate Tribunal for Electricity (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.** — In these rules, unless the context otherwise requires, -

(a) "Act" means the Electricity Act, 2003;

(b) "Appellate Tribunal" means the Appellate Tribunal for Electricity established under section 110 of the Act;

(c) "Chairperson" means the Chairperson the Appellate Tribunal appointed under section 113 of the Act;

(d) "Member" means a Member of the Appellate Tribunal appointed under section 113 of the Act;

(e) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. **Salary, allowances, payable to the Chairperson.**— The Chairperson shall be entitled to a monthly salary and to such allowances and other benefits, as are admissible to a Judge of the Supreme Court:

Provided that in case a person appointed as the Chairperson is in receipt of any pension, the pay of such Chairperson shall be reduced by the gross amount of pension drawn by him:

Provided further that the Chairperson shall be entitled to draw allowances on the original basic pay before such fixation of pay.

4. **Contribution to contributory provident fund.**—The Chairperson shall be entitled to subscribe to the Contributory Provident Fund which shall be governed by the Contributory Provident Fund Rules, (India), 1962.

5. **Other conditions of service.**— The other conditions of service of Chairperson shall be governed by the Supreme Court Judges (Conditions of Service) Act, 1958 and the rules made there under.

6. **Salary and allowances payable to Member.**— A Member of the Appellate Tribunal shall be entitled to a monthly salary, and such allowances and other benefits as are admissible to a serving Judge of the High Court of Delhi:

Provided that in case a person appointed as the Member is in receipt of any pension, the pay of such Member shall be reduced by the gross amount of pension drawn by him:

Provided further that the Member shall be entitled to draw allowances on the original basic pay before such fixation of pay.

7. **Contribution to contributory provident fund.**— The Member shall be entitled to subscribe to the Contributory Provident Fund which shall be governed by the Contributory Provident Fund Rules (India), 1962.

8. **Other conditions of service of Member.**— The other conditions of service of a Member shall be governed by the High Court Judges (Salaries and conditions of Service) Act, 1954, and the rules made there under for a serving Judge of the High Court of Delhi.

9. **Oath of office and secrecy.** — Every person appointed as the Chairperson or a Member shall, before entering upon his office, make and subscribe an oath of office and secrecy, before the Minister in charge of the Ministry of Power in Form I and Form II respectively annexed to these rules.

10. Declaration of financial or other interest. -- Every person, on his appointment as the Chairperson or Member, as the case may be, shall give a declaration in Form III annexed to these rules, to the satisfaction of the Central Government, that he does not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member, as the case may be.

11. Residuary provision. -- Matter relating to the terms and conditions of service of the Chairperson or Member with respect to which no express provision has been made in these rules, shall be referred by the Appellate Tribunal to the Central Government for its decision.

FORM-I
(See Rule 9)

Form of Oath of Office for the Chairperson/Members of the Appellate Tribunal for Electricity)

I, _____, having been appointed as the Chairperson/Member (*cross out portion not applicable*) do solemnly affirm and do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Chairperson/Member (*cross out portion not applicable*), of the Appellate Tribunal for Electricity, to the best of my ability, knowledge and judgement, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of the land.

Dated:

(Name of the Chairperson/Member)
APPELLATE TRIBUNAL FOR ELECTRICITY

FORM-II
(See rule 9)

Form of Oath of Secrecy for the Chairperson/Members of the Appellate Tribunal for Electricity.

I, _____, having been appointed as the Chairperson/a Member (Cross out portion not applicable) do solemnly affirm and swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as the Chairperson/a Member (cross out portion not applicable) of the Appellate Tribunal for Electricity except as may be required for the due discharge of my duties as the Chairperson/a Member (cross out portion not applicable).

Dated

(Name of the Chairperson/Member)
APPELLATE TRIBUNAL FOR ELECTRICITY

FORM-III
(See rule 10)

Declaration against acquisition of any adverse financial or other interest

I, _____, having been appointed as the Chairperson/Member (*cross out portion not applicable*) of the Appellate Tribunal for Electricity, do solemnly affirm and declare that I do not have, nor shall have in future any financial or other interest which is likely to affect prejudicially my functioning as the Chairperson/Member (*cross out portion not applicable*) of the Appellate Tribunal for Electricity.

Dated

(Name of the Chairperson/Member)
APPELLATE TRIBUNAL FOR ELECTRICITY

[F. No. 23/12/2003-R&R (Vol. III) (Pt. IB)]
AJAY SHANKAR, Jt. Secy.

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (1)
PART II—Section 3—Sub-section (1)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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No. 533]

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NEW DELHI, TUESDAY, SEPTEMBER 30, 2008/ASVINA 8, 1930

विद्युत मंत्रालय
अधिसूचना

नई दिल्ली, 29 सितम्बर, 2008

सा.का.नि. 700(अ).—केन्द्रीय सरकार, विद्युत अधिनियम, 2003 (2003 का 36) की धारा 176 की उप-धारा (2) के खंड (द) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, विद्युत अपील अधिाकरण (अध्यक्ष और सदस्यों के वेतन, भत्ते और सेवा की अन्य शर्तों) नियम, 2004 का संशोधन करने के लिए निम्नलिखित नियम बतवाती है, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम विद्युत अपील अधिाकरण (अध्यक्ष और सदस्यों के वेतन, भत्ते और सेवा की अन्य शर्तों) संशोधन नियम, 2008 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. विद्युत अपील अधिाकरण (अध्यक्ष और सदस्यों के वेतन, भत्ते और सेवा की अन्य शर्तों) नियम, 2004 के नियम 9 में, "विद्युत मंत्रालय के भारसाधक मंत्री के समक्ष" शब्दों का लोप किया जाएगा।

[फा. सं. 46/7/2007-आर एंड आर]

मलय-श्रीवास्तव, निदेशक

प्रमाण :- मूल नियम भारत के राजपत्र में, तारीख 13 अप्रैल, 2004 को सा.का.नि. 259(ए) तारीख 13 अप्रैल, 2004 द्वारा प्रकाशित किए गए थे।

MINISTRY OF POWER
NOTIFICATION

New Delhi, the 29th September, 2008

G.S.R. 700(E).—In exercise of the powers conferred by clause (r) of sub-section (2) of Section 176 of the Electricity Act, 2003 (36 of 2003), the Central Government hereby makes the following rules to amend the Appellate Tribunal for Electricity (Salaries, Allowances and other conditions of service of Chairperson and Members) Rules, 2004, namely :-

1. (1) These rules may be called the Appellate Tribunal for Electricity (Salaries, Allowances and other conditions of service of Chairperson and Members) (Amendment) Rules, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Appellate Tribunal for Electricity (Salaries, Allowances and other conditions of service of Chairperson and Members) Rules, 2004, in Rule 9, the words "before the Minister in charge of the Ministry of Power" shall be omitted.

[F. No. 46/7/2007-R&R]

MALAY SHRIVASTAVA, Director

Note: The Principal Rules were published in G.S.R. 259(E), dated the 13th April, 2004 in the Gazette of India dated the 13th April, 2004.