

## “Engagement of Staff Consultants in Legal division of CERC

### 1.0 Introduction:

The spectrum of responsibilities of Central Electricity Regulatory Commission (CERC) has expanded significantly consequent to the enactment of The Electricity Act 2003. The activities presently handled by the Legal Wing involve *inter alia* drafting of orders, framing of regulations, record of proceedings of the oral hearings of Commission, replies / affidavits, attending hearings of external court cases, assisting the Commission in discharge of its proceedings as per the Conduct of Business regulations etc., and defending /monitoring the cases in the Appellate Tribunal for Electricity, High Courts and the Supreme Court where the Commission is party.

1.1 The Electricity Act, 2003 has significantly enlarged the spectrum of responsibility of CERC. Under the ERC Act, 1998 only the tariff fixation powers were vested in CERC. The new law of 2003 has entrusted on the CERC several other responsibilities in addition to the tariff fixation powers, for instance, the powers to grant license for inter-State transmission, inter-State trading and consequently to amend, suspend and revoke the license, the powers to regulate the licensees by setting performance standards and ensuring their compliance, etc.

1.2 Following are the statutory functions of CERC:

- (a) To regulate the tariff of generating companies owned or controlled by the Central Government; 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;
- (b) To regulate the inter-State transmission of electricity ;
- (c) To determine tariff for inter-State transmission of electricity;
- (d) To issue transmission licenses and trading licenses with respect to inter-State operations;
- (e) 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;
- (f) To levy fees for the purposes of this Act;
- (g) To specify Grid Code having regard to Grid Standards;
- (h) To specify and enforce the standards with respect to quality, continuity and reliability of service by licensees;
- (i) To fix the trading margin in the inter-State trading of electricity, if considered, necessary;
- (j) To discharge such other functions as may be assigned under this Act.

1.3. Central Electricity Regulatory Commission has, therefore, felt the need for engaging Research Officers (Law) and Research Associates (Law) in accordance with the CERC (Appointment of Consultants) (Amendment) Regulation, 2010 as amended from time to time. The Research Officers/Associates proposed to be engaged by the Commission would assist and augment the work of Legal Wing of the Commission in discharge of its multifarious functions.

2.0 **Scope of work for Staff Consultants:** The duties of the Research Officer/ Research Associate of Legal wing of CERC shall mainly include as under:-

- (a) Scrutiny and examination of legal issues raised with respect to judgment of High Courts/ Tribunals/ Supreme Court related to the issue.
- (b) Coordination with various divisions and compiling of information for compliance by the parties.
- (c) Preparation of fact sheets/ inputs for petition in respect of the legal issues raised, updation in RIMS/ E-Office.
- (d) Attending the hearing, drafting of orders (Final/ interim), Record of proceedings (ROPs).
- (e) Oversee the proper maintenance of files and linking of relevant documents in the file.
- (f) Assisting in the preparation and filing of appeals, replies, rejoinders, written submissions before the Appellate Tribunal, Writs and Civil Appeals filed before High Courts and Supreme Court, attend hearings before the tribunal, Courts and assisting the legal research;
- (g) Other works as may be assigned from time to time

3. **Qualification and experience required for Staff Consultants of Legal Wing:-**

Level of Staff Consultant	No. of post	Qualifications, Experience	* Consolidated professional fees
Research Officer (Law)	02	<b>Experience:</b> Minimum Four to Seven years experience in drafting petitions, replies, rejoinders, written submissions, appearance before High Courts, District Courts, quasi-judicial forums, etc. after completion of graduation in law from a reputed college. <b>Desirable:</b> Experience in working in regulatory sector or electricity sector.	Rs. 64,000/- to Rs. 85,000/- per month depending on qualifications and experience.
Research Associate (Law)	01	<b>Experience:</b> Up to Three years experience in drafting petitions, replies, rejoinders, written submissions, appearance before High Courts, District Courts, quasi-judicial forums, etc. after completion of graduation in law from a reputed college. <b>Desirable:</b> Experience in working in regulatory sector or electricity sector.	Rs. 45,000 to Rs. 59,000 per month depending on qualifications and experience.

\* Monthly fee paid shall be excluding G.S.T, if applicable. Consolidated salary shall be fixed taking into consideration the experience and salary drawn in immediate previous employment.

#### 4. **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 staff consultant shall be entitled for 15 days leave ( i.e pro rata of 1.25 days per month ) in a calendar year ( January to December ). 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

4.3 Leave shall not be credited in advance . All leaves should be taken with prior sanction, except in emergency conditions, where approval of competent authority should be obtained immediately after joining

4.4 No fee shall be paid to the consultant for the period of his/her absence on pro-rata basis beyond the period of 15 days

4.5 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:-

Research Officers - By air-Economy class/By train(AC-II tier), other facilities as per entitlements of Sr. AO/PAO level officers of CERC,

Research Associates - By air-Economy class/ train(AC-II tier) facilities as per entitlements CERC officers of the level of Private Secretary.

5. **Age limits:** The age of the applicant as on 01<sup>st</sup> January of the year of advertisement would be in accordance to CERC (Appointment of Consultants) Regulations, 2010 and amendments thereafter .

6. **Duration of contract:-** The Staff Consultant shall now be engaged for the period of two years. However, the period of engagement may be extended, based on the satisfactory performance of the candidate, for the period upto one year on each occasion, whereas it is limited to total period of four years at the maximum.

6.1. In deserving cases, an escalation up to 10% on the fee may be given with the approval of the Chairperson based on the performance during the preceding year.

7. **Payment Terms:-** The consultant shall be paid lump sum monthly professional fees on completion of the month. TDS shall be deducted as per relevant rules.

8. **Termination of contract:-** The assignment may be terminated earlier by either employer or employee by giving one month's notice or one month's salary in lieu thereof. Provided, in case of disciplinary action, the notice period shall not apply to CERC. The Chairperson, CERC may, for reasons to be recorded in writing, relax clause 8 of the agreement, on the basis of a written request of "First Party".

9. Engagement under this assignment shall be on purely contract basis for a limited period only. Such engagement shall not vest any right what so ever to claim for regular appointment or continued contractual engagement in CERC.

10. Relaxation in essential qualifications/experience can be considered in deserving cases.

11. CERC reserves the right not to fill up all or any of the above positions, without assigning any reasons, what so ever.

12. CERC reserves the right either to increase or decrease the number of posts in any of the categories, at any given time, without assigning any reasons, what so ever.

**13. Selection Process:**

(a) The Selection process includes written examination and interaction.

(b) Only candidates who strictly fulfil the eligibility criteria will be shortlisted and called for written examination

(c) Only the candidates who qualify in the written examination will be called for interaction.

(d) The final selection of the candidates shall be based on the ranking/merit of combined score of the written examination and interaction.

(e) Candidates called for interaction would be required to bring original documents relating to qualification, experience and salary slip for the past six months. These documents shall be examined before interaction with the selection committee.

(f) In case of non-submission of the salary slip for the past six months , the candidate will be considered for selection at the minimum range of the scale.

(g) Candidates may apply for one or more posts as per their eligibility . However, no TA/DA shall be admissible for attending written examination and interaction for each advertised post at New Delhi .

(h) The decision of CERC shall be final.

14. Interested and eligible candidates may kindly send their applications, in the prescribed format to the Assistant Secretary ( P & A ) , First Floor, Chanderlok Building, 36, Janpath, New Delhi by 18<sup>th</sup> March, 2019 by 5.00 PM.

(Sachin Kumar)  
Assistant Secretary (P&A)  
Tel: 2335 3503

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)

<b>Course and No. of years</b>	<b>University / College / Institute</b>	<b>Year of passing</b>	<b>Regular / Distance education</b>	<b>% of marks</b>	<b>Subjects specialized</b>	<b>Achievements, if any</b>

**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

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

**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 :**