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**RULES SUPPLEMENT TO PART II
EXTRAORDINARY
OF
THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY**

No.33] HYDERABAD, THURSDAY, DECEMBER 2, 1999

NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.,

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

(Regulation No.5 (Law), Dated. 19-11-99)

Lr. No. APERC / Secy / Dir (Law) / D.No.661/99, dated 20-11-1999

In exercise of the power conferred by sub-section (1) and clause (1) sub-section (2) of section 54 of the Andhra Pradesh Electricity Reforms Act, 1998 (Act No.30 of 1998), the Andhra Pradesh Electricity Regulatory Commission hereby makes the following Regulations relating to the terms and conditions of appointment of and remuneration to the Advocate-on-Record in Supreme Court for the Andhra Pradesh Electricity Regulatory Commission in Supreme Court.

REGULATIONS

1. Short title and Commencement:

- i) These regulations may be called "The Advocate-on-record for the Andhra Pradesh Electricity Regulatory Commission in Supreme Court (Appointment, condition of appointment and remuneration) regulations, 1999.
- ii) These Regulations shall come into force with immediate effect.

2. Definition:

"Acting" means filing an appearance or any pleadings of applications in any court or

tribunal in India, or any act (other than pleading) required or authorized by law to be done by a party in such Court or Tribunal either in person or by his recognized agent or by an advocate or attorney on his behalf.

“Advocate-on-record” means Advocate appointed by the Andhra Pradesh State Electricity Regulatory Commission for conducting cases in Supreme Court.

“Commission” means Andhra Pradesh Electricity Regulatory Commission and includes any officer authorized by the Andhra Pradesh Electricity Regulatory Commission to institute or defend cases on behalf of the Commission.

“Senior Counsel” means any Advocate so designated under Sub-Section (2) of Section 16 of the Advocates Act., 1961.

“Taxing Officer” means the officers of the Supreme Court whose duty it is to tax costs of proceedings in the Court.

3. **Appointment**

- a) The Andhra Pradesh Electricity Regulatory Commission may appoint one or more Advocates as Advocate-on-record for the Andhra Pradesh Electricity Regulatory Commission in Supreme Court for the conduct of cases in Supreme Court on behalf of the Andhra Pradesh Electricity Regulatory Commission.
- b) An advocate with not less than ten years standing in the Supreme Court shall be appointed as an Advocate-on-record.

4. **Appointment of a Senior Counsel:**

The Commission may if it so desires, or on the advice of the Advocate-on-record, engage a Senior Counsel in any case.

5. **Period of appointment:**

The appointment of the Advocate-on-record shall be for a period of not less than three years in the first instance and may be continued for such further periods from time to time as the Commission may by order direct.

6. **Termination of appointment:**

The appointment of the Advocate-on-record shall be terminable on three months notice

in writing on either side.

7. Duties:

The Advocate-on-record for the Andhra Pradesh Electricity Regulatory Commission in Supreme Court shall:

- a) Settle all affidavits, Petitions, Special Leave Petitions and statements of cases relating to the Commission and file in the Supreme Court.
- b) Whenever necessary shall engage a Senior Counsel with the prior approval of the chairman of the Commission.
- c) Appear, whenever required, before any tribunal or person legally authorised to take evidence in cases relating to the Commission.
- d) Appear whenever required before any authority or person before whom he is by or under any law for the time being in force entitled to practise in all cases relating to the Commission.

8. Fees and expenses:

a) Fees:

- i) **Fees:**The scales of fees payable to the Advocate-on-record for the Andhra Pradesh Electricity Regulatory Commission in Supreme Court shall be as specified in the schedule appended.

ii) Advance payment of fee:

Fee shall not normally be paid in advance. Whenever the Advocate-on-record requires payment of fee in advance, one third of the fee to which he is entitled to, as per scale given in item (i) above shall be paid.

- iii) The Advocate-on-record shall keep a book of account showing moneys received by him and moneys due to him in each case and shall furnish a quarterly statement of account to the Commission.

b) Expenses:

The Advocate-on-record shall be allowed reimbursement of the following miscellaneous expenses:

- i) Court Fee
- ii) Process Fee
- iii) Bank Commission
- iv) Typing and cyclostyling expenses
- v) Expenses on conveyance
- vi) If, in some cases large number of notices have to be sent by Registered post or records are to be air-lifted, the expenses incurred thereon
- vii) Any other expenditure that may be sanctioned at the discretion of the Commission. (Item No. iv,v, & vi should be supported by vouchers)

9. Appearance against interests of Commission:

The Advocate-on-record

1. is debarred:

- a) From advising or holding briefs against the Commission
- b) From giving advice to private parties in cases in which he is likely to have to appear on behalf of the Commission

2. shall be bound by such other standing orders of the Commission as may be issued from time to time in respect of their appointment.

10. Payment in pending cases or reasonable fee when appointment becomes terminated:

In cases the appointment of the Advocate-on-record in any case or cases or generally on behalf of the Commission becomes terminated either by reason of resignation or giving up of the case by the Commission or by the expiry of the term or by the Commission terminating the services of the Advocate-on-record for any reason and the case is still pending completion, the Commission shall have the full discretion to fix such fees in respect of the case or cases as it considers reasonable having regard to the work done in the case or cases till the date of such termination of service.

11. T.A. and D.A. on Tour:

The Advocate-on-record shall be paid on production of supporting vouchers actual expenses incurred by him when he is required to attend to Commission work in a place other than New Delhi.

SCHEDULE

The Advocate-on-record in Supreme Court for the Andhra Pradesh Electricity Regulatory Commission shall be paid:

- A.** (i) a retainer fee of Rs. 2000/- p.m. payable once in a year.
(ii) a daily fee of Rs. 2500/- in each appeal during final hearing.
(iii) a fee of Rs. 1500/- per matter per each appearance in Miscellaneous matters like special leave petition, civil Miscellaneous Petition for stay etc.
(iv) a separate reading fee depending upon the reading material in cases where the record is very bulky.
- B.** The charges for the telephone calls incurred by the Advocate exclusively for Commission work shall be reimbursed by the Commission every month on production of an account therefor
- C.** As provided in Regulation 8 (b) the Advocate shall be paid in advance filing expenses namely court fee, cyclostyling charges etc., on a rough estimate submitted by the Advocate-on-record.
- D.** He shall however, submit every month to Commission an account of monies received from the Commission quoting the Commission sanction order.
- E.** The Advocate-on-record shall, with the prior consultation of the Commission as to the necessity for engaging a senior counsel in any case, engage a senior counsel on such terms as the Commission may approve on the advice of the Advocate-on-record.
- F.** The Commission shall settle the fee claims of the Advocate-on-record at the earliest possibility.

**Sd/-
SECRETARY,**

**A.P. ELECTRICITY REGULATORY
COMMISSION**