



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

4th Floor, Singareni Bhavan, Red Hills, Hyderabad 500 004

SATURDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND NINETEEN

:Present:

Justice C.V. Nagarjuna Reddy, Chairman
Dr. P. Raghu, Member
Sri P. Rama Mohan, Member

O.P.No. 1 of 2011
(Before the Hon'ble Appellate Tribunal for Electricity)

Public Hearing in the matter of amendment to the Andhra Pradesh Electricity
Regulatory Commission (Conduct of Business) Regulations, 1999
(Regulation 2 of 1999)

ORDER

The brief background in which the Original Petition is registered *suo motu* is stated hereunder:

1. The learned Appellate Tribunal for Electricity has *suo motu* instituted proceedings on various issues including the procedure followed in conducting proceedings by the State Commissions in the country vide O.P.No.1 of 2011. Several orders were passed in this regard. One such order was dated 02-12-2013. While considering the report of the Forum of Regulators (FOR) dated 16-09-2013, the learned Tribunal noticed that three State Commissions including that of the State of Andhra Pradesh was non-functional due to lack of quorum. The learned Tribunal opined that while the Electricity Act, 2003 (for short "the Act") did not stipulate any quorum, prescription of quorum by Regulations framed by the State Commissions would be contrary to the Act and that, such a Regulation has no validity in law. Evidently keeping in mind Section 9 (4) of the Andhra Pradesh Electricity Reform Act, 1998, the learned Tribunal held that the quorum prescribed was only for the meetings of the Commission and not for proceedings before it. On the above reasoning, the learned Tribunal issued the following direction:

“17. We also deem it fit to direct the Commissions to amend the Regulations if any, to the effect that if there is only one Member of the Commission available, the quorum of the proceedings of the Commission also shall be one”.

2. As no immediate steps were taken by this Commission for amending/making Regulations as directed by the aforementioned order in O.P.No.1 of 2011, further directions were issued by the learned Tribunal from time to time to comply with the said directions. In pursuance of these directions, *suo motu* proceedings were initiated and registered as O.P.No.1 of 2011 by this Commission proposing to amend the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 in tune with the directions issued by the learned Tribunal.

3. During the public hearing fixed for 16-11-2019 as notified in the public notice neither any representations/objections were received nor any person appeared before the Commission for making representations/raising objections. Therefore, it is reasonable to presume that the public have no objection for the proposed amendment to the Regulation. Accordingly, in compliance with the directions issued by the learned Tribunal as referred above, the following Regulation is made:

**ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
(CONDUCT OF BUSINESS) FOURTH AMENDMENT REGULATION, 2019**

In exercise of the powers conferred on it by Section 181 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in that behalf, the Andhra Pradesh Electricity Regulatory Commission makes the following Regulation to further amend the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 amended from time to time which may be referred to as the Principal Regulation.

PART-1

GENERAL

1. Short title and commencement:

- (i) This Regulation may be called the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Fourth Amendment Regulation, 2019.
- (ii) This Regulation shall come into force with effect from the date of its publication in the official gazette.

PART-2

AMENDMENT

2. Insertion of sub-clause (3) in Clause 7 of the Principal Regulation

- (i) The following sub-clause shall be inserted as sub-clause (3) in Clause 7:

“(3) Quorum:

If there is only one Member of the Commission available, the quorum of the proceedings also shall be one”.

- 4. The Original Petition shall accordingly stand disposed of.

This order is corrected and signed on this the **7th day of December, 2019.**

Sd/-
P. Rama Mohan
Member

Sd/-
Justice C.V. Nagarjuna Reddy
Chairman

Sd/-
Dr. P. Raghu
Member