

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

PRESENT: SHRI.M.K.G.PILLAI, CHAIRMAN
SHRI.C.BALAKRISHNAN, MEMBER

No.KSERC/Regulations/1/1/2005

August 9, 2005

ORDER

Procedure for notification of regulations made by the Commission

Read: Notification No.GSR 387(E) dated 9th June, 2005 of the Ministry of Power, Government of India.

Sec 181 of the Electricity Act, 2003 empowers the State Electricity Regulatory Commissions to make Regulations consistent with provisions of the Act, generally to carryout provisions of the Act. This order lists out the procedure for notification of the Regulations framed by the Commission.

2. The procedure to make the regulations is 'by notification' and notification has been defined in Sec 2 (46) of the Act to mean "a notification published in the official gazette and the expression 'notified ' shall be construed accordingly".

3. Sub section (3) of 181 requires that 'all regulations made by the State Commission under this Act shall be subject to the condition of previous publication'. The manner of previous publication has not been defined in the Act, but notification under reference has detailed the procedure for previous publication.

4. Based on the above, the Kerala State Electricity Regulatory Commission orders that in order to meet the requirement of 'previous publication' the draft Regulations shall be made public in the following manner before it is finalized and notified in the 'Kerala Gazette' the official gazette of the State.

- (1) The draft Regulations shall be placed in the web site of the Commission. A copy shall also be made available in the Commission's Office for perusal by interested persons during office hours.
 - (2) The information regarding the draft Regulations shall be published in news papers in the form of Press release for eliciting objections/ comments/ suggestions thereof. Information on draft Regulations shall also be placed in the Notice Board of the Commission. This notice shall contain in brief, subject matter of the draft Regulations.
 - (3) A copy each of the draft Regulations shall be sent to (a) Power Department, Government of Kerala, (b) all the members of State Advisory Committee and (c) all the licensees.
 - (4) A minimum period of one month shall be given for submission of objections, comments and suggestions on the draft Regulations.
 - (5) The Commission may, in appropriate cases hold public hearing on the draft Regulations on the basis of comments /objections received.
5. The Regulations as finalised after the above procedure and approved by the Commission, shall be notified in the Official Gazette.
6. The publication in the Official Gazette of the Regulations made in exercise of the power to make Regulations after previous publications shall be conclusive proof that the Regulations have been duly made.
7. It is ordered that the procedure described above be followed hereafter in making Regulations. It is also ordered that Regulations made by the Commission till date of this order shall not be invalid merely on the ground of procedure as specified in para 4 above having not been followed in their publication.

C.BALAKRISHNAN
Member

M.K.G.PILLAI
Chairman

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

No.404/CL/2011/KSERC

Dated, Thiruvananthapuram March 14, 2011

Read: Order No.KSERC/Regulations/1/1/2005 dated 09.08.2005.

ORDER

In the order read above, the manner of previous publication of a draft regulation under Section 181 of the Electricity Act, 2003 has been specified. Though previous publication of a notification is a statutory requirement, notification for amending simple amendment which is of no consequences to the public need not be published by all the methods specified under Clause 4. Therefore, the order read above stands modified as follows.

After sub clause (5) of clause 4 of the order, the following clause shall be added, namely: -

“(6) The Commission may in appropriate cases decide that any one or more of the methods of publication specified under Clause (1) to (3) is sufficient for the purpose of the statutory previous publication.”

By Order of the Commission,



(K.S.Premachandra Kurup)
SECRETARY