GOVERNMENT OF KERALA

Power (A) Department

* NOTIFICATION

No. G.O.(P) 20/2013/PD. *Dated, Thiruvananthapuram, 25th April, 2013.*

S.R.O. No. 382/2013.- In exercise of the powers conferred by clause (g) of sub-section (2) of section 180 read with sub-section (1) and (3) read with section 103 of the Electricity Act, 2003 (Central Act 36 of 2003) and in consultation with the Comptroller and Auditor General of India, the Government of Kerala hereby make the following rules, namely: -

RULES

1. ***Short title and commencement***. - (1) These rules may be called the Kerala State Electricity Regulatory Commission Fund Rules, 2013.

(2) They shall come into force at once.

2. ***Definitions***. - (1) In these Rules, unless the context otherwise requires,

(a) "Act" means the Electricity Act, 2003 (Central Act 36 of 2003);

(b) "accounting period" means the period for which the accounts have to be prepared by the Commission and shall be concurrent with the financial year;

(c) "Commission" means the Kerala State Electricity Regulatory Commission constituted under section 82 of the Act;

(d) "Chairperson" means the Chairperson of the Commission;

(e) "Drawing and Disbursing Officer" means officer authorized by the Commission to draw moneys from the Fund as referred to in sub-rule (3) of rule 5 of these Rules and make payments on behalf of the Commission;

(f) "Fund" means the Kerala State Electricity Regulatory Commission Fund constituted under Section 103.

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(g) “Government” means the Government of Kerala;

(h) “Member” means Member of the Commission;

(i) “Officer” means the officer of the Commission;

(j) “Secretary” means the Secretary of the Commission;

(k) “Section” means a section of the Act.

(2) Words or expressions occurring in these rules and not defined in these Rules but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. ***Constitution of Fund under section 103***.- (1) The State Electricity Regulatory Commission Fund under section 103 shall be constituted by Government by notification in the Gazette.

(2) The Fund shall comprise of, -

(i) all the grants and loans made to the commission by the State Government under section 102 of the Act;

(ii) all fees and fines received by the Commission under the Act; and

(iii) all other sums received by the Commission from such other sources, as may be decided upon by the State Government.

(3) The main account of the fund shall be maintained in any nationalized bank and subsidiary accounts at such other branches of such banks, as the Commission considers appropriate.

(4) With effect on and from the date of constitution of the Fund all moneys held by the Commission shall stand transferred to and form part of the Fund.

4. ***Application of Fund***. - (1) The Fund shall be applied for meeting, -

(a) the salary, allowances and other remuneration of Chairperson, Members, Secretary, Officers and other employees of the Commission;

(b) honorarium for the Members of Advisory Committee constituted by the Commission;

(c) conveyance charges including of hiring of vehicles;

(d) administrative and general expenses;

(e) repairs and maintenance expenses of office premises which include the provision and maintenance of a principal office for the Commission and such other offices with the cost of appliances and fittings and insurance;

(f) consultancy expenditure for technical studies, sample and model studies and financial analysis, etc.;

(g) pension and other retirement benefits;

(h) miscellaneous and other expenses;

(i) legal expenses, including the payment of fees to the counsels engaged by the Commission;

(j) loans and advances to the staff;

(k) contribution to the staff welfare measures such as health insurance and family benefit funds;

(l) statutory deposits;

(m) purchase of assets and other capital items, etc.;

(n) fees for the audit of the accounts of the Commission;

(o) stationery, printing and all office and advertising expenses;

(p) the expenses of the Commission in discharge of its functions under section 86 of the Act, such as, -

(i) expenses in connection with tariff determination;

(ii) expenses in connection with grant of licences;

(iii) expenses in connection with adjudication of disputes;

(iv) expenses in specifying different regulations and codes; publishing the same in the manner specified in the regulations;

(v) expenses in connection with regulation of power purchase and procurement process.

(q) the expenses on objects and for purpose authorized by the Act.

(2) Without prejudice to the generality of the provisions of sub-rule (1), the money in the fund may be utilized to defray expenditure on the following items also, namely: -

(a) Interim arrangement made for operation of any utility under section 20;

(b) Removal of works of licensees from the street or public land under section 22;

(c) Remuneration and other expenses of Electricity Ombudsman appointed under section 42 and the supporting staff;

(d) Publication of information furnished by licensees under sub-section (2) of section 59;

(e) Remuneration or fees payable to Consultants appointed under sub-section (4) of section 91;

(f) Payments to experts appointed by the Commission in discharge of its functions;

(g) Cost of framing regulations under section 181;

(h) Such other matters which are incidental to the functioning of the Commission or to the implementation of the provisions of the Act or the Rules or Regulations made there under.

5. ***Operation of the Fund.*** **–**

(1) The Fund shall be operated by the Commission or its Secretary or an Officer designated by the Commission.

(2) The Commission shall make available the specimen signature of the authorized signatories to the nominated bank for their information and for operation of the Kerala State Electricity Regulatory Commission Fund Account.

(3) The grants or loan allocated by the Government under budgetary provisions shall be arranged to be drawn and deposited into the Fund by the Drawing and Disbursing Officer.

(4) All funds received shall be paid into the Commission's account in the Bank and shall not be withdrawn except on presentation of a cheque signed by the Officers as authorized by the Commission.

(5) The designated officer shall be responsible for monitoring the proper transaction of receipts and payments on behalf of the Commission.

(6) The designated officer shall also be responsible to ensure that the amount of cheques/ demand drafts deposited in the accredited Banks have been timely credited in the account of the Commission and also reconcile the receipts and payments account every quarter with them.

6. ***Delegation of Powers.*** **-** The Commission shall lay down detailed procedure for sanction of various expenditure and delegation of power among the Commission, Chairperson and the Secretary of the Commission.

7. ***Budget.*** **-** The Commission shall prepare its budget estimates and revised estimates in the format given in Annexure I and final grant statement of Annexure II and submit to the State Government by 15th January and 30th September respectively of every financial year.

8. ***Accounts and Audit.*** **-** (1) The accounts of the Commission shall be maintained in the format as prescribed by the State Government in consultation with the Comptroller and Auditor General of India;

(2) The accounts of the Commission are to be authenticated by the Chairperson, Member (Finance), the Secretary and the Drawing and Disbursing Officer of the Commission;

(3) The accounts of the Commission shall be sent for audit to the Comptroller and Auditor General of India (CAG), or any other person appointed by him in this behalf, within three months of the closing of the financial year. Any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor General of India or any other person appointed by him in this behalf;

(4) The accounts of the Commission, as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf, together with audit report thereon shall be forwarded annually to the State Government by 31st December of each year by the Commission to enable the State Government to place the Audit Report before the State Legislative Assembly;

(5) The Comptroller and Auditor General of India or any other person appointed by him for the audit of the accounts of the Commission shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor General of India has in connection with the audit of Government accounts and in particular shall have the right to demand production of books, accounts, connected vouchers, and other documents and papers and to inspect any of the offices of the Commission.

ANNEXURE I

REVISED ESTIMATES OF (CURRENT YEAR) / BUDGET ESTIMATES OF (NEXT YEAR)

Head of Account	Actuals, Last two years	Budget Allotment	Actuals of first 6 months (previous 2 Years and FY)			Actuals for the last 6 months (previous 2 years)		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Estimate last 6 Months (FY)	Total Revised Estimate	Budget Estimate	Difference between Allotment & Revised Estimates (11-4)
(10)	(11)	(12)	(13)

Difference between (Budget Estimate & Revised Estimates) 12-11	Reasons for Variation
(14)	(15)

Note 1: - Head of account shall be as per list of Appendix A.

Note 2: - Budgetary provisions shall be explained with detailed memoranda as listed at Appendix B

ANNEXURE II

FINAL GRANT STATEMENT (FINANCIAL YEAR)

Head of Account	Revised Allotment Received	Actuals of first 10 Months	Requirement last 2 months	Total Final Grant	Net Savings/ Excess	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Note 1: - Head of account shall be as per list of Appendix A.

Note 2: - Budgetary provisions shall be explained with detailed memoranda as listed at Appendix B.

[1]APPENDIX A

Detailed Heads of Account (with description) under which KSERC shall furnish Budget Statements and Explanatory Memoranda thereto:

A/c Code	*Description*
(1)	(2)
Revenue	
2	Fee and Charges
2.1	Fee
2.2	Charges
2.3	Fines
	Total
2.4	Others (Specify)
	Grand Total

[1] *Appendix A added by Rule 2 of the Kerala State Electricity Regulatory Commission Fund (Amendment) Rules, 2014 issued under Notification G.O.(P) No. 15/2014/PD dated 20th May,2014 as S.R.O.No. 330/2014 published in the Kerala Gazette Extraordinary No. 1384 dated 31st May,2014 with the commencement clause "It shall be deemed to have come into force on 25th April, 2013."*

(1)	(2)
3	Grants
3.1	From Government
3.2	From others
	Total
	Gifts
5	Seminars and Conferences
6	Sales of publications
7	Income on Investments and Deposits
7.1	Income on Investments
7.2	Income on Deposits
8	Loans
8.1	From Government
8.2	From Others (Specify)
9	Sale of Assets
10	Sale of Investments
11	Recoveries from pay bills
11.1	Principal amount of Loans and Advances
11.2	Interest on Loans and Advances
12	Miscellaneous Income
12.1	Gain on sale of assets
12.2	Any Others (Specify)

(1)	(2)
Expenditure	
13	Chairperson and Members
13.1	Pay and Allowances
13.2	Other benefits
13.3	Travelling expenses
13.3.1	Overseas
13.3.2	Domestic
14	Officers
14.1	Pay and Allowances
14.2	Retirement benefits
14.3	Other benefits
14.4	Travelling expenses
14.4.1	Overseas
14.4.2	Domestic
15	Staff
15.1	Pay and Allowances
15.2	Retirement Benefits
15.3	Other benefits
15.4	Travelling expenses
15.4.1	Overseas
15.4.2	Domestic
16	Hire of Conveyance

(1)	(2)
17	Wages
18	Overtime
19	Honorarium
20	Other Office Expenses
21	Expenditure on Research
22	Consultation Fee
23	Seminars and Conferences
24	Publications of KSERC
25	Rent and Taxes
26	Interest on Loans
27	Promotional Expenses
28	Membership fee
29	Subscription
30	Purchase of fixed assets
31	Investments and Deposits
31.1	Investments
31.2	Deposits
32	Security Deposits
33	Loans and Advances
33.1	To employees
33.1.1	Bearing Interest
33.1.2	Not-bearing interest

(1)	(2)
33.2	To Suppliers and Contractors
33.3	Others (to specify)
34	Repayment of Loans
35	Others
35.1	Leave salary and pension contribution
35.2	Audit fee
35.3	Miscellaneous
36	Description
37	Loss on sale of assets
38	Bad debt written off
39	Provision for bad and doubtful debts
	Total

[2]APPENDIX B

Explanatory Memoranda to RE/BE Statements of Kerala State Electricity Regulatory Commission

1. Statement showing grade-wise details of establishment with provision sought therefor in the estimates, with actual establishment strength and cost thereof in previous year.

2. Estimates of individual projects/ consultancies costing over ₹ 5 lakhs indicating original cost, revisions if any and provisions sought for the project in the budget grants.

[2] *Appendix B added by Rule 2 of the Kerala State Electricity Regulatory Commission Fund (Amendment) Rules, 2014 issued under Notification G.O.(P) No. 15/2014/PD dated 20th May,2014 as S.R.O.No. 330/2014 published in the Kerala Gazette Extraordinary No. 1384 dated 31st May,2014 with the commencement clause "It shall be deemed to have come into force on 25th April, 2013."*

3. Details of Foreign exchange component in the Budget/Revised estimates.

4. Estimates of Revenue Receipts in budget year and previous year.

5. Statement showing financial results of KSERC for the budget year and previous year.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Section 103 of the Electricity Act, 2003 (Central Act 36 of 2003) provides for constitution of a Fund to be called State Electricity Regulatory Commission Fund. As per sub-section (3) of the said section, the State Government may, in consultation with the Comptroller and Auditor General of India prescribe the manner of applying the Fund for meeting the expenses of the Commission in discharge of its functions and the expenses on objects, and for purposes authorized by the Act. Therefore, Government proposed to prescribe Rules for these purposes in consultation with the Comptroller and Auditor General of India.

The notification is intended to achieve the above object.