

CENTRAL ELECTRICITY REGULATORY COMMISSION
8th Floor, Tower-B, World Trade Center,
Nauroji Nagar, New Delhi - 110 029

No. ADMN-11017/8/2024

Dated, the 3rd June, 2025

Sub: "Engagement of Individual Consultant at the level of Sr. Advisor
(Law) and Advisor (Law)

1. 0. Background:

1.1 The Central Electricity Regulatory Commission constituted under the erstwhile Electricity Regulatory Commissions Act, 1998 (short as "ERC Act") was recognized as the Central Electricity Regulatory Commission (short as "CERC") under the Electricity Act, 2003. The Electricity Act, 2003 has significantly enlarged the spectrum of responsibility of the Central Electricity Regulatory Commission. The Central Commission has been vested with the functions under the Electricity Act, 2003 (short as "the Act") to regulate the tariff of the generating companies owned or controlled by Central Government, generating companies having a composite scheme for generation and sale of electricity in more than one State, to regulate inter-State transmission of electricity and determination of tariff for inter-State transmission in electricity and development of market among other functions.

1.2 Following are the statutory functions of CERC:

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

1.3 Under section 66 of the Electricity Act, CERC has been mandated to take steps for promoting the development of a market (including trading) in power taking into account the National Electricity Policy. Under section 60 of the Act, CERC also has the power to deal with situations of market domination. It can issue appropriate directions to a licensee or a generating company if such an entity enters into any agreement or abuses its dominant position or enters into a combination which is likely to cause or causes an adverse effect on competition in electricity industry.

1.4 The Act has also given the advisory role to CERC. It has been mandated to advise the Central Government on the matters relating to formulation of National Electricity Policy and Tariff Policy, promotion of competition, efficiency and economy in activities of the electricity industry, and promotion of investment in electricity industry.

1.5 The Commission, in discharge of its functions, is assisted by different wings. The activities presently handled by the Legal Wing involve inter alia drafting of inputs for orders, regulations, record of proceedings of oral hearings, and assisting the Commission in discharge of its proceeding as per the CERC (Conduct of Business) Regulations, 1999 etc.

1.6 The Commission receives petitions for determination of tariff for generating stations/units, transmission systems, petitions for grant of license and also petitions of miscellaneous nature involving adjudicatory jurisdiction of the Commission.

1.7 In view of the above activities, the Commission proposes to engage Individual Consultants in the capacity of Sr. Advisor (Law) and Advisor (Law). The detailed Terms of Reference containing the essential qualifications/ experience, duties and responsibilities and process of selection are given below: -

2.0 Duties and responsibilities of the Individual Consultant: -

The duties of the Consultant (Sr. Advisor and Advisor) shall be as under:

- a. Assist the Commission in drafting of orders in petitions related with:
 - i. Miscellaneous/adjudication matters pertaining to Transmission/Generation projects
 - ii. Determination of tariff of Generation and Transmission companies.
- b. Assisting the commission in framing of regulations;
- c. Render legal opinion/substantial legal advice on issues before the Commission;
- d. Provide advice to the legal counsels engaged by the Commission in respect of matters before the Appellate Tribunal for Electricity, High Courts and the Supreme Court; and
- e. Assist in monitoring regulatory compliance by regulated entities of the Commission.
- f. Advise/guide the staff of the Commission in disposal of the petitions. The scope includes, but not limited to interacting with the staff of the Commission and staff of the Corporate Consultant groups;
- g. Any other work as assigned by the Commission.

3.0 Qualifications and experience required

| Post | No. of post | Qualifications, Experience & Competencies | Consolidated Professional Fee |
|-------------------------------------|-------------|---|-------------------------------|
| Sr. Advisor (Law) to the Commission | 01 | <p>Qualification: Bachelor's degree in law from a reputed institution/University,</p> <p>Experience: At least 15 years' working experience in the Power Sector/ Judicial body/ Regulatory/quasi-judicial body/ dealing with legal matters.</p> <p>The candidate should have</p> <ul style="list-style-type: none"> • Excellent drafting, communication and analytical skills • Adept at working on computers, including MS Office. <p>Desirable: In-depth understanding of the regulatory framework in the electricity sector, including the Tariff Regulations and the adjudicatory mechanism.</p> <ul style="list-style-type: none"> • Knowledge of relevant legislations of India. • The policy framework including the National Electricity Policy and Tariff Policy. • Experience in drafting orders and the process of framing/ drafting regulations • | Rs. 2,25,000/- |
| Advisor (Law) to the Commission | 01 | <p>Qualification: Bachelor degree in law from a reputed institution/University.</p> <p>Experience: At least 10 years' working experience in the Power Sector/ Judicial body/ Regulatory/quasi-judicial body/ dealing with legal matters.</p> <p>The candidate should have</p> <ul style="list-style-type: none"> • Excellent drafting, communication and analytical skills • Adept at working on computers, including MS Office. <p>Desirable: In-depth understanding of the regulatory framework in the electricity sector, including the Tariff Regulations and the adjudicatory mechanism.</p> <ul style="list-style-type: none"> • Knowledge of relevant legislations of India. • The policy framework including the National Electricity Policy and Tariff Policy. • Experience in drafting orders including the process of framing/ drafting regulations | Rs. 1,50,000/- |

* Monthly fee paid shall be excluding G.S. T, if applicable.

4.0 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 Individual Consultant shall be entitled for fifteen (15) days leave in a calendar year (January to December) which shall be credited in advance, on quarterly basis, as under. 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 encashable. Leave of any other nature is not admissible

- (a) 1st Quarter: (January to March) – 04 days
- (b) 2nd Quarter: (April to June) – 04 days
- (c) 3rd Quarter: (July to September) – 04 days
- (d) 4th Quarter: (October to December) – 03 days

4.3 The Individual Consultant shall not be entitled to any professional fees for the period of absence beyond the entitled leave of 15 days as above. Any availed leave during a calendar year shall not be carried forward to the next calendar year or qualify for encashment.

4.4 In case the Individual Consultant remain absent for more than 15 days beyond the entitled leave in a calendar year, without any prior intimation/prior sanction, except in case of emergency, CERC would be free to terminate the services of the said Individual Consultant.

4.5 In the event of absence on the ground of sickness, the Individual Consultant shall be required to submit a proper medical and fitness certificate. However, any leave including the leave on medical grounds beyond the cumulative period of 15 days shall be without any profession fees.

4.6 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:-

- (a) By air- Economy class;
- (b) By train (AC-II tier),
- (b) For local travel - Non-AC taxi.

5. The individual consultants shall be entitled to a performance-related variable pay of up to 40% of the monthly fee, which will be admissible on achieving the pre-specified targets by the Commission

6. **Age limit:** The age of the applicant to be appointed as Individual Consultant for different categories as on 1st January of the year of advertisement shall be below 62 years; Provided that no Consultant would be retained in the Commission after attaining the age of 65 years.

7. **Duration of contract:** The contract will be initially for a period of two years which can be extended for up to one year on each occasion, limited to a total period of four years. The Commission and the Consultant would both have option to terminate the contract by giving a notice of three months or the equivalent remuneration in lieu thereof.

8. Applications are to be submitted in prescribed format only. Otherwise, the applications which are not in prescribed format are liable to be rejected. Incomplete applications or those received after due date will not be entertained and will be summarily rejected without any communication. The candidature of such candidates who are subsequently found ineligible according to the terms and conditions laid down in this tender notice will be cancelled. The decision of the Consultancy Evaluation Committee regarding eligibility of the candidate shall be final.

9. **Secrecy Clause**

(a) All official information, documents etc., whether in physical form or in electronic form, shall be the propriety ownership of CERC and the consultant shall not disclose the same to any person or persons or firms etc., unless required to do so, in due discharge of the official duties, with prior permission/ approval of the Controlling officer/ Competent authority in CERC.

(b) The Consultant will not utilize or publish or part with, to a third party, any part of the data or statistics or proceedings or information collected for the purpose of their assignments or during the course of, assignment for the CERC without the express written consent of CERC.

(c) The Consultant will maintain highest standards of integrity, transparency, competitiveness, economy and efficiency while working in CERC. The consultant so appointed shall in no case represent or give opinion or advice to others in any matter which is adverse to the interest of CERC nor will indulge in any activity outside the terms of the contractual assignment.

10. **Procedure for Selection**

10.1 The Consultants will be engaged in accordance with the terms and conditions laid down in Central Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2008 and its amendments from time to time (copies available on Commission website www.cercind.gov.in).

10.2 The eligibility will be considered by a Consultancy Evaluation Committee (CEC) to be set up by Commission and their performance will be evaluated based on the following criteria:

| S.No. | Technical Parameters | Weights (in %) |
|-------|--|-------------------|
| 1. | The Consultant's Academic background and relevant experience for the assignment | 0.50 |
| 2. | Drafting skills of the Consultant | 0.30 |
| 3. | Knowledge of the working environment, such as language, culture, administrative system, and other relevant factors | 0.20 |

11. The Commission reserves the right to reject any or all applications without assigning any reason, or whatsoever.

12. Appointment under this assignment shall be on purely contract basis for a limited period only. Such appointment shall not bestow any rights what so ever to claim for regular appointment or continued contractual appointment in Commission.
13. Relaxation in essential qualifications/experience can be considered in deserving cases at the discretion of the Commission.
14. Commission reserves the right not to fill up all or any of the above-mentioned positions.
15. Only short-listed candidates will be called for an interaction with the Selection Committee.
16. The CEC may, in its discretion, reserve the right to conduct a written test to evaluate the drafting and presentation skills of the candidates.
17. Interested and eligible candidates may kindly send their applications, in the prescribed format to the Dy. Chief (Adm.), CERC, 8th Floor, Tower-B, World Trade Center, Nauroji Nagar, New Delhi-110029 by **3rd July, 2025 up to 5.00 P.M.** Applications received after the last date and time indicated above will not be entertained.



(Rajiv Kumar)
Dy. Chief (Admin)