

## NOTIFICATION

### Government of Bihar Energy Department

Dated 3/8/11

No-12 : In exercise of the powers conferred by Section 180(2)(g) read with sub-section (3) of section 103 of the Electricity Act, 2003 and all other powers enabling in this behalf, the Government of Bihar hereby makes the following rules.

#### Part – I

1. **Short title and commencement :-** (1) These rules may be called the Bihar Electricity Regulatory Commission Fund Rules 2011.
    - (2) It shall extend to the whole of the State of Bihar.
    - (3) It shall come into force from the date of publication in the official Gazette.
  2. **Definitions :-** (1) In these rules, unless the context otherwise requires –
    - (a) "**Act**" means the Electricity Act, 2003;
    - (b) "**Commission**" means the Bihar Electricity Regulatory Commission;
    - (c) "**Chairperson**" means the Chairperson of the Bihar Electricity Regulatory Commission
    - (d) "**Fund**" means the Bihar Electricity Regulatory Commission Fund;
    - (e) "**Government**" means the Government of Bihar;
    - (f) "**Member**" means a Member of the Bihar Electricity Regulatory Commission and includes the Chairperson of the Commission; and
    - (g) "**Secretary**" means the Secretary of the Bihar Electricity Regulatory Commission
- (2) All other words and expressions, used herein but not defined, shall have the same meanings which are respectively assigned to them in the Act.

## **Part – II**

- 3. Constitution of the Fund :-** The Fund is hereby constituted as required under Section 103 of the Act. The present Bank Account of the Commission shall stand converted to the Fund with immediate effect.
- 4. Contribution to the Fund :-** The Fund shall consist of the following :-
  - (1) Any grants and loans made to the State Commission by the State Government under section 103 of the Act;
  - (2) All fees received by the Commission under the Act;
  - (3) All sums received by the Commission from any other source as may be decided by the State Government.
- 5. Application of the Fund :-**

The Fund shall be applied for the following :-

  - (1) Payment of the salary, allowances and other remuneration of Chairperson, Members, Secretary, Officers and other employees of the State Commission appointed in accordance with the provision laid down under Section 91(3) of the Electricity Act, 2003;
  - (2) the expenses to be made for payment of Consultants and Advisors appointed by the Commission in accordance with the provision laid down under Section 91(4) of the Electricity Act, 2003;
  - (3) the expenses of the Commission in discharge of its functions under section 86 of the Act;
  - (4) the expenses for the purposes authorized by the Act.
  - (5) the expenses as stipulated in the budget of the Commission.
- 6. Operation of Fund :-** (1) The Fund shall be operated by the Drawing and Disbursing officer of the Commission to be so nominated by the Chairperson of the Commission.
  - (2) Any receipt of the Commission shall be credited to the Fund the same day or the next working day.
- 7. Place of Operation :-**

The Fund shall be operated in any nationalized bank at the Headquarters of the Commission
- 8. Budget of Commission :-**

The Commission shall prepare its budget for the next financial year in such form and at such time in each financial year as may be prescribed by the Government, showing the estimated receipts and expenditure of the Commission and forward the same to the State Government.

- 9. To govern expenditure :-** All expenditure from the Fund shall be governed in accordance with and conform to the provisions of the Bihar Financial Rules, (as amended from time to time).
- 10. Investment of Surplus Fund :-** The Drawing and Disbursing Officer may invest surplus funds available in the Fund from time to time in gainful short term or long term deposits in any nationalized bank or financial institutions promoted by the Government of India or the Government of Bihar, in order to ensure proper returns on surplus funds. The incidental charges like brokerage, commission etc. shall be accounted for as a charge on the Fund. The income earned on the investment of money from time to time shall form receipt of the Fund.
- 11. Area of Applicability :-**  
Any amount credited to the Fund shall not be utilized for any purpose other than the purposes specified in rule 5.
- 12. Accounts and Audit :-** (1) All the amounts received by the Commission shall be credited to the Fund against which all expenditure shall be debited.
- (2) The Commission shall maintain proper accounts and other relevant records and prepare annual statements of accounts in such form as may be prescribed by the Government, in consultation with the Comptroller and Auditor General of India.
- (3) The accounts of the Commission shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor General of India.
- (4) The Comptroller and Auditor General of India and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privilege and authority in connection with such audit as the comptroller and Auditor General of India generally has in connection with audit of Government accounts and, in particular, shall have the right to demand the production of books of accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.
- (5) 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 the audit report thereon shall be forwarded

annually to the State Government and the Government shall cause the same to be laid before the State Legislature in the session immediately following the receipt of Report/accounts as far as possible.

**13. Closure of the Fund :-** (1) The Fund shall remain operative so long as the relevant provisions of the Act remain in force.

(2) At the time of closure of the Fund when the Fund is no longer required, all the unspent balance under the Fund shall be remitted into the Government Treasury.

By order and the name of Governor of Bihar

Sd/-

Principal Secretary  
Department of Energy

Memo No.

Patna, dated :

Copy to the Deputy Secretary, E-Gazette cell, Finance Department, Bihar, Patna with a request to publish this Notification in Extra-ordinary Gazette and to send 500 copies to this office.

Sd/-

Principal Secretary  
Department of Energy

Memo No.3480

Patna, dated : 3/8/11

Copy to the Secretary, Ministry of Power, Govt. of India, New Delhi/ Accountant General, Bihar, Patna/ Secretary, Bihar Electricity Regulatory Commission, Patna.

Sd/-

Principal Secretary  
Department of Energy