

Ministry of Power
Government of India

New Delhi, 13th April, 2004.

Notification

G.S.R. 259(E).- In exercise of the powers conferred by clause (r) of sub-section (2) of section 176 of the Electricity Act, 2003 (36 of 2003), the Central Government hereby makes the following rules, namely:

1. Short title and commencement – (1) These rules may be called the Appellate Tribunal for Electricity (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. – In these rules, unless the context otherwise requires, -

- (a) “Act” means the Electricity Act, 2003;
- (b) “Appellate Tribunal” means the Appellate Tribunal for Electricity established under section 110 of the Act;
- (c) “Chairperson” means the Chairperson the Appellate Tribunal appointed under section 113 of the Act;
- (d) “Member” means a Member of the Appellate Tribunal appointed under section 113 of the Act;
- (e) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Salary, allowances, payable to the Chairperson.– The Chairperson shall be entitled to a monthly salary and to such allowances and other benefits, as are admissible to a Judge of the Supreme Court:

Provided that in case a person appointed as the Chairperson is in receipt of any pension, the pay of such Chairperson shall be reduced by the gross amount of pension drawn by him:

Provided further that the Chairperson shall be entitled to draw allowances on the original basic pay before such fixation of pay.

4. Contribution to contributory provident fund.—The Chairperson shall be entitled to subscribe to the Contributory Provident Fund which shall be governed by the Contributory Provident Fund Rules, (India), 1962.

5. Other conditions of service.— The other conditions of service of Chairperson shall be governed by the Supreme Court Judges (Conditions of Service) Act, 1958 and the rules made there under.

6. Salary and allowances payable to Member.— A Member of the Appellate Tribunal shall be entitled to a monthly salary, and such allowances and other benefits as are admissible to a serving Judge of the High Court of Delhi:

Provided that in case a person appointed as the Member is in receipt of any pension, the pay of such Member shall be reduced by the gross amount of pension drawn by him:

Provided further that the Member shall be entitled to draw allowances on the original basic pay before such fixation of pay.

7. Contribution to contributory provident fund.— The Member shall be entitled to subscribe to the Contributory Provident Fund which shall be governed by the Contributory Provident Fund Rules (India), 1962.

8. Other conditions of service of Member.— The other conditions of service of a Member shall be governed by the High Court Judges (Salaries and conditions of Service) Act, 1954, and the rules made there under for a serving Judge of the High Court of Delhi.

9. Oath of office and secrecy. — Every person appointed as the Chairperson or a Member shall, before entering upon his office, make and subscribe an oath of office and secrecy, before the Minister in charge of the Ministry of Power in Form I and Form II respectively annexed to these rules.

10. Declaration of financial or other interest. – Every person, on his appointment as the Chairperson or Member, as the case may be, shall give a declaration in Form III annexed to these rules, to the satisfaction of the Central Government, that he does not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member, as the case may be.

11. Residuary provision. – Matter relating to the terms and conditions of service of the Chairperson or Member with respect to which no express provision has been made in these rules, shall be referred by the Appellate Tribunal to the Central Government for its decision.

FORM-I
(See Rule 9)

Form of Oath of Office for the Chairperson/Members of the Appellate Tribunal for Electricity)

I, _____, having been appointed as the Chairperson/Member (*cross out portion not applicable*) do solemnly affirm and do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Chairperson/Member (*cross out portion not applicable*), of the Appellate Tribunal for Electricity, to the best of my ability, knowledge and judgement, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of the land.

Dated:

(Name of the Chairperson/Member)
APPELLATE TRIBUNAL FOR ELECTRICITY

FORM-II
(See rule 9)

Form of Oath of Secrecy for the Chairperson/Members of the Appellate Tribunal for Electricity.

I, _____, having been appointed as the Chairperson/a Member (Cross out portion not applicable) do solemnly affirm and swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as the Chairperson/a Member (cross out portion not applicable) of the Appellate Tribunal for Electricity except as may be required for the due discharge of my duties as the Chairperson/a Member (cross out portion not applicable).

Dated

(Name of the Chairperson/Member)
APPELLATE TRIBUNAL FOR ELECTRICITY

FORM-III
(See rule 10)

Declaration against acquisition of any adverse financial or other interest

I, _____, having been appointed as the Chairperson/Member (*cross out portion not applicable*) of the Appellate Tribunal for Electricity, do solemnly affirm and declare that I do not have, nor shall have in future any financial or other interest which is likely to affect prejudicially my functioning as the Chairperson/Member (*cross out portion not applicable*) of the Appellate Tribunal for Electricity.

Dated

(Name of the Chairperson/Member)
APPELLATE TRIBUNAL FOR ELECTRICITY

Sd/-
(Ajay Shankar)
Joint Secretary to the Government of India
[F.No.23/12/2003-R&R (Vol.III)(Pt.III)]

