

## Manual- I

### PARTICULARS OF ORGANISATION, FUNCTIONS AND DUTIES

#### **Introduction**

The Nagaland Electricity Regulatory Commission (NERC) established in the year 2008 and has now completed 6 years in existence. But the Commission functionalised in the year 2010. As the Commission has been empowered, so far it issued and finalised 18 Regulations. All proceedings before the Commission are deemed to be judicial proceedings within the meaning of Section 193 & 223 of the Indian Panel Code (45 of 1860).

The Commission is deemed to be a Civil Court for the purposes of Section 345 & 346 of the Code of Criminal procedure 1973 of 1974 Section 105 of Electricity Act, 2003 stipulates that the State Commission shall prepare each year an annual year an Annual Report giving a summary of its activities during the previous year. The Annual Report shall be placed before the State Legislature.

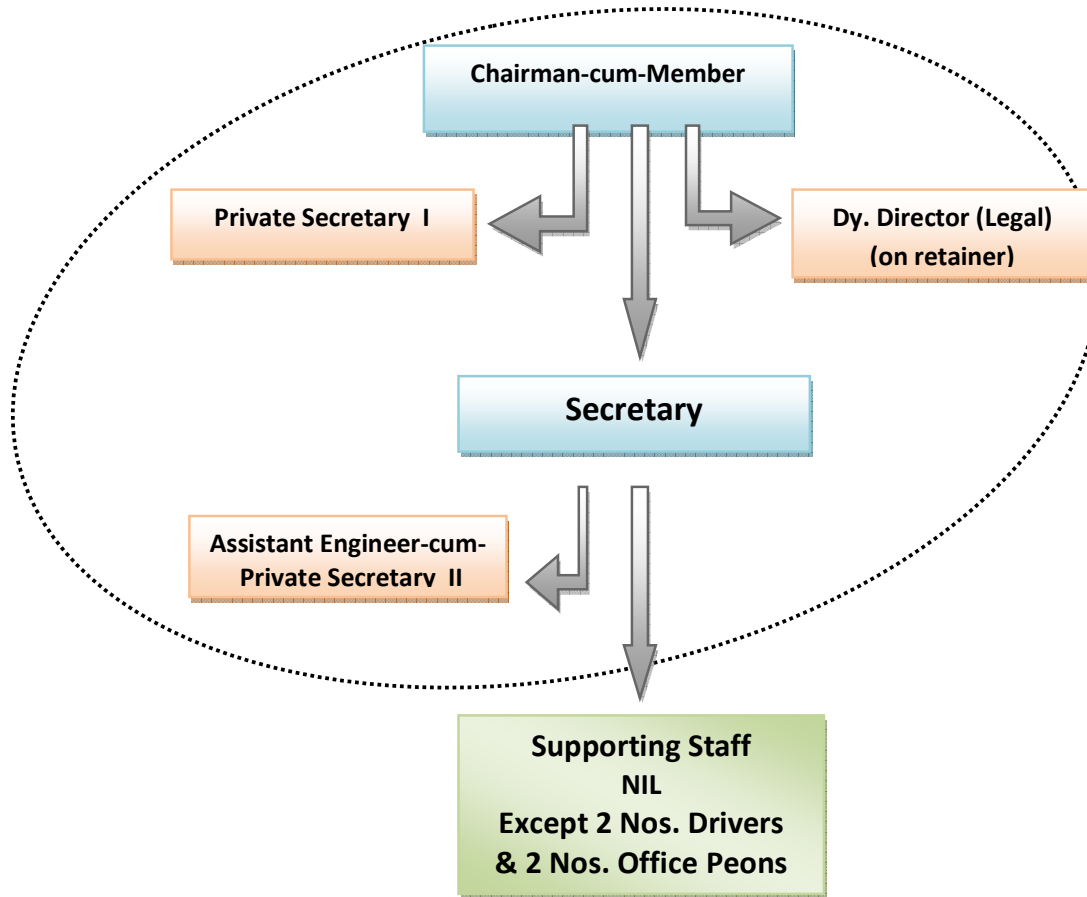
#### **ORGANISATIONAL SETUP OF THE COMMISSION**

The Nagaland Electricity Regulatory Commission was established under the provisions of Section 82 of the Electricity Act, 2003 as a **One-Member Commission to be known as Nagaland Electricity Regulatory Commission (NERC)** effective from the date of joining of office of the first Member (**Er. S. I. LONGKUMER**). The State Government allotted office accommodation at Old MLA Hostel Complex, Kohima and Commission occupied in January, 2010.

The Commission is operating with a functionally-deficient establishment in matters of required functional disciplines. The second Chairman-cum-Member (**Er. D. A. SHISHAK**) joined the Commission on 13/08/2013 and demitted office on 28/02/2015.

The officers & staff of the Commission are being appointed either through direct recruitment or on contract or on deputation as per provisions in the Nagaland Electricity Regulatory Commission (Terms and Conditions of Service of the Secretary, Officers and Other employees) Regulations, 2009.

# ORGANISATIONAL CHART



Note:

1. To mitigate the acute functional-deficiency in respect of engineering & accounting disciplines and minimum supporting staff for effective functioning of the NERC; needful proposal has been placed before the concerned authorities and the same is under consideration of the State Government.
2. To get detailed proposal for strengthening of the Commission by creation and sanctioning of additional posts for NERC, Internet users may access proposal document from the Commission website: <http://www.nerc.org.in> under the section "About Us".

## (a) Operationalisation of the Commission

As aforesaid, the operation of the Commission started from 04/03/2008. However, the Commission could not go into full functioning mood immediately due to non-completion of various procedural formalities for starting of a new establishment, and as a result of which effective functionalisation of the NERC started only from January, 2010 with the appointment of the Commission Secretary and a Private Secretary.

## 1. Functions of the Commission

The State Electricity Regulatory Commissions i.e NERC, in respect of Nagaland shall function as mandated by Section 86 of the Electricity Act 2003, an extract of which is placed below:-

- (1) The State Commission shall discharge the following functions, namely: -
  - (a) *determine the tariff for generation, supply, transmission and wheeling of electricity, wholesale, bulk or retail, as the case may be, within the State: Providing that where open access has been permitted to a category of consumers under section 42, the State Commission shall determine only the wheeling charges and surcharge thereon, if any, for the said category of consumers;*
  - (b) *regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State;*
  - (c) *facilitate intra-state transmission and wheeling of electricity;*
  - (d) *issue licences to persons seeking to act as transmission licensees, distribution licensees and electricity traders with respect to their operations within the State;*
  - (e) *promote cogeneration and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licence;*
  - (f) *adjudicate upon the disputes between the licensees, and generating companies and to refer any dispute for arbitration;*
  - (g) *levy fee for the purposes of this Act;*
  - (h) *specify State Grid Code consistent with the Grid Code specified under clause (h) of sub-section (1) of section 79;*
  - (i) *specify or enforce standards with respect to quality, continuity and reliability of service by licensees;*
  - (j) *fix the trading margin in the intra-State trading of electricity, if considered, necessary; and*
  - (k) *discharge such other functions as may be assigned to it under this Act.*
- (2) *The State Commission shall advise the State Government on all or any of the following matters, namely: -*
  - (i) *promotion of competition, efficiency and economy in activities of the electricity industry;*
  - (ii) *promotion of investment in electricity industry;*
  - (iii) *reorganization and restructuring of electricity industry in the State;*

- (iv) *matters concerning generation, transmission, distribution and trading of electricity or any other matter referred to the State Commission by that Government.*
- (3) *The State Commission shall ensure transparency while exercising its powers and discharging its functions.*
- (4) *In discharge of its functions the State Commission shall be guided by the National Electricity Policy, National Electricity Plan and tariff policy published under section 3.*

## **Manual- II**

### **Powers of the Commission to make Regulations**

The Commission empowers under Section 181 of the Electricity Act, 2003 to make Regulations. As per Section 181 (3), all Regulations made by the State Commission shall be subject to the condition of previous publication. Under the provision of Section 182, all such Regulations have to be laid before the State Legislature as soon as may be after it is made.

As per Regulation 2(k) of the NERC (Conduct of Business) Regulations, 2009, the Deputy Director-cum-Commission Secretary shall function as the “Secretary” of the Commission.

### **2. Judicial character of the Commission.**

The Commission, by virtue of the following provisions of the Electricity Act, 2003 assumes judicial character:

#### **i) Commission to have same powers of a Civil Court:**

Section 94 of the Act states that “ *The Appropriate Commission shall, for the purposes of any enquiry or proceedings under this Act, have the same powers as vested in a civil court under the Code of Civil Procedure, 1908(Act 5 of 1908) in respect of the following matters, namely:-*

- a) *Summoning and enforcing the attendance of any person and examining him on oath;*
- b) *Discovery and production of any document or other material object producible as evidence;*
- c) *Receiving evidence on affidavits;*
- d) *Requisitioning of any public record;*
- e) *Issuing commission for the examination of witnesses;*
- f) *Reviewing its decisions, directions and orders;*
- g) *Any other matter which may be prescribed.”*

#### **ii) Proceeding of Commission deemed to be judicial proceedings:**

Section 95 of the Act stipulates that “*All proceeding before the Appropriate Commission shall be deemed to be judicial proceedings within the meaning of Sections 193 and 228 of the Indian Penal Code (45 of 1860) and the appropriate Commission shall be deemed to be a civil court for the purposes of Sections 345 and 346 of the Code of Criminal Procedure, 1973(2 of 1974)”.*

**iii) Appeal provision against Commission's orders:**

Section 111 of the Act which provides for appeal against the orders of the Commission states that *“Any person aggrieved by an order made by an adjudicating officer under this Act( except under Section 127) or an order made by the Appropriate Commission under this Act may prefer an appeal to the Appellate Tribunal for Electricity.”* The Appellate Tribunal for Electricity is headed by a serving/ retired judge of the Supreme Court or a Chief Justice of a High Court and consists of three other members.

**iv) Further appeal to Supreme Court:**

Section 125 of the Act provides for further appeal to Supreme Court *“Any person aggrieved by any decision or order of the Appellate Tribunal may, file an appeal to the Supreme Court within 60 days from the date of communication of the decision or order of the Appellate Tribunal to him, on any one or more of the grounds specified in Section 100 of the Code of Civil Procedure, 1908 (5 of 1908).”*

**v) Punishment for non-compliance of direction by Commission:**

Section 142 stipulates that *“In case any complaint is filed before the Appropriate Commission by any person or if that Commission is satisfied that any person has contravened any of the provisions of this Act or the rules or regulations made thereunder, or any directions issued by the Commission, the Appropriate Commission may after giving such persons an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, which shall not exceed one lakh rupees for each contravention and in case of a continuing failure with an additional penalty which may extend to six thousand rupees for every day during which the failure continues after contravention of the first such direction.”*

**vi) Power to adjudicate:**

Section 143 of the Act states that *“For the purpose of adjudging under this Act, the Appropriate Commission shall appoint any of its Members to be an adjudicating officer for holding an inquiry in such manner as may be prescribed by the Appropriate Government, after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty”.*

**vii) Civil Court not to have jurisdiction:**

Section 145 of the Act stipulates that *“No Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the adjudicating officer appointed under this Act empowered by or under this Act to determine and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.”*

**viii) Punishment for non-compliance of orders or directions:**

Section 146 provides for punishment for non-compliance of orders and stipulates that *“Whoever, fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction or contravenes or attempts or abets the contravention of any of the provisions of this Act or any*

*rules or regulations made thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one lakh rupees, or with both in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence”.*

### **Manual- III**

## **PROCEDURE FOLLOWS IN THE DECISION MAKING PROCESS, INCLUDING CHANNELS OF SUPERVISION AND ACCOUNTABILITY**

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May not apply to the NERC. The functions of the Commission are time bound and the procedure is well laid. Decisions are taken by the Commission after public participation through invitation of comments and public hearings in conformity with the provisions laid down in Electricity Act, 2003. Further, the NERC is not a provider of products and services – the flow chart process, therefore, cannot be applied.

For day to day office functioning, Chairman (NERC) is the final authority for any decision making. Where in the absence of Chairman, Secretary (NERC) has the de-facto power to execute in any decision making.

### **Manual- IV**

#### **Norms set for the discharge of functions**

<b>Sl. No.</b>	<b>Activity</b>	<b>Time- frame/Norm</b>
1.	Replying regular correspondences.	5 working days
2.	Issuing Tariff Order after admitting the Annual Revenue Requirement (ARR) Petitions of the Licensees.	120 days
3.	Application made for seeking information under RTI	15 days
4.	Finalising of Rules/Regulations	60 days

**Manual- V**

**The Regulations of NERC and laying of the same on the floor of the State Assembly.**

So far, the NERC has framed the following Regulations and laid on the floor of the Assembly as shown below:-

<b>Sl. No</b>	<b>Name of the Rules/Regulations</b>	<b>Laid on the floor of the Assembly on</b>
1	NERC (Constitution of State Advisory Committee and its functions) Regulations, 2009.	15/09/2011
2	NERC (Terms and Conditions of Service of the Secretary, Officers and other employees) Regulations, 2009.	15/09/2011
3	NERC (Conduct of Business) Regulations, 2010.	15/09/2011
4	NERC (Terms and Conditions of Appointment of Consultants) Regulations, 2010.	15/09/2011
5	NERC (Terms and Conditions for Determination of Tariff) Regulations, 2010.	21/09/2012
6	NERC (Standards of Performance in Distribution and Transmission of the Licensee) Regulations, 2012.	18/03/2013
7	NERC (Consumer Grievances Redressal Forum and Electricity Ombudsman) Regulations, 2012.	18/03/2013
8	NERC (Citizens Charter) Regulations, 2012.	24/07/2014
9	NERC (Manner of Service and Publication of Notices) Regulations, 2012.	24/07/2014
10	NERC (Road ap for Reduction of Surcharge and Cross Subsidies) Regulations, 2012.	24/07/2014
11	NERC (Electricity Supply Code) Regulations, 2012.	24/07/2014

**Regulations still yet to be laid on the floor of the Assembly.**

12	NERC (Renewable Purchase Obligation and its Compliance) Regulations, 2011.
13	NERC (Terms and Conditions for Determination of Generation Tariff for Renewable Energy) Regulations, 2011.
14	NERC (Minimum information to be maintained by a Licensee or a generating company) Regulations, 2012.
15	NERC (Levy and Collection of Fees and Charges by State Load Despatch Centre) Regulations, 2012.
16	NERC (Terms and Conditions for Intra-State Open Access) Regulations, 2012.
17	NERC (State Grid Code) Regulations, 2012.
18	NERC (Security Deposit) Regulations, 2013.

**Manual- VI**

**A statement of the categories of documents that are held by it or under its control**

<b>Sl. No</b>	<b>Nature</b>	<b>Particulars</b>	<b>Officer</b>
1.	Files and documents relating to Grant-in-aid and Capital Expenditure.	Details of Fund received and Capital Expenditure incurred and proposed to be incurred.	Secretary
2.	Repair & maintenance expenses for Vehicle and Office Expenses.	Expenses incurred along with list of material.	Secretary
3.	File relating to NERC Regulations on Technical Matters.	Final and Draft Regulations, public comments, comments of Licensees etc.	Asst. Engineer
4.	Networking of Computers.	Local Area Network (LAN) Installation & other LAN records.	Asst. Engineer
5.	Petitions filed before the Commission.	Pleadings and Orders passed by Commission.	Asst. Engineer
6.	Court cases filed before	Pleadings and Orders of the case.	Chairman



	Supreme Court/High Court/ Appellate Tribunal of Electricity & other Courts.		
7.	File on Licenses authorisation	Copy of Distribution License & Transmission License issued by the Commission.	Chairman
8.	Voucher: Payments / Receipts etc.	These vouchers contain the details of payments made by the Commission and the details related to the receipts of the Commission during a particular year.	DDO
9.	File related to Budget Estimates / Revised Estimates for a particular year.	Contains the details of Budget Estimates and Revised Estimates of the Commission for a particular year.	Secretary
10.	Recruitment of officers/staff and Personal files of the officers/staff.	Information about selection process undertaken for filling up of various posts in the Commission. The files contain details of service history of employees.	Chairman
11.	Files relating to Forum of Indian Regulators (FOIR).	Notification of the positions of Electricity Ombudsman and Members of CGRFs in newspapers inviting applications, tabulated synopsis of the applicants, screening/selection details.	Secretary

### Manual- VII

**Particulars of any arrangement that exists for consultation with or representation by the members of the public in relation to the formulation of its policy of implementation.**

Sl. No	Name of the consultative Committees/ Bodies	Constitution of the Committee/ Bodies	Role and Responsibilities	Frequency of the Meeting
1.	State Advisory Committee	Duly constituted and notified vide Nagaland Gazette	As prescribed in Section 87 Act, 2003	Every 3 months
2.	State Co-ordination Committee	Duly constituted and notified vide Nagaland Gazette	As prescribed in Section 166 Act, 2003	As and when required
3.	District Co-ordination Forum	Duly constituted and notified vide Nagaland Gazette	As prescribed in Section 166 Act, 2003	As and when required

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## Manual- VIII

### COMMITTEES ANF FORUM OF THE NERC

The Government of Nagaland established a ONE-MEMBER-COMMISSION known as “**The Nagaland Electricity Regulatory Commission (NERC)**” in 2008 in compliance with the statutory requirement as per Electricity Act, 2003.

As mandated by the Electricity Act, 2003, the Commission has acted upon to form the following bodies to carry on various provisions of the Act.

- I. State Advisory Committee (Section 87 of EA, 2003):** The Commission has constituted a 21 (twenty one) Members Committee known State Advisory Committee. This Committee shall advise the Commission on its activities. The Committee shall meet at least once in every 3 (three) months.

The objects of the State Advisory Committee shall be to advise the Commission on: -

- i) major questions of policy;
  - ii) matters relating to quality, continuity and extent of service provided by the licensees;
  - iii) compliance by licensees with the conditions and requirements of their licence;
  - iv) protection of consumer interest; and
  - v) electricity supply and overall standards of performance by utilities.
- II. State Coordination Forum (Section 166 of EA, 2003):** The Power Department of the State Government has constituted this Forum consisting of Members from the Departments of Power, New & Renewable Energy, Electrical Inspectorate, Industries & Rural Development. The Chairman-cum-Member, NERC, shall be the Chairperson of the Forum. The Forum is assigned to function for smooth and coordinated development of the power system in the State. The Forum shall meet at least once in every two months.
- III. District Coordination Committee (Section 166 of EA, 2003):** The Power Department of the State Government has constituted District Coordination Committee for all the 11 (eleven) districts in the State with the Deputy Commissioner of the district as the Chairperson which includes Superintendent of Police, S.E(E)/E.E(E), representative of Tribal Hoho and representative of Municipal Council as Members. The DCs have been empowered to co-opt additional member(s) subject to a maximum of 7 (seven) members in the Committee. The DCs have also been empowered to include any one of the State Advisory Committee Members as Special Invitee in all its District Coordination Committee meetings.

As per Section 166 of the Electricity Act, 2003, the Committee is constituted:-

- a) to coordinate and review the extension of electrification in each district;
- b) to review the quality of power supply and consumer satisfaction;
- c) to promote energy efficiency and its conservation.

The Committee shall meet at least once in every 3 (three) months.

- IV. Consumer Grievances Redressal Forum (CGRF) & Ombudsman (Section 42 of EA, 2003):**

The Commission has recently finalised and notified (January, 2012) the relevant NERC Regulations for formation of CGRF as well as appointment of Ombudsman. The Power Department of the State Government is to take further action on this matter for the convenience and satisfaction of the consumers.

**Directory of Officers & Employees of the Nagaland Electricity Regulatory Commission (NERC), Kohima.**

Sl. No	Name of the Officer	Designation	Date of Birth	Educational Qualification	Date of first entry into Government service	Date of appointment to the present post	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	<b>Er. D.A. Shishak</b>	Chairman.	01/03/1950	B.Tech(Hons); B.D.; LL.B	01/10/1974	13/08/2013	Will demit office at 65 yrs.
2	<b>Mr. W.Y. Yanthan</b>	Secretary (NERC).	22/03/1960	B.A.	05/10/1979	02/02/2015	On contract basis
3	<b>Er. Hekavi Ayemi</b>	Assistant Engineer.	15/08/1986	B.E (Electrical).	13/08/2010	13/08/2010	- do -
4	<b>Mr. L.N. Wati Walling</b>	Sr. Pvt. Secretary.	01/10/1950	Read upto P.U (Science).	11/11/1971	16/12/2009	- do -
5	<b>Mr. Limawapang</b>	Deputy Director (Legal).	27/06/1975	B.A(Hons), LLB	10/08/2010	09/08/2010	- do -
6	<b>Mr. I. Imkongakum Longkumer</b>	Office Assistant - cum -Computer Operator.	10/04/1978	B.A(Hons).	12/11/2012	12/11/2012	- do -
7	<b>Mr. Ikheto Y. Aye</b>	Office Vehicle Driver.	23/09/1985	Class- 8 Pass.	17/01/2015	16/01/2015	- do -
8	<b>Mr. Akavi Shohe</b>	Office Peon.	16/04/1986	Matriculate.	28/02/2012	28/02/2012	- do -
9	<b>Mr. Wete Puse</b>	Office Peon.	02/03/1993	Matriculate.	07/10/2013	05/10/2013	- do -
10	<b>Ms. Lophro Lucy Maheo</b>	Office Chowkidar.	08/09/1992	P.U.	14/12/2012	14/12/2012	- do -

**Monthly Remuneration received by Officers & Staffs of the Nagaland Electricity Regulatory Commission (NERC), Kohima.**

Sl. No	Name of the Officer	Designation	Date of Birth	Pay Band	Grade Pay	Date of appointment to the present post	Monthly Wage (.)	Remarks
(1)	(2)	(3)	(4)	(5)		(7)		(8)
1	<i>(Vacant- Yet to be appointed)</i>	Chairman.	-	Fixed	-	-	60,000/- (Along with all other	Appointed through a Selection Committee for a term of

							allowances as admissible)	5 years or upto 65 years of age.
2	<b>Mr. W.Y. Yanthan</b>	Secretary (NERC).	22/03/1960	Fixed	-	02/02/2015	₹. 30,000/-	On contract basis
3	<b>Er. Hekavi Ayemi</b>	Assistant Engineer-cum-Pvt. Secretary.	15/08/1986	15600-39100	5400	13/08/2010	₹. 52,899/-	- do -
4	<b>Mr. L.N. Wati Walling</b>	Sr. Pvt. Secretary.	01/10/1950	Fixed	-	16/12/2009	₹. 26,200/-	- do -
5	<b>Mr. Limawapang</b>	Deputy Director (Legal).	27/06/1975	Fixed+Fee	-	09/08/2010	₹. 12,000/-	- do -
6	<b>Mr. I. Imkongakum Longkumer</b>	Office Assistant-cum-Computer Operator.	10/04/1978	Fixed	-	12/11/2012	₹. 11,000/-	- do -
7	<b>Mr. Ikheto Y. Aye</b>	Office Vehicle Driver.	23/09/1985	Fixed+Fee	-	16/01/2015	₹. 8,500/-	- do -
8	<b>Mr. Akavi Shohe</b>	Office Peon.	16/04/1986	4400-17200	4932	28/02/2012	₹. 14,752/-	- do -
9	<b>Mr. Wete Puse</b>	Office Peon.	02/03/1993	Fixed	-	05/10/2013	₹. 8,000/-	- do -
10	<b>Ms. Lophro Lucy Maheo</b>	Office Chowkidar-cum-Sweeper.	08/09/1992	Fixed	-	14/12/2012	₹. 9,000/-	- do -

### Manual- XI

**The Budgeted Provisions of the NERC during the previous financial years are as under:-**

Sl. No.	Year	Non-plan (Grant-in-aid) (Rs. in lakhs)	State Plan (As one-time Grant-in-aid) (Rs. in lakhs)	Total (Rs. in lakhs)	Remark
1)	FY 2012-'13	51	60	111	Allocated
2)	FY 2013-'14	51	40	91	Allocated
3)	FY 2014-'15	51	Not received	51	Allocated
4)	FY 2015-'16	51	51	101	Allocation (not yet received)

**Note:** NERC did not received State plan allocated amount for FY 2014-15.

**Manual- XII**

**The manner of execution of subsidy program**

May not apply to NERC.

**Manual- XIII**

**Particulars of recipients of concessions, permits or authorizations granted**

So far NERC has not granted any Licence to any Firms or Individual except the Department of Power, Nagaland (sole Licensee).

**Manual- XIV**

**Information Available in an Electronic Form**

<b>Sl. No.</b>	<b>Activities for which electronic data available</b>	<b>Nature of information available</b>	<b>Can it be shared with public</b>	<b>Is it available on website or is being used as back end data base</b>
1.	DERC Final Regulations/ Draft Regulations.	Full text of each Regulations available on the Commission website.	Yes	Available on website; www.nerc.org.in
2.	Petitions/Tariff Orders.	Full text of NERC orders.	Yes	Available on website.
3.	Committees/Forum	Full text of NERC Committees and Forums.	Yes	Available on website.
4.	Public Awareness Program.	Full text of NERC Awareness Programs.	Yes	Available on website.

**Manual- XV**

**Particulars of facilities available to citizens for obtaining information**

<b>Sl. No</b>	<b>Facility available</b>	<b>Nature of Information</b>	<b>Working Hour</b>
1.	Website	All Orders/ Regulations issued by NERC.	24 hours
2.	Notice Board	For display of important information relating to day to day activities of the Commission.	Office Hours
3.	Right to Information, 2005	No form has been prescribe.	Office Hours

**Manual- XVI**

**DIRECTORY OF FIRST APPELLATE AUTHORITY (FAA), PUBLIC INFORMATION OFFICER (PIO)**

**NAGALAND ELECTRICITY REGULATORY COMMISSION (NERC), KOHIMA.**

<b>Name of the Officer</b>	<b>Designation</b>	<b>FAA/PIO/API O</b>	<b>Contact</b>	<b>Remarks</b>
<b>Chairman</b>	Chairman	FAA	-	NERC don't have its Chairman at present.
<b>Shri. W.Y. Yanthan</b>	Secretary	PIO	9862849285 / 0370-2292104	NERC, Kohima.
<b>Er. Hekavi N. Ayemi</b>	Assistant Engineer.	APIO	8131937011	NERC, Kohima.