

UNIT 11

INDEPENDENT REGULATORY COMMISSION (IRC)

*The Key to the success and failure of the Act shall lie in its implementation, which will depend largely on the maturity, foresight and independence of the regulators.
India Infrastructure May 2003.*

11.1 Background

The regulation strategy of the Government is aimed at protecting consumer interests and making the sector commercially viable. Electricity Act 2003 is a momentous development in the Indian Power sector, as it seeks to create liberal framework of development for the power sector by distancing Government from regulation. Most of the regulatory functions which were performed by the Government have been entrusted to the Independent regulatory Commission at the Central as well as the state level. Under the Electricity Act the Regulators are assured functional independence.

Electricity is a right that many expect to be cheap and easily available. However it must be accepted that Regulators can not be efficient managers to supply cheap electricity. They can only create the enabling environment within which efficient managers can function.

11.2 Why do we need strong Regulators

Electricity is a natural monopoly and to protect the consumer from the uninvited effects of a monopolistic entity we need a strong regulator. Over 30 years ago Chicago economist George Stigler¹

¹ The Economic Times of April 30, 2003

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showed how regulators ,created to protect consumers from the monopolies end up doing the exactly opposite : siding with the business to squeeze users .Stigler argued that business gain big time from weak regulation and have a more powerful interest to weaken these institution then consumers ,who are all over the place ,get hit in small ways by monopolistic practices but cant organize as effectively as business . So , companies tempt watch dogs and gradually turn policy in there favor, a process he calls regulatory capture.

11.3 Influence of Government on regulators

Its wrong to say that regulators are easily influenced by the government .ones someone dons the hat of a regulator there is responsibility on you of fair and transparent decision making process .Moreover Decisions which blatantly favor one can not stand the test of legal scrutiny and hence have no meaning .You also have the option of approaching the ATE and thereon to the Supreme Court.

11.4 Members of CERC

CERC consists of five members namely :-

- Chairperson
- Three other Members;
- Chairperson of CEA is Member ex officio.

11.5 Appointment of Chairperson and Members

The Chairperson and Members of the Central Commission are appointed by the Central Government on the recommendation of the Selection Committee.

11.6 Central Selection Committee

The Central Government shall, for the purposes of selecting the Members of the Appellate Tribunal and the Chairperson and Members

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of the Central Commission, constitute a Six member Selection Committee consisting of :-

- Member of the Planning Commission in charge of the energy sector. He shall be the Chairperson of the Selection Committee;
- Secretary-in-charge of the Ministry of the Central Government dealing with the Department of Legal Affairs(Member);
- Chairperson of the Public Enterprises Selection Board (Member);
- A person to be nominated by the Central Government from amongst persons holding the post of chairperson or managing director, by whatever name called, of any public financial institution specified in section 4A of the Companies Act, 1956(Member).
- A person to be nominated by Central Government by notification, from amongst persons holding the post of director or the head of the institution, by whatever name called, of any research, technical or management institution for this purpose.
- Secretary-in-charge of the Ministry of the Central Government dealing with power(Member);

Power Secretary shall be the Convener of the Selection Committee. It is also provided that The Central Government shall within one month from the date of occurrence of any vacancy by reason of death, resignation or removal of a Member of the Appellate Tribunal or the Chairperson or a Member of the Central Commission and six months before the superannuation or end of tenure of the Member of the Appellate Tribunal or Member of the Central Commission, make a reference to the Selection Committee for filling up of the vacancy.

The Selection Committee is mandated to finalize the selection of the Chairperson and Members of the ATE and CERC within three months from the date on which the reference is made to it. It is also provided that the Selection Committee shall recommend a panel of two names for every vacancy referred to it. The Electricity Act also provides that the selection Committee shall satisfy itself that such person dose not have any financial or other interest which is likely to affect prejudicially his functioning as a Chairperson or member. But the Act dose not provide the way to determine the same

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However no such satisfaction is required in case of the appointment of a of a person as the Chairperson of the Central Commission where such person is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court.

11.7 Qualifications for appointment of Members of CERC²

The Chair person and the Members of the Central Commission shall be persons having adequate knowledge of, or experience in, or shown capacity in, dealing with, problems relating to engineering, law; economics, commerce, finance or management and shall be appointed in the following manner, namely:-

- one person having qualifications and experience in the field of engineering with specialization in generation, transmission or distribution of electricity;
- one person having qualifications and experience in the field of finance;
- two persons having qualifications and experience in the field of economics commerce, law or management. However not more than one Member shall be appointed under the same category. However if desired by the Central Government it can appoint any person as the Chairperson from amongst persons who is, or has been, a judge of the Supreme Court or the Chief Justice of a High Court. However if a judge is appointed as a chairperson it shall be after consultation with the Chief Justice of India.

11.8 Functions of Central Commission

Section 79 of the Act provides for the functions of CERC. It shall discharge the following functions, namely :-

- to regulate the tariff of generating companies owned or controlled by the Central Government;

² Section 77 of the Electricity Act 2003

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- to regulate the tariff of generating companies other than those owned or controlled by the Central Government specified in the previous clause , if such generating companies enter into or otherwise have a composite scheme for generation and sale of electricity in more than one State.
- to regulate the inter-State transmission of electricity;
- to determine tariff for inter-State transmission of electricity;
- to issue licenses to persons to function as transmission licensee and electricity trader with respect to their inter-State operations;
- to adjudicate upon disputes involving generating companies or transmission licensee in regard to matters connected with abovementioned entities and to refer any dispute for arbitration;
- to levy fees for the purposes of this Act;
- to specify Grid Code having regard to Grid Standards.
- To specify and enforce the standards with respect to quality, continuity and reliability of service by licensees;
- To fix the trading margin in the inter –State trading of electricity, if considered, necessary;
- To discharge such other functions as may be assigned under this Act.

11.9 Advisory role of the Central Commission

The Central Commission shall advise the Central Government on all or any of the following matters namely:-

- formulation of National Electricity Policy and tariff policy
- promotion of competition efficiency and economy in activities of the electricity industry;
- promotion of investment in electricity industry;
- any other matter referred to the central commission by that Government

11.10 CERC A Body Corporate

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The CERC is a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

11.11 CERC is guided by Policy

In discharge of its functions, the Central Commission shall be guided by the National Electricity Policy, National Electricity Plan and tariff policy published by the Central Government.

11.12 Licensing powers of CERC

1. The Central Commission may, on the recommendations of the Appropriate Government , in accordance with the national policy³ and in the public interest, direct, by notification that subject to such conditions and restrictions, if any, and for such period or periods, as may be specified in the notification, that following institutions will not require license to enter electricity market –

- local authority,
- Panchayat Institutions
- users association,
- co-operative societies,
- non-governmental organizations or
- franchisees ⁴

2. The Central Commission may, on an application made to it grant a licence to any person⁵ –

- (a) To transmit electricity as a transmission licensee; or

³formulated under section 5

⁴ Sec 13. Power to Exempt from requirement of license

⁵ Sec 2 states that "Person" shall include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person.

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- (b) To distribute electricity as a distribution licensee; or
- (c) To undertake trading in electricity as an electricity trader,

3. Where a person makes an application to act as a licensee, the Appropriate Commission shall, as far as practicable, within ninety days after receipt of such application-

- (a) Issue a licence subject to the provisions of this Act and the rules and regulations made thereunder; or
- (b) Reject the application for reasons to be recorded in writing if such application does not conform to the provisions of this Act or the rules and regulations made thereunder or the provisions of any other law for the time being in force⁶.

It is also Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

4. The Central Commission may specify any general or specific conditions which shall apply either to a licensee or class of licensees and such conditions shall deemed to be conditions of such licence⁷.

5. The Central Commission shall, within one year from the appointed date (10th June 2003), specify any general or specific conditions of license⁸ applicable to the licensees who are considered to be deemed licensee under the Act (Preexisting Electricity utilities fall under this category)

11.13 State electricity Regulatory Commission

It is mandated that, within six months from the appointed date (10 June 2003) the State Governments by notification, constitute State Electricity Regulatory Commission. However the State Electricity Regulatory Commission, established by a State Government under the-

⁶ Sec 15 (6)

⁷ Sec 16

⁸ Proviso to Sec 16

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- Electricity Regulatory Commission Act, 1998 or
- The Orissa Electricity Reform Act, 1995 or
- The Haryana Electricity Reform Act 1997 or
- The Andhra Pradesh Electricity Reform Act, or
- The Uttar Pradesh Electricity Reform Act, 1999 or
- The Karnataka Electricity Reform Act, 1999 or
- The Rajasthan Electricity Reform Act, 1999 or
- The Delhi Electricity Reforms Act, 2000 or
- The Madhya Pradesh Vidyut Sudhar Adhiniyam, 2000

and functioning as such immediately before the appointed date, shall be the SERC for the purposes of this Act and the Chairperson, Members, Secretary, and officers and other employees thereof shall continue to hold office, on the same terms and conditions on which they were appointed under those Acts:

11.14 SERC A Body Corporate

The SERC shall be body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

11.15 Members of SERC

The SERC shall consist of not more than three Members, including the Chairperson.

11.16 Appointment of Chairperson and Members of SERC

The Chairperson and Members of the State Commission shall be appointed by the State Government on the recommendation of a Selection Committee constituted for the purpose of recommending the names for the members of ATE and CERC..

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11.17 Joint Commission⁹

There are certain states which due to micro electricity system or due to integrated and coordinated electricity system may wish to have a joint Electricity system with the neighboring states. By virtue of section 83 a joint Commission may be constituted by an agreement to be entered into –

- by two or more Governments of States; or
- by the Central Government, in respect of one or more Union territories, and one or more Governments of States,

This arrangement may be in force for such period and shall be subject to renewal for each further period, if any, as may be stipulated in the agreement.

11.18 Composition of Joint Commission

The Joint Commission shall consists of one Member from each of the participating States and Union territories and the Chairperson shall be appointed from amongst the Members by consensus, failing which by rotation.

11.19 Working of the Joint Commission

Matters related to the functioning of the joint commission and the relation between the various states and the union territories participating in the joint commission and any other matter incidental consequential may be contained in the agreement. It is provided that the joint Commission shall determine tariff in respect of the participating States or Union territories separately and independently. However the Central Government may, if so authorized by all the participating States, constitute a Joint Commission and may exercise

⁹ Section 83 of The Electricity Act 2003

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the powers in respect of all or any of the, matters so specifically authorized by the participating States.

11.20 Qualification for appointment of Chairperson and Members of SERC

The Chairperson and the Members of the States Commission shall be persons of ability, integrity and standing who have adequate knowledge of, and have shown capacity in, dealing with problems relating to engineering, finance, commerce, economics, law or management. The State Government may appoint any person as the Chairperson from amongst persons who is, or has been, a judge of a High Court and it shall be in consultation with the Chief justice of the High Court

The Chairperson or any other Member of the State Commission have been barred from holding any other office. The Chairperson shall be the Chief Executive of the State Commission.

11.21 State Selection Committee

The only function of the State Selection committee shall be selection of members of state Commission. The composition of State selection Committee shall be –

- a person who has been a Judge of the High Court(Chairperson);
- the Chief Secretary of the concerned State(Member)
- the Chairperson of the CEA or the Chairperson of the CERC(Member);

However appointment of a judge of a high Court shall not be selected by the State selection committee.

11.22 Reference to the State selection Committee

The State Government shall, within

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- one month from date of occurrence of any vacancy by reason of death, resignation or removal of the Chairperson or a Member and
- six months before the superannuation or end of tenure of the Chairperson or Member,

make a reference to the State Selection Committee for filling up of the vacancy. The state Selection Committee shall finalize the selection of the Chairperson and Members within three months from the date on which the reference is made to it. The State Selection Committee shall recommend a panel of two names for every vacancy referred to it. It is also mandated that before recommending any name Selection Committee shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as such Chairperson or Member, as the case may be.

11.23 Function of State Commission

Section 86 states the functions of state electricity regulatory Commission. The following functions shall be discharged by the SERC-

- determine the tariff for generation, supply, transmission and wheeling of electricity, wholesale, bulk or retail, as the case may be, within the State;
- When open access is permitted by the SERC then SERC shall determine only the wheeling charges and surcharge only;
- regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies of licensees or from other sources through agreement for purpose of power for distribution and supply within the State;
- facilitate intra-State transmission and wheeling of electricity;
- issue licenses to persons seeking to act as transmission licensees, distribution licensees and electricity traders with respect to their operations within the State;
- 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,

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and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee;

- adjudicate upon the disputes between the licensees and generating companies and to refer any dispute for arbitration;
- levy fee for the purpose of this Act;
- specify State Grid Code consistent with the Indian Electricity Grid Code specified by the CERC;
- specify of enforce standards with respect to quality, continuity and reliability of service by licensees;
- fix the trading margin in the intra-State trading of electricity, if considered, necessary;
- discharge such other functions as may be assigned to it under this Act.

It is also mandated that in discharge of its functions, the State Commission shall be guided by the National Electricity Policy, National Electricity Plan and tariff policy published by the Central Government or the CEA as the case may be.

11.24 Advisory role of SERC

The SERC shall advise the State Government on all or any of the following matters, namely:-

- promotion of competition, efficiency and economy in activities of the electricity industry;
- promotion of investment in electricity industry;
- recognition and restructuring of electricity industry in the State;
- matters concerning generation, transmission, distribution and trading of electricity or any other matter referred to the State Commission by that Government.
- The State Commission shall ensure transparency while exercising its powers and discharging its functions.

11.25 SERC and Open access

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Open Access ¹⁰ The State Commission shall introduce open access in phases within one year of the appointed date .The appointed date is 10th June 2003 therefore the open access must be introduced by state Commission by 10th June 2004.it is also provided that the State Commission may allow open access before the cross subsidies are eliminated on payment of a surcharge in addition to the charges for wheeling as may be determined by the State Commission.

It is also stipulated that such surcharge shall be utilized to meet the requirements of current level of cross subsidy within the area of supply of the distribution licensee. This effectively means that the amount given as surcharge will come back to the distribution licensee.

It is also mandated that such surcharge and cross subsidies shall be progressively reduced and eliminated.

Interestingly the fourth proviso to section 42 reads as-

“Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.”

There can be two constructions of the abovementioned proviso-

First construction- A distribution licensee who also happens to generate electricity through a captive power plant can supply electricity in his area of electricity supply without paying any surcharge for carrying electricity to the destination of his own use .

This construction of the above mentioned proviso is also supported by the definition of Captive Generating plant as provided in Section 2 (8).¹¹

Second construction-Captive power plant is a narrow term and must be confined to mean generating plant for use of one or a very limited number of consumers and specially industrial consumers. The

¹⁰ See Sec 42(2)

¹¹ “Captive generating plant” means a power plant set up by any person to generate electricity primarily for his own use and includes a power plant set up by any co-operative society or association of persons for generating electricity primarily for use of members of such co-operative society or association.

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distribution licensee having a large base of domestic consumer can not be said to have a captive power plant.

If first construction is accepted which seems to be correct on plain reading of the provisions then a distribution licensee does not need to pay surcharge for a captive power plant supplying electricity to his area of electricity supply.

Additional Surcharge ¹²-Where the State Commission permits a consumer or class of consumers to receive supply of electricity from a person other than the distribution licensee of his area of supply, such consumer shall be liable to pay an additional surcharge on the charges of wheeling, as may be specified by the State Commission, to meet the fixed cost of such distribution licensee arising out of his obligation to supply.

11.26 Terms of office and conditions of service of Members

The Chairperson or other Members of CERC and SERC shall hold office for a term of five years from the date on which they enters upon there office. However the Chairperson or other Members in the CERC or the SERC shall not be eligible for re-appointment in the same capacity as the Chairperson or a Member in that Commission in which he had earlier held office as such. The maximum age limit prescribed is 65 years.

The salary, allowances and other terms and conditions of service of the Members, shall be prescribed by the concerned government and shall not be varied to their disadvantage after appointment.

However there is no bar on the Commission members being reemployed by the state Government .This could influence the state commission to take State – Friendly decisions. Many experts are of the opinion that a specific provision barring reemployment of the members

¹² See Sec 42 (4)

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and chairmen under government service must be incorporated in the Act.

11.27 Resignation and removal

A Member may –

- relinquish his office by giving in writing to the Appropriate Government a notice of not less than three months; or
- be removed from his office in accordance with the scheme for removal provided under section 90.

11.28 Two year moratorium from employment in relevant industry

Any member ceasing to hold office as such shall :-

- not accept any commercial employment for a period of two years from the date he ceases to hold such office; and
- not represent any person before the Central Commission or any State Commission in any manner.

Commercial employment for the purpose of reemployment means in any capacity in any organization which has been a party to the proceedings before the Appropriate Commission or Employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial business in electricity industry and includes a director of a company or partner of a firm in setting up practice either independently or as partner of a firm or as an advisor or a consultant.

11.29 Removal of Member(Section 90)

The Central Government , in the case of a member of the CERC, and the state Government , in the case of a Member of the SERC, may by order remove from office any member if he-

- (a) has been adjudged an insolvent;

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- (b) has been convicted of an offence which, in the opinion of the Appropriate Government, involves moral turpitude;
- (c) has become physically or mentally incapable of acting as Member;
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member;
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest; or
- (f) has been guilty of proved misbehavior;

It is also provided that no Member shall be removed from his office on any ground specified in the above-mentioned clauses (d), (e) and (f) unless the Chairperson of the Appellate Tribunal on a reference being made to him in this behalf by the Central Government or the State Government, as the case may be, has, on an inquiry, held by him in accordance with such procedure as may be prescribed by the Central Government, reported that the Member ought on such ground or grounds to be removed.

11.30 Suspension of Members

The Central Government or the State Government, as the case may be, may, in consultation with the Chairperson of the Appellate Tribunal suspend any Member of the CERC and SERC respectively until the Central Government or the State Government, as the case may be, has passed orders on receipt of the report of the Chairperson of the Appellate Tribunal, on such reference:

The provisions relating to suspension and removal shall not apply in case of Chairperson of the Appropriate Commission who, at the time of his appointment as such is a-

- sitting judge of the Supreme Court or
- the Chief Justice of a High Court or a
- Judge of a High Court

11.31 Proceeding of CERC and SERC

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The members shall meet at the head office or any other place at such time as the Chairperson may direct, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as it may specify.

If the Chairperson, is unable to attend a meeting of the Commission, any other Member nominated by the Chairperson in this behalf and, in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present from amongst themselves, shall preside at the meeting.

All questions shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote. Every Member shall have one vote.

All orders and decisions of the Appropriate Commission shall be authenticated by its Secretary or any other officer of the Commission duly authorized by the Chairperson in this behalf.

11.32 Power of Civil Court

The Commission shall, for the purposes of any inquiry or proceedings under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:-

- summoning and enforcing the attendance of any person and examining him on oath;
- discovery and production of any document or other material object producible as evidence;
- receiving evidence on affidavits;
- requisitioning of any public record;
- issuing commission for the examination of witnesses;
- reviewing its decisions, directions and orders;
- any other matter which may be prescribed.

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11.33 Interim Order

The Commission shall have the powers to pass such interim order in any proceeding, hearing or matter before the Commission, as that Commission may consider appropriate.

11.34 Representation of Consumer interest

The Commission may authorize any person, as it deems fit, to represent the interest of the consumers in the proceedings before it.

11.35 Proceedings to be judicial in nature

All proceedings before the Commission shall be deemed to be judicial proceedings within the meanings of sections 193 and 228 of the *Indian penal Code* and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the *Code of Criminal procedure, 1973*.

11.36 Power of entry and seizure

The Commission or any officer, not below the rank of a Gazette Officer specially authorized in this behalf by the Commission, may enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies there from subject to the provisions of section 100 of the *Code of Criminal Procedure, 1973*, in so far as it may be applicable.

11.37 Sub Delegation of power

The Commission may, by general or special order in writing, delegate to any Member, Secretary, officer of the Commission or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under

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this Act (except the powers to adjudicate disputes under section 79 and section 86 and the powers to make regulations under section 178 or section 181) as it may deem necessary.

11.38 Central Electricity Regulatory Commission Fund

This fund shall be credited by -

- any grants and loans made to the Central Commission by the Central Government
- all fees received by the Central Commission under this Act;
- all sums received by the Central Commission from such other sources as may be decided upon by the Central Government.

The fund shall be applied for meeting following expenses -

- the salary, allowances and other remuneration of Chairperson, Members, Secretary, officers and other employees of the Central Commission;
- the expenses of the Central Commission in discharge of its functions
- the expenses on objects and for purposes authorized by this Act.

The Central Government may, in consultation with the Comptroller and Auditor –General of India, prescribe the manner of applying the Fund for meeting the expenses specified for fulfilling the functions of the CERC and the any other object specified in the Electricity Act 2003.

11.39 Reasonable Control over the commission

To maintain a reasonable control over the activities of the CERC its accounts are audited by the Comptroller and auditor general and the CERC has also to prepare a Annual report giving the summary of activities taken up the commission in the preceding year. A copy of the report received by the Central government shall be laid, as soon as may be after it is received, before each House of Parliament.

11.40 SERC Fund

SERC shall constitute a fund which shall be credited with–

- any grants and loans made to the State Commission by the State Government
- All fees received by the State Commission under this Act;
- All sums received by the State Commission from such other sources as may be decided upon by the State Government.

The Fund shall be applied for meeting following expenses–

- the salary, allowances and other remuneration of Chairperson, Members, Secretary, officers and other employees of the State Commission;
- the expenses of the State Commission in discharge of its functions of the SERC;
- the expenses on objects and for purposes authorized by this Act.

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 for fulfilling the functions of the SERC and to meet the objects authorized by the act.

11.41 Reasonable control over SERC

The SERC must maintain proper accounts. The accounts of the SERC are to be audited by the Auditor general of India and the SERC shall also prepare an annual report giving the summary of the activities in the previous years. The summary shall be presented to the State Government which shall be laid before the state legislature.

11.42 Directions on Policy matters

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In the discharge of its functions, the CERC shall be guided by such directions in matters of policy involving public interest as the Central Government may give to it in writing.

Similarly In the discharge of its functions, the SERC shall be guided by such directions in matters of policy involving public interest as the State Government may give to it in writing.

11.43 Conclusion

The regulatory Commissions of many states have contributed greatly to the development of the power sector. Specifically speaking Andhra Pradesh Electricity Regulatory Commissions policy of "Cost to Serve" has reduced the electricity tariffs for industrial consumers. The Delhi Governments Policy direction issued in November 2001 instructs Delhi Electricity Regulatory Commission to give a profit of at least 16 per¹³ cent to Discoms has lead to successful privatization of the power distribution system in Delhi.

However there are many deficiencies in the system as one independent energy research institution(Prayas Energy Group) has pointed out specifically talking about Delhi Electricity regulatory Commission that the Commission lacks transparency and no reading rooms are available to access non confidential information. By analogy such a remark probably is true for almost all the SERC. Nevertheless the proactive contribution of various state commission is greater then the minor deficiency in the system.

¹³ March 18,2001 The Hindu