

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Dated: 3rd April, 2014

NOTIFICATION

L-1/13/2010/CERC: In exercise of powers conferred under Section 66 read with Section 178(2) (y) of the Electricity Act, 2003 (36 of 2003) and paragraph 5.7.1 (f) of the National Electricity Policy, and all other powers enabling it in this behalf, the Central Electricity Regulatory Commission hereby makes the following regulations to amend the Central Electricity Regulatory Commission (Power Market) Regulations, 2010 (hereinafter referred to as 'Principal Regulations') namely:

1. Short title and commencement:

(i) These regulations may be called the Central Electricity Regulatory Commission (Power Market) (First Amendment) Regulations, 2014.

(ii) These regulations shall come into force from the date of their publication in the Official Gazette.

2. A new Regulation shall be inserted after Regulation 22 of the Principal Regulations as under:-

"22A Qualifications and Disqualifications for appointment as Director in the Board of Power Exchange

(1) A person shall be considered as qualified to be appointed as a Director in the Board of Power Exchange if such person has a record of fairness and integrity, good reputation and character, and honesty.

(2) A person shall be considered as disqualified for appointment as Director of the Power Exchange, if:-

(a) he is convicted by a court of any offence involving moral turpitude or fraud or any economic offence or any offence against any law and a period of five years has not elapsed from the date of expiry of the conviction:

Provided that if the person is convicted of any offence and sentenced in respect thereof to imprisonment for a period of seven years or more, he shall not be eligible to be appointed as a Director in any Power Exchange; or

(b) he is found guilty in any proceedings for non-compliance of any of the provisions of the Act or the rules or the regulations made thereunder or any order made by the Appropriate Commission or the Appellate Tribunal for Electricity and a period of five years has not elapsed from the date of the order; or

(c) an order restraining, prohibiting or debaring him to hold the post of Director in the Board of a Company has been passed by any other Regulatory Authority

constituted under any law in force in India under their respective Acts or regulations; or

(d) an adverse order has been passed against him by a competent court/tribunal in a winding up proceedings; or

(e) he is an undischarged insolvent; or

(f) he has applied to be adjudicated as an insolvent and his application is pending; or

(g) he is found to be of unsound mind by a court of competent jurisdiction and the finding is in force.

(3) No person who suffers from any of the disqualifications prescribed under Companies Act, 2013 shall be eligible for appointment or continuation as Director of the Power Exchange.

(4) The qualifications and disqualifications specified in this regulation shall also be applicable to the existing Directors of the Power Exchanges.

(5) If any shareholder of the Power Exchange suffers from any of the disqualifications as mentioned in clauses (2) and (3) of this regulations, such shareholder or his nominee shall be debarred from being appointed as Director in the Board of the Power Exchange.

(6) If any question arises as to whether a person is qualified/ disqualified to be a Director in a Board of the Power Exchange, the decision of the Central Commission on such question shall be final."

sd/-
(A.K. Saxena)
Chief (Engineering)

Note: The Principal Regulations were published in the Gazette of India Extraordinary, Part III, Section 4, Sr. No. 33, dated 21.1.2010.