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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-A

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made by the Government of Gujarat under the Central Acts.

ENERGY AND PETROCHEMICALS DEPARTMENT

Notification

Sachivalaya, Gandhinagar, 2nd August, 2005.

THE ELECTRICITY ACT, 2003.

No. GHU/2005/84/GRC/2003/9688K :- In exercise of the powers conferred by Section 180 (2)(g) read with the provisions of sub-section (3) section 103 of the Electricity Act, 2003, and all other powers enabling in this behalf, the Government of Gujarat hereby makes the following rules.

Part-1

1. Short title and commencement :

- (i) These rules may be called the Gujarat Electricity Regulatory Commission Fund Rules, 2005.
- (ii) They shall come into force from the date of publication in the Official Gazette.

2. Definitions :

In these rules, unless the context otherwise requires :-

- (a) "Act" means the Electricity Act, 2003;
- (b) "Commission" means the Gujarat Electricity Regulatory Commission;
- (c) "Chairperson" means the Chairperson of the Gujarat Electricity Regulatory Commission;
- (d) "Fund" means the Gujarat Electricity Regulatory Commission Fund.
- (e) "Government" means the Government of Gujarat;
- (f) "Member" means a Member of the Gujarat Electricity Regulatory Commission and includes the Chairperson of the Commission; and
- (g) "Secretary" means the Secretary of the Gujarat Electricity Regulatory Commission.

Part-1I

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 102 of the Act;
- (2) All fees received by the State 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 :**

- (1) The fund shall be applied for meeting the salary, allowances and other remuneration of Chairperson, Members, Secretary, Officers and other employees of the State Commission;
- (2) the expenses of the State Commission in discharge of its functions under section 86 of the Act;
- (3) the expenses for the purposes authorised by the Act.

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 Secretary of the Commission.
- (2) Any receipt of the commission shall be credited to the Fund the same day or the next working day.
- (3) Withdrawal from the Fund shall be only against proper authorisation and after sanction from the appropriate authority.

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

9. **Rules of expenditure :**

All expenditure from the Fund shall be governed in accordance with and conform to the provisions of the Gujarat Financial rules, 1971 amended from time to time.

10. **Investment on Surplus :**

The Drawing and Disbursing Officer shall 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 Gujarat, in order to ensure suitable 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 from 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.

Part-III12. **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 State Government, in consultation with the Comptroller and Auditor General of India.

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- (3) The Annual Accounts of receipts and disbursements shall be submitted to the Principal Accountant General (Commercial and Receipt Audit), Ahmedabad, Gujarat by 30th June of the following year.
 - (4) The accounts of the State 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 State Commission to the Comptroller and Auditor General of India.
 - (5) The Comptroller and Auditor General of India and any person appointed by him in connection with the audit of the accounts of the State 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 the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts connected vouchers and other documents and paper and to inspect any of the offices of the State Commission.
 - (6) The accounts of the State 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 for 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 in the name of the Governor of Gujarat,

R. C. MEENA,
Deputy Secretary to the Government.