



# MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION

## NOTIFICATION

**Dated: 26<sup>th</sup> August 2025**

**Notification No. MSERC/APPT.CONSULTANT/REG/2025/166:** In exercise of the powers conferred by sub section (2) of section 181 read with sub section (4) of section 91 of the Electricity Act, 2003 and all other powers hereunto enabling it in this behalf, the Meghalaya State Electricity Regulatory Commission after previous publication hereby makes the following regulations, namely:

### **The Meghalaya State Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2025**

#### **1. Short title and commencement**

- (1) These regulations may be called the Meghalaya State Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2025.
- (2) These Regulations shall apply to the whole state of Meghalaya.
- (3) They shall come into force on the date of their notification in the Gazette of Meghalaya.

#### **2. Definitions**

2.1 In these Regulations, unless the context otherwise requires -

- (a) “Chairperson” means, the Chairperson of the Commission.
- (b) “Commission” means the Meghalaya State Electricity Regulatory Commission;
- (c) “Consultant” means a person appointed as such under Regulation 3 and it shall include an individual, firm, an association of persons, an institution, organization, society or company, not in the employment of the Commission, who or which possesses or has access to any specialized knowledge, experience or skill on the matter relating to the Electricity Regulatory Commission;
- (d) “Regulations” means the Meghalaya State Electricity Regulatory Commission (Appointment of Consultants) Regulations 2025.
- (e) “Secretary” means the Secretary of the Commission.

2.2 Words or expressions occurring in these Regulations and not defined herein but defined in the Act shall have the meanings assigned in the Act.

#### **3. Scope of Work**

Consultants may be engaged for the following purposes, namely –

- (a) Research & Analysis of policy & regulatory issue relating to power sector;
- (b) Keeping track of national and international trends in power sector;
- (c) Assisting the Commission and its committees in discharging its mandate;

- (d) Assisting the Commission in framing model Guidelines / Regulations / Orders, etc at the State level;
- (e) Preparation of various reports on issues relating to electricity policy & regulations from time to time and close monitoring of relevant developments in the sector;
- (f) Legal and Parliament matters including compliance of specific directions by the Superior Courts, etc;
- (g) Providing expert advice on specific issues of relevance and interest to the Commission;
- (h) Conducting study of best practices, analysis and interpretation of data, developing benchmarks, or for any other similar purpose;
- (i) Performance of tasks requiring experience and qualifications which are either not available within the Commission or, in the opinion of the Commission, the engagement of consultant shall be a more efficacious and efficient method of completing the task in terms of quality, cost, time or for any other consideration;
- (j) Assisting the Commission in performing their functions, if the Commission is satisfied that there has been increase in quantum of work in the Commission or regular posts could not be filled due to various constraints;
- (k) Any other work assigned from time to time.

#### **4. Categorisation of Consultants**

Consultants shall be categorized as:

- (a) Corporate Consultant;
- (b) Individual Consultant;
- (c) Professional/Legal Expert;
- (d) Staff Consultant.

##### **A. Corporate Consultant**

- (i) The Commission, on being satisfied that there is a need for availing consultancy services which, in its opinion, may be more appropriately provided by a registered firm, or a company or an association or body of persons, undertake to prepare the terms of reference indicating the scope of the work, various deliverables, milestones and the schedule of payments linked to achievement of each milestone.
- (ii) The Commission shall constitute a Tender Committee, comprising the Secretary, Finance Accounts Officer and other(s). If considered necessary, an external expert, as may be nominate by the Chairperson, may be included in the Committee.
- (iii) The Tender Committee shall prepare the Request for Proposal (RFP)/Bid Documents, Evaluation Criteria, etc. It shall decide the weightage to be allocated to each of the parameters for purpose of evaluation of bids. Bidding can be on single part or two-part process, depending on the nature of the work. Generally evaluation shall be on 'Quality-Cum-Cost-Based System'.

##### **B. Individual Consultant**

- (i) The Commission, on being satisfied that there is a need for availing consultancy services which in its opinion can be more efficiently performed by an individual, having qualification and experience considered essential for an assignment may decide to engage an individual consultant;

- (ii) The Commission shall decide on the terms of reference indicating the scope of the work, experience and qualification required for obtaining consultancy services;
- (iii) The Commission shall fix the monthly remuneration, giving due weightage to position held earlier, experience, previous years of service and any other qualification as deemed fit;
- (iv) Services of such Individual Consultant shall be for a fixed tenure to be decided by the Commission.

#### **C. Professional/Legal Expert**

- (i) The Chairperson, on being satisfied for the need, may decide to engage a professional/legal expert for advice on an issue of urgent nature and also representing the Commission for various cases at appropriate forums including courts;
- (ii) The Commission shall constitute a Committee under the Secretary, which will identify and negotiate the terms of reference for the assignment, including the fee, and place before the Commission for approval;
- (iii) The Commission shall formalize the proposal for appointment of the Professional / Legal Expert(s) having the requisite expertise in the field and willingness to accept consultancy work / legal representation;
- (iv) The Chairperson may approve the name of the expert for engagement on payment of such fee and on such other terms as may be decided;

#### **D. Staff Consultant**

- (i) The Commission, on being satisfied that there has been an increase in the quantum of work of the Commission, or difficulties arising in filling regular posts, may decide to engage a Staff Consultant in expediciencies of work, to assist the Commission in discharge of its functions effectively;
- (ii) The Commission shall invite applications by publishing notice in at least two daily newspapers and in the Commission's website;
- (iii) The Commission shall identify the qualification and experience requirements keeping in view the relevant provisions of the Commission's Regulations governing the recruitment against regular posts;
- (iv) The Staff Consultant may be categorized based on the qualification and length of experience;
- (v) Staff Consultant shall be engaged initially for a period of one year;
- (vi) Based on the requirement and satisfactory performance of the Consultant, tenure can be extended for further periods on yearly basis. Performance evaluation report shall be submitted by the Secretary of the Commission;
- (vii) The increment in remuneration will be considered depending on the efficiency of the Consultant and performance evaluation report by the Secretary of the Commission;
- (viii) In case the Staff Consultant is a retired Government servant, his consolidated fee shall be decided by the Commission.

### **5. Other Conditions (Applicable for all categories of Consultant)**

- (i) The Consultants appointed by the Commission shall in no case represent or give opinion or advice to others in any matter which is adverse to the interest of the Commission;
- (ii) Without the express written consent of the Commission, a Consultant appointed by the Commission shall not utilize, publish, disclose, or part with any information collected for the Commission and the Consultant shall be duty bound to hand over the entire record of the assignment to the Commission before the expiry of the contract;
- (iii) Consultants shall not be hired for any engagement that would be in conflict with their prior or current obligations to other clients or that may place them in a position of not being able to carry out the engagements objectively and impartially;
- (iv) A consultant appointed under these regulations shall not be deemed to be an officer or employee of the Commission;
- (v) The Commission shall be the final authority for interpretation of these Regulations.

**6. Qualifications of the Consultant(s), other than Corporate Consultant**

A person to be appointed as consultant must be one possessing, adequate knowledge and experience or specialised or professional skill in engineering and technology, power management, law, finance, economics, accountancy or in any other field that the Commission needs assistance in for discharging its powers and functions under the Electricity Act, 2003.

**7. Engagement of Consultant(s)**

Engagement of a consultant shall be by an agreement laying down among other things, the scope, nature, conditions and fees of the assignment.

**8. Period of engagement**

- (a) Corporate Consultant: This shall be determined as per the Contract Agreement executed upon appointment of the successful bidder. However, the Commission may extend such contractual arrangement from time to time for a period not exceeding one year at a time;
- (b) Individual Consultant: The duration of first appointment shall not exceed one year. However, the Commission may extend such contractual arrangement from time to time for a period not exceeding one year at a time;
- (c) Professional / Legal Expert: The duration of appointment shall be based on the task assigned;
- (d) Staff Consultant: The duration of first appointment shall be based on the task assigned but not exceed one year. However, the Commission may extend such contractual arrangement from time to time for a period not exceeding one year at a time.

**9. Fees and honorarium**

- (1) The fees or honorarium of a consultant, and other terms and conditions of engagement, shall be specified in the agreement;
- (2) Payment of the fees or honorarium may be by way of a retainer or on the basis of completion of work assigned or according to fixed milestones or as may be settled.

**10. Restrictions and other conditions**

- (1) A person shall not be appointed as consultant if his other engagements are likely to affect or interfere with his obligations towards the Commission;
- (2) When a work is assigned to a consultant, the consultant shall not re-assign it to any other person and shall not part with or disclose elsewhere any information or data he has collected nor otherwise utilise the same for other works not being the works of the Commission.

**11. Reports**

The Commission may call for reports, including interim implementation reports, from the consultant from time to time.

**12. Power to amend**

The Commission may, at any time, vary, alter, modify or amend any provisions of these Regulations.

**13. Power to remove difficulties**

If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by general or specific order, make such provisions not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.

**14. Power to relax**

The Commission may, for reasons to be recorded in writing, relax any of the provisions of these Regulations.

**15. Inherent powers of the Commission**

- (1) Nothing in these regulations shall bar the Commission from adopting, without violating the principles as spelt out in the regulations, a different procedure with regard to consultants if the Commission is convinced, with reasons to be recorded, that special circumstances for doing so exist.
- (2) The provisions of these regulations shall not adversely affect the appointment of any consultant made prior to the coming into force of these Regulations.

**16. Repeal and Savings**

- 1) Save as otherwise provided in these regulations, the Meghalaya State Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2007 shall stand repealed from the date of commencement of these Regulations.
- 2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken including any procedure, minutes, reports, confirmation or declaration of any instrument executed under the repealed regulations shall be deemed to have been done or taken under the relevant provisions of these regulations.

(By order of the Commission)

Sd/-  
(E. Slong)  
Secretary