

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION STANDING LEGAL COUNSELS (TERMS AND CONDITIONS OF APPOINTMENT) REGULATIONS, 1999

CONTENTS

1. Short title and commencement
2. Appointment
3. Appointment of a Senior Counsel
4. Duties
5. Standing Legal Counsels not to represent interests adverse to the Commission
6. Honorarium
7. Fees
8. Payment of Reduced Fees in certain Cases
- 9 . Payment of Reasonable fees when engagement becomes terminated in pending cases

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION STANDING LEGAL COUNSELS (TERMS AND CONDITIONS OF APPOINTMENT) REGULATIONS, 1999

In exercise of the power conferred by sub-section (1) and clause (1) sub-section (2) of Section 54 of the Andhra Pradesh Electricity Reforms Act, 1998 (Act No.30 of 1998), the Andhra Pradesh Electricity Regulatory Commission hereby makes the following Regulations relating to the terms and conditions of appointment of the Standing Legal Counsel to the Andhra Pradesh Electricity Regulatory Commission. Regulations

1. Short title and commencement :-

- (i) These Regulations may be called the Andhra Pradesh Electricity Regulatory Commission Standing Legal Counsels (Terms and Conditions of appointment) Regulations, 1999.
- (ii) These Regulations shall come into force on the date of their publication in the AP Gazette.
- (iii) These Regulations shall apply to the Legal Counsels as may be appointed from time to time.

2. Appointment :-

(i) The Standing Legal Counsels shall be appointed by the Andhra Pradesh Electricity Regulatory Commission. The number of the Standing Counsels to be appointed shall be determined by the Commission depending upon volume of work.

(ii)

(a) An Advocate with not less than 20 years standing at bar shall only be appointed as Standing Legal Counsel in High Court and Supreme Court.

(b) An advocate with not less than 15 years standing can be appointed in criminal Court.

(iii) The appointment shall be for a period of not less than three years in the first instance and may be continued for such further periods from time to time as the Commission may be order direct.

(iv) The services of a Standing Legal Counsel shall be terminable on three months notice in writing on either side.

(v) The Commission reserves its right to engage any other Advocate in any specific case either before the High Court or any other Court or Tribunal or Forum depending on the nature of case and the specialisation possessed by such Advocate in the Subject relating to such case.

(vi) The Commission can engage an advocate for a specific case for consultation only.

3. Appointment of a Senior Counsel :-

The Commission, may if it so desires or on the advice of the Standing Legal Counsel, engage a Senior Counsel in any case in High Court.

4. Duties :-

The duties of the Standing Legal Counsel shall be as follows:

(a) To tender advice and opinion to the Commission and its functional heads in all matters involving legal implications as and when required.

(b) To prepare, settle and scrutinise agreements, deeds and other documents of legal nature as may be referred to him by the Commission or its functional heads.

(c) To prepare affidavits, counter affidavits, petitions, statement of

cases and all other connected documentation in which they appear on behalf of the Commission.

(d) To appear on behalf of the Commission in all cases or classes of cases assigned to them, where the Commission is a party or its interests are involved before the High Court and when so required, before other Courts.

(e) To appear personally as far as possible, in cases entrusted to him and leave the cases to Juniors only in unavoidable and unforeseen contingencies and that too with the prior consent of the Commission.

(f) To perform such other work of legal nature as may be entrusted to him by the Commission from time to time.

5. Standing Legal Counsels not to represent interests adverse to the Commission :-

The Standing Legal Counsel shall not appear against the Commission in any case or represent or give opinion or advice to others in any matter adverse to the interests of the Commission.

6. Honorarium :-

The principal Standing Legal Counsel, when more than one Standing Counsel are appointed for High Court, shall be paid a retainer fee of Rs.1500/- per month towards his duties as mentioned in Regulation No.4 above. He shall be paid Rs.500/- p.m. towards postage etc., for correspondence.

7. Fees :-

(1) The Standing Legal Counsel shall be paid, besides the honorarium payable under Regulation 6, the fees as prescribed in the Schedule appended in respect of all Legal Proceedings in Court as the case may be.

(2) The Commission shall have power to amend the Schedule from time to time.

8. Payment of Reduced Fees in certain Cases :-

In the fees fixed by the Court or the Regulation, as the case may be, is considered too high, the Commission shall have the discretion to reduce such fees irrespective of whether or not costs are recoverable by the Commission and pay such smaller amount as may be determined in each case on the basis of work done and the time taken by the Standing Legal Counsel and in accordance with

the principles given hereunder, purely as a working guide:

(1) The fees fixed by the Court as recoverable by the Commission from the other party will ordinarily be allowed;

(2) A reasonable fee will be allowed when the Court awards only proportionate costs recoverable by the Commission from the other party or when a case is decided against the Commission or decided in favour of the Commission but without costs.

(3) The Commission can also order for payment of higher fees than fixed in the schedule, if the nature of the case and the labour and time spent by the standing Counsel in a particular case deserves the same.

9. Payment of Reasonable fees when engagement becomes terminated in pending cases :-

In case the engagement of the Standing Legal Counsel in any or cases or generally on behalf of the Commission becomes terminated either by reason of resignation or giving up of the case by the Commission or by the expiry of the term or by the Commission terminating the services of the Standing Legal Counsel for any reason and the case is still pending completion, the Commission shall have the full discretion to fix such fees irrespective of the case or cases as it considers reasonable having regard to the work done in the case or cases till the date of such termination of service.