

**FORUM OF REGULATORS FOR EASTERN &
NORTH-EASTERN STATES (FORENS), ODISHA,
UNDER THE SOCIETIES REGISTRATION
ACT, 1860 (Act XXI of 1860)**

MEMORANDUM OF ASSOCIATION

1. Name of the Society: Forum of Regulators for Eastern & North-Eastern States (FORENS).
2. The Registered Office of the FORENS shall remain in State of Odisha and at present it is at the following address:-
O/o Odisha Electricity Regulatory Commission, Plot No.4, Chunokoli, Sailashree Vihar, Bhubaneswar-751021, Dist-Khurda, Odisha.
3. Area of operation: Throughout Eastern & North-Eastern States of India.
4. Aims and Objects for which the Society is established are -
 - a. to work for the welfare of the electricity consumers of the Eastern & North Eastern States of India,
 - b. to foster a spirit of neighbourliness and enhanced social interaction among the Members of the Society,
 - c. to share information among the Members of FORENS on various issues of common interest and development of common approach,
 - d. to work for harmonisation of Regulations in power sector made under the Electricity Act, 2003,
 - e. to analyse the tariff orders and other orders of Central Electricity Regulatory Commission (CERC) and State Electricity Regulatory Commissions and compilation of data arising out of the said orders,
 - f. to undertake research work in house or through outsourcing on issues relevant to power sector Regulations,
 - g. to collaborate with academic bodies and build up a panel of experts to analyze and develop regulations, procedures and guidelines,
 - h. to evolve measures for protection of the interest of the consumers and promote of efficiency, economy and competition in power sector,

- i. to discuss issues relating to electricity Sectors which are of common nature and mutual interest to the Member States,
 - j. to highlight and put-forth the decisions taken in the Forum before the FOR and Central Government, and
 - k. to carry out such other objectives, as the Members may decide from time to time.
5. All the incomes, earnings, moveable and immovable properties of the Society shall be solely utilized and applied towards the promotion of its aims and objects only as set forth in the Memorandum of Association and no portion thereof shall be paid or transferred directly or indirectly by way of dividends in any manner whatsoever to the present or past Members of the Forum. No Member of the Forum shall have any personal claim on any moveable or immovable properties of the Forum or make any profit, whatsoever, by virtue of his membership.

6. Governing Body:

The Names, Address, Occupation and Designation of the present Members of the Governing Body to whom the management of the Society is entrusted as required under Section 2 of the Societies Registration Act, 1860 are as follows:-

We the undersigned **representing the concerned State Electricity Regulatory Commission** are desirous of forming a Society namely ‘**FORUM OF REGULATORS FOR EASTERN & NORTH-EASTERN STATES (FORENS)**’ under the Societies Registration Act, 1860, in pursuance of this Memorandum of Association of the Society and we believe that the facts stated above are true to the best of our knowledge.

<u>Sl.No.</u>	<u>Name & Address</u>	<u>State Commission</u>	<u>Signature</u>
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Attested the Signatures Sl. No..... to

Attested Witnesses

- 1.
- 2.

Chairperson

Secretary

Above signatures are attested by me.

WITNESS (Non-members)

- 1.
- 2.

Attested above signatures of Chairperson and Secretary.

Secretary

Attested authority

Notary Public

Certificate

1. Certified that this is the true and correct copy of the Memorandum of Association.
2. Certified that this is a non-political, non-profit Charitable society.
3. Certified that all the legal matters have been guided by the Society as per rules of the Societies Registration Act, 1860.

Chairperson

Secretary

**RULES AND REGULATION OF FORUM OF
REGULATORS FOR EASTERN & NORTH-EASTERN
STATES (FORENS), ODISHA, UNDER THE SOCIETIES
REGISTRATION ACT, 1860 (Act XXI of 1860)**

Chapter-1

1. The name of the society : **Forum of Regulators for Eastern & North-Eastern States (FORENS)**

2. Location of the Registered of the Society : At the Office of the Odisha Electricity Regulatory Commission, Plot No.4, Chunokoli, Sailashree Vihar, Bhubaneswar-751021, Dist-Khurda, Odisha.
(Any change in the above address shall be intimated to the Registrar of the Societies within 60 days.)

3. The Society shall work : Within the territory of Eastern and North Eastern States of India.

4. A. The Society is established on the day of, 2018 and the activities of the Society shall be carried out in accordance with the Societies Registration Act, 1860 (Act XXI of 1860) and Rules thereunder.
B. Its jurisdiction shall be in the states of Eastern and North-Eastern Regions of India and shall not be extended without the approval of the General Body having 2/3rd majority, and also the same shall not be implemented without the prior approval of the Additional Registrar of Society within 2 months from the date of passing of such resolution.
C. In these Rules and Regulations, unless there is anything repugnant to the subject or context, the expression “ The Act” means the Societies Registration

Act, 1860 and the expressions used in these Rules and Regulations shall have the same meaning as assigned to them in the said Act.

- D. “Society” means FORENS with Registered Office at Odisha Electricity Regulatory Commission, Plot No.4, Chunokoli, Sailashree Vihar, Bhubaneswar-751021, Odisha.
- E. “Chairperson” means the Chairperson of the Odisha Electricity Regulatory Commission, Bhubaneswar which can be changed on rotational basis every year as decided by the Members of the FORENS.
- F. “Secretary” means the Secretary of the OERC or Secretary of any other Commission, as the FORENS may decide.

Chapter-II

5. Objects: -

The objects of the Society shall be:-

- a. to work for the welfare of the electricity consumers of the Eastern & North-Eastern States of India,
- b. to foster a spirit of neighborliness and enhanced social interaction among the Members of the Society,
- c. to share information among the Members of FORENS on various issues of common interest and development of common approach,
- d. to work for harmonisation of Regulations in power sector made under the Electricity Act, 2003,
- e. to analyse the tariff orders and other orders of Central Electricity Regulatory Commission (CERC) and State Electricity regulatory Commissions and compilation of data arising out of the said orders,
- f. to undertake research work in house or through outsourcing on issues relevant to power sector Regulations,
- g. to collaborate with academic bodies and build up a panel of experts to analyze and develop regulations, procedures and guidelines,

- h. to evolve measures for protection of the interest of the consumers and promote of efficiency, economy and competition in power sector,
- i. to discuss issues relating to electricity Sectors which are of common nature and mutual interest to the Member States,
- j. to highlight and put-forth the decisions taken in the Forum before the FOR and Central Government, and
- k. to carry out such other objectives, as the Members may decide from time to time.

Chapter-III

6. Membership:-

The following shall be the members of the Society:-

(a) State Electricity Regulatory Commissions of Eastern & North-Eastern States of India, viz

- 1. Arunachal Pradesh State Electricity Regulatory Commission**
- 2. Assam Electricity Regulatory Commission**
- 3. Bihar Electricity Regulatory Commission**
- 4. Jharkhand State Electricity Regulatory Commission**
- 5. Joint Electricity Regulatory Commission, Manipur & Mizoram**
- 6. Meghalaya Electricity Regulatory Commission**
- 7. Nagaland Electricity Regulatory Commission**
- 8. Odisha Electricity Regulatory Commission**
- 9. Sikkim State Electricity Regulatory Commission**
- 10. Tripura Electricity Regulatory Commission**
- 11. West Bengal Electricity Regulatory Commission**

shall be the institutional members of the Society.

(b) Any person who is a Chairperson/Member of one of the Institutional member of the Society as in sub-para (a) above shall be a fellow member of the Society.

- (c) **The Head quarter of the Society will be located at Bhubaneswar and it can be shifted to another place by consent of the majority of the Members of the Society and with due notice to Registrar of Societies.**
- (d) **A person will cease to be a fellow member of the Society on conclusion of his term of office in the concerned State Electricity Regulatory Commission.**
7. The persons joining in the application for registration shall have the right to vote and all the liabilities will be born jointly and severally by them, as provided in the Act, Rules and Regulation. The Members will enjoy such rights and liabilities as are laid down in the Rules and Regulation of the Society which are consistent with the Act and Rules.

Chapter-IV

8. Finances of the Forum:-

- i. The capital shall be composed of the annual subscription to be made by the Members as decided by the Forum and such contribution shall be made by every member in the first quarter of each financial year.
- ii. The Society will receive necessary financial contribution from the members of the State Electricity Regulatory Commissions to carry out the activities of the Forum.
- iii. The Secretariat of the Forum will keep separate accounts for the activities of the said Forum which shall be audited annually.
- iv. The Secretary of the Society will open, maintain and operate Bank Account of the Forum namely FORENS situated in the state of Odisha at Bhubaneswar.
- v. The capital of the Forum shall be used in carrying out its objects. Surplus funds of the Forum not likely to be immediately required, shall be invested in such securities as the Members of the Forum deem fit. The borrowing and /or liabilities of the Forum shall not exceed at any time its total capital as mentioned above.

Chapter-V

9. **Function & Powers of General Body:**

General Body:

All the fellow members of the Society will constitute the 'General Body' of the Society

a. Rights & privileges of Member:-

All and every member of the Society;

- i) shall be entitled to participate in the meetings of the Society, and
- ii) have one vote at every meeting

b. Duties of the Members:-

All and every member of the Society shall;

- i) attend the General Body meetings.
- ii) give the necessary information to the Society pertaining to any matter which is necessary to be known by the Society.
- iii) not indulge in activities which are prejudicial to the interest of the rules and regulations of the Society.

10. **Functions of General Body:**

Meetings:

- i. The Forum shall meet at least twice in a year. The date, place and time as may be fixed by the Secretary of the Society in consultation with the Members of the Forum in a previous meeting of the Forum or as directed by the Chairperson of the Society.
- ii. The Forum will frame its own rules of business for the conduct of its meetings.
- iii. All the decisions of the Forum will be decided by the majority of the Members present in the meeting.
- iv. The Forum shall meet for the emergency meeting on receipt of a requisition in writing from any Member, specifying the subject for consideration at the said meeting in consultation with the Chairperson of the Forum.

- v. The first meeting of the Forum shall be called within a period of not more than six months from the date of its registration. In the first meeting, the following business shall be discussed and decided.
 - a. Approval of amount collected and amount spent in connection with the Registration of the Society before registration.
 - b. Election, if any, of the Members of the Society/Forum other than the Members of the memorandum as mentioned in the Clause therein of the Forum.
 - c. Programme of activities and budget estimate for ensuing year.

11. Notice & Quorum:

- a. The Annual General Body Meeting shall be called within a period of six months of the close of the accounting year. A special General Body meeting may be called at any time by the Secretary of FORENS with the approval of Chairperson, FORENS. The same can be called on the requisition by 1/5th of the total numbers of fellow Members of the Forum.
- b. In case of Annual General Meeting, time and place of the meeting shall be announced at least 15 days clearly in advance and in case of special general meeting at least 30 days in advance, by a written notice along with agenda of the meeting.
- c. The presence of the 1/3rd of the total numbers of fellow Members subsisting as such on the date of the notice of the meeting subject to a minimum of 10 numbers of Members shall be necessary for the disposal of any matter at general meeting. Each Member shall have one vote irrespective of his contribution to the Forum. In case of equality of votes on any matter, the Chairperson shall have a casting vote.
- d. If, within 30 minutes from the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned ordinarily to the same day in the next week at the same time and place but if the meeting is called upon the requisition of the Members it shall stand dissolved.

Provided that in the adjourned meeting, no quorum shall be necessary.

- e. If, at any time during the meeting, sufficient number of members are not present to form a quorum, the Chairperson of the Forum on his own motion or on his attention being drawn to this act shall adjourn the meeting to such convenient date, time and place as he thinks fit and the business to be transacted at the adjourned meeting shall be transacted in the usual manner even if no quorum is present.

12. Financial Year:

The financial year of the Society shall start with the first day of April and with 31st March of the succeeding year.

13. The duties and powers of the General Body are:

- a. to amend the Rules and Regulations,
- b. to consider any business brought before it,
- c. to appoint the auditors for audit of the accounts of the Forum and
- d. to consider the annual accounts along with the audit reports for its adoption.

14. All business discussed or decided at a general meeting shall be recorded in proceedings book, which shall be signed by the Chairperson of the meeting.

15. Amendments to the Rules and Regulations shall only be carried out by a majority of Members not less than 2/3rd present in a general meeting in which due notice of the intention to discuss such amendments has been previously given. Such amendments shall be forwarded to the Registrar for registration.

All other questions before the general meeting shall be decided by a majority of votes.

Chapter-VI

16. Managing Committee:-

The General Body of the Forum will itself be the Managing Committee of the Society. However the General Body may constitute specific committees with members drawn from among the members of the Forum or from outside for

discharging a specific task particularly for conducting a study or making a recommendation for the discharge of any function of the Society.

17. Secretary:

- a) The Secretary shall keep or cause to be kept all the records of the Forum and shall be responsible for preparation and submission of various returns to the Registrar, whosoever may be keeping the records, which shall always be deemed to be in his custody, possession, power and control. He shall be responsible for making over the charge of this record to his successor under proper charge report to be signed by the relieving and the relieved officer.
- b) He will summon and attend the meetings of the Governing Body/General Body on the direction of the Chairperson of the Society.
- c) He will record the minutes of the proceeding of meeting of the Governing Body/General Body and have them duly signed by the Chairperson of the Forum.
- d) He will get the accounts of the society audited by the qualified auditor, appointed by the Forum.

Chapter-VII

18. Registers:

The following registers and papers shall be maintained and shall be open to the inspection of any Member during an hour on each working day as may be specified by the Forum:-

- a. A register of Members, showing the name, address and occupation of every Member, the date of admission to membership, date of termination of membership.
- b. Cash Book showing the income, expenditure and cash balance on each day.
- c. A minute book.
- d. Any other register as may be prescribed under the Act/Rules.

19. The copy of the Rules and Regulations and balance sheet shall be supplied free on-demand to any Member of the Forum.

Chapter-VIII

20. Audit:

a. Management of Funds

All the income of the Society shall be deposited in an account opened in a Nationalized Bank(s).

b. Bank Accounts

The Bank Account(s) of the Society shall be opened in the name of the society and operated jointly by the Secretary of the Society and an officer of the State Electricity Regulatory Commission where the Secretariat of the Forum functions and as decided by the Chairman of the Forum. The Managing Committee if required shall appoint a Chartered Accountant for checking up accounts and preparation of Income-Expenditure Account, Balance Sheet, Utilization Certificate or any other financial statement as may be needed for submission with donor/financing agencies.

21. The accounts of the Forum shall be audited at least once a year by an auditor appointed by the Society.

22. Annual Report:

The Forum of Regulators for Eastern and North-Eastern States of India shall prepare every year, an annual report, giving a summary of its activities during the previous financial year and copies of the report shall be forwarded to all the State Electricity Regulatory Commissions of the Eastern and North-Eastern States of India and also to the Additional Registrar or the Registrar of the Societies.

23. Amendment:

Any amendment in Memorandum Rules and Regulation of the Society will be carried out in accordance with Section 12 and 12-A of the Societies Registration Act, 1860.

24. Dissolution of the Society:

The Society shall be dissolved as per Section 13 & 14 of the Societies Registration Act, 1860. All the immovable properties of the Society shall be handed over to another Society perusing similar activities as decided by the Managing Committee after payment of all the liabilities.

25. If any dispute touching the constitution of the Forum arises between the Members or the past Members of the Forum, the same shall be referred to the Principal Court of original jurisdiction of the district or the Hon'ble High Court of the State where the society is registered or the office of the Forum is situated at the time of such reference.

26. All the matters not specifically provided for are to be decided in accordance with the Societies Registration Act, 1860 and the Rules, if any notified thereunder.

The Forum may frame rules to carry out its activities not in consistence with the Act and the Rules and Regulations and can make addition or alternation in them from time to time.

We the undersigned are desirous of forming a Society namely Forum of Regulators for Eastern and North-Eastern States (FORENS) under the Societies Registration Act, 1860 in pursuance to the Memorandum attached and adopt the above as the Rules and Regulations of the Forum.

<u>Sl.No.</u>	<u>Name & Address</u>	<u>Occupation</u>	<u>Signature</u>
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Certificate

1. Certified that there is no other registered society in the same name and at the same place.
2. Certified that this is the true and correct copy of the Memorandum and Rules and Regulations of the Society.
3. This Society shall be guided as per rules of the Societies Registration Act, 1860 and its amendment, 1969.

Chairperson

Secretary

Attested above signatures of Chairperson and Secretary.

Secretary

Attested Authority

Notary Public

AFFIDAVIT

I Sri _____, aged about _____ years, son of _____, presently working as Secretary, Odisha Electricity Regulatory Commission, Plot No.4, Chunokoli, Sailashree Vihar, Bhubaneswar-21, Dist. Khurda and being the Secretary of Forum of Regulators for Eastern and North-Eastern States of India do hereby solemnly affirm and make a declaration as under mentioned:

1. That the Society under the name and style as Forum of Regulators for Eastern and North-Eastern States has been constituted and is controlled by its main office, situated at the office of the Odisha Electricity Regulatory Commission, Plot No.4, Chunokoli, Sailashree Vihar, Bhubaneswar-21, Dist. Khurda.
2. That the undersigned deponent is the Secretary/Subscriber of the Memorandum of Society.
3. That all the subscribers of the Governing Body/General Body are not related to each other.

Place:

Dated:

Deponent

Verification

I, the undersigned deponent hereby verify that the contents mentioned in para 1 to _____ are true and correct to the best of knowledge and belief nothing is suppressed therefrom.

Place:

Dated:

Deponent