



অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বৃহস্পতিবার, ফেব্রুয়ারী ১৭, ২০০৫

[৮ম খন্ড—বেসরকারী ব্যক্তি এবং কর্পোরেশন কর্তৃক অর্থের বিনিময়ে জারীকৃত
বিজ্ঞাপন ও নোটিশসমূহ]

সংযুক্তি-গ

Bangladesh Energy Regulatory Commission
Petrocentre (7th Floor) 3, Kawran Bazar C/A, Dhaka-1215

In exercise of the power conferred by section 59 of the Bangladesh Energy Regulatory Commission Act, 2003 (Act No. 13 of 2003) The Bangladesh Energy Regulatory Commission hereby adopts the following regulations pursuant to Chapter 3, Article 17 of the Act.

1. Short title and commencement :

- (a) This regulation may be called Bangladesh Energy Regulatory Commission Fund Regulation, 2004.
- (b) It shall come into force with effect from the date of publication in the Gazette.

2. Definition :

In these regulation, unless there is anything repugnant in the subject or context—

- (a) "Commission" means Bangladesh Energy Regulatory Commission.
- (b) "Energy" means the electricity, gas and petroleum products.
- (c) "Fee" means money received or receivable from any licensee for issue, renewal or revision of licence and may also include any amount that the Commission may impose to perform any act of service in the process of regulating the activities of the energy sector.
- (d) "Fund" means Bangladesh Energy Regulatory Commission Fund.
- (e) "Individual" means and includes company, association or group of persons whether statutory or not.
- (f) "Licencee" means and individual who has received a licence under this Act for generation of electricity, or transmission, marketing, distribution, storage and supply of energy.

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- (g) "Scheduled Bank" means Scheduled Bank as defined in Article 2 (J) of Bangladesh Bank Order, 1972 (P.O. 127 of 1972).
- (h) The definitions of items which are not covered by this regulation will be in accordance with the Bangladesh Energy Regulatory Commission Act, 2003 (Act No. 13 of 2003).

3. Application :

This regulation will govern the establishment and operation of the Commission's Fund.

4. Creation of fund :

- (a) The Commission shall open an account or accounts, as required, with schedule bank(s) in the name of the Commission.
- (b) The fund shall be deposited in one or more accounts with due approval of the Commission.

5. Sources of fund :

Money received from the following sources will be deemed to be the fund of the Commission and shall be deposited to the Commission's bank account :

- (a) Grant from the Government or Statutory body :
- (i) Commission will submit a proposal to the GOB for providing grant to meet expenses of the Commission. Such a proposal shall be based on the annual budget of the Commission.
 - (ii) Depending on the financial position of the Commission during its initial start up period, the grant may be the major source of fund, but with other financial sources of revenue opening gradually, the share of GOB supporting grant shall decrease.
 - (iii) Commission shall endeavor to reduce GOB grant to a minimum at the earliest reasonable date.
 - (iv) Commission shall follow GOB procedure to obtain GOB grant and shall process the application for such fund through Ministry.
 - (v) Grant from the statutory body may also be obtained by the Commission if such need and opportunity arises, subject to the condition that no statutory body having interest in energy sector shall be qualified to provide such grant to the Commission.
- (b) Loans borrowed by the Commission :
- (i) In case no fund is available to Commission to meet its obligations for its performance within or outside the Commission, then the Commission may opt for short term loan.
 - (ii) Authority to borrow : The Commission may, in order to perform its functions, receive necessary loan from any scheduled bank or financial institutions or individual with such terms and conditions as it deems fit :
 - (1) The Commission shall discuss the issue of receiving loan as an agenda in its meeting and decide on the issue depending on exigencies.
 - (2) When it becomes essential to opt for loan as a last resort, under the circumstances prevailing any particular time, the Commission may :
 - (i) Direct the concerned Director to examine the least cost option of the loan under the most favourable terms and conditions.

- (ii) Direct the concerned Director to make provision for repayment of loan on priority basis.
- (iii) Direct the concerned officials to report to the Commission through periodical reports as to the repayment position.
- (3) The Commission shall have competitive offers from at least three sources, if feasible and available, based on which the loan amount, terms and conditions, repayment schedule and other related issues to be decided upon in a meeting of the Commission.
- (4) Repayment of such loan shall form a priority expense item in the budgetary allocation.
- (iv) Authorization to receive foreign loan :
 - (1) Any proposal for foreign loan shall be presented to the Commission's meeting with detail background, terms and conditions and justifications for accepting the loan.
 - (2) In addition to the Commission's approval prior approval of the Government shall be taken to receive any loans from foreign sources.
 - (3) No foreign loan shall be considered for any work which can be done with local financing.
- (c) Fees and charges including fines, penalties or charges levied by the Commission :
 - (i) The methodology of fees and charges shall be outlined in the respective application procedures.
 - (ii) All fees charged by the Commission shall be nonrefundable.
 - (iii) Fees and charges collected by the Commission shall be duly registered and deposited in the designated accounts.
 - (iv) Fines and penalties unless clearly mentioned in the judgement to the effect that a part of the same shall be given to the aggrieved party, shall be owned by the Commission and these amounts shall be separately deposited in a bank account of the Commission.
- (d) Any other sources.

6. Utilization and Expenditure of Fund :

The fund shall be utilized in the manner as would be decided by the Commission in its meeting. However, in general, the fund shall be utilized for items but not limited to the following :

- (a) The pay and allowances, etc. of the members and employees.
- (b) Procurement of any services or materials for the purpose of the Commission as per Commission's regulation framed and adopted separately.
- (c) All other expenditures of the Commission.
- (d) In case of any expenses need to be paid outside the country, the Commission may allow the same following the practice in this respect in the financial sector of the country.

7. Method of withdrawal :

- (a) All payments, other than small petty cash payments, will be made from the

- Bank Account through cheque.
- (b) Supporting documents for issuing cheque shall be maintained in the designated section of the Commission.
- (c) The Bank Accounts shall be operated under the joint signature as under :—
- (i) The Chairman or Acting Chairman and any Member;
- (ii) In the absence of Chairman or Acting Chairman any two Members.
- (d) The Chairman and the Members may delegate the authority of operating Commission's Bank Account in its regular meeting to any of the Commission's officer but not below the rank of Director/Secretary.
- (e) A petty cash fund of Taka 50,000 (taka fifty thousand only) will be maintained which will be replenished by withdrawing money from the fund after submission of proper approved vouchers.

8. Deposit to consolidated fund :

- (a) At the end of the financial year, the Commission shall deposit to the Government's consolidated fund any amount remaining in the Commission's fund after meeting all expenses, but not including loan fund, funds obligated to meet outstanding expenses and funds obligated for retirement of loans.
- (b) Such deposition of fund to the Government's consolidated fund will be applicable only to the amount received from the GOB directly. Other sources of fund of the Commission shall not be a subject of refund to the consolidated fund.

9. Record keeping :

- (a) The Commission shall maintain proper accounts of all money received and spent by it. Such accounts must accurately and properly reflect the financial position of the Commission.
- (b) A summary of monthly Income and Expenditure Statement and status of fund will be maintained and shall be placed in the meeting of the Commission.

By the order of the Commission

MD. MOSHARRAF HOSSAIN

Acting Chairman.

মোঃ নূর-নবী (উপ-সচিব), উপ-নিয়ন্ত্রক, বাংলাদেশ সরকারী মুদ্রণালয়, ঢাকা কর্তৃক মুদ্রিত।
মোঃ আমিন জুবেরী আলম, উপ-নিয়ন্ত্রক, বাংলাদেশ ফরম ও প্রকাশনা অফিস,
তেজগাঁও, ঢাকা কর্তৃক প্রকাশিত।