

**MINUTES OF THE 53RD GOVERNING BODY MEETING OF THE
FORUM OF INDIAN REGULATORS (FOIR)**

**VENUE: CONFERENCE HALL, CERC, NEW DELHI,
DAY / DATE: FRIDAY, 26TH MAY, 2023**

1. The 53rd Governing Body meeting of the Forum of Indian Regulators (FOIR) was chaired by Shri Balwinder Singh Bhullar, Chairperson, AERA /Hony. Chairperson, FOIR. The list of attendees is at **Appendix**.
2. Welcoming all members of the Governing Body, Hony. Vice-Chairperson, FOIR/ Chairperson, CERC extended warm wishes and expressed his appreciation for the active participation of the members in the activities of FOIR. He extended warm welcome to Shri Balwinder Singh Bhullar, Chairperson, AERA/ Hony. Chairperson, FOIR and Shri. Praveen Kumar, Director General & CEO, IICA and their team to take part in the Governing Body deliberations.
3. Delivering his opening remarks, Shri Jishnu Barua, Chairperson, CERC/ Hony. Vice-Chairperson, FOIR highlighted that with liberalization of the Indian economy, the number of independent sector specific regulators have increased over the years and they perform important functions viz., setting standards, formalizing rules and regulations, maintaining & encouraging competition, setting price control etc. in their respective sectors. He also opined that the need for cross-sectoral learning should be emphasised, as it could be of paramount importance for the regulators, and specifically mentioned the previous collaboration with TRAI, which resulted in resolution of issues related to use of electric poles by telecom players. He further stated that in order to provide a common platform for the regulators in India, FOIR was constituted under the Societies Registration Act on 4th November 2000, which provides a great opportunity to the member organization to discuss the emerging issues in regulatory procedures, practices and to evolve common strategy to meet the challenges and disseminate the information to formulate the guidelines. He informed that IICA has been associated with FOIR for the past three years as a knowledge partner and has been curating a number of activities which has increased the visibility of FOIR. He also noted that with a view to expanding the membership of FOIR, efforts have been made to reach out other regulators who are not members of the Forum and that

presently, FOIR Secretariat is in talks with National Financial Reporting Authority for joining this Forum.

4. Thereafter, Shri Balwinder Singh Bhullar, Chairperson, AERA /Hony. Chairperson, FOIR extended a warm welcome to all the members and specially welcomed Shri Jishnu Barua, Chairperson, CERC and Ms Ravneet Kaur, Chairperson, CCI who were participating in the GB meeting for the first time after having assumed office. He apprised the members about the formation of sector specific regulators with the expansion of the Indian economy and emphasized the importance of a platform like FOIR for the regulators to share best practices and discuss the issues faced by them and learn from each other. He added that this Forum should add more sector specific regulators so that cross sectoral collaboration can be achieved and better plans can be formulated to resolve the issues faced by the regulators through discussion. He appreciated the good work done by Mr. Ashok Kumar Gupta, former Chairperson, CCI/ former Hony. Chairperson, FOIR.
5. Ms Ravneet Kaur, Chairperson, CCI/Hony. Vice- Chairperson, FOIR also extended warm welcome to all the members and further apprised that she joined CCI as a Chairperson after a long career as an IAS officer and was looking forward for a fruitful tenure in CCI and in the activities of FOIR.
6. Thereafter, the GB took up the agenda items for discussion.

AGENDA ITEM 1: CONFIRMATION OF THE MINUTES OF 53RD GOVERNING BODY MEETING

7. The members were updated on the minutes and action taken on the 52nd meeting of the GB. On the issue of discussion on Jewar Airport recorded in last MoM, Chairperson, AERA clarified that the statement about GMR not exercising its right of first refusal for setting up Jewar Airport needs correction. GMR could not resort to first right of refusal as GMR's bid was not within the 10% band of the bidder who won the bid for the Jewar Airport.

8. On the proposed study on “Alignment of regulation of different regulators and areas of cooperation among members”, FOIR Secretariat clarified that this study is being taken up by IICA in this financial year. After discussion, the GB confirmed the minutes.

AGENDA ITEM 2: CONSTITUTION OF MAJOR PORTS ADJUDICATORY BOARD BY CENTRAL GOVERNMENT IN PLACE OF TAMP.

9. Deputy Chief (RA), CERC apprised the members about the reference received from TAMP regarding the formation of Major Ports Adjudicatory Board (the successor body for TAMP with additional powers) by the Central Government with the enactment of the Major Ports Authority Act 2021 and the clarification sought by TAMP whether they can continue as member of the FOIR, once the new entity is formed, supported by the relevant rules and regulations.
10. The GB was apprised that as per MPA Act 2021, the new entity to be formed is being established by law to adjudicate upon disputes and other functions, taking over the functions of TAMP (except for tariff fixation) and has been vested with the powers of a Civil Court, which all Regulatory Bodies and Authorities have.
11. Chief (RA), CERC further apprised the members that the new authority also has the powers to appraise, review the stressed PPP projects as referred by the Central Govt and to suggest measures to revive such projects; to look into complaints received from port users against the services and terms of service rendered by Major Ports or the private operators operating in the Major Ports and to pass necessary orders after hearing the parties concerned etc. Therefore, its mandate includes executive and legislative functions apart from judicial functions, at par with other regulatory authorities. Member (Law), CERC pointed out that the preamble of the MPA Act 2021 provides that it is an “*Act to provide for regulation, operation and planning of Major Ports in India and to vest the administration, control and management of such ports...*”. Therefore, in his opinion, the new body clearly meets the requirement of a regulatory body.
12. After discussion, the members of the Governing Body unanimously agreed that the Adjudicatory Board to be formed under the MPA Act fits in the overall scope of being a

Regulator and thus would be eligible for membership of the Forum under the Rules and Regulations. Accordingly, the FOIR Secretariat was directed to inform TAMP.

AGENDA ITEM 3: RECONSTITUTION OF THE GOVERNING OF FOIR FOR THE F.Y. 2023-24

13. Deputy Chief (RA), CERC, briefed the members about the Rules & Regulations of FOIR regarding composition of the Governing Body. The Chairpersons or Members of Regulatory Bodies/Authorities are nominated as Hony. Chairperson/Hony Vice-Chairperson/Hony. Member of the Governing Body based on their seniority, provided they have at least one-year service remaining in their organization and they will continue to be in the Governing Body as long as they hold the office in their respective Institution. Based on the said norms, the proposed constitution of the Governing Body for 2023- 2024 was presented.
14. Accordingly, the re-constituted Governing Body for 2023-2024 as approved by the Governing Body is at **Annexure - I**.

AGENDA ITEM 4: ACCOUNTS RELATED MATTERS

15. The members were apprised of the proposal received from Haryana ERC for conducting conferences for the members of FOIR, similar to the one conducted in 2020 and it was clarified that a conference to be held outside Delhi has already been proposed in the budget of FOIR for FY 2023-24.
16. The members were also apprised that the Auditor of FOIR could not audit the books of account of FOIR for the F.Y. 2022-2023 due to some personal tragedy. However, FOIR Sectt. is pursuing the matter with the Auditor and the same is expected to be completed by 31st May, 2023. Accordingly, a Governing Body Meeting may be held in the 2nd week of June, 2023, through online mode, for considering the Audited Accounts, post which the

same will be placed before the Annual General Body Members for their approval, during the meeting to be held in June, 2023. The GB members agreed to the proposal.

17. Thereafter, Deputy Chief (RA) explained the salient features of the proposed budget for the F.Y. 2023-2024. A brief on the proposed activities of FOIR to be initiated by IICA – knowledge partner of FOIR during the F.Y. 2023-2024 was apprised by DG & CEO, IICA. The GB recommended that the budget be modified to include both national and international study visits for serving members
18. After detailed deliberations, the GB approved the budget for the F.Y.2023-2024.

AGENDA ITEM 5: WITHDRAWAL OF MEMBERSHIP BY ANDHRA PRADESH ERC AND NAGALAND ERC

19. The Members were informed of the requests received from Andhra Pradesh ERC and Nagaland ERC for withdrawal of membership in FOIR. While Andhra Pradesh ERC had requested for withdrawal in the previous year for the reason that it was already a member in FOR, Nagaland ERC has requested to withdraw as it is a small organization and that it is dependent on the grant provided by the State Government.
20. Hony Vice Chairperson, FOIR / Chairperson, TNERC stated that FOIR should try to persuade Andhra Pradesh and Nagaland ERC for continuing their membership.
21. The GB agreed to the suggestion of Hony Vice Chairperson, FOIR/ Chairperson TNERC and directed the FOIR Secretariat to write to APERC and NERC for reconsideration of their decision.

AGENDA ITEM 6: AREAS FOR INTER -REGULATOR COOPERATION

22. The members were apprised that FOIR provides a platform where all the sectoral regulators can have inter-sector regulatory cooperation.
23. Executive Secretary, FOIR / Secretary, CERC apprised the members about the collaboration between SERCs and TRAI, where the issues related to use of infrastructure

of distribution and transmission utilities in the electricity sector could be used for rolling out the 5G network. The issues were resolved through discussion in the meetings of FOIR and the Forum of Regulators.

24. Hony. Chairperson, FOIR/Chairperson, AERA suggested that through inter regulatory collaboration, a study can be conducted on “Green Airport”, since Green energy projects are on their priority list.
25. Hony. Vice Chairperson / Chairperson, TNERC also informed that the discoms in Tamil Nadu are procuring green power and selling the same to Chennai Airport under the green tariff, where Airport authorities are purchasing 60-70% green energy by paying 10% above the regular tariff.
26. Member, PNGRB apprised the members that topics related to battery charging, green hydrogen, injecting hydrogen in the pipelines etc can be decided and nominations may be called for constituting Working Groups who can further deliberate on such issues to formulate common and conducive regulations.
27. After discussion, it was decided that a Working groups be constituted to work on these topics. The GB also agreed to the suggestions of Hony. Treasurer, FOIR / Member, CERC that short presentations may be made by regulators on important landmark decisions and issues periodically, to facilitate cross learning.

AGENDA ITEM 7: FOIR STUDY ON “DEVELOPMENT OF PERFORMANCE EVALUATION MECHANISM FOR REGULATORY BODIES IN INDIA”

28. Director, FOIR Centre, IICA made a presentation (**Annexure-II**) on the findings of the study on “Development of Performance evaluation mechanism for Regulatory bodies in India” and highlighted that the study was finalized by taking inputs and suggestions as also wide consultations with officials of various regulatory bodies. The study recommended that the FOIR members may adopt the formal performance evaluation mechanism using the findings from the study as the starting point. It also emphasized on customizing the

performance evaluation framework and indicators to their unique positioning/role either internally or through external independent agency.

29. After detailed discussion, the Governing Body members noted the recommendations of the study and directed the FOIR Secretariat to circulate the report to the member regulatory authorities under FOIR.

At the end of the meeting, Executive Secretary, FOIR / Secretary, CERC thanked the Governing Body for a fruitful interaction and evolving consensus on several issues cutting across infrastructure sectors. The meeting ended with Vote of thanks to the Chair.

APPENDIX

LIST OF PARTICIPANTS OF THE
53RD GOVERNING BODY MEETING OF "FOIR"
HELD ON FRIDAY, THE 26TH MAY, 2023
AT CERC, CHANDERLOK BUILDING, 36, JANPATH, NEW DELHI.

S. No.	Name	Designation & Organization
01.	Mr. Balwinder Singh Bhullar	Hony. Chairperson, FOIR & Chairperson, AERA
02.	Mr. Jishnu Barua	Hony. Vice-Chairperson, FOIR Chairperson, CERC
03.	Ms. Ravneet Kaur	Hony. Vice-Chairperson, FOIR Chairperson, CCI
04.	Mr. M. Chandrasekar	Hony. Vice-Chairperson, FOIR Chairperson, TNERC
05.	Mr. I.M. Bohari	Hony. Member, FOIR & Member, MERC
06.	Mr. M.D. Ravi	Hony. Member, FOIR & Member, KERC
07.	Mr. Naresh Sardana	Hony. Member, FOIR & Member, HERC
08.	Mr. Arun Goyal	Hony. Treasurer, FOIR & Member, CERC
09.	Mr. Anjani Kumar Tiwari	Member, PNGRB
10.	Mr. Harpreet Singh Pruthi	Executive Secretary, FOIR & Secretary, CERC
11.	Dr. Sushanta Kumar Chatterjee	Chief (Regulatory Affairs) CERC
“SPECIAL INVITEE / FOIR SECRETARIAT / IICA”		
12.	Mr. Pravas Kumar Singh	Member, CERC
13.	Mr. Praveen Kumar	DG & CEO, IICA
14.	Dr. (Prof.) Naveen Sirohi	Director, IICA
15.	Ms. Rashmi Somasekharan Nair	Dy. Chief (Regulatory Affairs), CERC
16.	Mr. P.M. Antony	Executive Treasurer, FOIR
17.	Mr. Nilesh Diwan	Accounts Officer
18.	Mr. Kushal Pal	Research Associate

19.	Mr. Sushil Kumar Arora	Administrative Officer
20.	Ms. Ankita Tiwari	Fellow, IICA
21.	Mr. Avanish R. Srivastava	Consultant, IICA
22.	Mr. Davinder Kumar	Technical Officer (IT)

PROPOSED GOVERNING BODY OF "FOIR"

FOR 2023-2024

Name & Designation	Date of Appointment in Regulatory Commission / Authority	Date of Retirement in Regulatory Commission / Authority
Hony. Chairperson		
Mr. Balwinder Singh Bhullar Chairperson, AERA	08.07.2019	11.05.2024 (a)
Hony. Vice-Chairperson		
Mr. Jishnu Barua Chairperson, CERC	02.03.2023	31.08.2027 (b)
Dr. P.D. Vaghela Chairperson, TRAI	01.10.2020	30.09.2023
Mr. Ravi Mittal Chairperson, IBBI	09.02.2022	12.09.2026
Mr. Raj Pratap Singh Chairperson, UPERC	02.07.2018	01.07.2023 (c)
Mr. D. Radhakrishna Chairperson, TERC	08.08.2019	07.08.2024
Mr. M Chandrasekar Chairperson, TNERC	16.08.2019	15.08.2024 (d)
Dr. Anil Kumar Jain Chairperson, PNGRB	18.05.2023	15.10.2027 (k)
Ms. Ravneet Kaur Chairperson, CCI	23.05.2023	22.05.2028 (l)
Chairperson, FSSAI (Vacant)		
Chairperson, TAMP & Presiding Officer, Adjudicatory Board (when TAMP ceases to exist)		
Hony. Members		
Mr. M.D. Ravi Member, KERC	13.03.2019	12.03.2024 (e)
Mr. Naresh Sardana Member, HERC	29.05.2019	28.05.2024 (f)
Mr. Jiban Krishna Sen Member, TERC	08.08.2019	07.08.2024
Mr. Pulak Kumar Tewari Member, WBERC	01.10.2019	05.09.2024
Dr (Mrs) Sangeeta Verma Member, CCI (from Central Sector)	24.12.2018	17.09.2023 (g)
Mr. Sudhakar Shukla, Member, IBBI (from Financial Sector)	14.06.2023	30.09.2024 (h)

Hony. Secretary Mr. Indu Shekhar Jha Member, CERC	21.01.2019	20.01.2024 (i)
Hony. Treasurer Mr. Arun Goyal Member, CERC	07.04.2020	02.08.2024 (j)

- a) Mr. Ravi Mittal, Chairperson, IBBI will replace Mr. Balwinder Singh Bhullar, Chairperson, AERA (on completion of his tenure) and will serve as Hony. Chairperson of FOIR from 12.05.2024 to 12.09.2026.
- b) Mr. Jishnu Barua, Chairperson, CERC has joined CERC on 02.03.2023 and therefore will serve as Hony. Vice Chairperson from 02.03.2023 to 31.08.2027.
- c) Mr. T. Sriranga Rao, Chairperson, TSERC will replace Mr. Raj Pratap Singh, Chairperson, UPERC and will serve as Hony. Vice Chairperson from 02.07.2023 to 29.10.2024.
- d) In view of vacancy in Finance sector, Mr. M Chandrasekar, Chairperson, TNERC will continue to serve as Hony Vice Chairperson till 15.08.2024.
- e) Mr. Rafi Andrabi, Member JERC for UTs of J&K and Ladakh will replace Mr. M.D. Ravi, Member, KERC and will serve as Hony. Member from 13.03.2024 to 24.05.2025.
- f) Mr. Paramjeet Singh, Member PSERC will replace Mr. Naresh Sardana, Member HERC and will serve as Hony. Member from 29.05.2024 to 22.09.2025.
- g) Mr. Gajendra Singh, Member, PNGRB will replace Dr. (Mrs) Sangeeta Verma, Member, CCI, and will represent Member of Central Infrastructure from 18.09.2023 to 13.06.2025.
- h) Mr. Sudhakar Shukla, Member, IBBI, represents Member of Financial Sector and will be serve as Hony. Member from 14.06.2023 to 30.09.2024.
- i) Mr. Arun Goyal, Member, CERC will replace Mr. Indu Shekhar Jha, Member, CERC, and will serve as Hony Secretary from 21.01.2024 to 02.08.2024.
- j) Mr. Pravas Kumar Singh, Member, CERC will replace Mr. Arun Goyal, Member CERC, and will serve as Hony. Treasurer from 21.01.2024 to 19.05.2024.
- k) Dr. Anil Kumar Jain, Chairperson, PNGRB has joined PNGRB on 18.05.2023 and therefore will serve as Hony. Vice Chairperson from 18.05.2023 to 15.10.2027.
- l) Ms. Ravneet Kaur, Chairperson, CCI has joined CCI on 23.05.2023, therefore will serve as Hony. Vice Chairperson from 23.05.2023 to 22.05.2028.

The name of new Presiding Officer of Adjudicatory Board will be included (when TAMP ceases to exist) as Hony. Vice-Chairperson.

The name of new Chairperson, FSSAI will be included (from the date of joining FSSAI) as Hony. Vice Chairperson.

The name of new Chairperson, TRAI will be included as Hony. Vice Chairperson, on joining the post after demitting of office by Dr. P.D. Vaghela, Chairperson, TRAI on 30.09.2023.

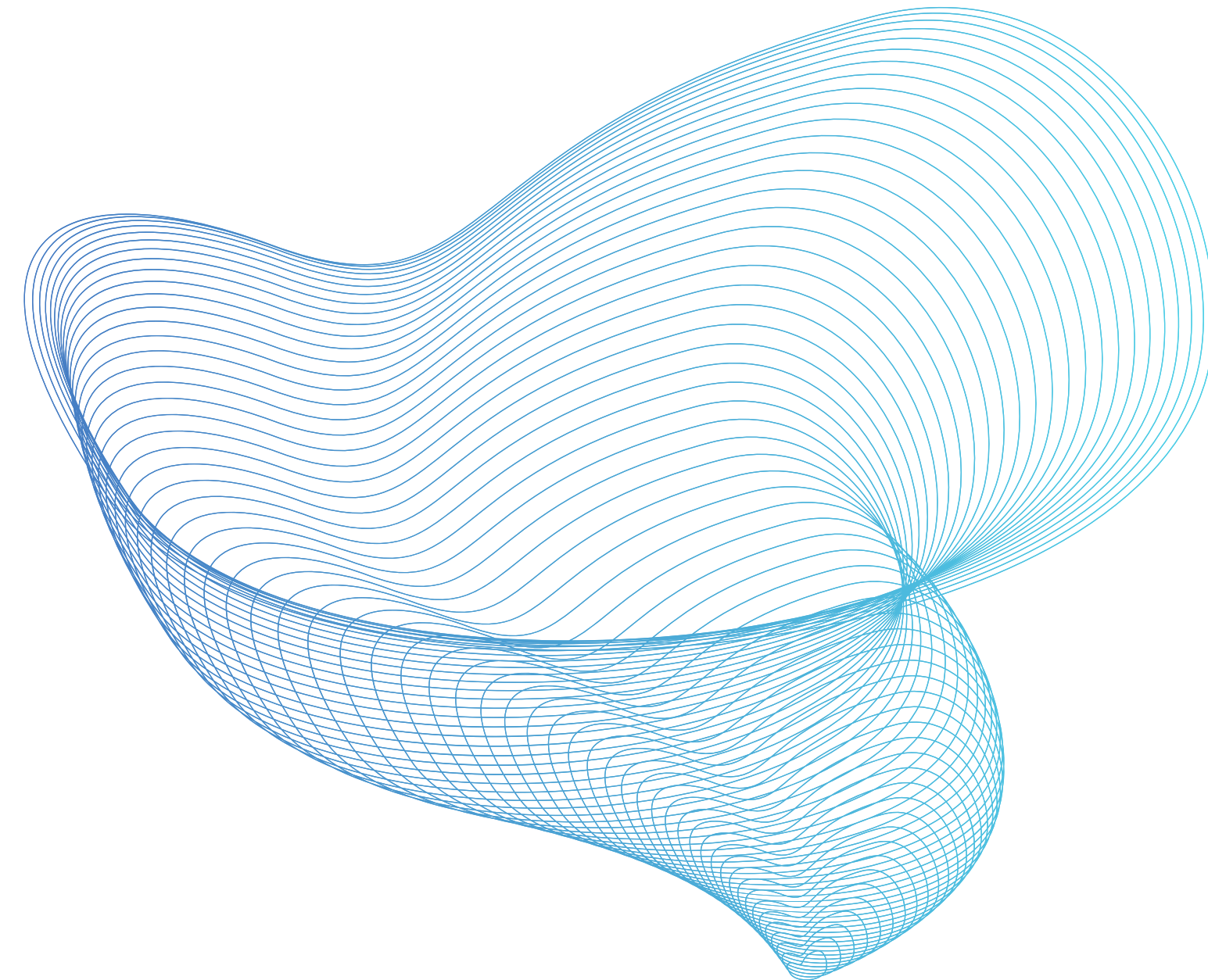
The name of new Chairperson, AERA will be included as Hony. Vice Chairperson on joining the post after demitting of office by Mr. Balwinder Singh Bhullar, Chairperson, AERA on 11.05.2024.

Presentation by IICA

53rd GBM of FOIR

Study on Development of
Performance Evaluation
Mechanism for Regulatory
Bodies in India

May 26, 2023 | CERC, New Delhi



Research Questions

1. What is the current mechanism to evaluate the performance of regulators in India?
2. What are the international best practices and indicators for performance evaluation of regulators?
3. What should be the indicators for performance evaluation of regulators in India?

Recommendations

1. Formal performance evaluation mechanism be adopted by regulatory bodies across the country to evaluate the performance of regulators against the aims and objectives of the regulatory body. Each regulatory body may determine their own indicators and frameworks.
2. The evaluation body / group conducting the exercise needs to be free from any kind of biases.
3. A final consolidated report of the performance evaluation, whether external or internal review, may be published on the website of the regulator.
4. Instruments for regulations such as 'Rules', 'Regulations', 'Notifications' etc. needs to be defined in the respective governing statute along with their purpose and effect. This detailing is necessary as it has been observed that regulatory bodies tend to regulate by coming up with several aforementioned nomenclatures without defining the difference and relevance.

Recommendations contd.

5. Each regulatory organisation consider undertaking a self-evaluation once in three years, and place conclusions in the public domain for informed discussion and debate.
6. Each regulatory body may consider detailing the following particulars in the annual report:
 - Budget
 - Allocation of resources
 - Objectives / Aims
 - Achievement against aims
 - Functions discharged
 - Statistics (*market impact of regulatory bodies' action in figures*)
 - Broad targets for the upcoming financial year
 - Review of data (*observations on current year performance*)
 - Review (*Audit/inspection*)

Recommendations contd.

7. Since there is no uniformity in the regulatory sector in India, each regulator, based on aims and objectives of their establishment & nature of functions performed design their own performance evaluation framework using the indicators suggested in the report.
8. Each regulatory body may consider to adopt and internalise the 18 benchmarks of stakeholders consultation provided by OECD and reproduced at Annexure-B as part of their performance evaluation mechanism.

Way Forward

1. FOIR Member Regulatory Bodies may adopt formal performance evaluation mechanism using the findings from the study as starting point and customising the performance evaluation framework/indicators to their unique positioning / role, either internally or through an external independent agency.
2. FOIR Member Regulatory Bodies may undertake periodic performance evaluation once in three years, preferably through an external independent agency, and publish the consolidated report in the public domain.

*Thank
You*