

**GOVERNMENT OF JAMMU AND KASHMIR  
POWER DEVELOPMENT DEPARTMENT  
CIVIL SECRETARIAT,  
JAMMU**

**Notification,  
Jammu, the 20<sup>th</sup> March, 2020**

**S.O. 109** .- In exercise of the powers conferred by sections 131 read with 133 of the Electricity Act, 2003 , the Lt. Governor of Jammu and Kashmir hereby makes the following transfer Scheme for giving effect to the transfer of Assets, Liabilities, Proceedings, Properties, Interests in properties and undertakings, rights and obligations of Power Development Department Government of Jammu and Kashmir to the 'Transferee' and deputation of Employees of Power Development Department Government of Jammu and Kashmir to the 'Transferee' as defined in this scheme and for matters incidental and ancillary thereto:-

**1. Short title, extent and commencement.** - (1) This Scheme may be called the "Jammu and Kashmir Power Development Department (Re-Organisation) First Transfer Scheme, 2020" (hereinafter referred to as 'Scheme').

(2) This Scheme shall come into force from the date of its publication in the official Gazettee.

**2. Application of Scheme:-**The Scheme shall apply to such assets, properties, undertakings, interests, rights, obligations, liabilities, employees and proceedings of the Power Development Department within and outside the Union Territory of Jammu and Kashmir (UT of J&K).

**3. Definitions:** In this Scheme, unless the context otherwise requires, -

(a) "Act" means the Electricity Act, 2003 (Central Act 36 of 2003) and any subsequent amendments thereto from time to time;

(b) "Appointed Date" means the date of notification of this Scheme for effecting transfer of functions, properties, interests, undertakings, rights and liabilities, proceedings of the Department to the Transferee and deputation of Employees to the transferee in accordance with the Act and this Scheme for all objects and purposes as stipulated under this Scheme;

- (c) **"Assets"** means, excluding the properties set out in Schedule G and H of this Scheme, all assets and properties including power systems, plant, machinery, equipment, transmission towers, lines, transformers, breakers, building, offices, stores, furniture, fixtures, vehicles, computer, laptop, telephone, fax, residential quarters and guest houses and amenities and installations pertaining and attached thereto and other moveable and immovable assets, cash in hand, cash at bank, investments, book debts – corporeal and incorporeal, tangible and intangible assets, benefits, licenses, consents, authorities, registration, patents, trademarks and powers of every kind, nature and description whatsoever, privileges, liberties, easements, advantages, benefits and approvals, contracts, deeds, schemes, bonds, agreements and other instruments and interest (including receivables) of whatever nature and wherever situated and including contingent assets, which may arise in regard to dealings before the Appointed Date of transfer in respect of the specified undertaking, as the case may be;
- (d) **"Admin Section, JKPDD"** means the section under Administrative Secretary, Power Development Department of Union territory of Jammu and Kashmir;
- (e) **"CEI Wing"** means the Office of Chief Electrical Inspector, Power Development Department;
- (f) **"Company"** or **"Corporation"** means the company incorporated as a fully owned Government Company under the Companies Act 1956 / Companies Act 2013;
- (g) **"Commission"** means Electricity Regulatory Commission established by the Government under Electricity Act, 2003;
- (h) **"Department"** means the Jammu and Kashmir Power Development Department, including its successor in Union territory of Ladakh, serving as the integrated power utility for transmission, distribution and other related functions in the UT of Jammu and Kashmir and UT of Ladakh;
- (i) **"Jammu Province" or "Jammu Region"** shall cover the districts (1) Doda, (2) Jammu, (3) Kathua, (4) Kishtwar, (5) Poonch, (6) Rajouri, (7) Ramban, (8) Reasi, (9) Samba and (10) Udhampur of the UT of J&K;
- (j) **"Kashmir Province" or Kashmir Region"** shall cover the districts of (1) Anantnag, (2) Bandipora, (3) Baramulla, (4) Budgam, (5) Ganderbal, (6) Kulgam, (7) Kupwara, (8) Pulwama, (9) Shopian and (10) Srinagar of the UT of J&K;

- (k) **"Ladakh Region"** shall cover the Kargil and Leh districts of the UT of Ladakh;
- (l) **"Jammu Power Distribution Company Limited"** or **"JPDCL"** means the company incorporated under Companies Act on 3.6.2013 and further renamed as **"Jammu Power Distribution Corporation Limited"** or **"JPDCL"** under reorganisation of department for managing the functions of power distribution in the Jammu Province;
- (m) **"Kashmir Power Distribution Company Limited"** or **"KPDCL"** means the company incorporated under Companies Act on 26.6.2013 and further renamed as **"Kashmir Power Distribution Corporation Limited"** or **"KPDCL"** under reorganisation of department for managing the functions of power distribution in the Kashmir Province;
- (n) **"Jammu and Kashmir Power Transmission Company Limited"** or **"JKPTCL"** means the company incorporated under Companies Act on 26.6.2013 and further renamed as **"Jammu and Kashmir Power Transmission Corporation Limited"** or **"JKPTCL"** under reorganisation of department for managing the functions of power transmission in Union Territory of Jammu and Kashmir (UT of J&K);
- (o) **"Jammu and Kashmir State Power Trading Company Limited"** or **"JKSPTCL"** means the company incorporated under Companies Act on 25.3.2013 and further renamed after unbundling of the Department as **"Jammu and Kashmir Power Corporation Limited"** or **"JKPCL"** and shall continue its operation for managing the functions of power trading and holding matters in Union Territory of Jammu and Kashmir;
- (p) **"Ladakh Power Corporation Limited"** or **"LPCL"** means the company incorporated under Companies Act for managing the functions of power generation and power distribution in the Ladakh region of Union Territory of Ladakh;
- (q) **"Liabilities"** include all liabilities, debts, duties, obligations and other outstanding's including statutory liabilities and Government levies of whatever nature and contingent liabilities which may arise in regard to the dealings before the Appointed date in respect of the Undertakings transferred under this Scheme, however, excluding the liabilities set out in Schedule G and H of this Scheme;
- (r) **"Employee"** means staff, employees and officers of the Department by whatever name called and includes those on deputation from the Department to other organizations or institutions, excluding the

employees on deputation to the Department from other government departments or organisations or institutions;

- (s) "**Proceedings**" means the proceedings of whatever nature including suits, appeals, complaints, petitions, applications, conciliation, arbitration, whether civil or criminal or otherwise, in which the Department is one of the parties;
- (t) "**Promotional Cadre**" means all posts which are being filled through promotions (fully or partly) as on appointed date in the Department;
- (u) "**Properties**" means all assets, excluding the properties set out in Schedule G and H of this Scheme, including power systems, diesel generating sets, transmission and distribution systems, machinery, equipment, transmission towers, lines, transformers, breakers, building, offices, stores, installations, furniture, fixtures, vehicles, residential quarters and guest houses and amenities and installations pertaining thereto and other movable and immovable assets, cash in hand, cash at bank, investments, book debts- corporeal and incorporeal, tangible and intangible assets, benefits, licenses, consents, authorities, registrations, patents, trademarks and powers of every kind, nature and description whatsoever, privileges, liberties, easements, advantages, approvals, contracts, deeds, schemes, bonds, agreements and other instruments and interest (including receivables) of whatever nature and wherever situated;
- (v) "**Re-organisation Act**" means the Jammu and Kashmir Re-organisation Act, 2019 (34 of 2019) passed by Parliament of India on 9<sup>th</sup> August 2019 to provide for the re-organisation of the State of Jammu and Kashmir and for matters connected therewith or incidental thereto.
- (w) "**Re-organisation**" means Re-organisation of the State of Jammu and Kashmir into two Union Territories i.e. UT of Jammu and Kashmir and UT of Ladakh in terms of section 3 and 4 of Part-II of Re-Organisation Act, 2019;
- (x) "**Salary**" means the sum of pay and other allowances including the right to have the periodic revisions as applied to other Government employees after the Appointed date;
- (y) "**Schedule**" means Schedules appended to this Scheme;
- (z) "**Scheme**" means "The Jammu and Kashmir Power Development Department (Re-Organisation) First Transfer Scheme, 2020";

(aa) **"Shared Services"** means the existing services provided by the offices of the Department/Transferee;

(bb) **"State"** means the erstwhile State of Jammu and Kashmir;

(cc) **"State Government or Government"** means the Government of Jammu and Kashmir and Government/Administration of Ladakh;

(dd) **"Terminal Benefits"** means the gratuity, pension (including family pension), leave encashment, general provident fund, Voluntary retirement scheme benefits and any other retirement benefits, dearness and other applicable allowances, medical benefit, and other applicable benefits including any other benefit/allowance extended after the Appointed date to the Government employees, further, including the right to have the appropriate revisions in the above benefits consistent with rules in vogue;

(ee) **"Transferee"** means Jammu Power Distribution Corporation Limited (JPDCL), Kashmir Power Distribution Corporation Limited (KPDCL), Ladakh Power Corporation Limited (LPCL), Jammu and Kashmir Power Transmission Corporation Limited (JKPTCL), Jammu and Kashmir Power Development Corporation Limited (JKPDCL) or Jammu and Kashmir Power Corporation Limited (JKPCL), as the case may be, in whom the functions and Undertakings of the Department are vested in terms of the provisions of the Act and this Scheme;

(ff) **"Transition Period"** means the period for twelve (12) months starting from the Appointed Date;

(gg) **"Transferor"** means the Power Development Department;

(hh) **"Undertaking"** means the functions, business and block or blocks of assets, properties, interest, rights, liabilities, obligations and proceedings belonging to the Department prior to the Appointed date, to the extent and in the manner set out in Schedule A, B, C, D, E and F of this Scheme, as the case may be;

(ii) **"Union Territory" or "Territories"** means the Union Territory of Jammu and Kashmir (UT of J&K) and Union Territory of Ladakh (UT of Ladakh); and

4. Words and expressions used in this Scheme and defined in the Act and the rules and regulations made thereunder, but not specifically defined in this Scheme shall have the same meaning, respectively as assigned to them in the Act and the rules and regulations made thereunder.

## 5. Transfer of Undertakings by Department:-

(a) The Undertakings of the Department classified in the following schedules shall stand transferred to and vested in the Transferee on and from Appointed Date subject to the terms and conditions specified in the Act and the Scheme: -

- (i) Trading cum Holding Undertakings for UT of J&K as set out in Schedule-A';
- (ii) Distribution Undertakings for Jammu Province, UT of J&K as set out in Schedule-B;and
- (iii) Distribution Undertakings for Kashmir Province, UT of J&K as set out in Schedule-C;and
- (iv) Generation and Distribution Undertakings for Ladakh Region, UT of Ladakh as set out in Schedule-D;
- (v) Transmission Undertaking with Load Despatch Centre function for Jammu as well as Kashmir Province, UT of J&K as set out in Schedule-E

(b) If the assets of the undertaking under sub-clause (a) are subject to any security documents or arrangements in favour of third parties for any financial assistance or obligation taken by the Department and the liabilities in respect thereof have been classified in different Undertakings, the Government, may by order, to be issued for the said purpose, provide for the apportionment of the liabilities secured by such properties, assets and rights between the different Undertakings and upon such apportionment, the security shall stand apportioned to the Undertakings to the extent of the apportioned liabilities only.

(c) On such transfer and vesting of the Undertakings in terms of sub-clause (a) above and except as otherwise provided, the respective Transferee, shall be responsible for all functions, contracts, rights, deeds, schemes, bonds, agreements and other instruments of whatever nature relating to the respective Undertaking transferred to it to which the Department was a party, subsisting or having effect on the Appointed Date, in the same manner as the Department was liable immediately before the Appointed Date, and the same shall remain in force and effect against or in favour of the Transferee and may be enforced effectively as if the Transferee had been a party thereto instead of the Department;

(d) Nothing in sub-clause 5 (a) above shall apply to rights, responsibilities, liabilities and obligations in respect of the employees and matters relating to employees, including statutory dues such as salary, wages, gratuity, pension including family pension, provident fund, leave encashment/medical benefits, compensation, terminal

benefits and retirement benefits and these shall be dealt with in the manner provided under clause 7 of this Scheme;

- (e) As consideration for the transfer and vesting of Assets and Liabilities to the Transferee as specified in this Scheme, the Government and / or any Company registered under the companies Act will be issued shares and / or instruments as may be decided by Government in this regard;
- (f) The transfer to and vesting of the undertaking to the transferee in terms of this Scheme shall take effect immediately on the appointed date notwithstanding that the value of Undertakings have not been determined and shall be determined at a later date;
- (g) The Government may transfer appropriate assets such as chairs, tables, cupboards, computers, laptop etc. as may be necessary for smooth functioning of the Transferee. If the assets cannot be transferred from the Department, necessary arrangements shall be done by the Government or Department to procure the same for the Transferee;

The value of the Assets to be transferred to the Transferee shall be the fair value determined in any one or more of the following basis:

- i. Revenue earning potential, or
  - ii. Depreciated replacement value, or
  - iii. Depreciated book value.
- (h) The Government may, by an order, to be issued for the purpose amend, vary, modify, add, delete or otherwise change the terms and conditions specified in the Schedules at any time during the transition period of this Scheme provided that if the terms and conditions are relating to the employees, there shall be scope for the right of hearing;
  - (i) The assets and liabilities specified in Schedule G and H shall not form part of the Assets and Liabilities to be transferred to the Transferees as classified in Schedules A, B, C, D, and E, but shall form part of residuary assets and liabilities to be retained by the Government. No part of the land shall form part of the Assets transferred to the Transferees. The land covered in Schedule G and H shall be licensed to the Transferees at a rate of Rs.1 (Rupee One) per month on an as-is-where-is basis for an initial period of 30 (thirty) years commencing from the appointed date. The transferees shall be entitled to use such land as a licensee of the Government. It is clarified that the Transferees shall be free to undertake any further construction and/or modification of the existing construction at its own discretion for the purposes of the functions of the Transferee and no further approval

from the Government shall be required in this regard. Such additional assets would form part of the fixed assets of the Transferees. The term of licence shall extend until such time as it is cancelled or withdrawn or not renewed by the Government and as and when such licence or sanction or authorization is revoked or withdrawn or cancelled or not renewed or the area where the land is situated is withdrawn from the Transferee, the licence to the Transferee in respect of such land shall stand cancelled;

**6. Transfer of Sanctioned Posts.**-(1) The sanctioned posts in any wing (s) of the Department within Jammu Province and Kashmir Province, except the posts retained with the department, shall stand transferred to the Transferees on the Appointed Date and thereafter Employees working against those posts shall be deemed to have been deputed to the transferees strictly as per the Migration Plan issued vide Government Order No: 199-PDD of 2019 dated 30-10-2019.

(2) The sanctioned posts in any wing (s) of the Department within Ladakh region shall stand transferred to the PDD Ladakh/LPCL on the Appointed Date and thereafter Employees working against those posts shall be deemed to have been deputed to the transferees strictly as per the Migration Plan issued vide Government Order No: 199-PDD of 2019 dated 30-10-2019.

(3) The transfer of posts as mentioned at 6 (a) and 6 (b) above shall be subject to the following conditions:-

- i. Entry Level Posts shall be at the disposal of the Transferee, however in case of Executive/Ministerial Cadre, the basic (first) entry level posts shall be utilized for regularization of existing work charged PDL/TDL employees of the Department as on Appointed date. The number of such work charged PDLs/TDLs shall be freezed by the respective Transferees strictly as per the mandate of orders issued by Finance Department/General Administration Department from time to time.
- ii. Promotional Cadre posts shall be at the disposal of the Transferee only after the last incumbent amongst the existing Employees of the Department from the respective feeding cadre gets exhausted.

**7. General Conditions applicable to Deputation of Employees.**-(1) On the Appointed Date, the Employees of the Department shall stand deputed enmass to the transferees without any deputation allowance as per the migration plan issued vide Government Order No. 199-PDD of 2019 dated: 30-10-2019, without any further act, deed or thing to be done by the Department, the Government, the Transferees or the Employees, as the case may be, subject to the terms and conditions contained in this scheme except



for the employees working in the offices retained with the Department namely;

- (i) Office of Chief Electrical Inspector, J&K along with sub-ordinate divisions/sub-divisions
- (ii) Office of Secretary Technical, JKPDD
- (iii) Office of Secretary Technical, Ladakh PDD along with Transmission Division, Ladakh PDD
- (iv) Office of Chief Electrical Inspector, Ladakh along with sub-ordinate divisions/sub-divisions

(2) The deputation of the Employees shall be governed as per standard terms and conditions of deputation as defined in Jammu and Kashmir Civil Services Regulations, 1956 (Vol-II) as amended from time to time.

(3) The posts that may proposed to be transferred from Other Department of Government shall be identified by the Department and deemed to have been deputed to the Transferee on as-is-where-is basis, on standard terms and conditions of deputation as defined in Jammu and Kashmir Civil Services Regulations, 1956 (Vol-II) as amended from time to time.

(4) The vacancies in the transferee Corporations shall be filled in the following manner:-.

- i. The Entry Level posts, except posts utilized for regularization of TDLs/PDLs in terms of SRO 381 of 1981 dated 26-8-1981, shall be filled by the Transferee as per the rules and regulations of the respective Corporation; and
- ii. The promotion quota vacancies shall be filled up by the Department from amongst the existing Employees as on the Appointed date as per the rules and regulations prevalent in the Department. The vacancies in the promotional quota which accrue in the Transferees shall be communicated to the Department on monthly basis by the Transferee.

(5) On the appointed date, the Employees of the Department rendering services to more than one Undertaking/ Transferee or otherwise the services of Employees of common nature shall continue to render such services in the same manner as before till further orders of the Government / Territories.

(6) The Government shall, constitute a five (5) member Grievance Handling Committee, having due representation of the Employees to: -

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- i. receive representations, if any, from the Employees who may raise grievances in regard to their deputation to the Transferee; and
  - ii. make recommendations on such grievances, within such time as the Government may specify for the purpose.
- (7) The Employees shall discharge the duties and functions as may be assigned to them from time to time by Transferee, as the case may be and the Transferee shall have the power to exercise all administrative and disciplinary control over such Employees deputed to them as per this Scheme;
- (8) The Employees shall have continuity of service in all respects and the rank, scale of pay and inter-se seniority of the Employees, as existing in the Department on the Appointed date, shall be maintained. In case, the Transferees do not fulfil any of the terms and conditions of service, the Government would ensure protection and continuance of those benefits.
- (9) The Employees who have been placed and are working against higher posts on In-charge basis in their own pay and grade prior to date of apportionment/reorganization shall be deputed to the Corporations against those higher posts and their pay, allowances and emoluments as they were drawing prior to the date of apportionment/reorganization shall be protected. This shall be applicable to those Officers as well, who are working in the offices retained with the Power Development Department as per Transfer Scheme.
- (10) Within one year of the Appointed date, the Department shall notify a Rotational/ Transfer Policy for deputation of Employees from one Transferee to another Transferee or from JKPDD to Transferees, as the case may be.
- (11) All kinds of leaves of the deputed employees shall be granted by the Transferees as per the Jammu and Kashmir Civil Services (Leave) Rules, 1979. The Managing Director shall ensure that the leave accounts are properly maintained and recorded in the service book(s) of the concerned employees.
- (12) The Managing Directors of the Transferees shall ensure that the Service records of all the deputed employees are maintained properly as per the norms/rules. The concerned Drawing and Disbursing Officers shall be the custodian of the service books of the employees. Under no circumstances, entries recorded in the service books of the employees shall be amended/ rectified/ erased/etc by the Transferees. Such powers will remain with the Government.
- Dr. S. S. S.*

- (13) The Administrative Department shall be the competent authority for issuance of termination orders in respect of all categories of employees deputed to the transferees.
- (14) Deputation of the Employees shall be subject to any orders that may be passed by the Courts in any of the proceedings pending on the appointed date.
- (15) The liability on account of monthly Salary, Allowances, etc. will be provided by the Government for which necessary provision will be kept in Annual Budget. The Transferee shall raise demand on this account, including employer's contribution under NPS, on quarterly basis to the Government. Transferee Corporation shall deposit the amount deducted for GPF, SLI etc. regularly on monthly basis to the concerned office(s).
- (16) Sanction of GPF advance for employees shall be done by the Transferee as per the rules and regulations as applicable in the Department.
- (17) The cases of the employees retiring on superannuation shall be strictly dealt with as per the provisions of Jammu and Kashmir Civil Services Regulations, 1956 Vol-I.
- (18) The service books/service records of the employees who have retired from the Department prior to appointed date shall be maintained by the successor office of the Transferee from which such employee has retired. However, all dues on account of their pension, allowance, etc. shall continue to be paid by the Government.
- (19) The Employees deputed to the Transferees, shall be deemed to have entered into an agreement with the Transferee concerned to repay loans, advances and other sums due and perform obligations undertaken by them which remain outstanding as on the Appointed date on the same terms and conditions as contained in the agreement with the Department;
- (20) Nothing contained in this Scheme shall apply to the Employees of the Central Government or other organization on deputation to Department as on the Appointed date but such Employees shall continue on deputation to the Transferee concerned to whose services they are assigned on an "as is where is basis" till further orders of the Transferee;
- (21) Managements of the Transferee shall prepare a new Human Resource Policy Handbook for the employees recruited/appointed by the Transferee taking into account the new requirements. However, until

such a Policy Handbook is issued, the management of the Transferee shall adopt the existing policies of the Department;

(22) All proceedings including disciplinary proceedings pending against the Employees, Work charged PDL/TDL employees prior to the Appointed date from the Department to the Transferee or from such Transferee to another Transferee, as the case may be, which may relate to misconduct, lapses or acts of commission or omission committed before the Appointed date, shall not abate and shall be continued by the Transferee concerned in accordance with the applicable service rules prevalent in the department;

(23) Work charged PDL/TDL employees of the Department as on Appointed date, shall be deemed to have been deputed to Transferees on as-is-where-is basis. Their wages and any other pecuniary benefits shall not be made inferior in any manner. All benefits of past services shall be fully recognized and taken into account where ever applicable to such employees.

**8. Treatment of Terminal Benefits.**-(1) The Government shall bear the obligations and liabilities arising in respect of pensionary and terminal benefits of: -

- i. Existing pensioners of the Department,
- ii. The employees who are covered under Government service conditions on Appointed date and retire after the Appointed date, and
- iii. All suspended, terminated or dismissed employees of the Department, in the event of their reinstatement into service by order of the Government

(2) The Government shall make appropriate arrangements with regard to the funding and due payment of all such pensionary and terminal benefits, including periodic revisions of pension and dearness allowance from time to time;

**9. Shared Services/ Common services:**-The Department shall continue to extend expert support and knowledge with respect to Shared Services/ Common Services including but not limited to Human Resource Management, IT support, Secretarial services support, audit and administrative support to the Transferee upon their requests.

**10. Rights and obligations of third parties:**-Upon the transfer being effected in accordance with the provisions of the Act and this Scheme, the rights and obligations of all persons (including body corporate, financial institutions, lenders, etc) shall be restricted to the Transferee to whom they are

transferred to and notwithstanding anything to the contrary contained in any deed, documents, instruments, agreements or arrangements which such person has with the Department, he shall not claim any right or interest against the Government or the Department. In such case, the Transferee shall discharge its undertakings as the same would have been done by the Department before the appointed date.

**11. Pending suits and proceedings:-**All Proceedings of whatever nature by or against the Department pending on the Appointed date shall not abate or discontinue or otherwise in anyway prejudicially be affected by reason of the transfer under this Scheme and the proceedings shall be continued, prosecuted and enforced by or against the Transferee to whom the same are assigned in accordance with this Scheme and orders issued there under.

**12. Classifications and transfer of property, rights, liabilities and proceedings to be provisional in the first instance.-**(1) At any time within the transition period or any other date notified by Government, the Government may amend, vary, modify, add, reduce, delete or otherwise change the terms and conditions of the Transfer Scheme.

(2) On the expiry of the transition period or any other date notified by Government and subject to any directions given by the Government the transfer of undertakings, properties, interests, rights, liabilities, proceedings and deputation of employees made in accordance with this Scheme shall become final.

**13. Rights, duties and powers of the Transferees during the provisional/ transition period.-**(1) The Transferees shall continue to function and undertake business activities assigned to them on behalf of and as agents of the Department till such time the Government issues a notification authorizing the Transferee to undertake such functions and activities on their own and independent of the Department.

(2) The Government may issue the notification under sub-clause (a) above from time to time in respect of one or more of the Transferees, but all such notifications shall be issued before the end of the provisional/transition period.

(3) The tariff terms and conditions for the sale and supply of electricity for the services of transmission and distribution by the Transferee and all other dealings between the Transferee and also with the Department shall be as may be decided by the Department provisionally and shall be subject to the determination and approval by the Commission.

(4) Till further orders of the Commission regarding the tariff determination, the revenues from the distribution and retail supply of electricity shall be collected by Transferee in its entirety and will reimburse the expenses of other Transferee /Department on actual basis.

(5) The expenses incurred by the Department and / Holding Company will be reimbursed on actual basis by Transferee in the proportion determined by a Committee constituted for the same purpose by the Government in consultation with the Transferee.

(6) In terms of section 14 read with section 131 of the Act, the Transferee concerned shall be a deemed Licensee for the activities and functions of the Department transferred to them which require licenses, under the provisions of the Act. However, the Transferee concerned shall apply to the Commission for recognition of licence under section 14 of the Act for carrying on any of the activities after the issuance of notification of Transfer Scheme by the Government.

**14. Delegation of Powers.**-(1) All Employees of the Department who are on deputation to the Transferee shall continue to fulfil their responsibilities as per their existing delegation of power till the finalization of the delegation of power by the transferee.

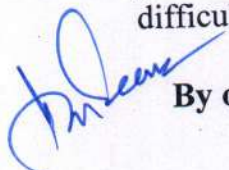
(2) All approvals beyond the delegation of power of Chief Engineers shall be vested with Board of Directors of the Transferee till finalization of new delegation of power by the transferee.

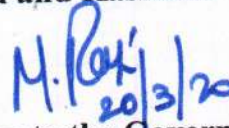
**15. Government Support.**-(1) The Transferees shall be eligible for and shall continue to receive support from the Government in the form of revenue support, equity support, capital subsidies, loans, interest subsidies and such other monetary and financial assistance, whether under a Central or State scheme or otherwise, as may be necessary for the due and effective performance of their functions until the time Transferees achieve commercial viability on their own.

(2) The Government support indicated in sub section (1) above shall be conditional upon the Transferees submitting a detailed and time-bound financial feasibility plan within 6 (six) months of the Appointed date and duly complying with the same. The feasibility plan shall be reviewed at least once every year to assess and evaluate the fulfilment of the performance targets set out therein. The financial feasibility plan would include projections related to reduction in various losses, revenue requirement and capital support, per capita availability of electricity in the UT and matters incidental thereto.

**16. Decision of the Government to be final.**-(1) If any doubt, dispute, difference or issue arises with regard to this Scheme, the decision of Government shall be final and binding on all parties.

(2) The Government may, by order published in the official Gazette, amend this scheme and make such provisions, not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulties arising in implementing the Scheme.

 By order of the Lieutenant Governor of Jammu and Kashmir.

  
Secretary to the Government,  
Power Development Department

**SCHEDULE – A**  
**TRADING AND HOLDING UNDERTAKING -UT OF J&K**

**PART – I**  
**ASSETS, PROCEEDINGS AND LIABILITIES TRANSFERRED TO**  
**THE CORPORATION**

The Trading cum Holding Undertaking for UT of J&K will be **Jammu and Kashmir Power Corporation Limited (JKPCL)** as defined in this Scheme.

The Trading Undertaking shall comprise asset and liabilities as set out in SRO-396 dated 11<sup>th</sup> September 2018, Schedule-I, Part-I issued by Power Development Department, Government of Jammu and Kashmir. However, the same would be restricted to the undertakings pertaining to UT of J&K only.

**Further the following provisions related to the Employees on deputation to JKPCL as per SRO-396 dated 11<sup>th</sup> September 2018 shall be replaced by the provisions related to the Employees outlined in this Transfer Scheme.**

<u>Provisions in SRO-396</u>	<u>Replaced in this Transfer Scheme</u>
<u>Definition – s (m)</u>	<u>Definition – Employees (r)</u>
<u>Definition – Terminal Benefits (w)</u>	<u>Definition – Terminal Benefits (ag)</u>
<u>Definition – “Trading-cum-Holding Company” or “JKSP Tradeco (JKSPTC)” (x)</u>	<u>Definition – “Jammu and Kashmir Power Corporation Limited” or “JKPCL” (o)</u>
<u>Definition – Transferee (y)</u>	<u>Definition – Transferee (ah)</u>
<u>Provision 6 – Transfer of Sanctioned Positions</u>	<u>Provision 6 – Transfer of Sanctioned Positions/Posts</u>
<u>Provision 7 – Transfer of Personnel</u>	<u>Provision 7 – General Conditions applicable to Deputation of Employees</u>
<u>Provision 8 – Treatment of Terminal Benefits</u>	<u>Provision 8 – Treatment of Terminal Benefits</u>



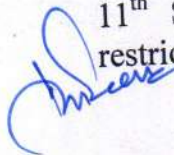
**SCHEDULE - A**  
**TRADING AND HOLDING UNDERTAKING - UT OF J&K**

**PART - II**  
**FUNCTION AND DUTIES TRANSFERRED TO THE CORPORATION**

The Trading cum Holding Undertaking for UT of J&K will be **Jammu and Kashmir Power Corporation Limited (JKPCL)** as defined in this Scheme.

The Functions and duties of JKPCL will be detailed as per the Clauses of Memorandum of Association and Articles of Association of the company constituted there under as originally framed or as amended from time to time.

The function and duties of JKPCL shall be same as set out in SRO-396 dated 11<sup>th</sup> September 2018, Schedule-I, Part-II. However, the same would be restricted to the role and responsibility pertaining to UT of J&K only.



**SCHEDULE - B**  
**DISTRIBUTION UNDERTAKING - JAMMU PROVINCE, UT OF J&K**

**PART - I**  
**ASSETS, PROCEEDINGS AND LIABILITIES TRANSFERRED TO  
THE CORPORATION**

The Distribution undertaking for Jammu Province shall vest in **Jammu Power Distribution Corporation Limited (JPDCL)**. Unless otherwise specified by the Department, the Distribution Undertaking shall comprise of all the Assets, Liabilities and proceedings belonging to the Department concerning the distribution of electricity in the area of Jammu Province, UT of J&K.

**A. Distribution Assets:**

All 33 kV, 22 kV, 11 kV, 6.6 kV, LT (Single phase 2 wire to 3 phase 5 wire) lines (with overhead lines, Aerial Bunched cables and underground cables) and sub-stations on different types of supports with various sizes of conductors and step up/step down power transformers and distribution transformers, breakers, capacitor banks, protective and metering devices and control rooms, boosters, wireless system, testing laboratories, SCADA and AMR systems, buildings, roads, service connections and installations inside consumer's premises, street lighting and signal systems owned by or leased to the Department but excluding fittings, fixtures and installations owned, by private persons or local authorities, including any of the above assets under construction as on appointed date.

**B. General Assets:**

The following, if they exclusively or primarily pertain to the above mentioned distribution systems, properties or projects or activities related to such distribution systems, properties or projects including under execution or proposed to be started in near future related to distribution undertaking of Jammu Province.

Special tools and equipment, material handling equipment, earth movers, bulldozers, concrete mixtures, cranes, trailers, heavy and light vehicles, furniture, fixtures, office equipment, air conditioners, compressors, refrigerators, computers and signal systems, spares, consumables, raw materials, civil works installations including testing equipment, training centres, roads, buildings, staff quarters, rest houses, properties and structures and their associated buildings, schools, dispensaries, testing laboratories and equipment, workshops, works in progress, machinery and equipment sent for repairs, scraps and obsolete insofar as they exclusively or primarily pertain to the above mentioned distribution systems, properties or projects or activities related to such distribution systems, properties or projects.

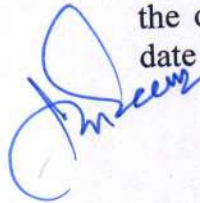
- (a) All independent and stand-alone Rest houses, which are directly identifiable to Distribution undertaking of Jammu Province.
- (b) The office establishment, buildings, all other assets, official records not covered elsewhere in this schedule, which are predominantly occupied/used for the activities of Distribution Undertakings as on the appointed date for Jammu Province.

**C. Miscellaneous:**

The following, to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Para A & B above:

- i. Contracts, agreements, interest and arrangements;
- ii. Loans, secured and unsecured, current liabilities and other liabilities to the extent specified in Opening Balance sheet;
- iii. Cash and bank balances, other current assets, other assets to the extent specified in Opening Balance sheet;
- iv. Contingent, current and other liabilities to the extent specified in the Opening Balance sheet;
- v. Proceedings.

The transfer value of the Assets and Liabilities for the above shall be based on the opening balance sheet to be drawn on provisional basis as on appointed date which would be notified separately.



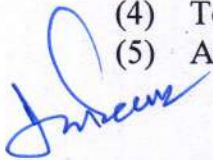
**SCHEDULE – B**  
**DISTRIBUTION UNDERTAKING – JAMMU PROVINCE, UT OF J&K**

**PART – II**  
**FUNCTION AND DUTIES TRANSFERED TO THE CORPORATION**

The functions and duties of Jammu Power Distribution Corporation Limited will be as detailed in the clauses of the Memorandum of Association and Articles of Association of the Company as originally framed or as altered from time to time.

Main functions and duties of Jammu Power Distribution Corporation Limited for Distribution Undertaking are as follows:

- (1) To undertake the activities of distribution to all consumers irrespective of the voltage, provision, supply, wheeling, purchase, sale, import and export of electricity, introduce open access in distribution as per the Electricity Act 2003 and/or the directions of the Commission.
- (2) To plan, develop, acquire, establish, construct, erect, lay, hire, lease, buy, sell, operate, run, manage, maintain, enlarge, alter, renovate, modernize, work and use a power distribution system network in all its aspects including amongst others various voltage lines and associated sub -stations, including distribution centres, cables, wires, accumulators, plants, motors, meters, apparatus, computers and materials connected with distribution, supply of electrical energy, ancillary services, telecommunication and telemetering equipments.
- (3) To carry on the business of selling, supplying, formulation of tariff to the extent to which UT of J&K instructions/ regulations permit, billing and collection thereof, plan, research, design and prepare project reports, diagnose operational difficulties and weakness and advice on remedial measures to improve and modernise distribution and supply line and substations and to undertake for and on behalf of others the setting up of electric power plants and generally work for the efficient and economic management of electric power and the optimum utilization of the resources available.
- (4) To undertake various Electrification schemes in the licensed area.
- (5) Any other function as assigned by the holding company.



**SCHEDULE - C**  
**DISTRIBUTION UNDERTAKING - KASHMIR PROVINCE, UT OF**  
**J&K**

**PART - I**  
**ASSETS, PROCEEDINGS AND LIABILITIES TRANSFERRED TO**  
**THE CORPORATION**

The Distribution undertaking for Kashmir Province shall vest in **Kashmir Power Distribution Corporation Limited (KPDCL)**. Unless otherwise specified by the Department, the Distribution Undertaking shall comprise of all the Assets, Liabilities and proceedings belonging to the Department concerning the transmission and distribution of electricity in the area of Kashmir Province, UT of J&K.

**A. Distribution Assets:**

All 33 kV, 22 kV, 11 kV, 6.6 kV, LT (Single phase 2 wire to 3 phase 5 wire) lines (with overhead lines, Aerial Bunched cables and underground cables) and sub-stations on different types of supports with various sizes of conductors and step up/step down power transformers and distribution transformers, breakers, capacitor banks, protective and metering devices and control rooms, boosters, wireless system, testing laboratories, SCADA and AMR systems, , buildings, roads, service connections and installations inside consumer's premises, street lighting and signal systems owned by or leased to the Department but excluding fittings, fixtures and installations owned, by private persons or local authorities, including any of the above assets under construction as on appointed date.

**B. General Assets:**

The following, if they exclusively or primarily pertain to the above mentioned distribution systems, properties or projects or activities related to such distribution systems, properties or projects including under execution or proposed to be started in near future related to distribution undertaking of Kashmir Province.

Special tools and equipment, material handling equipment, earth movers, bulldozers, concrete mixtures, cranes, trailers, heavy and light vehicles, furniture, fixtures, office equipment, air conditioners, compressors, refrigerators, computers and signal systems, spares, consumables, raw materials, civil works installations including testing equipment, training centres, roads, buildings, staff quarters, rest houses, properties and structures and their associated buildings, schools, dispensaries, testing laboratories and equipment, workshops, works in progress, machinery and equipment sent for repairs, scraps and obsolete insofar as they exclusively or primarily pertain to

the above mentioned distribution systems, properties or projects or activities related to such distribution systems, properties or projects.

- (a) All independent and stand-alone Rest houses, which are directly identifiable to Distribution undertaking of Kashmir Province.
- (b) The office establishment, buildings, all other assets, official records not covered elsewhere in this schedule, which are predominantly occupied/used for the activities of Distribution Undertakings as on the appointed date for Kashmir Province.

**C. Miscellaneous:**

The following, to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Para A & B above:

- i. Contracts, agreements, interest and arrangements;
- ii. Loans, secured and unsecured, current liabilities and other liabilities to the extent specified in Opening Balance sheet;
- iii. Cash and bank balances, other current assets, other assets to the extent specified in Opening Balance sheet;
- iv. Contingent, current and other liabilities to the extent specified in the Opening Balance sheet;
- v. Proceedings.

The transfer value of the Assets and Liabilities for the above shall be based on the opening balance sheet to be drawn on provisional basis as on appointed date which would be notified separately.

*J. S. Jaiswal*

**SCHEDULE – C**  
**DISTRIBUTION UNDERTAKING – KASHMIR PROVINCE, UT OF**  
**J&K**  
**PART – II**  
**FUNCTION AND DUTIES TRANSFERED TO THE CORPORATION**

The functions and duties of Kashmir Power Distribution Corporation Limited will be as detailed in the clauses of the Memorandum of Association and Articles of Association of the Company as originally framed or as altered from time to time.

Main functions and duties of Kashmir Power Distribution Corporation Limited for Distribution Undertaking are as follows:

- (1) To undertake the activities of distribution to all consumers irrespective of the voltage, provision, supply, wheeling, purchase, sale, import and export of electricity, introduce open access in distribution as per the Electricity Act 2003 and/or the directions of the Commission.
- (2) To plan, develop, acquire, establish, construct, erect, lay, hire, lease, buy, sell, operate, run, manage, maintain, enlarge, alter, renovate, modernize, work and use a power distribution system network in all its aspects including amongst others various voltage lines and associated sub -stations, including distribution centres, cables, wires, accumulators, plants, motors, meters, apparatus, computers and materials connected with distribution, supply of electrical energy, ancillary services, telecommunication and telemetering equipments.
- (3) To carry on the business of selling, supplying, formulation of tariff to the extent to which UT of J&K instructions/ regulations permit, billing and collection thereof, plan, research, design and prepare project reports, diagnose operational difficulties and weakness and advice on remedial measures to improve and modernise distribution and supply line and substations and to undertake for and on behalf of others the setting up of electric power plants and generally work for the efficient and economic management of electric power and the optimum utilization of the resources available.
- (4) To undertake various Electrification schemes in the licensed area.
- (5) Any other function as assigned by the holding company.

