

UTTARANCHAL ELECTRICITY REGULATORY COMMISSION

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Notification

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UTTARANCHAL ELECTRICITY REGULATORY COMMISSION (GUIDELINES FOR ESTABLISHMENT OF FORUM FOR REDRESSAL OF GRIEVANCES OF THE CONSUMERS) REGULATIONS, 2004.

No. 1/2004/UERC..... In exercise of the powers under sub-sections (5) of section 42 read with clause {r} of sub-section (2) of section 181 of the Electricity Act 2003 (36 of 2003) and all powers enabling it in that behalf, Uttaranchal Electricity Regulatory Commission hereby makes the following Regulation, after previous publication, providing guidelines to the distribution licensees in the State of Uttaranchal for setting up the Forum for Redressal of Grievances of the Consumers and for the matters incidental and ancillary thereto:-

Chapter 1: Preliminary

1. Short Title, Commencement and Interpretation:

- (1) These Regulations may be called the Uttaranchal Electricity Regulatory Commission (Guidelines for establishment of Forum for Redressal of Grievances of the Consumers) Regulations, 2004.
- (2) These Regulations extend to the whole of the State of Uttaranchal.
- (3) These Regulations shall be applicable to the Distribution Licensees in the territory of Uttaranchal in their respective licensed areas.
- (4) These shall come into force on the date of their publication in the Gazette.

2. Definitions:

- (1) In these Regulations, unless the context otherwise requires: -
 - (a) “Act” means the Electricity Act, 2003;
 - (b) “Appointed Date” means 10th June 2003;
 - (c) “Commission” means the Uttaranchal Electricity Regulatory Commission.
 - (d) “Complainant” shall include—
 - (i) A consumer as defined under subsection (15) of section 2 of the Act;
 - (ii) An applicant for new connections;

- (iii) Any consumer association registered under the Societies Act, 1956 (1 of 1956) or under any other law for the time being in force; or
 - (iv) Any unregistered association of consumers, where the consumers have similar interest;
 - (e) “Complaint” means the letter or application filed with the Forum seeking redressal of grievances concerning the supply of electricity, new connection or the services rendered by the Distribution Licensee and Cases where licensees has charged price in excess of the price fixed by the Commission or has recovered the expenses incurred in excess of charges approved by the Commission in providing any electric line or electric plant.
- Matters falling within the purview of any of the following provisions of the Act will not form a Complaint under these Regulations:
- (i) Unauthorized use of electricity as provided under section 126 of the Act;
 - (ii) Offences and penalties as provided under section 135 to 139 of the Act;
 - (iii) Accident in the distribution, supply or use of electricity as provided under section 161 of the Act; and
 - (iv) Recovery of arrears where the bill amount is not disputed.
- (f) “Distribution Licensee” means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in the concerned area of supply;
 - (g) “Forum” means Forum for redressal of grievances of the consumers to be constituted by distribution licensee in terms of sub-section (5) of section 42 of the Act read with these Regulations;
- (2) Words and expression used and not defined in this regulation but defined in the Electricity Act, 2003 (36 of 2003) shall have the meanings assigned to them in the said Act.

Chapter 2: Forum for Redressal of Grievances of the Consumers

3. Constitution Of The Forum For Redressal Of Grievances Of The Consumers:

- (1) In terms of subsection (5) of Section 42 of the Act, every distribution licensee shall establish one or more Forum as may be prescribed by the Commission for redressal of grievances of the consumers in accordance with these regulations.
- (2) Each Forum shall consist of three members to be appointed by the Distribution Licensee with the following composition.

- (a) The Chairperson of the Forum shall be a retired judicial officer having at least 20 years of experience in legal/judicial profession or a retired district judge or a retired civil servant not below the rank of a Collector; or a retired Professor of the Electrical Engineering Department of a reputed institute.
 - (b) One member shall be a serving or retired officer of the licensee possessing degree in Electrical Engineering and having at least 15 years experience in distribution of electricity not below the rank of Deputy General Manager or an officer in charge of a Distribution Circle.
 - (c) One member out of members representing consumers on the State Advisory Committee constituted under section 87 of the Act.
- (3) Two members of the Forum shall form the Quorum of the meeting.
- (4) The Commission may direct the Distribution Licensee to substitute a member of the Forum with another person as per the composition and qualification provided in sub-clause (2) above if in the opinion of the Commission such substitution is necessary for the proper or effective redressal of the grievances of the Consumers.
- (5) The Member of the Forum representing consumers in State Advisory Committee under sub-clause (c) of 2 shall hold office only as long as he is a member of the Advisory Committee and shall not be removed during such period except with the prior approval of the Commission. Members shall hold office for the term of 3 years.
- (6) The Distribution Licensee shall ensure that the post of a member in the Forum is not kept vacant for a period exceeding three (3) months.
- (7) No person shall be appointed and/or be entitled to continue as a member if he stands disqualified on account of his:
 - (a) Having been adjudged an insolvent;
 - (b) Having been convicted of an offence.
 - (c) Having become physically or mentally incapable of acting as such member;
 - (d) Having acquired such financial or other interest as is likely to affect prejudicially his functions as a member;
 - (e) Having so abused his position as to render his continuance in office prejudicial to the public interest; or
 - (f) Having been guilty of proved misbehaviour.
- (8) An existing member shall be liable to be removed from his office forthwith in the event of any of the disqualifications provided above arising or being discovered.

- Provided that no member shall be removed from his office on any ground specified in the aforesaid clauses (d), (e) and (f) of sub-regulation (7) unless the Distribution Licensee, has, on an inquiry held by it, concluded that such member ought, on such ground or grounds, be removed.
- (9) The sitting fees, honorarium and/or other allowances (collectively called "Remuneration") payable to the members shall be such as may be prescribed by the Distribution Licensee
 - (10) The office space, secretarial support and other facilities required by members for efficient functioning of the Forum shall be provided by the Distribution Licensee.
 - (11) Notwithstanding the foregoing provisions of sub-regulation 7 above, the terms and conditions of service of a member in the Forum who is in the employment of the Distribution Licensee shall be governed by the terms and conditions of his employment with such Distribution Licensee.
 - (12) All reasonable costs incurred by a Distribution Licensee on the establishment and running of the Forum, to the extent reasonable and justifiable, shall be allowed in the determination of tariff of the Distribution Licensee in accordance with the regulations of the Commission.
 - (13) The Forum shall receive the complaints of the consumer forwarded or filed with the Forum so long such complaint is in writing and the Forum shall not insist on or prescribe any specific format for filing of the complaint or for entertaining them.
 - (14) The Forum shall duly comply with any consumer complaint handling procedure, which the Forum may lay down from time to time, with the due approval of the Commission.
 - (15) The Forum shall maintain a regular office at the principal place of business of the Distribution Licensee in each zone where the Forum shall receive the Complaints. The Forum shall have sittings at such Principal Office and also at any other place in the area of supply of the Distribution Licensee as may be decided by the Forum from time to time or as the Commission may direct from time to time considering the number of complaints received, the place from where the Complaints are received and the proximity to the principal place of business of the Distribution Licensees and other relevant factors.
 - (16) The Distribution Licensee shall from time to time give publicity of the constitution and existence of the Forum including in the bills raised for the supply of electricity to the consumers and in such other manner as the Commission may from time to time lay down. The names, designation of the Members and the concerned officers of the Forum, the address, e-mail, facsimile and phone numbers of the Forum and the members shall be

- displayed at all the offices of the Distribution Licensee and shall also be duly publicised including on the bills raised on the Consumers.
- (17) The office of the Forum shall issue due acknowledgment of the receipt of the Complaint to the Complainant.
- (18) The Forum shall maintain true and correct records of all Complaints received by the Forum from time to time and make available such records for inspection as the Commission may require from time to time.
- (19) The Forum shall decide the Complaints received expeditiously and shall communicate its decision to the Complainant within a period not exceeding 60 days of the receipt of the Complaint. The Forum shall give the reasons in support of its decisions.
- (20) On completion of the proceedings, the Forum shall take a decision by a majority of votes of the members of the Forum and in case of equality of the votes, the Chairperson shall have the second or casting vote.
- (21) If after the completion of the proceedings, the Forum is satisfied after voting that any of the allegations contained in the Grievance is correct, it shall issue an order to the Distribution Licensee directing it to do one or more of the following things in a time bound manner, namely -
- (a) To return to the applicant the undue charges paid by it;
 - (b) To pay such amount as may be awarded by it as compensation to the applicant, provided however that in no case shall any consumer be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity, whether arising in contract, tort, warranty, strict liability or any legal theory;
 - (c) To remove the cause of Grievance in question;
 - (d) To comply with the order within stipulated time.
 - (e) To give a compliance report within the time limit specified in these regulations.
 - (f) To apprise the aggrieved person of the things he is required to do along with time limits, for compliance of the order.
 - (g) Any other order deemed appropriate in the facts and circumstances of the case.
- (22) Every order passed by the Forum shall be signed by all the members present. The Forum shall pass speaking orders giving the reasons in support of its decisions.
- (23) Certified copies of every order passed by the Forum shall be delivered to the parties within 3 days of the order.

- (24) The order of the Forum shall be binding on the Aggrieved Person and the Distribution Licensee.
- (25) The Distribution Licensee and the applicant shall comply with the order diligently and within the timeframe as specified in the Order and report compliance to Forum within 7 days of the implementation of the order. In case of delay in compliance beyond the time limit stipulated by the Forum in its order, the applicant or the Distribution Licensee as the case may be, shall file the reasons for delay on its part within 7 days of the stipulated date and give the likely date by which compliance shall be made.
- (26) The Forum may take appropriate action, if deemed fit, for any delay in implementation of its order or in filing of the compliance report by the Distribution Licensee.
- (27) The Commission shall have the general powers of superintendence and control over the Forum and the Forum shall duly comply with such directions as the Commission may issue from time to time.
- (28) Any person aggrieved by the order made by the Forum or on account of non-implementation of the same by either party may prefer an appeal against such order to the Ombudsman appointed by the Commission under the Act, in such form and manner, as may be laid down in the Regulations made by the Commission.

Chapter III – General

4. Savings

Nothing contained in these regulations shall affect the rights and privileges of the consumer under any other law for the time being in force, including under the Consumer Protection Act, 1986 (68 of 1986).

5. Powers to Remove Difficulties:

If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, direct the Distribution Licensee, the Forum to take suitable action, not being inconsistent with the Electricity Act, 2003, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties.

6. Power to Amend:

The Commission may, at any time add, vary, alter, modify or amend any provision of these regulations.

7. Inspection of Records and Supply of Certified Copies

- (1) The Aggrieved Person and the Distribution Licensee shall be entitled to obtain certified copies of the orders, decisions, directions and reasons in support thereof given by the Forum in respect of the Grievance.
- (2) Any Person shall be entitled to a copy of the documents or orders of the Forum subject to payment of fee and complying with other terms, which the Forum may direct.

8. Submissions of Reports to the Commission

- (1) The Forum shall submit a quarterly report on the number of complaints received, redressed and pending within 15 days of the end of the quarter, to the Commission.
- (2) The Forum shall also furnish to the commission, by 31st March every year, a report containing a general review of the activities of their offices during the preceding financial year and shall furnish such information as the Commission may require.

9. Issue of Order and Practice Directions

Subject to the provisions of the Act, the Commission may from time to time issue orders and practice directions in regard to the implementation of these Regulations.

Anand Kumar
Secretary,
Uttaranchal Electricity Regulatory Commission