

# UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

Vidyut Niyamak Bhawan, Near I.S.B.T., P.O.-Majra, Dehradun-248171

## Notification

Dated : 17.01.2007

### **UERC (Guidelines for Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievances of the Consumers) Regulations, 2007**

**No. F-9(11)/RG/UERC/2007/814** : Government of India have notified Electricity (Amendment) Rules, 2006 on 26.10.2006 under section 176 of the Electricity Act, 2003. For ensuring that the guidelines issued by this Commission under section 181(2) read with section 42(5) of the Electricity Act, 2003 and the said Rules are in full conformity, the guidelines issued by the Commission earlier and notified on 10.02.2004 are hereby repealed and substituted by these guidelines. These guidelines supersede and replace the Uttaranchal Electricity Regulatory Commission (Guidelines for establishment of Forum for Redressal of Grievances of the Consumers) Regulations, 2004 notified on 10.02.2004.

## **Chapter I: Preliminary**

### **1. Short Title, Commencement and Interpretation:**

- (1) These Regulations may be called the Uttarakhand Electricity Regulatory Commission (Guidelines for Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievances of the Consumers) Regulations, 2007.
- (2) These Regulations extend to the whole of the State of Uttarakhand.
- (3) These Regulations shall be applicable to the Distribution Licensees in the territory of Uttarakhand in their respective licensed areas.
- (4) These shall come into force on the date of their notification by the Commission.

### **2. Definitions:**

- (1) In these Regulations, unless the context otherwise requires: -
  - (a) "Act" means the Electricity Act, 2003;
  - (b) "Commission" means the Uttarakhand Electricity Regulatory Commission.
  - (c) "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;
- (d) “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, including alteration in load/demand, meters related matters, bill related issues 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.
- (e) “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;
- (f) “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;
- (g) “Officer of the licensee” means any person who is appointed by the Distribution Licensee either on full time or part time basis for managing the affairs of the licensee and/or carrying out any function under the provisions of the Act for which the licensee pays him salary or wages or honorarium or sitting fee or remuneration in any other form.
- (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 II: 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) <sup>1</sup>["Each Forum shall consist of three officers of the licensee to be appointed by the Distribution licensee, through proper advertisement in the press and website, after prior approval of the Commission and possessing qualifications and experience as given below:"]
  - (a) Judicial Member of the Forum shall be a retired district judge/Additional District Judge or a retired judicial officer having at least 20 years of experience in legal/judicial profession or a retired civil servant not below the rank of a District Collector.
  - (b) Technical Member shall be a serving officer at the Headquarter of the licensee and not below the rank of General Manager or retired officer of the licensee company of the same rank, possessing degree in Electrical Engineering and having at least 15 years experience in matters relating to distribution of electricity or a retired Professor of the Electrical Engineering Department of any IIT or of any Government Engineering College.
  - (c) Consumer Member shall be nominated by the Commission and shall be a person of stature and repute having sufficient exposure to and experience of issues pertaining to consumers of electricity.
- (3) <sup>2</sup>[Any two Member of the Forum appointed as per(2) above shall form the quorum for forum's 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.

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<sup>1</sup> Subs. by UERC (Guidelines for Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievances of the Consumers)(Second Amendment) Regulations, 2010 notified vide No. F9(II)/RG/UERC/2010/383 (w.e.f. 14.05.2010)

<sup>2</sup> Subs. by UERC (Guidelines for Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievances of the Consumers)(First Amendment) Regulations, 2009 notified vide No. F9(11)/RG/UERC/2009/308 (w.e.f. 09.06.2009).

- (5) <sup>3</sup>[Members shall hold office for the term of three years which would be extendable upto two years. The upper age limit for the appointment of the Member shall be 62 years and can hold the office only upto the age of 65 years.]
- (6) The Distribution Licensee shall ensure that no post of a member in the Forum remains vacant for a period exceeding 30 days.
- (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 as an insolvent;
  - (b) Having been convicted of an offence, involving moral turpitude;
  - (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 misbehaviour;
  - (g) Having been guilty of action(s) inconsistent with norms of conduct expected of any judicial or quasi judicial functionary.
- (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 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) <sup>4</sup>[The salary, sitting fees, honorarium and/or other allowances (collectively called "Remuneration") payable to all the members appointed under sub-regulation (2) above including their terms of appointment shall be uniform and such as may be prescribed by the Commission. The Judicial and Consumer member shall be appointed as full time members and Judicial Member shall be administrative head of the Forum].

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<sup>3</sup> Subs. by UERC (Guidelines for Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievances of the Consumers)(Second Amendment) Regulations, 2010 notified vide No. F9(II)/RG/UERC/2010/383 (w.e.f. 14.05.2010).

<sup>4</sup>Subs. by UERC (Guidelines for Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievances of the Consumers)(Second Amendment) Regulations, 2010 notified vide No. F9(II)/RG/UERC/2010/383 (w.e.f. 14.05.2010).

(10) <sup>5</sup>["For efficient functioning of the Forum, the Distribution licensee shall provide:

- i. An office space consisting of three rooms one each for the three members, a hearing hall/room, one record room and one common room for the Secretarial staff.
- ii. Computers and other facilities required by the members/Secretarial staff."]

(11) Notwithstanding the foregoing provisions of sub-regulation (9) 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 costs prudently 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 consumers forwarded or filed with the Forum so long as such complaints are in writing and the Forum shall not insist on or prescribe any specific format for filing of complaints or for entertaining them.

(14) <sup>6</sup>[The Forum shall have sittings at such Principal office and also at any other place **in each district** 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.]

(15) 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.

(16) The office of the Forum shall issue acknowledgment of the receipt of the Complaint to the

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<sup>5</sup> Subs. by UERC (Guidelines for Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievances of the Consumers)(Second Amendment) Regulations, 2010 notified vide No. F9(II)/RG/UERC/2010/383 (w.e.f. 14.05.2010).

<sup>6</sup> Modified by UERC (Guidelines for Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievances of the Consumers)(Second Amendment) Regulations, 2010 notified vide No. F9(II)/RG/UERC/2010/383 (w.e.f. 14.05.2010).

Complainant showing clearly the date of receipt of complaint and carrying Seal of the Forum. No complaint shall be returned to the Complainant without issuing acknowledgement of its receipt and the same shall be disposed off according to law.

<sup>7</sup>[In any hearing, the Distribution Licensee, shall not be represented by professional counsel, attorney or advocate, unless the Forum so permits. However, where the consumer chooses to be represented by counsel, attorney or advocate, then the Distribution Licensee shall be granted a similar privilege.]

- (17) 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.
- (18) 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.
- (19) If a member hearing the matter does not agree with the decision taken by other Members, he may record his note of dissent with reasons but the decision taken by majority of members hearing the case will prevail.
- (20) All decisions of the Forum shall strictly be in accordance with the provisions of the Act, Rules and Regulations framed thereunder and Orders and directions issued by the Commission from time to time.
- (21) If after the completion of the proceedings, the Forum is satisfied 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.

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<sup>7</sup> Ins. by UERC (Guidelines for Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievances of the Consumers)(Second Amendment) Regulations, 2010 notified vide No. F9(II)/RG/UERC/2010/383 (w.e.f. 14.05.2010).

- (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) The Forum, after considering all submissions written or oral made before it by complainant or licensee, shall pass speaking orders giving the reasons in support of its decisions. Every order passed by the Forum shall be signed by all the members deciding the case.
- (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) <sup>8</sup>[The Forum shall specify the period for compliance by Distribution Licensee or the consumer as the case may be. Normally this period should be 30 days. In case, compliance of the Order involves major work/scope to be done, this period of 30 days may be extended with the reasons to be recorded in writing.]
- 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) Non-compliance of Forum's Order by either party shall be in violation of these Regulations and shall be liable for appropriate remedial action against it under Section 142 and 146 read with Section 149 of the Electricity Act, 2003.
- (28) Any <sup>9</sup>[Consumer] aggrieved by the order made by the Forum or on account of non-implementation of the same by either party or non-disposal of his complaint by the Forum

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<sup>8</sup> Ins. by UERC (Guidelines for Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievances of the Consumers)(Second Amendment) Regulations, 2010 notified vide No. F9(II)/RG/UERC/2010/383 (w.e.f. 14.05.2010).

<sup>9</sup> Subs. by UERC (Guidelines for Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievances of the Consumers)(Second Amendment) Regulations, 2010 notified vide No. F9(II)/RG/UERC/2010/383 (w.e.f. 14.05.2010).

within the specified time limit may prefer an appeal 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.

- (29) The Commission shall have the general powers of superintendence and control over the Forum and for this purpose may call for any record from the Forum/licensee and pass appropriate orders thereupon. The Forum/licensee shall duly comply with such directions as the Commission may issue from time to time.

### **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 to the Commission on the number of complaints received, redressed and pending, within 15 days of the end of the quarter, along with reasons for their pendency.
- (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.

By order of the Commission

(Anand Kumar)  
Secretary  
Uttarakhand Electricity Regulatory Commission