

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION,
SHIMLA**

Dated: Shmla, the 30th November,2010

NOTIFICATION

No.HPERC/609B/2010.- In exercise of the powers conferred by sub-sections (6) and (7) of section 42 and section 181 of the Electricity Act, 2003 (36 of 2003) read with section 21 of the General Clauses Act, 1897 (10 of 1897) and all other powers enabling it in this behalf, the Himachal Pradesh Electricity Regulatory Commission, after previous publications, hereby makes the following regulations further to amend the Himachal Pradesh Electricity Regulatory Commission (Electricity Ombudsman) Regulations, 2004, published in the Rajpatra, Himachal Pradesh (Extraordinary), dated 5th April, 2004:-

REGULATIONS

1. **Short title, commencement and extent.**- (1) These regulations shall be called the Himachal Pradesh Electricity Regulatory Commission (Electricity Ombudsman) (Fifth Amendment) Regulations, 2010.

(2) These regulations shall come into force on the date of their publication in the Rajpatra, Himachal Pradesh.

2. **Amendment of regulation 3.**- For sub-regulation (5) of regulation 3 of the Himachal Pradesh Electricity Regulatory Commission (Electricity Ombudsman) Regulations, 2004 (hereinafter called “the said regulations”), the following sub-regulation shall be substituted, namely:-

“(5) The salary, allowances payable to and all other terms and conditions of the appointment of the Electricity Ombudsman will be such as may be determined by the Commission from time to time and shall be paid out of the Fund constituted under section 103 of the Act:

“Provided that the remuneration and other allowances payable to the Electricity Ombudsman shall be borne by the distribution licensee in such proportion and in such manner as may be determined by the Commission and shall be allowed as the pass through expense in the Annual Revenue Requirement (ARR) of the distribution licensee.”

3. **Substitution of regulation 6.**- “ For regulation (6) of the said regulations, the following regulation shall be substituted, namely.-

“6. **Secretariat**.- (1) The Electricity Ombudsman shall be provided with a Secretariat.

(2) The expenses of the Secretariat shall be paid out of the Fund constituted under section 103 of the Act.

Provided that the expenses of the Secretariat of the Electricity Ombudsman, including all salaries, honorarium and allowances payable to the Electricity Ombudsman and his staff shall be borne by the distribution licensee in such proportion and in such manner as may be determined by the Commission; and shall be allowed as pass through expense in the Annual Revenue Requirement (ARR) of the distribution licensee.”

4. **Amendment of regulation 13**.- After sub-regulation (2) of regulation 13 of the said regulations, the following sub-regulation (3) shall be inserted, namely:-

“(3) Whosoever fails to comply with any order or direction given under these regulations shall be deemed to have contravened these regulations and shall be liable for appropriate action against him under sections 142 and 146 read with section 149 of the Act”.

5. **Insertion of regulation 13-A** .- After regulation 13 of the said regulations, the following new regulation 13-A shall be inserted, namely:-

“13-A **Consumer Awareness**- With a view to protect the consumers of electricity by creating an awareness regarding the rights available and the service as well as the level of quality that a consumer may reasonably expect from the distribution licensee, the Electricity Ombudsman shall, in collaboration with the distribution licensee,-

(a) organise camps for consumer education and empowerment;

(b) bring out leaflets highlighting the consumer’s rights;

(c) develop and submit to the Commission for approval, a consumer rights statement, explaining to the consumers their rights as consumers served by the licensees within his jurisdiction; and

(d) suggest the revision of the complaint handling procedure, prepared under section 42 of the Act, and of the Consumer Rights Statement prepared by the distribution licensee under regulation 18 of the Himachal Pradesh Electricity Regulatory Commission (General Conditions of Distribution Licensee) Regulations 2004.”

6. **Insertion of new regulations 15-A and 15-B.-** After regulations 15 of the said regulations the following new regulations 15-A and 15-B shall be inserted, namely:-

“15-A distribution licensee’s duty to publicise these regulations.- (1) The distribution licensee shall ensure that these regulations and the name and address, e.mail, fax and phone numbers of the Ombudsman to whom the complaints/ representations for non-redressal of grievances are to be made by the aggrieved person are displayed in his offices/premises in such a manner and at such place, so that it is put to the notice of common public visiting in respective office/premises.

(2) The distribution licensee shall ensure that a copy of these regulations is made available with the designated offices of the distribution licensee for perusal in his office premises, if any one desires to do so, and common notice to such effect about the availability of the regulations with such designated offices is displaced alongwith the notice to be displaced by him as per sub-regulation (1).

15-B. Inspection of records and supply of certified copies.- The aggrieved person and the distribution licensee shall be entitled to inspect the record and to obtain certified copies of the orders, decisions, directions given by the Ombudsman in respect of a grievances/complaints subject to the payment of fees and complying with other terms which the Ombudsman may direct.”

**By order of Commission
Sd/-
Secretary**