

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION
SHIMLA**

NOTIFICATION

Dated: Shimla the 30th November, 2010

No: HPERC/ 610/2010: -- The Himachal Pradesh Electricity Regulatory Commission, Shimla, in exercise of the powers conferred by section 181 read with sub-section (5) of section 42 of Electricity Act, 2003 (36 of 2003) and section 21 of the General Clauses Act, 1897 (10 of 1897) and all other powers enabling it in this behalf and after previous publication, hereby makes the following regulations to amend the Himachal Pradesh Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers) Regulations, 2003, published in Rajpatra, Himachal Pradesh, (Extra-ordinary) dated 24th October, 2003, namely :-

REGULATIONS

1. Short title, extent and commencement.- (1) These regulations shall be called the Himachal Pradesh Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers) (Eighth 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 2.-- In regulation 2 of the Himachal Pradesh Electricity Regulation Commission (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers) Regulations, 2003 (hereinafter called “the said regulations”), the following clause (20) shall be inserted, namely:-

“(20) officers 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.”

3. Amendment of regulation 3.- In regulation 3 of the said regulations –

(i) for sub-regulation (3), the following sub-regulation shall be substituted, namely:-

“(3) the head office of the Forum shall be preferably at the headquarters of the distribution licensee. The Forum may with the overall objective of ensuring that the complaints/grievances are heard and disposed off expeditiously, conduct its sittings at such other places, within its area of jurisdiction, as may be considered necessary and proper by it.”

(ii) in sub-regulation (4) for the words “to be appointed”, the words and the sign “comma”, “to be appointed, after prior approval of the Commission”, shall be substituted;

(iii) after sub-regulation (4) so amended, the following new sub-regulation (4-a) shall be inserted , namely:-

“(4-a) To obtain the prior approval under sub-regulation (4) of this regulation, the licensee shall make a submission to the Commission of the proposed appointment of the Members or the Chairman, as the case may be, giving details of their qualifications, field work, core expertise and past experience and the Commission will accord its approval as to suitably qualified persons to ensure that the appointment of the proposed person would meet the requirements of the regulations.”;

(iv) for sub-regulation (7) the following sub-regulation shall be substituted, namely: -

“(7)The Member of the Forum appointed under clause (b) of sub-regulation (4) alongwith one more Member shall form the quorum for the Forum’s meeting.”

4. Amendment of regulation 7.- In regulation 7, for sub-regulation (3) the following sub-regulation shall be substituted, namely:-

“(3) The names, designations of the Members and the concerned officers of the Forum, the addresses, 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 publicized by the distribution licensee in the media.”

5. Amendment of regulation 8.- For item (3) of the regulation 8 of the said regulations, the following item (3) shall be substituted namely:-

“(3) accidents and inquiries as specified under section 161 of the Act, unless prescribed by the State Govt; by general/special order,”

6. Amendment of regulation 9.- In regulation 9 of the said regulations:-

(a) in sub-regulation (1) for the word “must” the word “shall”, and for the sign “.” occurring at the end, the sign “:”, shall be substituted; and after sub-regulation (1) so amended, the following proviso shall be added, namely:-

“Provided that where the complainant of domestic category sends a complaint through a simple representation (not on the prescribed format), the same shall be sent for redressal to the licensee and if no response is

received from the licensee within one month, it shall be treated suo moto as the petition to be dealt in the same manner as other petitions.” ; and
(b) after sub-regulation (2), the following sub-regulation (3) shall be inserted, namely:

“(3) The distribution licensee shall not be permitted to appear by a counsel, attorney or advocate, but where the consumer chooses to appear by counsel, attorney or advocate, then the distribution licensee shall be granted the similar privilege.”

7. Amendment of regulation 12.- In regulation 12, after sub-regulation (3) the following proviso shall be added, namely: -

“Provided that where a Member hearing the matter does not agree with the decision taken by the Members, he may record his note of dissent with reasons, but the decision taken by majority of Members hearing the case will prevail.”.

8. Insertion of regulation 14-A: After regulation 14, the following new regulation (14-A) shall be inserted, namely:-

“ 14-A – **Compliance of orders and directions:** If the distribution licensee fails to comply with the any order or direction given under these regulations, shall be deemed to have contravened these regulations and shall be liable for appropriate action against it under section 142 and 146 read with section 149 of the Act.”

9. Substitution of regulation.- For regulation 18 of the said regulations, the following regulation shall be substituted, namely:-

“18. Submission of reports: (1) The Forum shall submit a report, to the Commission on the category-wise number of complaints received, redressed and pending, within 15 days of the end of the quarters of the calendar year, in Form-2.

(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 office during the preceding financial year and shall also furnish such information as the Commission may require.”

(3) The reports under sub-regulation (1) and (2) shall also be forwarded to the distribution licensee and the Electricity Ombudsman.

10. Addition of new regulation 19. - After regulation 18 of the said regulations, the following new regulation 19 shall be added, namely:-

“19. Inspection of records and supply of certified copies: - The aggrieved person and the distribution licensee shall be entitled to inspect the records and to obtain certified copies of the orders, decisions, directions given by the Forum in respect of a Grievance/Complaint, subject to payment of fees and complying with other terms, which the Forum may direct.”

By order of the Commission
Sd/-
Secretary