

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION,SHIMLA

Notification

Shimla, the 24th November, 2021

HPERC-(H)(1)-1/2012.- WHEREAS the Himachal Pradesh Electricity Regulatory Commission made the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, as published in the Rajpatra of Himachal Pradesh on 28th January, 2013. The same were subsequently amended as per the notification published in Rajpatra, Himachal Pradesh on 28th November, 2019. The aforesaid Regulations have hereinafter been jointly referred to as “the said Regulations”;

AND WHEREAS the Commission finds it appropriate to modify the said Regulations in order to cater, in a better way, the needs of smaller consumers in whose cases the dispute amounts are generally smaller and the power supply related issues also prominently pertain to the local distribution system;

NOW, THEREFORE to cater the needs of the consumers, in a better way, the Himachal Pradesh Electricity Regulatory Commission in exercise of the powers conferred under Clauses (r) and (s) of sub-section (2) of section 181, read with sub-sections (5) to (8) of section 42, of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, proposes to amend the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 and as required by rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, the draft amendment regulations are hereby published for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft amendment regulations will be taken into consideration after the expiry of thirty (30) days from the date of publication of this notification in the Rajpatra, Himachal Pradesh, together with any objections or suggestions which may, within the aforesaid period, be received in respect thereto.

The text of the aforesaid regulations and draft amendment regulations is available on the website of the Commission i.e. <http://www.hperc.org>.

The objections or suggestions in this behalf should be addressed to the Secretary, Himachal Pradesh Electricity Regulatory Commission, Vidyut Aayog Bhawan, Block-37, SDA Complex, Kasumpti-171009(HP).

DRAFT REGULATIONS

- 1. Short title and commencement.** - (1) These Regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) (Second Amendment) Regulations, 2021.

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

- 2. Amendment of Regulation 3.- In Regulation 3 of the said Regulations.-**

In sub-regulation (1)-

- (i) for item (f), the following shall be substituted, namely:-

“(f) **“Forum”** means a Forum, established or to be established, by the distribution licensee under sub-section (5) of Section 42 of the Act, as per the guidelines contained in these Regulations;” ;
and

- (ii) after item (i), the new item “(ia)” shall be inserted namely:-

“(ia) **“Prosumer”** is a person who consumes electricity from the grid and can also inject electricity into the grid for distribution licensee, using the same point of supply;”.

- 3. Amendment of Regulation 5.- In Regulation 5 of the said Regulations.-**

- (i) in sub-regulation (1), for the sign “:”, the sign “.” shall be substituted and the proviso thereto shall be omitted; and

- (ii) for sub-regulation (2), the following shall be substituted, namely :-

“(2) The distribution licensee may, after considering various related factors such as the number of consumers under different categories of retail tariff, number of representations generally received and disposed of, ease of access for the consumers in the various areas, establish, by order, additional Forum in its area of supply and in that event each forum shall have the jurisdiction, linked to any one or more relevant parameters such as geographical/operational areas, the tariff related categories of

consumers etc., as the distribution licensee may, by order, define from time to time:

Provided that in addition to the Forum established as per sub-regulation (1), the distribution licensee shall also establish at least one additional Forum for each of its operation circles and the jurisdiction thereof in relation to the consumers under the respective operation circles, shall be as follows, namely :-

- (i) in case of the consumers covered under single part retail tariff- all types of complaints, whether monetary or non-monetary ; and
- (ii) in case of the consumers covered under two part retail tariff – all types of complaints whether monetary or non monetary, where the following conditions are met –
 - (a) the amount of dispute / claim does not exceed two lakh in each case; and
 - (b) the standard supply voltage does not exceed 22kV:

Provided further that in the event of establishing additional Forums at divisional / sub-divisional level, the distribution licensee shall also modify the territorial jurisdiction of the Forum established at the head quarter of that circle.

(3)The Commission may, duly taking into account the factors mentioned in sub-regulation (1), direct, from time to time, the distribution licensee to establish the additional forums at various locations and also to define/modify the jurisdiction of each Forum established, or to be established, under the provisions of these Regulations.

(4) The complaints not falling under the jurisdiction of the additional Forums, established as per sub-regulation (2) and sub-regulation (3) of Regulation 5, shall continue to fall under the jurisdiction of Forum established under sub-regulation (1) of

Regulation 5.

4. Amendment of Regulation 6.- For Regulation 6 of the said Regulations, the following shall be substituted, namely :-

“6. Headquarters of Forum.- The head quarter of the Forum, established as per sub-regulation (1) of Regulation 5, shall preferably be at the head quarter of the distribution licensee. The head quarter for additional Forums established as per the first proviso to the sub-regulation (2) of Regulation 5, shall be at the headquarters of the respective operation circles. The head quarters of the other Forums, if any, established as per sub-regulation (2) and sub-regulation (3) of Regulation 5, shall be fixed by the distribution licensee. Each Forum may, with the overall objective of ensuring that the complaints/grievances are heard and redressed within the time limit specified under these Regulations, conduct its sittings preferably in the areas, within its territorial jurisdiction, having industrial belts, as it may consider appropriate.”

5. Amendment of Regulation 7.- In Regulation 7 of the said Regulations.-

(I) In sub-regulation (1) -

(i) for the sign “;” appearing in sub-clause (b) of clause (i), the sign “:” shall be substituted and thereafter the following provisos shall be inserted, namely :-

“Provided that in case of additional Forum established, or to be established, as per sub-regulation (2) and sub-regulation (3) of Regulation 5, the distribution licensee shall designate, on ex-officio basis, the Members of each such Forum out of its serving officers having appropriate qualifications, who shall perform their functions in the said Forums in addition to their normal assigned duties and out of such designated Members, one Member shall be designated as Chairperson of that Forum:

Provided further that no officer of a rank of

less than Superintending Engineer shall be designated as Member-cum-Chairperson of any additional Forum to be established as per first proviso to sub-regulation (2) of Regulation 5:

Provided further that the Member, other than that designated as Chairperson of a Forum shall not be of a rank which is lower, by more than one step, than the rank held by the Member designated as Chairperson of that Forum:

Provided further that no such officer shall be designated as Member-cum-Chairperson of an additional Forum established, or to be established as per sub-regulation (2) and sub-regulation (3) of Regulation 5, who is posted in operation sub-division/division/circle, as the case may be, in the territorial jurisdiction of that Forum or of such other additional Forum which is chaired by an officer posted in the territorial jurisdiction of that Forum;” and

(ii) for sub-clause (a) of clause (ii), the following shall be substituted, namely :-

“(a) who have retired after serving the State Government or of its Undertakings at the posts which are not lower, by more than one step, than the rank held by the Chairperson of that Forum and are familiar with the consumer affairs or regulatory affairs; or” ; and

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

“(3) The licensee shall immediately, but not later than seven days, after the appointment, or designation, of the Members (other than the Independent Member) provide details to the Commission regarding qualifications and experience of the Member(s) so appointed or designated.”

6. Amendment of Regulation 9.- In Regulation 9 of the said Regulations.-

- (i) in sub-regulation (1), for the sign “.”, the sign “:” shall be substituted and thereafter the following proviso shall be inserted, namely :-

“Provided that in cases where the Members of the Forums are to be designated, on ex-officio basis, as per the provisos to clause (i) of sub-regulation (1) of Regulation 7, the Member designated as such, shall be the Chairperson of that Forum.” ; and

- (ii) in sub-regulation (3), for the words, brackets, sign and figures “Member appointed under sub-clause (b) of clause (i) of sub-regulation (1) of regulation 7”, the words, brackets, sign and figures “Member appointed under sub-clause (b) of clause (i) of sub-regulation (1) of regulation 7, or the other Member designated as per the provisos thereto” shall be substituted.

7. Amendment of Regulation 13.- In Regulation 13 of the said Regulations.-

In clause (a) of sub-regulation (1), for the words “the Members appointed,”, the words and sign “the Members appointed, or designated on ex-officio basis,” shall be substituted.

8. Amendment of Regulation 14.- In Regulation 14 of the said Regulations.-

In sub-regulation (2), for the sign “.”, the sign “:” shall be substituted and thereafter the following proviso shall be inserted, namely:-

“Provided that in each case where an additional Forum is established as per sub-regulation (2) and sub-regulation (3) of Regulation 5, the distribution licensee shall designate, on ex-officio basis, a suitable serving official, who shall perform his duties as Secretary of the Forum in addition to his normal assigned duties.”

9. Amendment of Regulation 15.- In Regulation 15 of the said Regulations, at the end of para, the following sentence shall be

added, namely :-

“The distribution licensee shall also provide a link on its web portal and mobile app for registering the complaint / grievance in relevant Forum and also shall provide online tracking system of the complaints.”

10. Amendment of Regulation 16.- In Regulation 16 of the said Regulations.-

In sub-regulation (1), for the words “under the jurisdiction of the Forum”, the words “under the jurisdiction of the relevant Forum” shall be substituted.

11. Amendment of Regulation 17.- In Regulation 17 of the said Regulations.-

In sub-regulation (1), for the words and sign “submit his grievance, either in person or through post, e-mail or fax or online through the website of the Forum”, the words and sign “submit his grievance to the relevant Forum, through any channel i.e. in person, through post, e-mail, fax, online through the website / mobile app of the distribution licensee,” shall be substituted.

12. Amendment of Regulation 26.- In Regulation 26 of the said Regulations.-

(I) in sub-clause (ii) of clause (a) of sub-regulation (2), for the words and figure “15 percent”, the words and figure “12 percent” shall be substituted;

(II) in sub-regulation (4), for the words “The Order of the Forum shall be reasoned”, the words “The Order of the Forum shall be speaking and reasoned” shall be substituted; and

(III) in sub-regulation (6), at the end of para, the following new sentence shall be added, namely :-

“Each such order shall also be displayed on the website of the distribution licensee.”

13. Amendment of Regulation 27.- In Regulation 27 of the said Regulations.-

In sub-regulation (1), for the words and figure “21 days”, the words and figure “30 days” shall be substituted.

14. Amendment of Regulation 29.- In Regulation 29 of the said Regulations.-

In clause (a) of sub-regulation (4), for the words “with regards to levels”, the words “duly taking into account the levels” shall be substituted.

15. Amendment of Regulation 37.- In Regulation 37 of the said Regulations.-

In sub-regulation (5), for the words and figure “15 days”, the words and figure “30 days” shall be substituted.

16. Amendment of Regulation 38.- In Regulation 38 of the said Regulations.-

In clause (a) of sub-regulation (4), for the words “with regards to levels”, the words “duly taking into account the levels” shall be substituted.

By order of the Commission

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Secretary