

**BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY
COMMISSION SHIMLA**

No. H (1)-1/2012.

CORAM

YASHWANT SINGH CHOGAL
MEMBER (Law)-cum-Chairman

SHASHI KANT JOSHI
MEMBER

Date of Order: 18.02.2026.

In the matter of finalization of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) (Fourth Amendment) Regulations, 2026.

ORDER

The Himachal Pradesh Electricity Regulatory Commission (hereinafter referred to as the “Commission”) has notified the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, which were published in the Rajpatra, Himachal Pradesh, on 28th January, 2013 (hereinafter referred to as the “Principal Regulations”) and also notified the first, second and third amendments thereof on 26th November, 2019, 20th January, 2022 and 27th September 2025 as published in Rajpatra Himachal Pradesh on 28th November, 2019, 27th January, 2022 and 30th September 2025 respectively.

2. Regulation 7 of the Principal Regulations provides for constitution of Forum/Additional Forum and Appointment of its members. According to the existing provisions, two members shall be appointed by the Distribution Licensee out of its officers as per clause (i) (a) and (b) of sub-regulation (1) of this Regulation and apart from that, one independent member shall be nominated by the Commission as per clause (ii) (a) and

(b) of sub-regulation (1) this Regulation. The qualification and eligibility criteria for nomination of independent member of the Forum/Additional Forum is provided under clause (ii) of sub-regulation (1) of Regulation 7 reads as under:-

- “(ii) One independent member shall be nominated by the Commission, out of the persons –
- (a) “who are retired officers of the State Government or its Undertakings having a minimum service of 20 years as such offices and are familiar with the consumer affairs, power sector or regulatory affairs; or”
 - (b) who are representatives of the registered voluntary consumers protection organizations or NGOs or consumer activists with experience of at least five years in dealing with the matters concerning “consumer grievances;”

3. It was observed by the Commission that in some of the Forums/Additional Forums, due to cumbersome eligibility criteria specified under sub-clause(a) of clause (ii) of sub-regulation (i) of Regulation 7 of the Principal Regulations, the Commission is facing difficulty in nominating the independent members and as a result thereof, the functioning of the Forum(s) is being hampered. Thus, in order to overcome this situation, the Commission considered it in the public interest to simplify the eligibility criteria for nomination/appointment of independent member under sub-clause (a) of clause (ii) of sub-regulation (1) of Regulation 7 in the following manner:-

“(a) who are retired officers of the Central or State Government or its Undertakings having minimum service experience of ten years as such and are familiar with the consumer affairs, power sector or regulatory affairs; or”.

4. The Commission published the draft Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) (Fourth Amendment) Regulations, 2026 on 13th January, 2026 in the Rajpatra, Himachal Pradesh in exercise of the powers,

conferred under sub-section (1) of section 181 of the Electricity Act, 2003 (36 of 2003) (Act for short).

5. As required under sub-section (3) of section 181 of the Act, read with rule (3) of the Electricity (Procedure of Previous Publication) Rules, 2005, the Commission invited public objections and suggestions by way of insertions in two daily Newspapers i.e. “Amar Ujala” on 18.01.2026 and “Times of India” on 18.01.2026. The full text of the draft Amendment Regulations was also made available on the Commission’s website: www.hperc.org.
6. The Commission also, vide letter dated 24th January, 2026, requested the major stakeholders, including State Government, Directorate of Energy, HIMURJA, Consumers Representative and Distribution Licensee to sent their objections/suggestions, if any, on the said draft Amendment Regulations, as per the aforesaid public notice, on or before 13thFebruary, 2026. The public hearing in the matter was Scheduled to be held on 16.02.2026.
7. As Scheduled the public hearing in the matter was conducted on 16thFebruary, 2026. A list of the participants who attended the public hearing is annexed as Annexure-“A” to this Order.
8. The following stakeholders have filed their written submissions:-
 - (i) The Himachal Pradesh State Electricity Board, Vidyut Bhawan, HPSEBL, Shimla-171004 (HP);
 - (ii) B.B.N Industries Association (Regd),EPIP-Jharmajri, EPIP Phase I, Distt. Solan H.P-174103;
 - (iii) Shri. Anurag Prashar, Rtd. Addl. Director HPSEBL Ltd.; and
 - (iv) Shri. K.S Dhaulta, Consumer Representative, HPERC.
9. **Consideration of objections and suggestions and analysis by the Commission.**
 - (i) **Objections/Suggestions of HPSEBL.**

The Himachal Pradesh State Electricity Board, Vidyut Bhawan, HPSEBL, Shimla-171004 (HP) through written submissions dated 13.02.2026 and also during the public hearing has submitted that experience of only 10 years is insufficient for the post of Member, since, as by allowing inexperienced person to judge the decision of Discoms officers, who are having more than 20 years of experience will defeat the purpose of the Grievance Redressal Forum. As per the HPSEBL, the Independent Member should have more experience than all the members of the forum. It is further submitted that since all the members are having equivalent status and senior most will be Chairman of the Forum, the person with 10 years of experience which is equivalent to AE in the HPSEBL cannot be compared with the SE & CE who are also members of the CGRF. In view of above, minimum experience 20 years may be kept for the Independent Member.

Commission's View:-

The Commission has carefully considered the objections/suggestions and felt that eligibility criterion for the Post of Independent Member in the CGRF cannot be kept at par with experience of Discom's Representatives, who are the employees of DISCOM. It is not necessary that only the retired HPSEBL employee will be eligible for the post of the Member, there can also be Retired Officers of the other institutions with having adequate experience in the relevant field. The Commission believes that the Retired Officers from the Government/public sector having 10 years' or more experience and familiarity with the consumer affairs, power sector or regulatory affairs would be competent to handle the kind of cases generally received in the CGRF.

(ii) Suggestions of Consumer Representative.

The Consumer Representative Shri K.S Dhaulta through written submissions dated 13.02.2026 and also during the public hearing has

submitted that in view of the paucity of candidates as experienced by the Commission having such a long experience at Central or State Government level, the eligibility criteria may further be reduced to five to eight years or may be dispensed with to have a retired gazette class-I officer of Central or State Government to be eligible for filling up of the post without any hindrances. He also suggested that the Commission may consider to increase the maximum age of sixty five years to sixty eight or seventy years to attract more experienced and eligible retired officers of the Central or State Government.

Commission's View:-

The Commission has proposed to reduce the eligibility criterion for the Post of Independent Member in the CGRF from 20 years to 10 years. Further reduction in the eligibility criterion/experience will not be feasible in view of the nature of adjudicatory functions of the Forms and skills for adjudication of the matters. Further, the Commission do not consider it reasonable to increase the maximum age of sixty five years to sixty eight or seventy years in view of the prevailing Rules and Regulations on age matters, in the State of Himachal Pradesh.

(iii) Suggestions of BBN Industries Association, Baddi.

BBN Industries Association, Baddi has made following written submissions vide letter dated 10.02.2026:

1 Eligibility of Ombudsman

The proposed amendment restricting eligibility mainly to retired Government or PSU officers should be broadened. We recommend that professionals from consumer organisations, industry bodies, legal experts in consumer and electricity laws, and experienced regulatory professionals also be considered eligible. This will enhance candidate pool in selecting competent Ombudsman and give opportunity to competent persons outside the Govt. retired personnel only.

2. Clear and Binding Timelines-

The Regulations should explicitly provide and strictly enforce timelines for:

- a) Registration and acknowledgement of grievances
- b) Disposal of complaints by the CGRF
- c) Implementation of CGRF and Ombudsman orders by distribution licensees
- d) Disposal of appeals by the Ombudsman

Delay in grievance redressal causes serious financial and operational hardship to industrial consumers and must be avoided

3. Monitoring and Transparency

We suggest that CGRFs and the Ombudsman be required to publish quarterly and annual reports containing details of complaints received, disposed, pending, and compliance by licensees. An online tracking system for grievances should also be mandated to improve transparency and accountability.

4. Representation of Industrial and Consumer Interests in CGRF

We recommend that the CGRF structure include representative of consumer and industry bodies or independent experts familiar with commercial and industrial electricity issues. This will ensure that grievances of industrial consumers are adjudicated with appropriate sectoral understanding.

5. Provision for Collective or Association-level Grievances

Many issues such as billing errors, tariff misapplication, voltage and supply quality affect a large number of industries simultaneously. The Regulations should permit registered industry associations to file collective grievances by industry associations on behalf of their members for efficient and effective redressal.

6. Awareness and Accessibility

Distribution licensees should be mandated to actively publicize the grievance redressal and Ombudsman mechanisms through bills, websites etc so that all categories of consumers are fully aware of their rights.

We request the Hon'ble Commission to kindly consider the above suggestions in the larger interest of fairness, efficiency, and consumer confidence in the grievance redressal framework.

Commission Views

We have carefully considered the suggestions of the BBN Industries Association. In so far as the eligibility criteria for the post of Independent Member is concerned, besides retired Government Employees, the representative of the Registered Voluntary Consumer Protection Organizations or NGO, or Consumer Activists having experience of at least 05 years dealing with consumer grievances are also eligible and may apply for the same. As such, the post of Independent Member is not restricted only to retired Government employees. The other suggestions do not relate to the present amendment and can't be considered.

(iv) Suggestions of Shri Anurag Prashar.

Shri. Anurag Prashar, Retd. Additional Director HPSEBL has also given written comments dated 11.02.2026 as under:-

The objective of the CGRF is to provide an effective, accessible and expeditious consumer grievance redressal system in terms of section 42(5) and 42(6) of the Electricity Act, 2003. The composition of the

Forum must, therefore, balance independence with domain expertise in electricity distribution, consumer interface and regulatory framework.

In this regard, objection is respectfully submitted to the following proviso proposed below Regulation 7(1)(ii)(b):

“Provided that a person to be nominated as Independent Member of the forum shall not have been in the employment in any capacity under the agency of the licensee for a minimum period of one year prior to his being nominated as the Independent member of the forum.”

It is humbly requested that the above proviso may kindly be deleted, for the following reasons:

1. Unwarranted restriction on availability of domain expertise

The distribution sector, particularly in a hill State like Himachal Pradesh, has a limited pool of professionals possessing technical, commercial and consumer-interface experience. Many of the most suitable candidates for Independent Member—retired engineers, consumer service officers, finance experts and administrators—have served in the licensee organization during their careers. Imposing a mandatory one-year “cooling-off” restriction unnecessarily narrows the pool of competent and experienced candidates and may lead to appointment of persons lacking adequate sectoral understanding, thereby affecting the quality of adjudication.

2. Independence already safeguarded by Commission’s selection process.

The Commission exercises full control over the nomination/appointment of Independent Members and retains regulatory oversight over the functioning of CGRFs. The independence and impartiality of the Forum are therefore institutionally secured through:

- scrutiny and approval of nominations by the Commission;

- prescribed qualifications and experience;
- regulatory supervision and appellate oversight by the Ombudsman and the Commission.

In view of these safeguards, an additional employment-based disqualification is redundant.

3. Electricity Act, 2003 does not prescribe such restriction

Section 42(5) of the Electricity Act, 2003 mandates constitution of CGRF but does not prescribe any such disqualification based on prior employment with the licensee. The Act leaves it to the Commission to frame appropriate regulations ensuring consumer representation and effective grievance redressal.

The proposed proviso travels beyond the statutory requirement and imposes a restriction not envisaged in the parent legislation.

4. Inconsistency with practices in other State Commissions

Most State Electricity Regulatory Commissions do not prescribe a mandatory cooling-off period for Independent Members of CGRF. Instead, they rely on eligibility criteria, integrity, and Commission oversight to ensure neutrality. Adoption of a stricter and unique restriction may create practical difficulties in staffing Forums in the State.

5. Potential operational difficulties and vacancies.

The proposed proviso may lead to avoidable vacancies and delays in appointment of Independent Members, thereby affecting timely disposal of consumer grievances—contrary to the very purpose of establishing CGRF under the Act.

Prayer

In view of the above, it is respectfully prayed that the Commission may kindly reconsider and delete the proviso below Regulation 7(1)(ii)(b) in the draft amendment notification, in the interest of ensuring availability of

experienced and competent members for effective functioning of Consumer Grievance Redressal Forums.

Any other modification deemed appropriate by the Commission to strengthen the CGRF mechanism may also kindly be considered.

Commissions View:-

The Commission after careful analysis do not consider it appropriate to delete the proviso below Regulation 7(1)(ii)(b) of the Principal Regulations, as it feels that cooling period of one year for a person who has been in the employment in any capacity under the agency of the licensee for a minimum period of one year prior to his being nominated as the Independent Member of the Forum is mandatory to maintain the CGRF system unbiased for consumer protection and is necessary for expressing fair and independent views in the matter. Accordingly, the suggestions are not accepted.

In view of the above, the Commission, after concluding its views on the written submissions and submissions made during the public hearing, decides to finalize and approve the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) (Fourth Amendment) Regulations, 2026 without any change and accordingly the amended Regulations are ordered to be notified as per procedure.

Announced.
18.02.2026

sd/-

(Shashi Kant Joshi)
Member

sd/-

(Yashwant Singh Chogal)
Member (Law)-cum-Chairman