

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA**

**Notification**

**Shimla, the 24<sup>th</sup> September, 2019**

**HPERC-(H)(1)-1/2012.- WHEREAS** the Himachal Pradesh Electricity Regulatory Commission has notified the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 on 23rd January, 2013 and the same were published in the Rajpatra on 28<sup>th</sup> January, 2013 (hereinafter referred as “the said Regulations”). The said regulations came into force from 28<sup>th</sup> day of January, 2013;

**AND WHEREAS** the CGRF and Ombudsman have expressed some difficulties faced by them in disposal off the grievances under the provisions of the said regulations;

**AND WHEREAS** M/s Parwanoo Industries Association have also informed the Commission about the need to rationalise some of the provisions of the said regulations especially in relation to the rate of interest in cases where the licensee is required to refund the amount unduly recovered from the Complainant;

**AND WHEREAS** the Commission also finds it appropriate to provide for payment of some fees by the Complainant making a representation to the Ombudsman for the redressal of his grievance;

**NOW, THEREFORE,** 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 sub-section (3) of section 181 of the said Act and 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 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) (First Amendment) Regulations, 2019.

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

**2. Amendment of regulation 17.-**

In regulation 17 of the Himachal Pradesh Electricity Regulatory Commission (Consumer grievances Redressal Forum and Ombudsman) Regulations, 2013 (hereinafter referred as “the said regulations”,-

(a) for sub-regulation (1), the following sub-regulation (1) shall be substituted, namely:-

“(1) The complainant may submit his grievance, in triplicate, either in person or through post, e-mail or fax or on line through the website of the Forum, giving the particulars of his grievance as specified in ANNEXUR-II:

Provided that the Forum shall take cognizance of the grievance based on merits of the case and will not reject any grievance for the sole reason of its not having been submitted in the specified format”; and

(b) in clause (b) of proviso to sub-regulation (4), after words “or fax” and before the sign “,” the words “or online through the website of the Forum” shall be inserted.

**3. Amendment of regulation 18.-** For items (1) and (2) of regulation 18 of the said regulations, the following items shall be substituted, namely.-

(1) safety related issues

(2) non-supply, connection/disconnection/quality/reliability of supply”.

**4. Amendment of regulation 23.-** For sub-regulation (4) of regulation 23 of the said regulations, the following sub-regulation (4) shall be substituted, namely:-

“(4) Where either any prayer for adjournment is not made for the first time or no sufficient cause is shown for adjournment, the Forum shall award the cost, which shall not be less than Rs. 1,000/- for each adjournment, to be paid by the defaulting party to the non-defaulting party and /or to the Forum:

Provided that in case where the adjournment is sought by any party for the first time, no such cost shall be awarded.”

**5. Amendment of regulation 26.-** In regulation 26 of the said regulations.-

- (a) in sub-regulation (2) for item (ii) of clause (a), the following shall be substituted, namely:-
  - “(ii) to return to the complainant the undue charges paid by the complainant along with the simple interest at the rate of 15 percent per annum, or at such rate as may be fixed by the Commission, for the actual number of days for which the undue disputed amount was withheld by the licensee; or”;
- (b) in sub-regulation (5)-
  - (i) for the words “non-supply, connection or disconnection of supply”, the words “safety related issues, non-supply, connection/disconnection/quality or reliability of supply” shall be substituted; and
  - (ii) for the figure and word “20 days”, the figure and word “15 days” shall be substituted;
- (c) in sub-regulation (7), for the words, signs and figure “The Forum may at any time, after affording an opportunity of being heard, review its Order either on its own motion or an application of any of the parties to the original proceedings, within 30 days of the order on-” with the words, signs and figure “The Forum either on its motion or on an application moved, within 30 days of the order, by any of the parties to the original proceedings, may, after affording an opportunity of being heard, review its order on-” shall be substituted; and
- (d) after sub-regulation (7), the following new sub-regulation (8) shall be inserted, namely.-
  - “(8) The Forum shall, within 30 days from the date of receipt of an application under sub-regulation (7) of this regulation, accept or reject such application”.

**6. Amendment of regulation 27.-** In sub-regulation (1), the words, sign and figures “Non-compliance of the order of the Forum shall be treated as violation of the Regulations of the Commission and accordingly liable for action under section 142 of the Act” shall be omitted.

**7. Amendment of regulation 29.-** In sub-regulation (1) of the regulation 29 of the said regulations, for the words “disposal of grievances”, the words “disposal of grievances, and also giving such details as the Commission may require,” shall be substituted.

- 8. Amendment of regulation 32.-** For the regulation 32 of the said regulations, the following shall be substituted, namely.-

**“32. Submission of Representation.-** (1) The complainant may submit his representation, either in person or through post, e-mail or fax or on line through the website of the Ombudsman, giving the particulars of his grievance as specified in ANNEXURE-IV.

(2) The representation under sub-regulation (1) shall be accompanied by the fees specified in the Table below, through Demand Draft or electronic payment mode –

**Table**

S. No.	Nature of Representation	Applicable fees for each representation in (Rs.)
(i)	(ii)	(iii)
1.	In relation to Low Voltage (LV) power supply.	100/-
2.	In relation to High Voltage (HV) power supply.	500/-
3.	In relation to Extra High Voltage power supply.	1000/-

- 9. Amendment of regulation 33.-** For clause (h) of sub-regulation (1) of regulation 33 of the said regulations, the following shall be substituted, namely.-

“(h) the complainant has paid such fees as specified in Table below sub-regulation (2) of regulation 32.”

- 10. Amendment of regulation 37.-** In regulation 37 of the said regulations-

(a) in sub-regulation (8), for the words, sign and figure “The Ombudsman may, at any time, after affording an opportunity of being heard, review its Order, either on its own motion or an application of any of the parties to the proceedings, within 30 days of the Order on-” the words, sign and figure “The Ombudsman, either on his own motion or an application moved, within 30 days of the Order, by any of the parties to the original proceedings, may, after affording an opportunity of being heard, review its order on-” shall be substituted; and

(b) after sub-regulation (8), the following new sub-regulation (9) shall be inserted, namely.-

“(9) The Ombudsman shall, within 30 days from the date of receipt of an application under sub-regulation (8) of this regulation, accept or reject such application.”

**11. Amendment of regulation 38.** - In clause (a) of sub-regulation (4) of regulation 38 of the said regulations, for the words, brackets and figure “sub-regulation (3)”, the words “this regulation” shall be substituted.-

**12. Amendment of ANNEXURE -I.-** In Annexure -I, of the said regulations in the Table titled “**TIME LINES**”- in Part-I “Complaints/ representations before the Forum”- for the items 3,4 & 6, the following shall be substituted, namely.-

3	Forwarding of complaints to the concerned officer of the license- (a) In case of safety related issues, non-supply, connection/disconnection/quality or reliability of supply. (b) In other case	1 day 2 days	On the receipt of the complaint by the Forum.
4	Response of the Licensee on the complaint- (a) In case of safety related issues, non-supply, connection/disconnection/ quality or reliability of supply. (b) In other case	5 days 15 days	From the date of receipt of complaint.
6	Making of Orders by the Forum- (a) In case of safety related issues, non-supply, connection/disconnection/ quality or reliability of supply. (b) In other case	15 days 45 days	From the date of receipt of complaint.

**13. Amendment of ANNEXURE -II.-**

In ANNEXURE-II of the said regulations-

(a) in English version of sub-item 6 titled “**Category of grievance**”- the existing sub-item “m Others (please specify)”, shall be renumbered as sub-item “n” and before the renumbered sub-item “n”, the following sub-item m., shall be inserted namely.-

“m, Safety related issues.....”

(b) in Hindi version of item 6 titled “शिकायत की श्रेणी”, the existing sub-item (ड) shall be renumbered as sub-item “(ढ)” यदि अन्य, कृपया निर्दिष्ट करें.....” and before the renumbered sub-item (ढ) the following sub-item (ड) shall be inserted, namely.-

“ड) “सुरक्षा सम्बन्धी विषय .....

**14. Amendment of ANNEXURE -IV.-**

In ANNEXURE-IV of the said regulations – in item 6, the words, brackets and figure “(please enclose 3 copies of the grievance):”, shall be omitted.

**By order of the Commission**

**Sd/-  
Secretary**