

AUTHORITATIVE ENGLISH TEXT

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION

SHIMLA

NOTIFICATION

F.No: HPERC/609

Dated: Shimla, the 23rd October, 2003

In exercise of the power conferred by section 181 read with sub-section (5) of section 42 of The Electricity Act, 2003 (36 of 2003), and all other powers enabling in this behalf, the Himachal Pradesh Electricity Regulatory Commission, after previous publication and public hearing, hereby makes the following regulations, namely: -

1. Short title and commencement - (1) These may regulations may be called the Himachal Pradesh Electricity Regulatory Commission (**Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers**) Regulations, 2003.

(2) These regulations shall be applicable to all distribution licensees in the State of Himachal Pradesh.

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

2. Definitions - In these regulations, unless the context otherwise requires, -

(1) "Act" means the Electricity Act, 2003;

(2) "appointed date" means 10th day of June, 2003 ;

(3) "area of supply" means the area within which a distribution licensee is authorised by his/her/their licence to supply electricity;

(4) "Board" means the Himachal Pradesh State Electricity Board, constituted before the commencement of the Electricity Act, 2003, under sub section (1) of section 5 of the Electricity (Supply) Act, 1948 (54 of 1948);

(5) "Chairperson" means the Chairperson of the Forum;

(6) "Commission" means the Himachal Pradesh Electricity Regulatory Commission;

(7) "complainant" means—

(i) a consumer; or

(ii) any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or under any other law for the time being in force; or

(iii) the Central Government or the State Government;

(iv) one or more consumers, where there are numerous consumers having the same interest;

(v) in case of death of a consumer, his legal heirs or representatives;

- who or which makes the complaint ;

(8) “complaint” means any allegation in writing made by a complainant that -

(i) there exists defect or deficiency in electricity service provided by the distribution licensee;

(ii) an unfair trade practice or a restrictive trade practice has been adopted by the distribution licensee in providing electricity service;

(iii) the distribution licensee has for the electricity services mentioned in the complaint, a charged price in excess of the price, fixed by the Commission, for supply of electricity and allied services.;

(iv) the distribution licensee has recovered the expenses, incurred in excess of charges approved by the Commission, in providing any electric line or electric plant;

(v) the electricity service provided by the distribution licensee, may be unsafe or hazardous to public life and is in contravention of the provisions of any law for the time being in force;

(i) Recovery of expenses incurred in excess of charges approved by the Commission in providing and electric line or electric plant.

(9) "consumer" means any person who is supplied with electricity for his own use by a distribution licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a distribution licensee, the Government or such other person, as the case may be;

(10) “consumer dispute” means a dispute where the person against whom a complaint has been made, denies or disputes the allegations contained in the complaint;

(11) "distribution licensee " means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply and includes a deemed licensee;

(12) "defect" means any fault, imperfection or shortcoming in the quality, quantity, standard of service, equipment or material which is required to be maintained by or under any law for the time being in force or under any contract, express or implied, or as is claimed by the distribution licensee in any manner whatsoever in relation to electricity service;

(13) "deficiency" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by a distribution licensee in pursuance of a contract agreement or otherwise in relation to electricity service or performance standard; viz. interruption/ failure of power supply, voltage complaints, metering problems including meter shifting, charges/ payments (billing problems), disconnection/ reconnection of power supply to the consumer, new connections/extensions in load, notice of supply interruptions, making and keeping regular/special appointments, violations of electricity supply code, contraventions of Act, rules or regulations made thereunder with regard to consumer interest;

(14) "Electricity Service" means supply, billing, metering and maintenance of electrical energy to the consumer and all other attendant sub-services etc.;

(15) "Electricity Ombudsman" means an authority to be appointed or designated by the Commission, under sub-section (6) of section 42 of the Act, with whom a representation may be made by any consumer, who is aggrieved by the non-redressal of his grievances by the Forum;

(16) "Forum" means '**Forum for redressal of grievances of the consumers'** to be established by each distribution licensee under regulation 3 of these regulations.

(17) "Form" means form appended to these regulations;

(18) "Internal Executive Dispute Resolution Mechanism (IEDRM) of the distribution licensee" means the existing Dispute Settlement Committees as reconstituted by the Board and as notified vide order No.HPSEB/CE (Comm) F&S-33/02-857-8871 dated the 19th October, 2002 and published in the Himachal Pradesh Rajpatra on the 18th January, 2003 read with the first proviso to regulation 6;

(19) "Member" means the member of the Forum and includes the Chairperson of the Forum;

(20) "Nodal Officer" means the convener and presenting officer of the Internal Executive Dispute Resolution Mechanism (IEDRM) of the distribution licensee;

(21) “restrictive trade practice” in respect of electricity supply means a trade practice which tends to impose on the consumers unjustified costs or restrictions and shall include delay beyond the period agreed to by a distribution licensee in providing the electricity services;

(22) “State Government” means the State Government of Himachal Pradesh;

(23) “unfair trade practice” means a trade practice which a distribution licensee, for the purpose of promoting the sale, use or supply of electricity adopts or any unfair method or unfair or deceptive practice of making any statement, whether orally or in writing or by visible representation which falsely represents that the services are of a particular standard and quality made by him;

(24) words and expressions used and not defined in these regulations but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Constitution of Forum - (1) Every distribution licensee, shall within six months from the appointed date or grant of licence, whichever is earlier, establish a Forum for redressal of grievances of the consumers in accordance with these regulations.

(2) The Forum shall be independent of the distribution licensee.

(3) The head office of the Forum shall be preferably at the headquarters of distribution licensee.

(4) The Forum shall consist of three Members including the Chairperson, to be appointed by the distribution licensee, out of the following persons namely:-

(a) One person shall be possessing degree in Electrical Engineering and having at least 20 years experience in the generation, transmission, distribution and trading of electricity and who is or has been a Chief Engineer in an organisation engaged in the business of generation, transmission, distribution and trading of electricity;

(b) one person shall be possessing degree in law and having at least 20 years experience in legal/judicial profession and eligible for appointment as District Judge. or who is or has been a District Judge; and

(c) one person shall be possessing degree in economics or finance or commerce and having at least 20 years of experience in the profession or is or has been a practising Chartered Accountant with at least 20 years of practice or is or has been a Deputy Accountant General in the Central Government or is or has been an officer of Indian Audit & Accounts Service with minimum of 15 years of service in the above cadre or who is or has been a Chief Accounts Officer in an organisation engaged in the business of generation, transmission, distribution and trading of electricity.

(5) The Chairperson of the Forum shall be appointed by the distribution licensee from amongst the persons, specified in clauses (a) and (b) of sub-regulation 4 of this regulation.

(6) Every member of the Forum shall hold office for a term of three years and shall not be eligible for reappointment;

Provided that no Member of the Forum shall hold office as such after he has attained the age of sixty-five years.

(7) Two third of the Members of the Forum shall form the quorum of the meeting.

(8) The office of any member shall not be kept vacant for more than two months.

(9) The salary or honorarium, TA/DA and other allowances payable to, and the other terms and conditions of service of the members shall be such as may be determined by the distribution licensee:

Provided that the salary, allowances and other terms and conditions of service of the Members, shall not be varied to their disadvantage after appointment.

(10) The office, staff and other facilities required by members of the Forum, for efficient functioning of Forum shall be provided by the distribution licensee. Out of such staff, one person not below class-I officer shall be designated as full time Secretary of the Forum.

(11) The expenses of Forum including all salaries, honrarium and allowances payable to Members and staff of the Forum shall be allowed as pass through expense in the Annual Revenue Requirement of the distribution licensee.

4. Removal of Member:- (1) No Member shall be removed from the office except in accordance with the provisions of this regulation.

(2) The distribution licensee may by order remove from office any Member if he –

(a) has been adjudicated insolvent;

(b) has been convicted of an offence which involves moral turpitude;

(c) has become physically or mentally incapable of acting as a Member;

- (d) has acquired such financial or other interest as is likely to affect prejudicially his function as a Member;
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest; or
- (f) has been guilty of proven misbehaviour:

Provided that no Member shall be removed from his office on any ground specified in clauses (d), (e) and (f) unless the Chairperson of the Commission, on a reference being made to him in this behalf by the distribution licensee, has on an inquiry, held that the Member ought on such ground or grounds to be removed.

(3) The distribution licensee may, in consultation with the Chairperson of the Commission, suspend any member of the Forum in respect of whom a reference has been made to the Chairperson of the Commission under, sub regulation (2) of this regulation until the distribution licensee has passed an order on receipt of the findings of the Chairperson of the Commission, on such reference.

5. Jurisdiction of the Forum - Subject to the other provisions of these regulations, the Forum shall have jurisdiction to entertain the complaints within the entire area of the distribution licensee:

Provided that each distribution licensee may establish more than one Forum so as to ensure that the Forum finally decides every complaint within a maximum period of two months from the date of receipt of complaint by it.

6. Jurisdiction of Internal Executive Dispute Resolution Mechanism (IEDRM) of distribution licensee - Dispute Settlement Committees at the Sub-Divisional, Divisional, Circle, Zonal and Board's level, together with the procedure laid down by the distribution licensee for the Conduct of Business of the Dispute Settlement Committees, shall constitute the internal executive channels for the redressal of the grievances of consumers:

Dispute Settlement Committee (DSC)

Provided that the jurisdiction of the above dispute settlement mechanism shall also include the complainant, complaint, complaint, consumers, consumer disputes, defect, deficiency etc. as defined in section in regulation 2 of these regulations:

Provided further that no appeal no appeal against the decision of the various Dispute Settlement Committees shall lie with its Appellate Authority as per the procedure laid down by the Board in its notification dated the 13th 19th October 2002:

Provided also that no amendments, alterations, modifications in the IEDRM shall be carried out by the Board without the approval of the Commission:

Provided further Provided also that any person aggrieved by the non-redressal of his grievance by the appropriate dispute settlement committee may committee with in IEDRM in accordance with the procedure laid down for conduct of its may business may make a representation for the redressal of his grievances to the Forum.

7. Duty of the Distribution Licensee to notify – (1) Subject to sub-regulation (6) of this regulation every distribution licensee shall notify and bring to the notice of the consumers by whatever means deemed fit, the details of the Forum for Redressal of Grievances of the Consumers.

(2) The distribution licensee shall make available copies of the procedure for lodging complaints to the consumers free of cost as and when required by the consumers.

(3) The details such as Names of the Forum Members, its Secretary and their addresses, telephone numbers and other details shall be notified frequently by the distribution licensee in the media.

(4) The bills issued by the distribution licensee to the consumers for the electricity supplied, shall contain the address and telephone numbers of the Forum for redressal of grievances of the consumers. The statement ‘consumers whose grievance is not solved by the Internal Executive Dispute Resolution Mechanism of the distribution licensee can approach the Forum established for redressal of the grievance’ shall also be printed on such bills.

(5) The distribution licensee shall necessarily obtain a Post Box Number to facilitate easy registration of grievances by consumers.

(6) These regulations shall be put on the website of distribution licensee, copies made available up to the level of J.E.s in-charge of Sections and Deputy Commissioners of all Districts in HP for further distribution up to Panchayat/Blocks Samitis and shall be given wide publicity through electronic/print media.

8 Complaint that can be taken up by the Forum: - The Forum shall take up any kind of complaint as defined in regulation 2 of these regulations but the complaint pertaining to-

(1) unauthorised use of electricity as defined under Explanation to section 126 of the Act; and

(2) offences and penalties as specified under sections 135 to 139 of the Act;

are excluded from the purview of the Forum.

9. Procedure to file the Complaint – (1) Every complaint must be filed in writing to the Chairperson of the Forum by the complainant, in Form-1.

(2) The complaint can also be lodged through e-mail to the respective Forum's e-mail ID (which will be published by it widely) and such mode of complaint can be in text format with the required information and address of the complainant.

10. Manner in which the complaint shall be redressed -

(1) On receipt of the complaint, the Chairperson shall make endorsement on the complaint subscribing his dated initials and the complaint received shall be registered and registered and numbered for each year.

(2). The Forum shall send an acknowledgement to the complainant within 3 working days of receipt of complaint.

(3) Registered Consumer organisation and other Non-Governmental Organisation (NGOs) can file complaint on behalf of the Consumers, provided the consumer has agreed to be represented by the organisation in writing. The consumer need not necessarily be a member of the consumer organisation or NGO.

(4) On receipt of a complaint made under sub regulation (1) the Forum may, by order allow the complaint to be proceeded with or rejected:

Provided that the complainant shall be informed in writing if the complaint is rejected:

Provided further that a complaint shall not be rejected under this sub-regulation, unless an opportunity of being heard has been given to the complainant:

Provided also that the admissibility of the complaint shall ordinarily be decided within ten working days from the date on which the complaint was received.

(5) Where a complaint is allowed to be proceeded with under sub-regulation (4), the Forum may proceed with the complaint in the manner provided under these regulations.

7. Grievance filling procedure:

Every grievance to the Forum must be submitted in writing to the Chairperson of the forum by the complainant, format given in Annexure-1. The complainant can also be lodged through email to the respective forum's email ID (which will be published by them widely). Such mode of complaint can be in text format with the required information and address of the complainant.

Manner in which the complaint shall be made

11. Procedure to be followed by the Forum on admission of complaint

- (1) The Forum shall, -

(a) refer a copy of such complaint to the nodal officer directing him to give his version of the case within a period of twenty days or such extended period not exceeding ten days as may be granted by the Forum;

(b) where nodal officer on receipt of a copy of the complaint, referred to him under clause (a) denies or disputes the allegation contained in the complaint, or omits or fails to take any action to represent his case within the time given by the Forum, the Forum shall proceed to settle the consumer dispute,—

(i) on the basis of evidence brought to its notice by the complainant and the distribution licensee, where the distribution licensee denies or disputes the allegations contained in the complaint, or

(ii) ex-parte on the basis of evidence brought to its notice by the complainant where the distribution licensee omits or fails to take any action to represent his case within the time given by the Forum; and

(c) where the complainant fails to appear on the date of hearing before the Forum, the Forum may either dismiss the complaint for default or decide it on merit.

(2) Every complaint shall be heard as expeditiously as possible pass on and an appropriate order shall be passed within a maximum period of two months from the date of receipt of complaint by the Forum:

Provided that the no adjournment shall ordinarily be granted by the Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum:

Provided further that the Forum shall make such orders as to the cost for the adjournment as may be considered appropriate by the Forum:

Provided also that in the event of complaint being disposed of after the maximum period specified above, the Forum should record in writing, the reasons for the same at the time of disposing of the said complaint.

(3) Where during the pendency of any proceedings before the Forum, it appears to it to be necessary, it may pass such interim order as is just and proper in the facts and circumstances of the case subject to the conditions that the complaint shall be decided within the maximum time of two months as specified in sub-regulation (2) maximum.

12. Findings of the Forum - (1) If, after the proceeding conducted under regulation 11, the Forum is satisfied that any of the allegations contained in the complaint, about the electrical services, are proved, it shall issue an order to the distribution licensee directing him to do one or more of the following thingsacts, namely: -

- (a) to return to the complainant the undue charges paid by him;
- (b) to remove the defects/deficiencies in the services in question;
- (c) to discontinue the unfair trade practice or the restrictive trade practice or not to repeat them;
- (d) not to offer the hazardous electrical services ;
- (e) to withdraw the hazardous electrical services from being offered ; and
- (f) to provide for adequate costs to parties.

(2) Every proceeding referred to in sub-regulation (1) shall be conducted by the Chairperson of the Forum and all the Members thereof sitting together:

Provided that where a member, for any reason, is unable to conduct a proceeding till it is completed, the Chairperson and the other Member shall conduct such a proceeding:

Provided further that in the absence of the Chairperson, the other member present out of (a) or (b) in sub regulation (4) of Regulation 3 shall preside over the proceedings.

(3) All decisions of the proceeding referred to in sub regulation (1) shall be taken by a majority of the Members present and in the event of equality of votes, the Chairperson shall have the second or casting vote.

(4) Every order made by the Forum under sub-regulation (1) shall be signed by its Chairperson and the Members conducting the proceeding.

(5) The proceeding and decision of the Forum along with the time frame for compliance shall be recorded and communicated to the complainant and licensee for compliance.

(6) The distribution licensee shall implement the decisions of the Forum within time frame specified in the order and compliance reported to the Forum within seven days of the implementation of the order.

13. Appeal - Any person aggrieved by an order made by the Forum may prefer an appeal against such order to the Electricity Ombudsman within a period of forty days from the date of the order, in such form and manner as may be laid down in the regulations made by the Commission:

Provided that the Electricity Ombudsman may entertain an appeal after the expiry of the said period of forty days if he is satisfied that there was sufficient cause for not filing the appeal within that period:

Provided further that the Electricity Ombudsman shall not entertain an appeal by any party, which is required to pay any amount in terms of an order of the Forum, unless the appellant has deposited, in the manner as may be laid down in the regulations made by the Commission, fifty percent of that amount.

14. Savings - (1) Nothing contained in these guidelines shall affect the rights and privileges of the consumer under any other law for the time being in force, including under the Consumer Protection Act, 1986 (68 of 1986)

(2) The Complaint Handling Mechanism and Procedure as notified by the Commission vide its order No.HPERC/010/2002 dated the 8th February, 2002 and HPERC's Complaint Handling Procedure, 2002 as notified on the 8th February, 2002 shall continue to have effect until the standards of performance of licensee are specified by the Commission under section 57 of the Act.

15. Powers to remove difficulties - If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, direct the distribution licensee to take suitable action, not being inconsistent with the Act, which appears to it to be necessary or expedient for the purpose of removing difficulties.

The distribution licensee may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in the establishment of the Forum as per these regulations.

16. Issue of orders or directions - Subject to the provisions of the Act, the Commission may from time to time issue orders or directions in regard to the implementation of these regulations to be followed.

17. Power to Amend - The Commission may, at any time vary, alter, modify or amend any provision of these regulations.

18. Monitoring report - The Forum shall submit a report to the Commission on the category wise number of complaints received, redressed and pending for every quarter of calendar year in Form-2.

**Sd/-
Secretary**

FORM-1

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COMPLAINT FORMAT

(Please tick (P) in the box whichever is applicable)

1. SERVICE CONNECTION RELATED

-

i) FOR NEW SERVICE (TYPE)

Domestic

Commercial

Industrial

Agriculture

Other Services

ii) FOR EXISTING SERVICE: Account No.

Enhancement of Defective Meter/Replacement of Meter/
Disconnection/Reconnection Meter Capacity Meter Shifting
of service

Additional Load
Service

Conversion to 3 Phase

Shifting Of

Name Transfer
Revision

Tariff Change

Bill

Defect in Service

Deficiency in Services

Other Complaint

a) Date of Application

b) Date of payment made if any

c) Address of the location of the existing/proposed service connection

d) Name, Designation and address of the Officer concerned.

iii) QUALITY OF POWER SUPPLY

From (Hrs)

To (Hrs)

Low Voltage

(Generally)

From (Hrs)

To (Hrs)

Voltage Fluctuation

(Generally)

From (Date)

To (Date)

Frequent

Interruption

Of supply

From (Date)

To (Date)

Any other Problem

2) Licensee's employee against whom complaint is made

(For more than one person fill in separate form)

NAME	
DESIGNATION	
OFFICE	
ADDRESS	

NATURE OF COMPLAINT

i) Discourtesy

ii) Denial of requisite information

iii) WANTON DELAY ON ACCOUNT OF

Registration of application

Acceptance of payment

Fixing of meter

Effecting service connection

iv) DEMAND/ACCEPTANCE OF BRIBE

a) Bribe demanded	Time	Date	Place
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b) Bribe accepted by officer directly			through the agent
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Amount paid Rs.	Time	Date	Place
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3) GENERAL (descriptive details of the above or other matters)

Telephone
Number

Signature and Name of the Complainant

Mail ID

Date

Address of the Complainant

NOTE: i) Strike out whichever is not applicable ii) Send separate sheet if necessary to cover details iii) Complainant is assured that there will be no harassment for giving this complaint iv) Complete postal address of the complainant is essential for taking action.

FORM-2**CONSUMER GRIEVANCE REDRESSAL MONITORING REPORT FOR THE QUARTER ENDING _____**

Sr.No	Complaint Status	Nature of Complaints							Total
		Delay in effecting supply	Quality of Voltage	Interruptions	Metering Problems	Billing Problems	Tariff Problems	Others	
1.	Complaints Pending at the end of the last quarter.								
2.	Complaints Received during the quarter								
3.	Total Complaints. (1+2)								
4.	Complaints attended during the quarter								
5.	Balance Complaints to be attended. (3-4)								
6.	Complaints pending for more than 2 months but less than 6 months.								
7.	Complaints pending for more than 6 months.								

NOTE: The present status for each complaint pending for more than six months may be furnished separately