

**Supplementary Report on Compliance of the Directions given
by the Appellate Tribunal for Electricity in order
dated 29th May, 2009 in Review Petition No. 5 of 2009 in
Appeal No. 181 of 2008**

As directed by APTEL, the level of implementation of the provisions of the Electricity Act as contained in Sections 42(5) to (7), 50, 57 & 59 of the Electricity Act, 2003 was ascertained by compiling the information received from the 22 SERCs out of 24 (no information was received from two JERCs) and an interim report was sent to the Appellate Tribunal on 27th July, 2009.

2. In continuation to the interim report, this supplementary report has been prepared which includes:

- I. The information from the two Joint Electricity Regulatory Commissions
- II. Further information was requested from the SERCs to get the present status on the following aspects of the directions given by the APTEL.
 - a) Details of publicizing the setting up of Consumer Grievance Redressal Forums (CGRFs), Ombudsmen and Guidelines for functioning of CGRFs and Ombudsmen for information of the consumers through modes other than notification in official gazette.
 - b) To establish that CGRFs and Ombudsmen are functioning, the information on the complaints received by each of the forums and Ombudsmen in last three years and the number of complaints disposed within the timelines specified in the regulations.
 - c) The status of current vacancies in the CGRFs and Ombudsmen and the period since when vacancy has arisen.
 - d) Number of the reports received from the distribution licensees under section 59 of the Act regarding the level of performance achieved with respect to Standards of Performance (SOP) and the number of cases in which compensation was made and the aggregate amount of compensation paid.
 - e) Details of the publication by the SERC of the reports submitted by distribution licensee under section 59(2) of the Electricity Act.

Part II of the report summarizes the status on the above aspects as received from the SERCs.

Part – I

Compliance of the Directions by Joint Electricity Regulatory Commissions

JERC for UTs and the State of Goa:

The Commission has finalised the regulations for constitution of CGRF under Section 42(5) and has sent it for gazette notification. The Commission has also invited applications for appointment of its nominee to each of the CGRF.

The regulation for appointment of Ombudsman has been finalised and has been sent for Gazette Notification. The ombudsman shall be appointed immediately after the gazette notification.

The publication of guidelines governing the functioning of the CGRF and ombudsman shall take place after the notification in the gazette.

The Commission has prepared and issued a consultative paper and draft regulations for SOP and the first public hearing for beginning the consultation process before notifying SOP was scheduled for 25.08.2009.

It is to be acknowledged that the JERCs got started in Aug., 2008 with a Member taking over and the Chairperson joined in October, 2008. Further, the jurisdiction of the JERC is spread throughout the country with Chandigarh in the North to Andaman in the South East and Dadra and Nagar Haveli in the West and Lakshadweep in the Arabian Sea. As a result thereof, extra time and efforts are involved for collection of information at the ground level. The Commission is proposing to hold a hearing very shortly in which all the constituents shall give their programme /commitments regarding operationalisation of the provisions of 42 to 50 and 57.

JERC for the State of Manipur and Mizoram

- Regulations for CGRF and Ombudsman have been framed and published in official gazette of both the states of Manipur and Mizoram.
- CGRF is yet to be constituted in both the states.
- Ombudsman has been designated.
- Supply code & SOP framed and published.
- Compliance report from the Distribution licensees yet to be received (reporting of information section 59)
- Stated departments have been directed to notify and publicise the relevant clauses of the regulation in appropriate Local Daily newspapers.
- Efforts are being made to make the CGRF functional as early as possible.

Part – II

- a) Details of publicizing the setting up of Consumer Grievance Redressal Forums (CGRFs), Ombudsmen and Guidelines for functioning of CGRFs and Ombudsmen for information of the consumers through modes other than notification in official gazette.

Sl. No.	State	Publicizing other than Gazette		
		Setting up of Consumer Grievance Redressal Forums	Setting up of Ombudsman	Guidelines for functioning of CGRFs and Ombudsmen
1	Delhi	Newspapers, F.M. radio channels, local cable T.V. network & posting information at their offices		Website
2	Uttarakhand	Website, newspapers and programmes to educate consumers, pamphlets		
3	Jharkhand	Website, News items & newspapers		
4	Assam	Local Newspapers, on the bulletin of consumer advocacy cell, website		
5	Chhattisgarh	Newspapers, display boards, back side of bills, website		
6	JERC for Manipur & Mizoram	CGRF not constituted	N.A.	N.A.
7	JERC for Goa & UTs	CGRF & Ombudsman yet to be constituted		
8	Kerala	Information on invoices issued to customers & notice board at all the offices		N.A.
9	Punjab	Back of Electricity bills, website, booklets distributed by consumer associations/NGO		
10	Orissa	Concerned Websites, Booklets for electricity consumers, Radios & Local Daily		
11	Gujarat	Printing information on the back of the bill, website, newspapers, boards, exhibitions and consumer meets		
12	Tamil Nadu	notice board in all the section offices	website, notice board in all the section offices	Pamphlets & booklets
13	Maharashtra	Website, Cash collection centers & offices of the licensee		
14	Rajasthan	Newspapers, notice board at the offices of the licensee, back of electricity bill		Website
15	Madhya Pradesh	brochures, newspapers, pamphlets		N.A.
16	Uttar Pradesh	Website & newspapers		
17	West Bengal	by displaying relevant details at prominent places in the offices and website of the licensee		Websites and circulation in consumers
18	Haryana	Website, back of electricity bill & notice board at the offices		
19	Andhra Pradesh	Website of licensees, pamphlets	Website	N.A.
20	Himachal Pradesh	Local Newspapers & electricity bills		
21	Karnataka	Seminars, workshops, leaflets, back of electricity bills		
22	Meghalaya	Publicizing yet to be taken up		
23	Tripura	formation of CGRF is in progress	N.A.	Publication will follow after CGRF is formed
24	Bihar	Daily News papers and back of bills	Ombudsman is not yet there	website of the commission

NA – information not provided by the SERCs

b) To establish that CGRFs and Ombudsmen are functioning, the information on the complaints received by each of the forums and Ombudsmen in last three years and the number of complaints disposed within the timelines specified in the regulations.

The SERCs have provided information on the number of complaints received and disposed in CGRF and Ombudsman in the last three years but the details on the cases settled within time lines specified in the regulations have not been provided by any state except for Madhya Pradesh, Maharashtra, Assam and Gujarat.

Total Complaints Received & Disposed in the last three years (2006-07 to 2008-09)					
Sl. No.	State	Consumer Grievance Redressal Forum		Ombudsman	
		Received	Disposed	Received	Disposed
1	Delhi	3452	3324	225	249
2	Uttarakhand	337	155	50	29
3	Jharkhand	NA	136	NA	55
4	Assam	NA	NA	1	1
5	Chhattisgarh	620	588	71	58
6	JERC for Manipur & Mizoram	CGRF not constituted		NA	NA
7	JERC for Goa & UTs	CGRF & Ombudsman yet to be constituted			
8	Kerala	NA	637	NA	49
9	Punjab	543	508	152	138
10	Orissa	10946	8745	562	450
11	Gujarat	1683	303 (2008-09)	137	111
12	Tamil Nadu	1273	1145	50	50
13	Maharashtra	1619	1277	257	238
14	Rajasthan	NA	31107	NA	339
15	Madhya Pradesh	7726	7397	NA	278
16	Uttar Pradesh	480	252	353	274
17	West Bengal	10599	9874	1458	1484
18	Haryana	665	616	90	87
19	Andhra Pradesh	1581	NA	93	NA
20	Himachal Pradesh	201	41	32	34
21	Karnataka	343	286	39	(carry forward) 39
22	Meghalaya	2	1	1	1
23	Tripura	formation of CGRF is in progress		NA	NA
24	Bihar	382	181	Ombudsman not appointed as yet	

NA – information not provided by the SERCs

c) **The status of current vacancies in the CGRFs and Ombudsmen and the period since when vacancy has arisen.**

Out of 24 SERCs, CGRFs have been constituted in all places except in the 2 JERCS and the State of Tripura. In the JERC for the UTs & Goa, the Commission has finalised the regulations for constitution of CGRF under Section 42(5) and has sent it for gazette notification. The Commission has also invited applications for appointment of its nominee to each of the CGRF and in the State of Tripura formation of CGRF is in progress. The position of vacancies in the CGRFs is represented in the table below:

S. No.	State	Vacant Position in CGRF	Period since when vacancy has arisen
1	Jharkhand	Two Members (Tata Steel Ltd and one Member (JUSCO)	May, 2009
2	Orissa	Two posts of Co-opted Member one each in (WESCO & NESCO area)	NA
3	Bihar	One Member	NA
4	Maharashtra	One Chairman (BEST Licensee)	Mid May, 2009
5	Delhi	One Chairman (BYPL)	NA
6	Himachal Pradesh	Secretary	31.03.2009
7	Haryana	Two Members	One for the last 1yr. & the other since 7.8.2009

The post of Ombudsman has been created in all places except for the JERC for the State of Goa & UTs where the regulation for appointment of ombudsman has been finalised and has been sent for gazette notification. The Ombudsman shall be appointed immediately after the gazette notification. The State of Bihar has also not created any post for Ombudsman. In the State of Gujarat the post of Ombudsman is lying vacant. In the State of Tripura and Assam, at present the Secretary of the respective SERCs is functioning as Ombudsman.

S. No.	State	Period since when the post of Ombudsman is lying vacant
1	Gujarat	31.07.2009
2	Assam	Secretary AERC was given the additional charge of Ombudsman on 07.05.2009. The post is vacant since 10.6.2008
3	Tripura	Secretary of TERC is functioning as Ombudsman

- d) Number of the reports received from the distribution licensees under section 59 of the Act regarding the level of performance achieved with respect to standards of performance and the number of cases in which compensation was made and the aggregate amount of compensation paid.

Sl. No.	State	Number of the reports received from the distribution licensees under section 59 of the Act regarding the level of performance achieved with respect to SOP	Number of cases in which compensation was made	Aggregate amount of compensation paid (Rs.)
1	Delhi	N.A.	N.A.	47176
2	Uttarakhand	12 monthly reports upto June, 2009 and 4 quarterly reports upto quarter ended June, 2009	1023	216856.4
3	Jharkhand	NIL	NIL	NIL
4	Assam	N.A.	N.A.	N.A.
5	Chhattisgarh	4	NIL	NIL
6	JERC for Manipur & Mizoram	N.A.	N.A.	N.A.
7	Kerala	reports from licensees are awaited	NIL	NIL
8	Punjab	No report has been received		
9	Orissa	5 Annual Reports since 2004-05	NIL	NIL
10	Gujarat	8 quarterly reports	2	8000
11	Tamil Nadu	No report regarding compensation	N.A.	N.A.
12	Maharashtra	N.A.	NIL	NIL
13	Rajasthan	N.A.	N.A.	N.A.
14	Madhya Pradesh	N.A.	4	115
15	Uttar Pradesh	N.A. (Reporting is not regular except for NPCL)		
16	West Bengal	3 Annual Reports from 2006 -07	9	337592
17	Haryana	Reports from licensees are yet to be received		
18	Andhra Pradesh	N.A.	304	379420
19	Himachal Pradesh	N.A.	NIL	NIL
20	Karnataka	72	N.A.	63500
21	Meghalaya	N.A.	N.A.	N.A.
22	Tripura	N.A.	NIL (2008-09)	NIL (2008-09)
23	Bihar	N.A.	NIL	NIL
24	JERC for Goa & UTs	Only draft SOP Regulations have been prepared		

NA – Information not provided by the SERCs

- e) Details of the publication by the SERC of the reports submitted by distribution licensee under section 59(2) of the Electricity Act.

Sl. No.	State	Details of the publication by the SERC of the reports submitted by distribution licensee under section 59(2) of the Electricity Act.
1	Delhi	N.A.
2	Uttarakhand	Website of the Commission
3	Jharkhand	No publication since report has not been received
4	Assam	No reports have been published
5	Chhattisgarh	Newspapers
6	JERC for Manipur & Mizoram	N.A.
7	Kerala	Reports from licensees are awaited
8	Punjab	No publication since no report has been received
9	Orissa	Website and Newspapers
10	Gujarat	Website of the Commission
11	Tamil Nadu	Newspapers
12	Maharashtra	Website of the Commission
13	Rajasthan	Website of the Commission
14	Madhya Pradesh	Regularly publishing the reports from 2004-05 in the newspapers
15	Uttar Pradesh	N.A.
16	West Bengal	Posted on the website
17	Haryana	No report has been published
18	Andhra Pradesh	Publication of report for 2008-09 is in progress
19	Himachal Pradesh	SAIDI/SAIFI reports are published in newspapers
20	Karnataka	Published for the year 2005, for other years under preparation
21	Meghalaya	N.A.
22	Tripura	No publication since report has not been received
23	Bihar	Publication under progress
24	JERC for Goa & UTs	No report has been published as it started in Aug, 2008

NA – Information not provided by the SERCs