

Report on Compliance of the Directions given by the Appellate Tribunal for
Electricity in their Order dated 11th February, 2010 in Review Petition no. 5 of 2009
in Appeal No. 181 of 2008

This report contains the status on the implementation of the directions given by the Hon'ble Tribunal to the Secretary to the Forum of Regulators in its Order dated 11th February, 2010 (copy at Annexure - I) in Review Petition no. 5 of 2009 in Appeal No. 181 of 2008. The report is divided into three sections dealing with the following three directions given by the Tribunal:

- I. The Secretary to the Forum of Regulators was directed to take up the issue of constitution, appointment and operationalization of the State Electricity Regulatory Commissions for the States of Sikkim and Arunachal Pradesh by contacting Secretaries of the Energy Department of these States and requesting them to take immediate and adequate steps for constitution of the State Commissions.
- II. The second direction to the Secretary, Forum of Regulators was to ensure full compliance regarding filling up of vacancies in Consumer Grievance Redressal Forum (CGRF) in Andaman & Nicobar and Lakshadweep, Bihar, Haryana and Jharkhand.
- III. The third direction to the Secretary, Forum of Regulators was to ensure full compliance with regard to the constitution and appointment of Electricity Ombudsman in States of Tripura, Andhra Pradesh and Bihar.

It was also directed that the compliance on the above three directions must be ensured within one month of the receipt of the order of the Hon'ble APTEL.



Section - I

Status on the directions of the Appellate Tribunal for Electricity regarding
functionalisation of the State Electricity Regulatory Commissions

Section 82 of the Electricity Act, 2003 provides that 'Every State Government shall, within six months from the appointed date, by notification, constitute for the purposes of this Act, a Commission for the State to be known as the (name of the State) electricity Regulatory Commission'. It was noticed by the Tribunal that the SERCs for the States of Sikkim & Arunachal Pradesh were not in compliance to the provisions of this section. The details of the steps taken by Secretary, Forum of Regulators and current status are as follows:

The Secretaries of the Energy Departments of the States of Sikkim & Arunachal Pradesh were again requested by the Secretary to the Forum of Regulators through D.O. letters (Copies at Annexure - II) that necessary action should be taken for functionalization of the State Electricity Regulatory Commissions in their respective States. In addition to this, both the states were also contacted telephonically.

In Arunachal Pradesh, the proposal for State Electricity Regulatory Commission is under active consideration of the Finance Department of Arunachal Pradesh. The formal notification shall follow on the event of clearance received from the Finance Department of the State on creation of the post of the Chairperson (One man commission is proposed). The copy of the letter received from Arunachal Pradesh is placed at Annexure -III.

The reply in this regard from Sikkim is still awaited.



Section - II

Status on the directions of the Appellate Tribunal for Electricity regarding
Consumer Grievance Redressal Forum

This section of the report deals with the action taken by the respective State Electricity Regulatory Commissions with respect to the CGRFs in their states. The Chairpersons of SERCs were requested to take action for implementation of directions and send the status of compliance. The current status has been tabulated below on the basis of information received from the respective SERCs/JERCs (copies of letters received are placed at Annexure - IV):

Sl. No	State/ SERC	Status of CGRF as in Order	Current Status of CGRF after Order	Observation of Secretary, Forum of Regulators
1	Goa & Union Territories	Vacancies in CGRF in Andaman & Nicobar and Lakshadweep.	Mr. Sujit Thankachen has been appointed as Member of CGRF for Andaman & Nicobar Island. As far as appointment of Commission Nominee Member on the CGRF for Lakshadweep is concerned, it is mentioned that inspite of readvertisements in the newspapers, no response was received. However Confederation of Indian Industry (CII/FICCI and the Prayas NGO have been requested again to suggest suitable nominee member for Lakshadweep.	Partial Compliance. They are making efforts for the appointment of member in CGRF of Lakshadweep
2.	Bihar	Vacancy of Member in CGRF	Shri Tara.Kant Sah, Retd. Add. District and Sessions Judge has been appointed as independent member who would be the Chairperson of the CGRF.	Complied
3	Jharkhand	Vacancy of one Member in Tata Steel Ltd. , Jamshedpur	Mr. Ajit Kar, an employee of Tata Steel Ltd. has been appointed as a Member (Technical) of the CGRF of Tata Steel Ltd.	Complied

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4.	Haryana	Vacancy of Members in CGRF	Name of the post	Name of present incumbent		Complied
				Uttar Haryana Bijli Vitran Nigam	Dakshin Haryana Bijli Vitran Nigam	
			Chairperson	Sh. M.S. Dahiya	Sh. Anil Tiwari	
			Member - 1	Sh. D.C. Aggarwal	Sh. R. R. Goel	
			Member - 2	Sh. Raj Roop Jhakhar	Sh. J.S. Kadian	

Note:

Compliance of Jharkhand with respect to CGRF

The Order of the Tribunal dated 11.02.2010 had mentioned that it has noticed from the report submitted by Secretary, FOR on 15.01.2010 that no response was received from Jharkhand and hence it was a defaulter.

In this regard it is pertinent to mention that Jharkhand had complied and the status was also conveyed to the Tribunal through the report. The copy of the report submitted is enclosed at Annexure -V for reference.

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Section - III

Status on the directions of the Appellate Tribunal for Electricity regarding
Ombudsman

This section of the report deals with the action taken by those (where full time Ombudsman was not in position according to the required qualifications as mentioned in the Order of the Tribunal dated 11.02.2010) State Electricity Regulatory Commissions with respect to the Ombudsman in their states. The current status after the order was issued has been tabulated below on the basis of information received from the respective SERCs/JERCs (copies of letters received are placed at Annexure - VI):

Sl. No	State/ SERC	Status of Ombudsman as in Order	Current Status of Electricity Ombudsman after Order	Observations
1	Tripura	Electricity Ombudsman not appointed. Secretary Tripura Electricity Regulatory Commission functioning as Ombudsman	For appointment of Ombudsman by the Commission, a proposal has been submitted to the Govt. of Tripura which shall be considered very shortly and is under process at various wings.	Not yet complied.
2	Bihar	Not appointed	Shri Ram Nandan Sharma, Retired Chief Engineer, Bihar State Electricity Board has joined as Electricity Ombudsman on 26.02.2010.	Complied
3	Andhra Pradesh	Director (Law) of State Commission has been officiated as ombudsman.	SERC has informed that they have designated Director (Law) as Ombudsman under the provisions of the Electricity Act, 2003.	APERC is of the view that designating Director (Law) as Ombudsman is permissible under the provisions of the Act.

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