

**Report on Compliance of the Directions given by the Appellate Tribunal for  
Electricity in its Order dated 15<sup>th</sup> April, 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 15<sup>th</sup> April, 2010 (copy at Annexure - I) in Review Petition no. 5 of 2009 in Appeal No. 181 of 2008. The report is divided into four sections dealing with the following four 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 by getting required assistance from Ministry of Power.
- 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 Lakshadweep.
- III. The third direction to the Secretary, Forum of Regulators was regarding filling up of the vacancies in CGRFs and proper functioning of CGRFs members and for this a compliance report had to be sent to the Secretary, Forum of Regulators by all the State Electricity Regulatory Commissions.
- IV. The fourth direction to the Secretary, Forum of Regulators was regarding the implementation of the suggestions made by the Secretary of the Forum of Regulators pertaining to online compliance and status updation along with the dissemination of best practices in the area of Consumer Protection through annual conferences organized under the aegis of FOR.



## 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 Hon'ble 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 Power Secretary of the Energy Department of Arunachal Pradesh & the Chief Secretary of Sikkim 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.

As directed by the Hon'ble Tribunal the Secretary, Ministry of Power was also requested for his intervention in the matter of Sikkim. (**Copy at Annexure - III**)

A copy of the notification of Government of Arunachal Pradesh dated 7<sup>th</sup> May, 2010 has been received. This notification has constituted a one member State Electricity Regulatory Commission in the State (**copy of notification is at Annexure - IV**).

The reply in this regard from Sikkim is still awaited.





## Section - II

### Status on the directions of the Appellate Tribunal for Electricity regarding Filling up of vacancy in Consumer Grievance Redressal Forum in Lakshadweep

This section of the report deals with the action taken for filling up of vacancy in Consumer Grievance Redressal Forum in Lakshadweep. As directed by the Hon'ble Tribunal, Secretary to the FOR followed up with the Joint Electricity Regulatory Commission for the State of Goa & Union Territories with respect to the vacancy in CGRF in the Union Territory of Lakshadweep.

Further to this, Administrator, Union Territory of Lakshadweep was also requested by Secretary, FOR to suggest names to JERC for filling the vacancy in CGRF for Lakshadweep.

The JERC for Goa & UTs has replied by stating that it has issued an order on 16.04.2010 to the Electricity Departments of Goa, UTs of Andaman & Nicobar Islands, Chandigarh Administration, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep and Puducherry for the constitution, appointment and to make CGRF functional as per directions given by the Hon'ble Tribunal for Electricity in Para 2 of their Order dated 15.04.2010. (Copy of the Order at Annexure - V).

As per the Order, Electricity Department of Lakshadweep has decided in principle to nominate one retired distt. and Session Judge as Chairman of the forum and as a temporary measure decided to nominate present Executive Engineer as member of CGRF. The Commission feels that the constitution of the forum should be strictly as per the regulations and if some internal administrative adjustment is required that should be carried out among those other than the one who has been nominated to the forum. The Commission has directed all the Electricity Departments that CGRFs must be constituted and become operational on or before 31.05.2010.



### Section - III

#### Status on the directions of the Appellate Tribunal for Electricity regarding proper functioning of CGRFs

This section of the report deals with the status of the functioning of CGRFs in State Electricity Regulatory Commissions in India. As directed by APTEL all the SERCs were requested to ensure that the vacancies are filled up in all the CGRFs and all the distribution licensees be directed to ensure proper functioning of CGRF members and that courts must be held on notified dates in different districts. Formats were also sent to all the SERCs for the information pertaining to vacancies in CGRFs and disposal of grievances by CGRFs (copy of the letter along with the format at Annexure - VI)

So far, the status reports have been received from only eleven (11) SERCs (copy of the reports is placed at Annexure - VII). The information has been compiled and is placed at Annexure - VIII.

It is pertinent to mention here that a number of SERCs have issued directions to the licensees for appointing and filling up of the vacancies in CGRFs but it would be important at the level of SERCs to ensure implementation and compliance of these directions by the licensees.





#### Section - IV

### Status on the implementation of the suggestions made by the Secretary of the Forum of Regulators pertaining to online compliance and status updation along with the dissemination of best practices in the area of Consumer Protection

- Online compilation of status of functioning of CGRFs

The process of developing an online mechanism on the FOR website, wherein the status of the implementation of the provisions related to Consumer Grievance Redressal Forum (CGRF), Ombudsman, information with respect to their functioning, etc. could be updated has been initiated and the online mechanism is expected to be operational by 1.08.2010, with quarterly report for April - June, 2010.

- Dissemination of best practices in the area of Consumer Protection

An Orientation Programme in the area of Consumer Protection under the aegis of FOR will be organized in the month of December, 2010 in which Ombudsmen, CGRF officers and consumer organizations would be invited to participate and share best practices.



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**RP No. 5 of 2009 in**  
**Appeal No. 181 of 2008**

**On a perusal of the said Report dated 30.03.2010, We noticed that our directions have been complied with only partially and the directions in respect of some of the areas, have not been complied with. Therefore, we requested Mr. Meet Malhotra and Mr. Amit Kapur, who are nominated**

**as Amicus Curiae counsel, to go through the Report of the Secretary of Forum of Regulators and to file their suggestions so that further suitable directions could be given to the officials concerned. Accordingly, they have been filed on 09.04.2010 before this Tribunal.**

**Taking into consideration of the Compliance Report filed by the Secretary of the Forum of Regulators dated 30.03.2010 as well as the Report of suggestions dated 09.04.2010 made by the Amicus Curiae counsel, we deem it Appropriate to issue the following directions:**

- 1. With regard to the constitution of the State Electricity Regulatory Commissions in Arunachal Pradesh and Sikkim, it is stated that the proposal for constitution of the Sate Electricity Regulatory Commission in Arunachal Pradesh is under active consideration with the Finance Department of the State Government, but notification has not yet been issued. It is very unfortunate to notice that we have been giving the directions after directions for the past several months directing all the State Governments to constitute**
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**the State Commissions, which is a statutory obligation on their part under the Act, but even then no effective steps have been taken in Arunachal Pradesh as per the Report of the Secretary of the Forum of Regulators. Therefore, we call upon the Secretary of the Department of Power or the Chairman of the Sikkim State Electricity Board to ensure the implementation of the constitution of the State Commission in Arunachal Pradesh and report about the same before this Tribunal by appearing in person on the next date of hearing.**

**With regard to Sikkim, it is a sad state of affairs to note that there has been no response till date. We are anguished to observe that the Secretary of Energy, Sikkim, has not cared to send any reply to this Tribunal or to the Secretary of the Forum of Regulators. There is no reason for this apparent lack of responsibility. So, the Secretary of the Forum of Regulators is again directed to get the required assistance from the Ministry of Power, Government of India, and to take follow up action by**

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contacting the State Government to constitute the State Commission for Sikkim. As there has been no response from the Secretary of Energy, Sikkim, either by giving some information to the Secretary of Forum of Regulators or by sending the Report to this Tribunal, we deem it appropriate to call upon the Secretary of Energy, Sikkim, to ensure that the Commission is constituted without any further delay. He is further directed to appear in person or through his responsible representative before this Tribunal to report about the compliance of this Order on the next date of hearing, the failure of which will be seriously viewed.

2. With regard to the direction for the constitution, appointment and to ensure to make CGRF functional, it is noticed that the vacancies remain to be filled up by the CGRF by the distribution licensees Lakshdweep. It is stated in the Report that there is no response to the advertisement. Therefore, the follow up action has to be taken to see that the Lakshdweep CGRF vacancies are filled up in the quickest possible time and the Secretary of the Forum of Regulators has to ensure the same. In fact, under

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**Section 42 (5) of the Act, it is for the Distribution Licensees to ensure that CGRF Members are appointed and since this has not been done, the Distribution Licensees are also directed to see that Lakshdweep CGRF vacancies is filled up without any further delay. Similarly, we also deem it appropriate to direct the Chairpersons of all State Electricity Regulatory Commissions to ensure that the vacancies of CGRF in their respective states are filled up by the Distribution Licensees without any delay and the Compliance Report be sent to the Secretary for Forum of Regulators as well as to this Tribunal before the next date of hearing.**

**In this context, one more suggestion regarding functioning of CGRF made by the Amicus Curiae counsel needs consideration and requires our directions. Accordingly, as suggested by the Amicus Curiae counsel, it would be appropriate to direct the Chairpersons of all the State Electricity Regulatory Commissions to ensure proper functioning of CGRF Members, which is available in all the States. They shall direct all the Distribution Licensees to**

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**ensure that the CGRF is constituted for each Revenue Division (3 to 5 districts) of the State. Similarly CGRF be mandated and required to hold court on notified days in different districts to ensure that consumers get easy access to the grievance redressal mechanism. In respect of this aspect also, the Secretary of the Forum of Regulators is directed to follow up and ensure compliance of this direction.**

**3. With regard to constitution, appointment and to make functional of Ombudsman, it is stated that the Secretary to the State Electricity Regulatory Commission in Tripura has been made as officiating Ombudsman. Similarly, in Andhra Pradesh also, the Director (Law) of the State Commission has been made as officiating Ombudsman. In our view, this is quite wrong due to the fact that the Ombudsman is playing an independent role of Judge to decide about the issues between the consumers and others and he should not hold any other position in the Commission. Therefore, as suggested by the Amicus Curiae counsel, we hereby direct**

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**the Chairman of the State Commissions of Tripura as well as Andhra Pradesh to appoint a suitable full time Ombudsman, who is not an officiating officer of the Commission, this is already endorsed by all the State Electricity Regulatory Commissions as mentioned in para 10 of the Forum of Regulators Recommendations on “Protection of Consumer Interest”.**

**4. With reference to the direction to the Secretary of the Forum of Regulators about the Institutionalised Mechanism to secure continued compliance with the Electricity Act 2003 in consumer interest, we notice the following suggestions:**

- a) The Secretary of the Forum of Regulators has proposed on-line quarterly compliance status up-dation by Forum of Regulators in the suggested format placed at Annexure 1 of his Report dated 29.03.2010.**
  - b) The Secretary of the Forum of Regulators has placed on record the Report on “Protection of Consumer Interest”, which was adopted by all the members of ERCs.**
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**c) The Secretary of the Forum of Regulators has also proposed that Forum of Regulators shall conduct a dissemination of best practices in the area of “consumer protection” through Annual conferences organized under the aegis of FoR, attended by Ombudsmen, CGRF officers and consumer organizations.**

**All these suggestions made by the Secretary of the Forum of Regulators are hereby endorsed and approved. Accordingly, he is directed for implementation of the same.**

**As directed above, the Secretary of Energy of Arunachal Pradesh and the Secretary of Energy of Sikkim are directed to take immediate steps to comply with our directions and to appear in person or through their responsible representatives, before this Tribunal to report the compliance on 10.05.2010.**

**Registry is directed to send a copy of this Order to the Secretary of Forum of Regulators and to the Chairmen of all the State Commissions as well as the Chairmen of the**

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**Utilities. Similarly, this Order copy shall be sent to the Chief Secretaries of both Arunachal Pradesh and Sikkim states to enable them to take further action in this matter.**

**Post the matter on 10.05.2010. Prior to this date, the Secretary of the Forum of Regulators may send the Compliance Report to this Tribunal.**

**( H. L. Bajaj )  
Technical Member**

**( Justice M. Karpaga Vinayagam )  
Chairperson**

**Disposal of Grievances by CGRF**

S. No.	Sate	Name of CGRF	No. of sittings in CGRF in the quarter closing 31.03.2010	No. of Grievances disposed in the quarter	No. of Grievances pending at the close of quarter
1	Kerala	(South), KSEB	24	51	45
		(Central), KSEB	21	24	80
		(North), KSEB	48	7	37
		Thrissur Corporation	7	7	4
		KDHP, Munnar	1	1	Nil
		Technopark, TVM	Nil	Nil	Nil
		CSEZ, Kochi	Nil	Nil	Nil
		KEPIP/Kinesco, Kochi	1	1	Nil
		Rubber Park, Kochi	1	1	Nil
		Cochin Port Trust, Kochi	Nil	Nil	Nil
2	Rajasthan	Ajmer	NA	1500	241
		Jaipur	NA	1193	82
		Jodhpur	NA	1965	620
3	Maharashtra		NA	NA	NA
4	Uttarakhand	Garhwal, zone	6	9	15
		Kumaon, zone	5	7	6
5	Delhi	BRPL	42	219	107
		BYPL	23	43	25
		NDMC	Nil	Nil	1
		NDPL	12	101	151
6	Jharkhand	JSEB	95	31	22
		DVC	26	1	2
		SAIL/Bokaro Steel Plant	Nil	Nil	Nil
		JUSCO	Nil	Nil	Nil
		Tata Steel	Nil	Nil	Nil

7	Madhya Pradesh	MP Paschim Kshetra Vidyut Vitaran Co.	24	59	106
		MP Poorv Kshetra Vidyut Vitaran Co. Ltd.	15	69	104
		MP Madhya Kshetra Vidyut Vitaran Co. Ltd.	94	20	18
8	Orissa	Bhubaneswar	23	49	2
		Khurda	12	45	11
		Cuttack	13	37	17
		Dhenkanal	17	19	44
		Jagatsinghpur	22	90	118
		Balasore	57	53	4
		Jajpur	23	87	7
		Berhampur	57	97	14
		Bolangir	11	110	73
		Rourkela	30	374	144
		Jeypore	6	15	6
		Burla	42	15	8
9	Chattisgarh	Raipur	46	38	21
		Bilaspur	79	56	6
		Raigarh	Nil	Nil	Nil
		Bhilai	3	3	0
		Jagdalpur	Nil	Nil	Nil
10	Haryana	DHVBNL, Hissar	CGRF, DHVBNL, Hisar is holding court for three weeks at Hisar and for one week at Gurgaon.	4	16
		UHBVNL, Panchkula	CGRF of UHBVNL, Panchkula is holding its court for three weeks at Panchkula and for one week at Rohtak.	12	18



11	Uttar Pradesh	Aligarh	5	6	15
		Kanpur	22	5	11
		Agra	95	25	38
		Jhansi	0	0	0
		Chitrakoot	0	0	0
		Meerut	16	2	8
		Moradabad	13	4	9
		Saharanpur	3	1	1
		Gorakhpur	27	8	13
		Varanasi	36	5	36
		Azamgarh	14	5	14
		Basti	0	0	0
		Lucknow	18	0	31
		Gonda	0	0	0
		NPCL	1	1	1
		Mirzapur	NA	NA	NA
		Allahabad	NA	NA	NA
		Bareilly	NA	NA	NA
		Faizabad	NA	NA	NA
		KESCO, Kanpur	NA	NA	NA

**Note :** For Rajasthan the information on grievances disposed and pending is for the quarter ending in December 2009

Details of positions lying vacant in CGRFs for more than a month as on 15th April, 2010					
S. No.	Sate	No. of CGRFs	Name of CGRF	Vacant Position	Details of positions lying vacant in CGRFs for more than a month as on 15th April, 2010
1	Madhya Pradesh	3	MP Paschim Kshetra Vidyut Vitaran Co.	Nil	Nil
			MP Poorv Kshetra Vidyut Vitaran Co. Ltd.	Nil	Nil
			MP Madhya Kshetra Vidyut Vitaran Co. Ltd.	Nil	Nil
2	Maharashtra	15	Ratnagiri Zone of MSEDCL	Member (Representative of Consumer Organisation)	Same as vacant position
3	Kerala	10	(South), KSEB	Nil	Nil
			(Central), KSEB	Nil	Nil
			(North), KSEB	Nil	Nil
			Thrissur Corporation	Nil	Nil
			KDHP, Munnar	Nil	Nil
			Technopark, TVM	Nil	Nil
			CSEZ, Kochi	Nil	Nil
			KEPIP/Kinesco, Kochi	Nil	Nil
			Rubber Park, Kochi	Nil	Nil
			Cochin Port Trust, Kochi	Nil	Nil
4	Uttarakhand	2	Garhwal, zone	Nil	Nil
			Kumaon, zone	Nil	Nil
5	Rajasthan	12 (4 GRFs in each discom)	Ajmer	NA	NA
			Jaipur	NA	NA
			Jodhpur	NA	NA

6	Delhi	4	BRPL	Nil	Nil
			BYPL	Nil	Nil
			NDMC	Nil	Nil
			NDPL	Nil	Nil
7	Chattisgarh	5	Raipur	1 Member	Forum is functional, however one post of independent Member is Vacant
			Bilaspur	1 Member	Forum is functional, however one post of independent Member is Vacant
			Raigarh	1 Member	Forum is functional, however one post of independent Member is Vacant
			Bhilai	1 Member	Forum is functional, however one post of independent Member is Vacant
			Jagdalpur		CGRF Raipur is looking after the work of CGRF Jagdalpur in addition
8	Orissa	12	Bhubaneswar	Nil	Nil
			Khurda	Nil	Nil
			Cuttack	Nil	Nil
			Dhenkanal	Nil	Nil
			Jagatsinghpur	Nil	Nil
			Balasore	Nil	Nil
			Jajpur	Nil	Nil
			Berhampur	Nil	Nil
			Bolangir	Nil	Nil
			Rourkela	Nil	Nil
			Jeypore	Nil	Nil
			Burla	Nil	Nil
9	Jharkhand	5	JSEB	Nil	Nil
			DVC	Nil	Nil
			SAIL/Bokaro Steel Plant	Nil	Nil
			JUSCO	1	1
			Tata Steel, Jamshedpur	Member (Legal)	Member (Legal)



10	Haryana	2	DHVBNL, Hissar	Two Members	For one post of Member additional charge has been given to Chief General Manager Accounts, w.e.f. 04.03.2010 and for 2nd post of Member additional charge has been given to General Manager (IT) w.e.f. 09.2009).
			UHBVNL, Panchkula	Nil	Nil
11	Uttar Pradesh	20	Bareilly	Member of the Licensee	Licensee to appoint Member.
			Devi Patan (Gonda)	Member of the Licensee	Licensee to appoint Member.
			Allahabad	Technical Member	The incumbent selected has not joined.
			Mirzapur	Technical Member & Member of the Licensee	Recommendation for Technical Member not yet submitted to UPERC.
			Basti	Technical Member	Recommendation for Technical Member not yet submitted to UPERC.
			Kanpur	Member of the Licensee	Licensee to appoint Member
			Aligarh	Chairperson & Member of the Licensee	UPERC has made selection on 11.05.2010, superannuation of Chairperson on 09.11.2009.
			Chitrakoot	Technical Member & Member of the Licensee	Recommendation for Technical Member not yet submitted to UPERC.
			Saharanpur, Gonda	Chairperson	Advertisement for Chairpesons of CGRF of Saharanpur/Gonda is being re-issued again to get fair no. of applicants.
			Moradabad	Member of the Licensee	Licensee to appoint Member.

Note: Nil ----  
NA ----

No vacancy  
Information not available