

**Report on Compliance of the Directions given by the Appellate Tribunal for  
Electricity in their Order dated 17<sup>th</sup> December, 2009 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 17<sup>th</sup> December, 2009 (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 that it shall take up the issue of constitution, appointment and operationalisation of the State Electricity Regulatory Commissions for the States of Sikkim and Arunachal Pradesh by getting sufficient help and cooperation from Secretary to the Union Ministry of Power.
- II. The second direction to the Secretary to the Forum of Regulators was to ensure full compliance of the provision of the Electricity Act, 2003 in respect of Section 42(5) regarding Consumer Grievance Redressal Forum in certain states as mentioned in the Order.
- III. The third direction to the Secretary to the Forum of Regulators was to ensure full compliance with regard to constitution and appointment of Electricity Ombudsman in certain states as mentioned in the Order of the Tribunal dated 9<sup>th</sup> October, 2009.



## 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 Chief Secretaries of the Govt. 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. As directed by the Hon'ble Tribunal, the Secretary, Ministry of Power was also approached directly (**copy of letter at Annexure - III**) with a request for his intervention to take up the matter at the appropriate level with the states of Sikkim & Arunachal Pradesh.

It would be pertinent to mention here that the Secretary to the Forum of Regulators also spoke to the Energy Secretaries of the Govt. of Sikkim & Arunachal Pradesh over phone on this matter. In addition to this, both the states were also reminded (**copies at Annexure - IV**). A letter was also sent to Ministry of Power (**Copy at Annexure - V**). Telephonically it was gathered that the Ministry of Power had earlier written to the State of Arunachal Pradesh to expedite setting up of SERC. Secretary, Energy of Arunachal Pradesh told that it is under active consideration of the State Government. Secretary Energy, Sikkim told that they will soon send the current status. The written replies in this regard are still awaited.

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## 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 - VI):

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 Daman & Diu, Dadar and Nagar Haveli, Andaman & Nicobar, Lakshadweep.	The Commission has already nominated members on CGRF, in State of Goa, UTs of Dadar & Nagar Haveli and Daman & Diu. As inspite of re-advertisements in the newspaper on 30.10.2009 no response was received for the post of nominee member of CGRF for Andaman & Nicobar Islands & Lakshadweep. Confederation of Indian Industry (CII) /FICCI and The Prayash NGO have been requested to suggest few names of distinguished people who hold prior experience of working in consumer affairs area.	Partial Compliance. Further action in progress.
2	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

*[Signature]*

3	Bihar	Vacancy of Member in CGRF	<p>The CGRF and Electricity Ombudsman Regulations, 2006 were notified in the official gazette on 22<sup>nd</sup> May, 2006. Some amendments in these Regulations were necessitated and after following the regulatory procedures, CGRF and Electricity Ombudsman (Amendment) Regulations, 2009 were issued on 29<sup>th</sup> October, 2009 and published in the official gazette on 11<sup>th</sup> November, 2009. So, the process for appointment of independent Member to be nominated by the Commission could not be initiated so far. Since the amendment in the Regulation has been notified, the process for appointment of independent Member to be nominated by the Commission has been initiated and it is expected that the formalities in this respect would be completed shortly.</p>	<p>No further progress.</p> <p>(Bihar Commission has sent the same letter dtd. 13.11.2009 in response to our letter dtd. 23.12.2009 which was sent after the APTEL's order dtd. 17.12.2009)</p>
4	Haryana	Vacancy of two Members in CGRF (based on earlier status)	<p>It has been observed by SERC that despite the directives issued by the APTEL, vacant posts of Members of the CGRFs are yet to be filled up by distribution licensees. Even no cutoff date for filling these posts has been intimated to the Haryana SERC.</p>	<p>SERC has not conveyed what action has been taken by them against the distribution licensees for non compliance of the APTEL order even though the posts have been lying vacant for a long time.</p>



### 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 as mentioned in the Order of the Tribunal dated 9.10.2009) 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 -VII):

Sl. No	State/ SERC	Status of Ombudsman as in Order	Current Status of Electricity Ombudsman after Order	Observations
1	Goa & Union Territories	Electricity Ombudsman not constituted.	The Commission has appointed Shri V.K. Khanna as Ombudsman for JERC for the State of Goa & UTs.	Complied
2	Tripura	Electricity Ombudsman not constituted. Secretary Tripura Electricity Regulatory Commission functioning as Ombudsman	For appointment of Ombudsman by the Commission, a proposal has been forwarded to the Govt. of Tripura which is under active consideration of the Govt.	Not yet complied.
3	Bihar	Not constituted.	Sanction of the post of Electricity Ombudsman has been recently accorded by the State Government. The process of appointment of Electricity Ombudsman in terms of related regulations and norms fixed by the State Government is nearing completion and it is expected that the appointment of a suitable person as Electricity Ombudsman would be done very shortly.	Not yet complied but they have taken action.

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4	Gujarat	Secretary, Gujarat Electricity Regulatory Commission acting as the Electricity Ombudsman.	The Commission has appointed Shri V.T. Rajpara of Vallabh Vidyanagar as the Ombudsman for a period of two years vide its order dated 31/12/2009.	Complied
5	Assam	Position of Electricity Ombudsman vacant.	Smti. Neelima Dewri Dutta, ACS (Retd.) former Joint Secretary to the Government of Assam has been appointed as Electricity Ombudsman for 2 years.	Complied

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