

MINUTES OF THE FORTY SIXTH MEETING
OF
FORUM OF REGULATORS (FOR) HELD AT NEW DELHI

Date : 17th February, 2015

List of Participants : At Annexure-I (enclosed).

The meeting was chaired by Shri Gireesh B. Pradhan, Chairperson, Central Electricity Regulatory Commission (CERC) and Forum of Regulators (FOR). He extended a warm welcome to all members of the Forum. The Chairperson welcomed Dr. Dev Raj Birdi, Chairperson, Madhya Pradesh Electricity Regulatory Commission (MPERC) who was attending the FOR meeting for the first time.

The FOR thereafter took up the following agenda items for consideration :-

Agenda Item No. 1 : **Confirmation of the Minutes of the 45th Meeting of the Forum of Regulators held during 29th – 31st January, 2015 at Royal Orchid Hotel, Bangalore (Karnataka).**

The Forum noted and endorsed the minutes of the 45th Meeting of the Forum of Regulators held at Royal Orchid Hotel, Bangalore (Karnataka) during 29th – 30th January, 2015.

Agenda Item No. 2 : Discussion on Proposed Amendments to the Electricity Act, 2003

The Forum of Regulators, at its 45th Meeting held during 29th – 31st January, 2015 at Bangalore, considered the proposed amendments to the Electricity Act, 2003 and decided to constitute a Working Group, to examine the proposed amendments in detail and provide its observations/comments to the Forum for further consideration.

Accordingly, a Working Group was constituted under the Chairperson, Central ERC/FOR and consisting of Chairpersons of Karnataka ERC, Delhi ERC, Gujarat ERC, Rajasthan ERC, Jharkand SERC, Meghalaya SERC as Members and Member, CERC, Shri A.S. Bakshi, as a Special Invitee. The Working Group met over two days on 4th and 5th February, 2015 at Jaipur and examined the proposed amendments in detail. The Working Group submitted its report on proposed amendments to the Electricity Act, 2003 along with clause-wise comments / observations.

The Forum considered the report of the Working Group and endorsed the recommendations with the following observations:-

1. Regulatory Independence :

The Regulatory Commission being a collegiate body, non-performance of the Regulatory Commission cannot be a ground for removal of an individual member and accordingly, proposed that the proposed amendments in sections 90 as well as in clause 109A should be dropped. It was suggested that the Forum may determine “Normative Standards of Performance”, which would allow for introspection, self assessment and evaluation.

2. CGRF and Ombudsman :

The Forum agreed with the Working Group recommendations in this context, excepting that the administrative and secretarial support to CGRF should be provided by the distribution licensee and that for Ombudsman should be facilitated by the Appropriate Commission. The expenditure to this account should be shared by the distribution as well as supply licensees in the manner as may be decided by the Appropriate Commission.

3. Power to execute its own Orders :

Presently, the Commission does not have power to execute its own decisions except to initiate action under Section 142 of the Act for non-compliance of its earlier order imposing the penalty. Therefore, the Commission needs to be armed with powers of execution of a Civil Court so that its orders can be executed through due process of law, as a decree of Court. Similar powers are available to APTEL.

4. Applicability of provisions of “Unauthorized Use” and “Theft” :

The Forum felt that the overlap between provisions contained in sections 126 & 135 of the Electricity Act, 2003 leaves avoidable discretion with the distribution companies, which quite often leads to harassment of consumers. Therefore, clarity should be brought in these provisions articulating distinctly the applicability of ‘unauthorized use’ and ‘theft’ of electricity.

5. Authority to levy penalty :

The relevant provisions in the Act providing for penalty should clearly spell out the authority that can levy such penalty.

The Forum approved the report of the Working Group with the above observations and requested the Chairperson, CERC/FOR to finalize the report and submit to the Standing Committee on Energy for its consideration.

Chairperson, CERC/FOR recorded deep appreciation on behalf of the FOR Members, for Shri M. R. Sreenivasa Murthy, Chairperson, KERC who is to demit office on completion of his tenure in March, 2015, for the immensely valuable contributions made by him in the deliberations of FOR. All Members of FOR also expressed their appreciation for the efforts of Chairperson and staff of KERC on the well organized meeting of FOR in Bangalore (Karnataka).

A vote of thanks was extended by Ms. Shubha Sarma, Secretary, CERC/FOR. She conveyed her sincere thanks to all the dignitaries present in the meeting. She also thanked the staff of "FOR" Secretariat for their arduous efforts at organizing the meeting.

The meeting ended with a vote of thanks to the Chair.

LIST OF PARTICIPANTS ATTENDED THE FORTY SIXTH MEETING

OF

FORUM OF REGULATORS (FOR)

HELD ON 17TH FEBRUARY, 2015 AT NEW DELHI

S. No.	NAME	ERC
01.	Shri Gireesh B. Pradhan Chairperson	CERC – in Chair.
02.	Shri Naba Kumar Das Chairperson	AERC
03.	Shri Digvijai Nath Chairperson	APSERC
04.	Shri Umesh Narayan Panjiar Chairperson	BERC
05.	Shri Narayan Singh Chairperson	CSERC
06.	Shri Pravinbhai Patel Chairperson	GERC
07.	Shri Jagjeet Singh Chairperson	HERC
08.	Shri Subhash Chander Negi Chairperson	HPERC
09.	Shri Basharat Ahmed Dhar Chairperson	J&KSERC
10.	Justice (Retd.) Shri N.N. Tiwari Chairperson	JSERC
11.	Shri M.R. Sreenivasa Murthy Chairperson	KERC
12.	Shri T.M. Manoharan Chairperson	KSERC
13.	Dr. Dev Raj Birdi Chairperson	MPERC
14.	Shri Anand Kumar Chairperson	MSERC
15.	Shri Donray A. Shishak Chairperson	NERC
16.	Shri Satya Prakash Nanda Chairperson	OERC
17.	Ms. Romila Dubey Chairperson	PSERC

18.	Shri Vishwanath Hiremath Chairperson	RERC
19.	Shri T.T. Dorji Chairperson	SSERC
20.	Shri S. Akshayakumar Chairperson	TNERC
21.	Shri I.A. Khan Chairperson	TSERC
22.	Shri Niharendu Chakraborty Chairperson	TERC
23.	Shri Subhash Kumar Chairperson	UERC
24.	Shri Desh Deepak Verma Chairperson	UPERC
25.	Shri B.P. Singh Member	DERC
26.	Ms. Shubha Sarma Secretary	CERC/FOR
27.	Dr. Sushanta K. Chatterjee Joint Chief (RA)	CERC
SPECIAL INVITEES		
28.	Shri M. Deena Dayalan Member	CERC
29.	Shri A.K. Singhal Member	CERC
30.	Shri A.S. Bakshi Member	CERC
31.	Shri A.K. Saxena Chief (Engg.)	CERC
32.	Shri M.K. Anand Chief (Fin.)	CERC
33.	Shri T. Rout Chief (Legal)	CERC