

**JOINT ELECTRICITY REGULATORY COMMISSION
FOR GOA & UTs
Gurgaon (Haryana)**

Coram
Dr. V. K. Garg, Chairman
Shri R. K. Sharma FIE, Member

O.P. No.11 .of 2010
(suo-moto)

In the matter of

Establishment of Consumer Grievance Redressal Forum

And in the matter of

Compliance of order dated 9.10.2009 of the Hon'ble Appellate for Electricity.

Respondents:

Electricity Department Goa,
Electricity Department Andaman & Nicobar Islands,
Electricity Department Chandigarh,
Electricity Department Daman & Diu,
Electricity Department Dadra & Nagar Haveli,
Electricity Department Lakshadweep,
Electricity Department Puducherry,

Through respective Secretary (Power)

Represented by:

1. Sh. S. Sharma Counsel for Electricity Department Goa
2. Sh. T. Anandhakrishnan Superintending Engineer Puducherry
3. Ms. H.K. Pabla Junior engineer Andaman & Nicobar Islands
4. Sh. P.S. Dave Executive Engineer Dadra and Nagar Haveli
5. Sh. Sarjeet Singh Junior Engineer Daman & Diu
6. Sh. D.P Singh Superintending Engineer Chandigarh

ORDER

16.04.2010

In response to Notice Under Section 130 (a) of The Indian Electricity Act, 2003, the respondents appeared through their Authorised Representatives/Counsel and filed their replies/affidavits. The respondent, Electricity Department Daman and Diu did not file any reply/affidavit. The respondent, Electricity Department Lakshadweep, did not appear but filed its reply/affidavit. The case of each of the respondent is taken up separately hereinafter:

Electricity Department Goa:

The respondent submitted that they have after obtaining approval for appointment of Chairman and Member of CGRF from their competent authority, started the process of constituting CGRF. They have invited applications through a press advertisement for Chairman and Member of CGRF and the last date of receipt of applications is 30.04.10. While they state that they are making their best efforts, they have requested for some more time to establish CGRF. Commission finds the progress made is too little.

Electricity Department Puducherry:

The respondent submitted that they have identified a serving Executive Engineer to work as Member of CGRF in addition to his duties till a post of Executive Engineer is exclusively created. He submitted that they have sought a clarification from Ministry of Power GOI regarding upper age limit for the Chairman CGRF as the issue was raised during the process of selection.

The Commission observes that the post of Chairman and member CGRF are full time assignments and part time arrangements are not acceptable in view of sub regulation 3 of regulation 3 of JERC (Establishment of Forum for Redressal of Grievances of Consumers) Regulations, 2009. Regarding clarification on age, the respondent is required to appoint Chairman and Member in accordance with the provisions of the Act and the above mentioned regulations which are clear and unambiguous.

Electricity Department Andaman & Nicobar Islands:

The respondent stated that the Andaman & Nicobar Administration has appointed Shri Manohar Singh, a retired. Superintending Engineer as Chairperson of the CGRF and regarding appointment of Member, a serving Executive Engineer of Electricity Department will be nominated shortly on part-time basis in addition to his existing

responsibility. They have also made a reference to the Commission regarding tenure of the Chairman CGRF.

The Commission observed that the post of Chairman and Member CGRF are full time assignments and part time arrangements are not acceptable. Regarding tenure, regulation 3(6) be read with regulation 2(i) of JERC Regulations as mentioned above.

Electricity Department Dadra & Nagar Haveli:

They have already constituted a temporary CGRF. A serving Superintending Engineer has been appointed as Member. While explaining the difficulties faced in locating suitable persons, respondents explained that a Chairman for CGRF has been identified, his consent obtained and now there is no hurdle in his appointment. Respondent has requested for grant of reasonable time for final constitution of CGRF.

While Commission appreciates the efforts made by the respondent, there is no provision of formation of a temporary CGRF in the regulations and that the constitution of the Forum shall be strictly in accordance with the provisions of the relevant regulations of the Commission.

Electricity Department Daman & Diu

Respondent did not file any written submission, though one Sh. Sarjeet Singh Junior Engineer appeared, claiming to represent Daman & Diu.

According to him, the notification of JERC CGRF Regulation published in the gazette of Indian Extraordinary Part III- Section 4, New Delhi, dated 6.8.2009, has been republished in the official gazette of UT Administration of Daman and Diu on 19.03.2010. According to him this marks the initiation of the process of constitution of the Forum.

When enquired, he could not explain as to why the notification was not republished immediately after 6.8.2009, if at all it was required to be republished, in the official gazette of UT Administration of Daman and Diu.

Electricity Department Chandigarh

The respondent filed affidavit and submitted that Shri R. L. Kalsia, IAS, (Retired) has been nominated as Chairperson of Consumer Grievances Redressal Forum (CGRF) and that a Member has already been appointed.

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Electricity Department Lakshadweep

They have stated that they have 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 notes with concern that the directions of Hon'ble APTEL regarding Constitution, Appointment and Empowerment of Consumer Grievance Redressal Forum vide their order dated 9.10.2009 in Review Petition No. 5 of 2009 in Appeal No. 181 of 2008 titled Delhi Electricity Regulatory Commissioner versus BSES Rajdhani Pvt. Ltd. & Another, have still not been complied with.

The Commission directed the respondents to provide a firm time frame for constitution and operation of CGRF. The respondents, Electricity Department Goa, Puducherry, Andaman & Nicobar and Dadra Nagar Haveli submitted that CGRF would be constituted and operationalised by 31.5.2010. Chandigarh stated that CGRF would be functional by 30.6.2010. However, Daman and Diu stated that they are not in a position to give any firm date.

The Commission after hearing and going through the submissions is of the opinion that formation of CGRF is not being given due importance that it merits by the respondents.


The Commission directs all the respondents to constitute and make CGRF operational on or before 31.5.2010 and report compliance.

The Commission directs that as per regulation 3 of the JERC CGRF regulations 2009, Chairman and one Member of the forum to be appointed by licensee is on full time basis and therefore any other assignment held by any member concurrently is not acceptable and be withdrawn forthwith.

List on 10.06.2010

sdf-
(R. K. Sharma)
Member

sdf-
(Dr. V. K. Garg)
Chairperson

Certified Copy |

(J.S. Sehrawat)
Secretary