रजिस्ट्री सं० डी०-33004/99

REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग III—खण्ड 4

PART III—Section 4

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 93] नई दिल्ली, बुधवार, अप्रैल 3, 2013/चैत्र 13, 1935

No. 93] NEW DELHI, WEDNESDAY, APRIL 3, 2013/CHAITRA 13, 1935

संयुक्त विद्युत विनियामक आयोग

(गोवा राज्य और संघ शासित क्षेत्रों के लिए)

अधिसूचना

नई दिल्ली, 25 मार्च, 2013

JOINT ELECTRICITY REGULATORY COMMISSION

(For the State of Goa and Union Territories)

NOTIFICATION

New Delhi the 25th March, 2013

No. JERC- 4/2009.—In exercise of powers conferred under section 181 of the Electricity Act, 2003 and all other powers enabling it in this behalf, and after previous publication, the JOINT ELECTRICITY REGULATORY COMMISSION (FOR THE STATE OF GOA AND UNION TERRITORIES) hereby makes the following amendments in JOINT ELECTRICITY REGULATORY COMMISSION FOR THE STATE OF GOA & UTs (Establishment of Forum for Redressal of Grievances of Consumers) Regulations, 2009.

1. Short title and commencement:

(1) These regulations may be called The Joint Electricity Regulatory Commission for Goa & UTs (Establishment of Forum for Redressal of Grievances of Consumers) first amendment Regulations, 2013.

(2) These regulations shall come into force from the date of their publication in Official Gazette.

2. Amendment of Regulation 2 (1) (d) of the principal Regulations is to be replaced as under: —

"Complainant" means and includes the following who has a grievance as defined in these regulations.

(i) A consumer as defined under clause (15) of Section 2 of the Act.

(ii) An applicant for a new electricity connection.

(iii) Any registered consumer society or association.

(iv) Any unregistered association or group of consumers where they have common or similar interests.

(v) In case of the death of a consumer, his/her legal heir(s) or representative(s).

3. Amendment of Regulation 2 (1) (g) of the principal Regulations is to be replaced as under: —

"Grievance" means any fault, imperfection, short comings or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a distribution licensee in pursuance of the licence, contract agreement or under the Electricity Supply Code as notified by the Commission or in relation to the Standard of

1378 GI/13-2

IndiaCode

Performance (SOP) of licensee as specified by the Commission and includes billing disputes of any nature, and matters related to safety of the distribution system having potential of endangering of life or property or a dissatisfaction of a Consumer arising out of failure of the Licensee to register or redress a Complaint and shall include any dispute between the Consumer and the Licensee with regard to any Complaint or with regard to any action taken by the Licensee in relation to or pursuant to a Complaint filed by the affected person;

3. Regulation 2 (1) (k) in the principal Regulations is to be added as under: —

"Consumer Dispute" means a dispute where the Licensee or its representative against whom a complaint has been made, denies or disputes the allegations contained in the complaint.

4. Amendment of Regulation 3 (2) of the principal Regulations is to be replaced as under: —

Forum shall consist of three members including the Chairperson. Out of the three Members, not more than two members shall be appointed by the licensee and at least one member shall be independent member to be nominated by the Commission. The Distribution licensee shall submit before the Commission, a panel of three persons against each post, except for the post of independent Member to be nominated by the Commission, who are eligible according to the qualifications hereinafter prescribed and shall appoint only such person as Chairperson or member whose names are approved by the Commission.

5. Regulation 3 (3) of the principal Regulations is to be deleted.

6. Amendment of Regulation 3 (4) of the principal Regulations is to be replaced as under: —

Member shall be a person of experience, ability, integrity and standing, and shall work full time.The qualifications and experience for appointment of Chairperson and the Members shall be as under:

(i) Chairperson— The Chairperson of the Forum shall be a person possessing degree in engineering, preferably in electrical/ mechanical and having served as Executive Engineer in Power Sector and having at least 20 years experience in power sector or Retired District Judge/ Additional District Judge or a retired judicial officer having at least 15 years of experience in legal/judicial service.

(ii) Member — One Member shall be having at least (15) fifteen years of experience in Accounting and / or Revenue and not less than 5 years of experience of Commercial matters in power sector on a post not below the rank/ equivalent to the post of Executive Engineer of the Licensee.

(iii) Nominated Member – The nominated member shall be familiar with the consumer affairs and preferably a representative of a registered society or NGO/Consumer Organization having one of its main objectives as consumer protection, with at least 5 years of standing or alternatively the nominated member should have five years of experience in consumer related matters.

7. Amendment of Regulation 3 (5) of the principal Regulations is to be replaced as under:—

The licensee shall, for the purpose of appointment of member of the Forum, other than the nominated member invite applications through public advertisement at least three months prior to accrual of the vacancy. The licensee shall submit for approval of the Commission, a panel of at least three names against each post one month in advance from accrual of the vacancy.

8. Amendment of Regulation 3 (6) of the principal Regulations is to be replaced as under:—

The Commission shall, for the purpose of appointment of the nominated member invite applications through public advertisement.

9. Regulation 3 (6) in the principal Regulations - following shall be added as proviso to regulation 3 (6).

Proviso: (i) That the member shall hold office for a term of three years from date of appointment or till he attains the age of 65 years whichever is earlier. The Licensee shall ensure that working of Forum is not disrupted on account of non-filling up of the vacancy.

(ii) In case any Member decides to relinquish the post, he may do so after giving a notice of two (2) months in writing to the Licensee or deposit two months' salary in lieu thereof.

10. Amendment of Regulation 3 (7) (i) of the principal Regulations is to be replaced as under:—

The pay and allowances and other conditions of service of the Member from amongst the serving officers shall be the same as he shall be otherwise entitled while in service.

11. Amendment of Regulation 3 (7) (ii) of the principal Regulations is to be replaced as under:—

The Chairperson other than mentioned in class 3 (7) (i) above shall be eligible to receive a consolidated remuneration of Rs. 50000 (Rs. Fifty Thousand only) per month. Members (including JERC nominated member) other than mentioned in class 3 (7) (i) above shall be eligible to receive a consolidated remuneration of Rs. 45000 (Rs. Forty five Thousand only) per month. They shall also be entitled for TA/DA while out on duty as eligible to class 1 officers of the rank of Deputy Secretary in the Central Government. They shall also be entitled for 12 days casual leave in a calendar year.

Proviso- Notwithstanding the above, the Commission reserves the right to enhance the consolidated remuneration of Chairperson/ Member up to 10% per annum.

12. Regulation 3 (7) (iii) of the principal Regulations is to be deleted.

Regulation 3 (7) (iii) shall be deleted.

13. Regulation 4 (1) of the principal Regulations - following shall be added in the end of regulation 4 (1).

The office of the Forum shall strategically be so located at place(s) which is easily accessible to the consumers, preferably near District Courts/ District Consumer Redressal Forum or office of Executive Engineer/ Superintending Engineer of Electricity Department.

14. Regulation 4 (2) of the principal Regulations - following shall be added in the end of regulation 4 (2).

The licensee shall also nominate one of its officers as the Nodal Officer who shall serve as a facilitator between the Distribution Licensee and the Forum for providing necessary staff/facilities for efficient working of the Forum.

15. Regulation 4 (3) of the principal Regulations- following shall be added in the end of regulation 4 (3).

Separate budget provision for each financial year for the Office of the Forum shall be made part of ARR by the licensee.

16. Amendment of Regulation 4 (5) of the principal Regulations is to be replaced as under:—

The licensee shall, from time to time, give due publicity about the Forum and its charter through advertisements in widely circulated local newspapers and in such other manner as it considers appropriate and as the Commission, may direct from time to time. The names of the members of the Forum, their addresses, phone numbers and e-mail shall be displayed prominently at all offices of the licensee which has interface with the consumers, and shall also be duly printed/stamped publish on the electricity bills of the consumers and upload on website of the Licensee.

17. Amendment of Regulation 5 (6) of the principal Regulations is to be replaced as under:—

The Forum shall comply with such general directions as the Commission may issue from time to time in the interest of efficient and effective redressal of consumers grievances in a timely and expeditious manner.

18. Regulation 5 (8) of the principal Regulations – following shall be added as under after the word "complaints":—

And display the same distinctly on the website of the distribution licensee.

19. Amendment of Regulation 6 of the principal Regulations is to be replaced as under:—

If the complainant is aggrieved by the order of the Forum or non redressal of the grievance by the Forum within the period specified, he may make a representation to the Ombudsman appointed or designated by the Commission under sub-section (6) of Section 42 of the Electricity Act, 2003 in the format prescribed as Annexure-I within 60 days from the date of receipt of the decision of the Forum or within 60 days from the date of expiry of the period within which the Forum was required to take decision and communicate the same to the complainant.

Provided that the Ombudsman may entertain the representation within a further period not exceeding 60 days after the expiry of the period of sixty days if he is satisfied and records in writing the reasons that the aggrieved person had sufficient cause for not preferring the representation within the said period of sixty days.

20. The following shall be added as Regulation 7 (8):—

Inherent powers of the Commission:- Nothing contained in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Commission to make such orders as may be necessary for ends of justice or to prevent the abuse of process of the Commission.

R. K. MALIK, Secy.
[No. ADVT III/4/Exty./218-I/13]

Statement of objects and reasons for amendments in JERC (Establishment of Forum for Redressal of grievances of Consumers) Regulations, 2009 are :—

The Joint Electricity Regulatory Commission (For the State of Goa and Union Territories) based on the experience gained and feedback received from time to time from various stakeholders recognised that there is a need to amend Joint Electricity Regulatory Commission (Establishment of Forum for Redressal of grievances of Consumers) Regulations, 2009. The Commission prepared a document on proposed amendments and uploaded the same on the website of the Commission to invite Inputs, Comments and Suggestions/Objections from all Stakeholders including Licensees. The Commission after receipt of the inputs, comments and Suggestions/Objections from Stakeholders, CGRFs, Licensees etc to make the procedure for selection/ appointment of Chairman and Member CGRF effective and transparent, attract persons of experience, ability, integrity and standing from field of Law, Engineering, Finance and Commerce for the post of Member and Chairman CGRF and to make CGRF effective and independent in functioning there is need for certain amendments in qualifications, procedure for selection and appointment, age, pay structure and service conditions of Member and Chairman CGRF as well as for providing effective and early justice to the consumers. Therefore, the Commission makes amendments in the JERC (Establishment of Forum for Redressal of grievances of Consumers) Regulations, 2009.

Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.