

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

(First Amendment) Regulation to
APERC (Establishment of Forum and Vidyut Ombudsman for redressal of grievances
of consumers) Regulation 2004 (No. 1 of 2004)

Introduction

Whereas the A.P. Electricity Regulatory Commission (hereinafter referred to as “the Commission”) notified the Andhra Pradesh Electricity Regulatory Commission (Establishment of Forum and Vidyut Ombudsman for redressal of grievances of consumers) Regulation 2004 (No. 1 of 2004) in A.P. Extraordinary Gazette dated 6th February 2004.

And whereas the said Regulation contained the guidelines to the licensees in the State of Andhra Pradesh for setting up Forum for redressal of grievances of the consumers, for the appointment of Vidyut Ombudsman by the Commission, for the representation to the Vidyut Ombudsman against non-redressal of grievances of the consumers and the time and manner of settlement of grievances by the Forums and the Ombudsman, etc.

And whereas the Ministry of Power, Government of India, in exercise of powers conferred by section 176 of the Electricity Act, 2003 notified the Electricity Rules, 2005 vide GSR 379 (E) dated 8th June 2005 and Electricity (Amendment) Rules, 2006 vide GSR 667 (E) dated 26th October 2006, containing, inter-alia, certain Rules (Rule 7) regarding Consumer Redressal Forum and Ombudsman, requiring the State Commission to incorporate these Rules in the Regulation made in this behalf.

And whereas the Commission accordingly formulated a Draft (First Amendment) Regulation proposing amendments to Regulation No.1 of 2004, which was published in A.P. Extraordinary Gazette dated 13.06.2007 and hosted on the website of the Commission apart from seeking comments / suggestions from interested persons including the licensees, Chairpersons of all the Forums for Redressal of Grievances of Consumers to whom it was also communicated. The Commission has considered the comments / suggestions received and made suitable modifications , wherever considered necessary.

Now therefore, in exercise of the powers vested with it under section 181 of the Electricity Act, 2003 read with clause 15 of the Andhra Pradesh Electricity Regulatory Commission (Establishment of Forum and Vidyut Ombudsman for redressal of grievances of consumers) Regulation 2004 (No. 1 of 2004) and all other powers enabling it in that behalf makes the following Amendment Regulation to the said Regulation No.1of 2004, namely:

1. Short title, commencement and interpretation

- (i) This Regulation may be called the A.P.Electricity Regulatory Commission (Establishment of Forum and Vidyut Ombudsman for redressal of grievances of consumers) (First Amendment) Regulation, 2007.
- (ii) This Regulation shall come into force on the date of its publication in the Andhra Pradesh Gazette. However, the present incumbents of the respective forums shall be continued till the completion of their present tenures.

2. The following Clauses shall be substituted by the following:

(a) Clause 3 (2)

The Forum shall consist of four members including the Chairperson of the Forum. The Licensee shall appoint the Chairperson and two members of the Forum on full time basis, and the Commission shall nominate one independent member as follows:

- (i) The members of the Forum shall be persons of ability, integrity and standing.
- (ii) Chairperson of the Forum shall be a serving officer of the licensee possessing degree in electrical engineering and having at least 20 years of experience in the distribution of electricity and having served not below the rank of Superintending Engineer:
Provided that when the Chairperson of the Forum is unable to discharge the functions owing to absence, illness or any other cause, the member indicated in sub-clause (2) (iii) of clause 3 shall discharge the functions of the Chairperson, until the day on which the Chairperson assumes office.
- (iii) One member who is a serving officer of the licensee having at least 10 years of experience in Accounting out of which at least 5 years in revenue matters and having served not below the rank of Senior Accounts Officer.

- (iv) One member who is a serving officer of the licensee having at least 5 years of experience in legal matters and having served not below the rank of Assistant Secretary.
- (v) One member who is familiar with consumer affairs to be nominated by the Commission.

(b) Clause 3 (3)

The members and the chairperson of the Forum shall hold office for a period of two years from the date of appointment and they shall not be eligible for re-appointment at any time after the expiry of their term of appointment, provided that no person shall be appointed or continued as member/chairperson after he attains the age of superannuation.

(c) Clause 3 (4) - Deleted

(d) Clause 3 (5) - Deleted

(e) Clause 4 (1) (Substitution for the first two lines)

The Licensee or the Commission may remove from office any member of the Forum appointed or nominated as the case may be who:

(f) Clause 5 (1)

All decisions of the Forum shall be on the basis of majority of the members present and voting.

(g) Clause 5 (2)

The quorum for the Forum meeting shall be three and each member shall have one vote and in case of equality of votes on any issue or resolution, the Chairperson shall have a casting vote.

(h) Clause 5 (11) (a)

The Forum shall decide the complaint expeditiously and shall communicate its decision to the Complainant within a period not exceeding 45 days of the receipt of the complaint. The Forum shall give the reasons in support of its decisions.

(i) Clause 5 (14)

The Licensee shall meet all the costs and expenses of the Forum including the establishment and staff required to assist the Forum in the discharge of the functions

under this Regulation and also the cost and expenses for the Member nominated by the Commission.

(j) Clause 5 (15)

The salary of the Serving officer-Members shall be the same to which they are otherwise entitled.

The member nominated by the Commission shall be entitled for a per diem fee of Rs.750/- for each day of participation in the Forum's proceedings.

(k) Clause 16 - SUBMISSION OF REPORTS TO THE COMMISSION

- (1) The Forum shall submit a quarterly report on the number of complaints received, redressed and pending within 15 days of the end of the quarter, to the Commission. The Forum shall supply copies of these reports to the respective Licensees also.
- (2) The Forum shall also furnish to the Commission, by 31st May every year, a report containing a general review of the activities of their offices during the preceding financial year and shall also furnish such information as the Commission may require.
- (3) (a) The Ombudsman shall prepare a report on a six-monthly basis giving details of the nature of the grievances of the consumers dealt by the Ombudsman, the response of the Licensees in the redressal of the grievances and the opinion of the Ombudsman on the Licensee's compliance, during the preceding six months, of the Standards of performance as specified by the Commission under section 57 of the Act .
(b) The report under sub-clause (a) above shall be forwarded to the State Commission and the State Government within 45 days after the end of the relevant period of six months.

(BY ORDER OF THE COMMISSION)

(K. RAJA GOPALA
REDDY)
SECRETARY