

Notified on ...

No. /MPERC/ 2024. In exercise of the powers conferred under clauses {r},{s} and {zp} of Sub-section (2) of Section 181 read with Sub-sections (5), (6) and (7) of Section 42 of the Electricity Act 2003 (36 of 2003) the Madhya Pradesh Electricity Regulatory Commission hereby, makes the following Regulations to amend MPERC(Establishment of Forum and Electricity Ombudsman for redressal of grievances of the consumers) (Revision-II) Regulations, 2021 {RG-3 (II) of 2021 }herein after referred to as “the Principal Regulations” namely :-

**First amendment to Madhya Pradesh Electricity Regulatory Commission (Establishment of Forum and Electricity Ombudsman for redressal of grievances of the consumers) Regulations, 2021.**

**1. Short title and Commencement:**

1.1 These Regulations shall be called the **Madhya Pradesh Electricity Regulatory Commission (Establishment of Forum and Electricity Ombudsman for redressal of grievances of the consumers) (Revision-II)(First Amendment) Regulations, 2021 {ARG-3 (II )(i) of 2024}**.

1.2 These Regulations shall extend to the State of Madhya Pradesh.

1.3 These Regulations shall be applicable to the Distribution Licensees/Franchisees operating in the State of Madhya Pradesh in their respective licensed areas.

1.4 These Regulations shall be in force from the date of notification of these Regulations in the official Gazette of the Government of M.P.

**2. In the Principal Regulations, Regulation 2.4 (e) shall be substituted as follows:**

“Complaint” means a representation through any of the modes provided in the Manual of procedure for handling consumer complaints in accordance with Regulation 3.28 of these Regulations.

**3. In the Principal Regulations, Regulation 3.1 shall be substituted as follows:**

Every Distribution Licensee shall establish one or more Forum(s), to be designated as ‘Electricity Consumers Grievances Redressal Forum’ for redressal of Grievances of the

Consumers in accordance with the provisions under these Regulations to cater the needs of consumers at the sub-division, division, circle, region and company level. The Forum(s) may be assigned different types of grievances depending on the nature of the grievance and the level at which it can be best resolved.

Provided that the monitoring of Forum shall be outside the purview of Distribution Licensee and shall be exclusively undertaken by the Commission.

**4. In the Principal Regulations, Regulation 3.2 shall be substituted as below:**

The Head Office of the Forum(s) shall be at such a place as the Distribution Licensee may notify. The Forum(s) may, however, conduct its sittings at other places also besides its Head Office, in consonance with the overall objective of ensuring that complaints/Grievances are heard and disposed off within the time specified at Regulation 3.29 (a) of these Regulations.

**5. In the Principal Regulations, Regulation 3.3 shall be substituted as below:**

The Forum(s) shall consist of two officers of the Distribution Licensee, one Independent Member, and have not more than four Members as consumer and prosumer representatives. The Forum(s) shall be headed by an officer of the Distribution Licensee of appropriate seniority who shall be designated as Chairperson of the Forum. The Commission shall nominate the Independent Member who is familiar with the consumer affairs. The composition and qualification of the Member/Chairperson of the Company Level Forum shall be as under:-

- I. One Member from amongst the officers of the Distribution Licensee, shall be a person possessing a Degree in Engineering and having at least Twenty (20) years of experience in the distribution of Electricity and having at least one year experience of working on a post not below the rank equivalent to Superintending Engineer of the Distribution Licensee or having at least five years' experience on a post not below the rank equivalent to Executive Engineer of the Distribution Licensee.
- II. Second Member from amongst the officers of the Distribution Licensee, shall be a person possessing at least fifteen (15) years of experience in Accounting and / or Revenue and/or Commercial matters and having at least one year experience of working on a post not

below the rank equivalent to Executive Engineer of the Distribution Licensee.

- III. The Distribution Licensee shall submit to the Commission a panel containing names of at least three officers for each position of the aforesaid two Members of the Forum. Details of the qualifications, experience and the background related to integrity and standing shall be submitted in respect of each officer along with details of present pay drawn by them. The suitability and capability of the Members and the panel of Members as stated in this Regulation shall be decided by a Committee duly constituted by the Distribution Licensee for this purpose. The Commission shall consider the names proposed by the Distribution Licensee and after the approval of the Commission, the Distribution Licensee shall issue appropriate order to designate these officers as Members of the Forum.
- IV. The Independent Member to be nominated by the Commission should have familiarity with consumers' related affairs and should be graduate in any discipline or diploma in Electrical Engineering with at least 20 years of professional experience, preferably from amongst the retired employees of Central Government / State Government/ PSU/ Power Utilities undertaking or a person of outstanding merit in Technical/ Financial /Legal matters.
- V. The Distribution Licensee shall submit to the Commission a panel containing names of at least three candidates for nomination for the post of Independent Member of the Company level Forum. Details of the qualifications, experience and the background related to ability, integrity and standing shall be submitted in respect of each candidate along with details including pay/pension drawn by them presently, as the case may be. The Commission shall consider the names proposed by the Distribution Licensee and convey its approval to the Distribution Licensee for inclusion as Independent Member of the Forum.

**6. In the Principal Regulations, Regulation 3.5 shall be deleted.**

**7. In the Principal Regulations, Regulation 3.6 shall be substituted as below:**

The other four Members of the Company Level Forum shall be from the following consumers' categories –

- i) Agriculture consumers
- ii) Industrial consumers
- iii) General consumers viz. domestic /non domestic etc.
- iv) Prosumers

The maximum numbers of consumers/prosumers shall be limited to four. Only one Member shall be considered from each category.

To be eligible for selection under this category, such persons should have attained minimum age of 35 years and should have been consumers/prosumers of the Distribution Licensee. Such persons should not be a defaulter of electricity bills and should not have been convicted under section 135 of the Electricity Act 2003 and there should not be any criminal case pending against them in any Court. The Distribution Licensee shall submit a list containing at least two names against each position of Member in these categories for approval by the Commission and the Distribution Licensee shall include such persons as Members of the Forum whose names are approved by the Commission.

**8. In the Principal Regulations, Regulation 3.7 shall be substituted as below:**

The Sub-division/Division/Circle/Region level Forums shall be established by the Distribution Licensee. Composition of these Forums shall be same as that of the Company level Forums. Independent Member of such Forums shall be nominated by the Commission for which the Distribution Licensee shall submit a list containing at least two names of eligible persons for approval by the Commission. For other categories of Member in such Forums, eligible person shall be included by the Distribution Licensee for which no approval shall be required from the Commission.

**9. In the Principal Regulations, Regulation 3.8 shall be substituted as below:**

## **Salary /Honorarium and tenure of office**

### **A. Company Level Forum:**

- (i) The salary and other allowances payable to, and the other terms and conditions of service in respect of the Members, who are Officers of the Distribution Licensee shall not be altered to their disadvantage.
- (ii) The salary or honorarium and other allowances payable to, and the other terms and conditions of service in respect of the Independent Member nominated by the Commission shall be such as may be approved by the Commission and shall be charged to the Distribution Licensee who shall be responsible for timely and regular payment.
- (iii) The salary, allowances and other terms and conditions of service of the Members, shall not be varied to their disadvantage after joining.
- (iv) The Members selected from amongst the consumers/prosumers shall be honorary Members only. Travelling expenses in respect of such Members for attending sittings/ hearings/ meetings of the Forum shall be paid for by the Distribution Licensee and appropriate guidelines in this regard shall be issued by the Distribution Licensee.

### **10. In the Principal Regulations, Regulation 3.9 for Sub division /Division /Circle/Region Level Forums shall be substituted as below:**

- (i) The salary and other allowances payable to, and the other terms and conditions of service in respect of the Members, who are Officers of the Distribution Licensee shall not be altered to their disadvantage.
- (ii) The salary or honorarium and other allowances payable to, and the other terms and conditions of service in respect of the Independent Member nominated by the Commission shall be such as may be approved by the Commission and shall be charged to the Distribution Licensee who shall be responsible for timely and regular payment.
- (iii) The salary, allowances and other terms and conditions of service of the Members,

shall not be varied to their disadvantage after joining.

- (iv) The Members selected from amongst the consumers/prosumers shall be honorary Members only. Travelling expenses in respect of such Member for attending sittings/ hearings/ meetings of the Forum shall be paid for by the Distribution Licensee and appropriate guidelines in this regard shall be issued by the Distribution Licensee.

**11. In the Principal Regulations, Regulation 3.12 shall be substituted as below:**

The Chairperson and Members of the Company level Forum shall hold office for a period of two years from the date of joining provided that no Member shall hold Office as such after he/she has attained the age of sixty-five years. The Distribution Licensee should initiate process of appointment of next Chairperson and Members of the Company level Forum well before the scheduled expiry of term of present incumbent(s). In case of non-availability of new Member/Chairperson even after expiry of tenure of present incumbent(s), the existing Member/Chairperson may continue to function for a maximum period of three months or till the date of joining of new Member/ Chairperson whichever is earlier. The Distribution Licensee shall ensure that working of Forum is not disrupted on account of non-filing up of the posts and that Forum is made functional within the extended period. In case the nominated Member decides to relinquish the post, he/she may do so after giving a notice of two months in writing to the Distribution Licensee or deposit two months' salary in lieu thereof.

**12. In the Principal Regulations, Regulation 3.13 shall be substituted as below:**

In respect of Sub-division/Division/Circle/Region level Forums, the term of office shall be decided by the Distribution Licensee however, the Distribution Licensee shall ensure certain minimum tenure for Members of such Forum and also that the working of these Forums is not disrupted.

**13. In the Principal Regulations, Regulation 3.16 shall be substituted as below:**

No Member of the Forum shall be removed from his office on the grounds specified in Regulation 3.15 (a),(c),(d),(e),(f),(g),(h) and (i) until such Member is given an opportunity to defend himself before an Enquiry Officer that may be appointed by the Commission. While

appointing the Enquiry Officer, the Commission shall also specify whether the concerned Member can or can't participate in proceedings of the Forum during the course of enquiry. The Enquiry Officer shall submit the report to the Commission. The Commission shall thereafter, share copy of the report with the concerned stakeholders and provide them an opportunity of hearing before taking final decision in the matter. In case of the Members who are officers of the Distribution Licensee, a copy of report submitted by Enquiry officer shall be sent to the concerned Distribution Licensee. The Distribution Licensee shall have to obtain approval of the Commission in writing before taking a final decision in case of the Members who are officers of the Distribution Licensee. In case of the nominated Member, final decision shall be taken by the Commission.

**14. In the Principal Regulations, Regulation 3.29 shall be substituted as below:**

- (a) These Forum(s) shall settle the Grievances of the Consumers within a period of 30 days normally but not exceeding 45 days in any case. In the event of any Grievance is not settled within the period of 45 days, the Forum shall record the reasons for such delay including the cost to be paid by the Distribution Licensee in case the reasons for delay are attributable to the Distribution Licensee. In case the delay is for reasons attributable to the Complainant, the Forum may on the basis of the merit of the case either decide to proceed with the case or reject the Grievance of the consumer. The Forum shall settle the grievance through an order and the order shall be served to the Complainant and the concerned Distribution Licensee through Registered post/ Speed post and electronically also without any delay and in any case, copy of the order should be delivered to the Distribution Licensee and Complainant within two days electronically and within a period of seven days through Registered/Speed post from the date of order.
- (b) The Distribution Licensee shall arrange to upload on its website all the Orders issued by the Company level Forum within two days from the date of receipt of such order electronically from the Forum.
- (c) The order of the Forum shall be complied by the Distribution Licensee within 45 days from the date of receipt of such order. On the request of the Distribution Licensee to extend the period of compliance of the order, the Forum may extend the time period

of compliance of its order upto a maximum period of three months after hearing the Complainant.

**15. In the Principal Regulations, Regulation 3.32 shall be substituted as below:**

The Distribution Licensee shall provide required supporting staff, appropriate office accommodation alongwith the facilities for making electronic communication with the complainants and Distribution Licensee and also to enable Forums to make correspondence through speed post/registered posts. The Distribution Licensee shall also ensure that the functioning of Forum should not be affected in any way due to shortage of supporting staff and facilities. The Distribution Licensee shall not interfere in any way with the administrative matters of the Forum. If any issue related to performance or non-performance of Forum comes to the notice of the Distribution Licensee, the same shall be reported to the Commission for appropriate directions in the matter.

**16. In the Principal Regulations, Regulation 3.33 shall be deleted.**

**17. In the Principal Regulations, Regulation 3.36 shall be substituted as below:**

The consumer aggrieved by the decision of sub-divisional or divisional or circle or regional level Forum may approach the Company level Forum before making an appeal to the Ombudsman.

**18. In the Principal Regulations, Regulation 3.37 shall be substituted as below:**

If the Complainant is aggrieved by the order of the Forum or non-redressal of the grievance by the Forum within the period specified, the Complainant may make a representation in the format specified at **Annexure-II** to the Electricity Ombudsman within a period of sixty days from the date of delivery of the final order or from the expiry of the period specified for redressal of the grievance by the Forum.

Provided that the Electricity Ombudsman may entertain the representation within a further period not exceeding 60 days after the expiry of the period of sixty days if it 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.



**19. In the Principal Regulations, Regulation 3.38 shall be substituted as below:**

No representation to the Electricity Ombudsman shall lie unless the consumer has deposited, at least, half of the amount that is required to be paid by him either in terms of an order of the Forum or in case of non-redressal of the grievance by the Forum the amount payable as per bills issued by the Distribution Licensee and has also agreed to pay a surcharge on the balance amount in the event of his representation not being successful.

**20. In the Principal Regulations, Regulation 4.28 shall be substituted as below:**

The Electricity Ombudsman shall decide the matter on the pleadings of the parties, after providing them an opportunity of being heard. The Electricity Ombudsman shall communicate the decision with detailed reasoning which he thinks fair in the facts and circumstances of a case. A copy of the decision shall be sent to the parties and the same shall be made available on Commission's Website. The Distribution Licensee shall comply with the order of the Ombudsman within 45 days from the date of receipt of the order. On the request of the Distribution Licensee to extend the period of compliance of the order, the Ombudsman may extend the time period for compliance of its order up to a maximum period of three months after providing opportunity of hearing to the Complainant.

**21. In the Principal Regulations, Regulation 5.4 shall be substituted as below:**

The Distribution Licensee shall set up a mechanism for handling complaints as per Manual of procedure for handling consumers' complaints issued by the Commission.

**22. In the Principal Regulations, Regulation 5.5 shall be substituted as below:**

Notwithstanding anything contained in the MPERC (Monitoring performance of Distribution Licensees and State-Owned Generating Company) (Revision-I), Regulations, 2022, the Forums shall submit monthly and quarterly reports to the Commission in **Annexure-III (a) and (b)**. These reports should be submitted within fifteen days of the close of the month and the quarter for which report is being prepared.

**23. In the Principal Regulations, Regulation 5.6 shall be substituted as below:**

The Distribution Licensee shall submit monthly and quarterly reports to the Ombudsman in **Annexure-IV** in respect of the compliance of the orders issued by the Forums and the Ombudsman in terms of Clause 3.29 and Clause 4.28 of this Regulation. The Ombudsman shall consolidate and submit an analytical report to the Commission within a period of fifteen days after receipt of reports from all the three Distribution Licensees.

**24. In the Principal Regulations, Regulation 5.7 shall be substituted as below:**

“(a) Ombudsman shall prepare a report on a six monthly basis giving details of the cases received, cases disposed of and nature of Grievances of the consumers dealt by the Ombudsman during the preceding six months of each financial year.

(b) The report under sub-clause (a) above shall be forwarded to the Commission within 45 days after end of relevant period of six months.”

By order of the Commission  
UMAKANTA PANDA,  
Commission Secy.