



Madhya Pradesh Electricity Regulatory Commission

5th Floor, Metro Plaza, Arera Colony, Bittan Market, Bhopal 462 016

Bhopal, Dated : 13th September, 2007

No.1846/MPERC/2004. - In exercise of the power conferred under Sub-sections (5) (6) and (7) of Section 42 read with clauses {r} and {s} of Sub-Section (2) of Section 181 of the Electricity Act 2003 (36 of 2003) and in compliance of the notification dated 26.10.2006 issued by the Government of India, Ministry of Power vide No. G.S.R.667(E) on Electricity (Amendment) Rules, 2006, Madhya Pradesh Electricity Regulatory Commission hereby amends MPERC (Establishment of Forum and Electricity Ombudsman for redressal of grievances of the consumers) Regulations, 2004 notified vide No. 1003/MPERC/2004 dated 30 April, 2004.

Third Amendment to Madhya Pradesh Electricity Regulatory Commission (Establishment of Forum and Electricity Ombudsman for redressal of grievances of the consumers) Regulations, 2004

1. Short Title and Commencement

- (i) These Regulations may be called the "**Madhya Pradesh Electricity Regulatory Commission (Establishment of Forum and Electricity Ombudsman for Redressal of Grievances of the Consumers) Regulations, 2004 (Third Amendment) (AG-3(iii) of 2007)**".
- (ii) These Regulations shall come into force with effect from the date of their publication in the official gazette.
- (iii) These Regulations shall extend to the entire State of Madhya Pradesh.

2. Amendment to Chapter 3 :

- (i) In the **Madhya Pradesh Electricity Regulatory Commission (Establishment of Forum and Electricity Ombudsman for redressal of grievances of the consumers) Regulations, 2004** hereinafter called the Principal Regulations, under "**Constitution of the Forum**"; for the **Clauses 3.1 to 3.5**, following Clauses shall be substituted, namely:

" 3.1 After the expiry of the period of appointment of the present forums, every Distribution Licensee shall appoint one or more Forum(s), to be designated as 'Electricity Consumers Grievances Redressal Forum' for redressal of grievances of the consumers in accordance with these Regulations so that the grievances are settled within a period of two weeks normally and not exceeding four weeks in any case. At least one Forum shall be set up for each Distribution Company.

3.2 The Head office of the 'Forum' shall be at such place where the Licensee may notify. The 'Forum' may, however, conduct its sittings at such other places, in consultation with the licensee, with the overall objective of ensuring that complaints/ grievances are heard and disposed off within the time limit specified at clause 3.1.

3.3 The Commission may direct the licensee to establish additional forum(s) if considered necessary so as to ensure that every grievance is settled within time limit prescribed in clause 3.1.

3.4 The Forum shall consist of three members including the Chairperson of the Forum. The Chairperson shall be a person appointed by the Commission preferably from amongst the retired employees of State Government / State Government undertaking or a person of outstanding merit in Technical matters or Administration or Law and the other two Members of the Forum shall be appointed by the

Licensee from amongst its serving officers in consultation with the Commission. The Members including the Chairperson shall be persons of ability, integrity and standing who have adequate knowledge in their respective fields. The Members must possess the experience and qualifications as detailed below:

- (a) One Member, to be appointed by the Licensee from amongst its officers shall be a person possessing a Degree in Electrical Engineering and having at least Twenty (20) years of experience in the Distribution of Electricity and having at least three years experience on a post not below the rank equivalent to Superintending Engineer of the Licensee.
- (b) One Member, to be appointed by the Licensee from amongst its officers, shall be having at least fifteen (15) years of experience in Accounting and/ or Revenue and/or Commercial matters and having at least three(3) years experience of working on a post not below the rank of Joint Director/ Superintending Engineer of the Licensee.
- (c) The Distribution Licensee shall submit to the Commission a panel containing names of at least three officers for each post of the two Members of the Forum. Details of the qualifications, experience and the background related to ability, integrity and standing shall be submitted in respect of each officer along with details of present pay drawn by them. The Commission shall consider the names proposed by the Licensee and after its approval the Licensee shall appoint the Members.
- (d) The suitability and capability of the Members and the panel of Members as stated in clause 3.4(c) shall be decided by an Authorized Committee of the Licensee through interview.

3.5 The Chairperson and Members of the Forum shall hold office for a period of two years from the date of appointment. In case of unavoidable delay in appointment of Members including the chairperson after expiry of the term of existing forum, the existing forum after completion of its term shall be continued for a period of maximum 3 months till the new Members including Chairperson join their duties. The Licensee shall ensure that working of Forum is not disrupted on account of non-filling up of the posts and shall ensure that new Forum is made functional within the extended period. In case the Members of the Forum including the Chairperson decide to relinquish the post at their will, He or She has to give a notice of two (2) months in writing to the Licensee or deposit two months' salary in lieu thereof.

The Officers of the Licensee appointed as per clause 3.4(a) & (b) shall maintain their lien with the Licensee.

- (ii) In the Principal Regulations, under "**Removal of Members**", for the **Clauses 3.7 and 3.8**, following Clauses shall be substituted, namely:

3.7 No Member of the Forum including the Chairperson shall be removed from his office on the grounds specified in clauses 3.6(a) (c), (d), (e) & (f) and (g), until the person has been given an opportunity to defend himself before an enquiry officer appointed by the Commission on the request of the Licensee and the report of the enquiry officer has been considered by the Licensee and a copy of the report made available to the person proposed to be proceeded against. While appointing the Enquiry Officer, the Commission will also specify whether the concerned Member can participate in proceedings of the Forum during the course of enquiry. After the report is presented by

the Enquiry Officer, the Licensee shall obtain the approval of the Commission in writing before taking a final decision on the matter in case of the Members who are Officers of the Licensee. In case of the Chairperson, the final decision shall be taken by the Commission.

3.8 The Licensee / Commission shall communicate its decision taken under the provisions of the Clause 3.7 to the Member concerned within a period of two months of the receipt of such report from the Enquiry Officer.

(iii) In the Principal Regulations, under "**Function of the Forum**", the **Clause 3.15**, for the Sub- para "(a)", following shall be substituted, namely:

(a) any consumer or the consumer organization, which has registered itself with the Commission and/ or Forum, and who is not satisfied with solution offered by the Licensee by the procedure described in Annexure 2 (Internal Executive Complaint Redressal Mechanism) of these Regulations, or

(iv) In the Principal Regulations, under "**Function of the Forum**", in the **Clause 3.15** after Sub- para "(c)", following sub-para shall be added, namely:

"Notwithstanding the above provisions, the Forum shall not entertain any representation in regard to a matter which is subject matter of existing or proposed proceedings before the Commission or before any other authority or court including the matters under part X, XI, XII, XIV and XV of the Act".

(v) In the Principal Regulations, under "**Functions of the Forum**" for the **Clause 3.23**, following clause shall be substituted, namely:

"3.23 The salary or honorarium and other allowances payable to, and the other terms and conditions of service in respect of the Chairperson appointed by the Commission under clause 3.4 shall be such as may be approved by the Commission and shall be charged to the Licensee who shall be responsible for timely and regular payment. The salary or honorarium 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 under clause 3.4, shall be such as may be prevailing for such officers in the Distribution Company".

(vi) In the Principal Regulations, under "**Representation to the Ombudsman**" amended vide Commission Notification dated 24 January, 2006 vide Regulation No. AG-3(i), 2006) for the **Clause 3.28**, following Clause shall be substituted, namely:

" 3.28 No representation to the Electricity Ombudsman shall lie unless the consumer has deposited, in the prescribed manner, at least, half of the amount that is required to be paid by him in terms of an order of the Forum and has also agreed to pay a surcharge on the balance amount in the event of his representation not being successful."

3. Amendment to Chapter 4:-

In the Principal Regulations, under "**Award**", for the **Clause 4.33**, following shall be substituted, namely,

" 4.33 A copy of the award shall be sent to the Complainant concerned and shall be binding on the Licensee and the Complainant".

**By order of the
Commission**

**Ashok Sharma, Commission
Secretary**

Visitors No -

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