

रजिस्ट्री सं० डी० एल०-33004/99

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. 97]

नई दिल्ली, शुक्रवार, अप्रैल 5, 2013/चैत्र 15, 1935

No. 97]

NEW DELHI, FRIDAY, APRIL 5, 2013/CHAITRA 15, 1935

संयुक्त विद्युत विनियामक आयोग
(गोवा राज्य और संघ शासित क्षेत्रों के लिए)

अधिसूचना

नई दिल्ली, 4 अप्रैल, 2013

**JOINT ELECTRICITY REGULATORY COMMISSION
(FOR THE STATE OF GOA AND UNION TERRITORIES)**

NOTIFICATION

New Delhi, the 4th April, 2013

No. JERC- 3/2009.—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 (Appointment and Functioning of Ombudsman) Regulations, 2009.

1. Short title and commencement:

(1) These regulations may be called The Joint Electricity Regulatory Commission for Goa & UTs (Appointment and Functioning of Ombudsman) 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) in 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 death of a consumer, his/her legal heir(s) or representative(s).

3. Amendment of Regulation 2 (1) (g) in 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 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;

4. 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.

5. Amendment of Regulations 3 (1) & 3 (2) in the principal Regulations are clubbed and are to be replaced as under:-

The Commission shall designate or appoint a person known as Ombudsman to carry out the functions as entrusted to him under the Electricity Act, 2003 and these Regulations. The Commission may appoint or designate more than one Ombudsman for a licensee or a common Ombudsman for two or more licensees considering factors such as number of representations received and disposed off within the specified time limit etc.

6. Regulation 3 (4) in the principal regulations the words 'of ability and standing' in the second line is to be deleted and amended as under:-

The Ombudsman appointed or designated by the Commission shall be a person of integrity, repute and standing in any of the areas of law, management, engineering, finance, economics, commerce, public administration or in non- governmental organisation and shall either be a former Judge not below the rank of District Judge or a retired civil servant not below the rank of Additional Secretary to the Government of India or Principal Secretary to a State Government or equivalent or a person who has worked for at least

three (3) years as member of the regulatory body or Chief Executive officer/ functional Director of an electricity or electricity-related utility.

7. Regulation 3 (4) (i) in the principal Regulations is to be added as under:-

No person shall be appointed as Ombudsman within 2 years of his retirement, if immediately before such retirement, he has been in the service of a licensee or in the holding company or in the subsidiary of such a holding company of the licensee(s) being regulated by the Commission.

8. Proviso of Regulation 3 (5) in the principal Regulations is to be added as under:-

Provided further that no person shall be appointed as Ombudsman or continue to be the Ombudsman if he has reached the age of 65 years.

Provided also that the above age limit would not be applicable to the person who has occupied the position of Ombudsman before the date of notification of these amended regulations, till the completion of his tenure.

9. Amendment of Regulation 3 (6) in the principal Regulations is to be replaced as under:-

The Ombudsman shall be paid consolidated remuneration of Rs. 55000/- (Rs. Fifty Five Thousand only) per month. In case of travel outside headquarters he shall be eligible for travel expenses limited to economy class air fare and shall be entitled for payment of daily allowance and local travel as applicable to class one officer of the level of Joint Secretary in the Central Government. He shall also be entitled for 12 days casual leave in a calendar year and reimbursement of expenses towards use of mobile for official purposes subject to a ceiling of Rs. 1000/- per month. Notwithstanding the above, the Commission reserves the right to enhance the payment of consolidated remuneration to the Ombudsman upto 10% every year.

10. Amendment of Regulation 3 (8) in the principal Regulations is to be replaced as under:-

a. The Ombudsman, if willing to relinquish his office, shall do so by giving to the Commission a notice in writing of not less than three months.

b. The Commission shall have the powers to remove the Ombudsman from office, if he/ she has :

i. been adjudged as insolvent;

ii. been convicted of an offence which, in the opinion of the Commission, involves immoral turpitude;

iii. become physically or mentally incapable of acting as an Ombudsman;

iv. acquired such financial or other interest as is likely to affect prejudicially his/ her functions as an Ombudsman;

v. abused his/ her position so as to render his/ her continuance in office prejudicial to public interest;

or

vi. been guilty of proved misbehavior.

Provided that, Ombudsman shall not be removed from his/ her office on any ground specified in the aforesaid clauses unless the Commission on an inquiry, concluded that the person ought, on such ground or grounds, be removed.

11. Regulation 3 (9) in the principal Regulations is to be added as under:-

The Ombudsman appointed under sub regulation 3(1) shall devote his whole time to the affairs of his office and shall not undertake any other part-time or honorary work.

12. Regulation 3 (10) in the principal Regulations is to be added as under:-

The Ombudsman shall, before entering upon his office, make and subscribe to an oath in such manner and before such authority as the Commission may direct.

13. Regulation 3 (11) in the principal Regulations is to be added as under:-

The Commission shall invite application through public advertisement for appointment of the Ombudsman.

14. Amendment of Regulation 4 (1) (d) in the principal Regulations is to be amended and replaced as under:-

The Commission shall provide the Ombudsman with a secretariat. The staff strength of the said secretariat and terms and conditions of appointment of the staff shall be determined by the Commission from time to time. Without prejudice to any other arrangement that may be made, all expenses of the Ombudsman's office including that of remuneration paid to the Ombudsman and secretariat staff shall be

borne by the Commission which it can recover from the distribution licensees being served by the Ombudsman in proportion to their power drawl as approved in their previous year's ARR. At the start of every quarter, the Commission shall present an estimated bill of expenses to each licensee who shall make the payment to the Commission within 15 days of the receipt of such a bill. The actual expenses shall be adjusted while approving the ARR of the respective licensee and the licensee shall be allowed to recover such actual expenses as pass through in the determination of tariffs.

15. Regulation 4 (3) in the principal Regulations is to be added as under:-

The name, location, email address and telephone numbers of the Ombudsman shall be widely publicized through local dailies, and displayed on the websites and the offices of the licensees and the Commission and intimated to the consumers on regular basis through electricity bills. They may also be publicized through radio, television and local cable TV network.

16. Regulation 4 (4) in the principal Regulations is to be added as under:-

The Ombudsman may, after hearing the forum or any other interested party if any, from time to time issue such orders, instructions or directions to any forum for the performance of its functions under these regulations, as may deem fit.

17. Regulation 5 (1) in the principal Regulations is to be amended and added as under:-

A complainant feeling aggrieved by non- Redressal of his grievance by the Forum, may make a representation to the Ombudsman within sixty (60) days from the date of receipt of the decision of the forum or within sixty (60) days from the date of the 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 a representation filed after the expiry of the said period of sixty (60) days if he is satisfied that there was sufficient cause for not filing it within that period.

Provided further that the person filing the representation deposits an amount equal to one third of the amount assessed by the Forum in cash or by way of bank draft with the licensee and documentary evidence of such deposit is enclosed with the representation.

18. Regulation 5 (2) in the principal Regulations is to be added as under:-

The Ombudsman may reject the representation at any stage if it appears to him that the representation is:

I. Frivolous, vexatious, malafide;

II. Without any sufficient cause;

III. There is no prima facie loss or damage or inconvenience caused to the Complainant.

Provided that the decision of the Ombudsman in this regard shall be final and binding on the complainant.

Provided further that no representation shall be rejected in respect of sub-Regulation (i), (ii) and (iii) above unless the complainant has been given an opportunity of being heard.

The Complainant shall submit his/ her representation as per the format as may be specified by the Ombudsman.

19. Regulation 7 (5) in the principal Regulations is to be added as under:-

The Ombudsman shall make a record of such an agreement as its order and thereafter close the case.

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

**JOINT ELECTRICITY REGULATORY COMMISSION
(FOR THE STATE OF GOA AND UNION TERRITORIES)**

Statement of objects and reasons for amendments in JERC (Appointment and Functioning of Ombudsman) 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 (Appointment and Functioning of Ombudsman) 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

some inputs, comments and Suggestions/Objections to make the procedure for selection / appointment of Ombudsman effective and transparent, attract persons of experience, ability, integrity and standing from areas of law, management, engineering, finance, economics, commerce, public administration and to make Ombudsman effective and independent in functioning there is need for certain amendments in qualifications, procedure for selection and appointment, age, remuneration and service conditions of Ombudsman as well as for providing effective and early justice to the consumers. Therefore, the Commission makes amendments in JERC (Appointment and Functioning of Ombudsman) Regulations, 2009.