

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

Coram  
Dr. V.K. Garg, Chairperson  
Shri S.K. Chaturvedi, Member  
**Petition No. 84/2012**

**In the matter of**

Removal of difficulty in the matter of interpretation of Regulation 10.1(2) (i) of Joint Electricity Regulatory Commission (Electricity Supply Code) Regulations 2010 in view of orders passed by Consumers Grievances Redressal Forum Chandigarh.

**And**

Electricity Department UT of Chandigarh at Chandigarh

**Present:**

1. Shri M.P. Singh, Superintending Engineer, ED- Chandigarh, Petitioner
2. Shri Sunil Sharma, Xen, ED- Chandigarh, Petitioner

**Order**

**28.09.2012**

Representative of the petitioner submitted that the assessing officer of the petitioner calculate penalty in case of unauthorized use of electricity as per section 126 of the Electricity Act 2003 and Regulation 10.3 of Joint Electricity Regulatory Commission(Electricity Supply Code)Regulations 2010.

He further argued that any grievance arising out of application of sections 126 and 135 of the Electricity Act do not fall under definition of complaint as defined under Regulation 2(e) of Joint Electricity Regulatory Commission (Establishment of Forum for Redressal of Grievances of Consumers) Regulations 2009. Therefore CGRF is not competent to entertain appeal or complaint against the final order of the assessing officer. But CGRF Chandigarh is entertaining appeals/complaints and the orders passed by CGRF Chandigarh are nullity and against law.

Commission observed that no appeal/complaint is maintainable before CGRF against an order passed under section 126 of the Electricity Act by the assessing officer.

Commission feels that looking at the difficulties expressed by the Petitioner & the difficulties expressed by the consumers before CGRF Joint Electricity Regulatory Commission (Electricity Supply Code) Regulations 2010 needs examination for improving clarity. Supply Code Regulations Review Committee also to provide its inputs.

Representative of ED-Chandigarh submitted that they have not stayed any order of CGRF in this regard. The Commission observed that the wordings of the circular ED-Chandigarh are ambiguous and is likely to be interpreted as stay order. However, ED-Chandigarh clarified that it is not a stay order.

The Commission pointed out that ED-Chandigarh has deleted the Note(C) in Annexure-I of the JERC Supply Code Regulations, 2010 which stipulated heating load to be taken only during winter season and cooling load only during summer season.

Representative of ED-Chandigarh replied that they have only simplified the format of the Annexure. The Commission observed this to be unacceptable .As this amounts to deletion of a format attached to a regulation & hence tempering with regulations.

Representative of the petitioner prayed for one month time for clarification/replies.

The Commission considered the request, acceded the same and directed the petitioner to submit clarification/replies within one month.

Scheduled for hearing on 5.11.2012 at 11.00AM.

Sd/  
(S.K.Chaturvedi)  
Member

sd/-  
(Dr. V.K. Garg)  
Chairperson