

HARYANA ELECTRICITY REGULATORY COMMISSION

SCO NO. 180, SECTOR –5 PANCHKULA

Date of Order : July 31, 2006

IN THE MATTER OF :

Guidelines for Establishment of Forum for redressal of Grievances of the Consumers and Electricity Ombudsman Regulation No. HERC/02/2004 Dated 12.4.2004 issued by Haryana Electricity Regulatory Commission – Amendment thereof.

AND

IN THE MATTER OF :

Dakshin Haryana Bijli Vitran Nigam Ltd., Hisar.

ORDER

1. The Commission approved the Regulations No. HERC/02/2004 titled ‘Guidelines for Establishment of Forum for redressal of Grievances of the Consumers and Electricity Ombudsman’ and notified the same in Haryana Government Gazette on 12.04.2006.
2. The DHBVNL (the licensee), filed a petition vide Memo No. Ch-85/SE/RA-209 dated 28.06.2006 for amendment of the Regulation No. HERC/02/2004. The licensee has submitted :
 - 2.1 That the Regulation No. 12 of the principal regulations of the Commission bearing No. HERC/02/2004 dated 12.4.2004 under the head ‘Appeal’ states that any consumer aggrieved by an order made by the Forum or non implementation of the order of the Forum by the licensee may prefer an appeal against such order to the Electricity Ombudsman within a period of thirty days from the date of the order, in such form and manner as may be laid down in the regulations made by the Commission. Here no opportunity has been given to the distribution licensee to prefer an appeal

if aggrieved by an order made by the Forum, as has been provided to the consumer, which is against the principle of natural justice. The Forum is an independent body constituted under statutory requirement of the Electricity Act 2003 and its appellate authority i.e. Electricity Ombudsman is thus required to provide equal opportunity of appeal to both parties viz consumer as well as the distribution licensee.

- 2.2 It is, therefore, submitted that Hon'ble Commission may consider and be pleased to amend and insert the word distribution licensee also and Regulation No. 12 of the guidelines be amended to read that any consumer/distribution licensee aggrieved by an order made by the Forum or non-implementation of the order of the Forum by the consumer/distribution licensee may prefer an appeal against such order to the Electricity Ombudsman, within a period of 30 days from the date of the order, in such form and manner as laid down in the regulations made by the Commission.
3. The Commission has considered the filing made by DHBVNL and orders as under:
 - 3.1.1 The Regulation No. HERC/02/2004 has been framed in accordance with the Provisions of Section 42 (5), 42 (6) and 42 (7) of the Electricity Act 2003. The Section 42 (6) provides that, "Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5) , may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission".
 - 3.1.2 The Regulation 12 of the Regulation No. HERC/02/2004 notified in the Haryana Government Gazette on 12.04.2006, the amendment to which has been prayed by the DHBVNL, is strictly as per the above referred provision of the Act. The Act provides that any consumer can represent to the Ombudsman in case he is aggrieved by non-redressal of his grievances by the Forum established by the licensee. Section 2 (15) of the Electricity Act, 2003 unambiguously defines a consumer and states - "Consumer

means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be.” Consequently, an appeal by a licensee to the Electricity Ombudsman against the orders of the Forum is not within the scope of the Act.

Keeping in view the above facts, the Commission rejects the request of the DHBVNL to amend Regulation 12 of Regulation No. HERC/02/2004, on Guidelines for Establishment of Forum for redressal of Grievances of the Consumers and Electricity Ombudsman.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on July 31, 2006.

Date : July 31, 2006
Place : Panchkula

T.S. Tewatia
Member

T.R. Dhaka
Member

Lt. Col. (Retd.) Raghbir Singh
Chairman