

**HARYANA ELECTRICITY REGULATORY COMMISSION,  
SCO NO. 180, SECTOR 5, PANCHKULA**

**Date of Filing : 07.09.2006**

**Date of Order : 24.10.2006**

IN THE MATTER OF:

Review of orders of Secretary, HERC, Panchkula issued vide Memo No. HERC/T-77/757 dated 1.8.2006 on 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.

AND

IN THE MATTER OF:

Dakshin Haryana Bijli Vitran Nigam Ltd., Vidyut Sadan, Vidyut Nagar, Hisar.

**ORDER**

The DHBVNL vide Memo No. Ch.92/SE/RA-209 dated 7.09.2006 has submitted an application for Review of order of Secretary, HERC, Panchkula issued vide Memo No. HERC/T-77/757 dated 1.8.2006 on 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. The Licensee has submitted:

- (i) That regulation No. 12 of the principle regulations of the Commission bearing No. HERC/02/2004 dated 12.4.04, 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 30 days from the date of the order, in such form and manner as may be laid down in the regulations made by the Commission;

- (ii) That no opportunity has been given to the distribution licensee to prefer appeal to the Electricity Ombudsman, as has been given to the consumer, which is against the principle of natural justice;
- (iii) That the Forum is an independent body constituted under the Statutory requirement of the Electricity Act, 2003 and its appellant authority i.e. Electricity Ombudsman is thus required to provide equal opportunity of appeal to both the parties viz consumer as well as the distribution licensee;
- (iv) That a prayer was made to the Hon'ble Commission to provide equal opportunity to both the aggrieved parties to appeal to the appellant authority i.e. Electricity Ombudsman;
- (v) That the Hon'ble Commission had rejected the request of the DHBVN to amend Regulation-12 of the Regulation No.HERC/02/2004, on Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman, stating that the same was not within the scope of the Act;
- (vi) That to provide equal opportunity of appeal to both the parties, it is prayed by the DHBVNL to the Hon'ble Commission to review its order and provide equal opportunity of appeal to both the parties i.e. Consumer as well as the Distribution Licensee;
- (vii) That if an amendment to the Act is required, that may be made, to the extent that equal opportunity shall be provided to both the parties, aggrieved by an order of the Forum to appeal to the Electricity Ombudsman against the order of the Forum.

## 2. COMMISSION'S VIEW AND ORDER:

The Commission has considered the filing made by DHBVNL and orders as under:-

- (i) Regulation No. HERC/02/2004 with 1<sup>st</sup> amendment issued on 16.10.2006 has been framed in exercise of power conferred vide Section 181 read with sub section (5) & (7) of Section 42 of the Electricity Act, 2003. 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;
- (ii) The DHBVNL in its Review Petition has contended that if an amendment to the Act is required, the same may be made to the extent that equal opportunity is provided to both the parties i.e. consumer and the licensee, in case aggrieved by the order of the Forum, to appeal to the Electricity Ombudsman. The request of the licensee to the Commission to amend the Electricity Act, 2003 is absolutely unreasonable as it is not within the purview of the Commission to amend the Act passed by the Parliament of India.

In view of the above facts, the Commission rejects the prayer of the DHBVNL to provide opportunity to licensee to appeal to the Electricity Ombudsman, against the order of the Forum, in case aggrieved by the order of the Forum.

Place: Panchkula  
Date: 24.10.2006

(T.S. Tewatia)  
Member

(T.R. Dhaka)  
Member

(Bhaskar Chatterjee)  
Chairman

