

PUNJAB STATE ELECTRICITY REGULATORY COMMISSION
PLOT NO.3, MADHYA MARG, SECTOR 18-A, CHANDIGARH

ORDER

DATE: 24.08.2021

In the matter of

PSERC (FORUM & OMBUDSMAN) (2ND AMENDMENT) REGULATIONS, 2021

Sub-section 5 of Section 42 of the Electricity Act 2003 read with Rule 7 of the Electricity Rules, 2005, provides that every distribution licensee shall establish a Forum of Redressal of Grievances of the consumers in accordance with the guidelines specified by the State Commission. Accordingly, the Commission issued PSERC (Forum and Ombudsman) Regulations, 2005, which were replaced with PSERC (Forum and Ombudsman) Regulations, 2016 issued vide Notification dated 26.12.2016.

For speedy resolution of consumer grievances, the Commission under Regulations 4 & 5(2) of PSERC (Forum & Ombudsman) Regulations, 2005 notified Consumer Complaint Handling Procedure (CCHP) vide Notification No. PSERC/Secy./Regu.88 dated 4th October, 2013 laying down the guidelines and constituting various Dispute Settlement Committees (DSCs) at Divisional, Circle and Zonal levels for redressal of the consumers' complaints. Thereafter, CCHP was amended four times as per the needs of the licensee.

Government of India, vide Notification dated 31.12.2020, notified the Electricity (Rights of Consumers) Rules, 2020. Rule 15 provides for Grievance Redressal Mechanism. Section 181 of the Electricity Act, 2003 empowers the State Commissions to make Regulations consistent with the Act and the Rules prescribed to carry out the provisions of the Act. Keeping in view the provisions of Electricity (Rights of Consumers) Rules, 2020, the draft PSERC (Forum and Ombudsman) (2nd Amendment) Regulations, 2021 was prepared and the same was put up along with Explanatory Memorandum for soliciting comments/objections of the stakeholders by 02.08.2021. It was also decided to hold public meeting on 04.08.2021.

In this regard, 4 Nos. objections/comments/suggestions have been received. The Public Hearing was held on 04.08.2021 wherein PSPCL made oral

submissions also. The gist of the comments/objections/suggestions received from various stakeholders on the draft Regulations, the analysis and decisions of the Commission on these comments/objections/suggestions along with reasons for the same are as under:-

1. Regulation 1.5 (Definitions)

Though PSPCL has not conveyed any objection to the definition of “Prosumer” yet has suggested to bring it exactly in line with the definition given in Rule 2(1)(m) of the Electricity (Rights of Consumers) Rules, 2020.

Analysis and Decision

The Commission accepts the suggestion of PSPCL and accordingly, the definition of Prosumer has been reworded and inserted as Clause (o) of Regulation 1.5 as under:-

"Prosumer" means a person who consumes electricity from the grid and can also inject electricity into the grid for distribution licensee, using same point of supply.

2. Clause (i) of Regulation 2.4 (Corporate Forum)

The proposed amendment has provided that the Chairperson of the Corporate Forum shall be a serving engineer of Electrical cadre of the distribution licensee not below the rank of a Chief Engineer with experience in distribution of electricity. The CGRF, Ludhiana and CGRF, Patiala have proposed that Chairperson of the Corporate Forum shall be a serving engineer of the distribution licensee not below the rank of a Chief Engineer with experience in distribution of electricity since there is a common cadre of electrical and mechanical engineers in PSPCL and both may have experience in distribution of electricity.

Analysis and Decision

The Commission is of the view that “Electrical cadre” includes electrical, mechanical, electronics & communication engineers, and such officers with experience in distribution of electricity remain eligible for the post of the Chairperson of the Corporate Forum. Accordingly, no change in the Regulation has been made.

3. Insertion of new clause (iii) to Regulation 2.4 (Corporate Forum)

The Commission observed that the Corporate Forum must have a representation from the Commercial wing of the licensee since most of the monetary disputes require expertise in commercial matters. Accordingly, the Commission decides to insert Clause (iii) in Regulation 2.4 as under:

“One serving officer from the Commercial wing of the distribution licensee, not below the rank of Dy.CE/SE, shall be nominated by the licensee as permanent invitee and shall perform duties assigned to the Member under these Regulations”

The Clause (iii) in the proposed Regulation 2.4 has been renumbered as (iv) and so on for subsequent clauses.

4. Clause (iii) of Regulation 2.4 (Corporate Forum)

CGRF, Ludhiana, CGRF, Patiala and PSPCL have suggested that for the post of Chairperson and Member of Corporate Forum, the distribution licensee should submit to the Commission a panel of 3 serving officers for each post of Chairperson/Member with proven record of integrity who have at least 1 year service left before superannuation, instead of existing requirement of at least 2 years service left before superannuation.

Analysis and Decision

The Commission is of the view that since the minimum tenure of Chairperson/Members of the Corporate forum has been proposed to be of 2 years, so the officers must have at least 2 years of service left before superannuation. One year tenure is very short for an officer to contribute to the assigned job. Accordingly, no change in the Regulation has been made. .

5. Clause (vi) of Regulation 2.4 (Corporate Forum)

- (i) CGRF, Ludhiana & CGRF, Patiala have suggested that the minimum tenure of the Chairperson and Member of the Corporate Forum may be reduced from 2 years to 1 year and that the tenure may be extended by the licensee with the approval of the Commission for a further period of 1/2 years.

- (ii) PSPCL has also suggested the aforementioned reduction of tenure from 2 years to 1 year.

Analysis and Decision

The issue has been discussed at Para (4) above. Accordingly, no change in Regulation has been made.

6. Clause (ix) of Regulation 2.4 (Corporate Forum)

It has been specified that the licensee shall appoint/designate one of its officers, not lower than the rank of Group-A officer, as full time Secretary to the Corporate Forum. PSPCL has suggested that officers of licensee not lower than the rank of Addl. SE/ Sr.Xen should be appointed as full time Secretary to the Corporate Forum.

Analysis and decision

Although the licensee is free to nominate any officer of Group A as Secretary to the Corporate Forum but since the licensee has suggested to specify the rank of the officer, therefore, the Commission accepts the suggestion of PSPCL.

7. Clause (xii) of Regulation 2.4 (Corporate Forum)

PSPCL has suggested to make a provision that normally the Chairperson of the Forum shall call the meetings for the hearing of dispute cases.

Analysis and decision

The Commission is of the view that the proposed Clause (xvi) provides that the Chairperson of the Corporate Forum shall exercise general powers of superintendence and administrative control, so it is not required to insert the provision as suggested by PSPCL. Accordingly, no change in Regulation has been made.

8. Regulation 2.5 - Zonal Consumer Grievances Redressal Forum (Zonal Forum)

PSPCL has suggested that the already existing Zonal Dispute Settlement Committees (ZDSC) should be re-established/re-named as Zonal Forums and has further proposed as under:-

- a) The officers of PSPCL as members of the Zonal forums may be appointed in line with the existing members of ZDSC. i.e. one serving officer from Accounts & Finance cadre not below the rank of CAO/FA or of equivalent rank may be nominated as member instead of the proposed one serving officer from Accounts & Finance cadre not below the rank of Dy.CAO/Dy.FA or of equivalent rank.
- b) Further, one officer of Commercial wing not below the rank of Dy.CE/SE may be nominated as member instead of the proposed one serving officer of the Billing wing not below the rank of Addl. SE/Sr. Xen.
- c) As per directions of the Chief Minister, Punjab to the CMD, PSPCL imparted in June, 2021, 3 persons may be notified as Special Invitees in each ZDSC. However, the provisions of ZDSC will be repealed once these proposed amendments are notified by Commission. Since, Rule 15 of Electricity (Rights of Consumers) Rules, 2020 has a provision that the forums shall consist of officers of the licensee and have not more than four members as consumer and prosumer representatives, therefore, it is proposed that 3 persons may be notified as Special Invitees in Zonal Forum as consumer and prosumer representatives.
- d) Since existing clause 4.3 of Consumers Complaint Handling Procedure (CCHP) has a provision that the distribution licensee may appoint a Presenting Officer for each Dispute Settlement Committee, therefore, concerned Dy.CE/ SE(DS) may be appointed as Presenting Officer for Zonal forum.

Analysis and decision

- (a) & (b) It has been provided that one serving officer from Accounts & Finance cadre not below the rank of Dy.CAO/Dy.FA or of equivalent rank shall be nominated by the licensee as Member. Thus PSPCL can as well nominate an officer of the rank of CAO/FA, if it so intends. It only provides greater flexibility to the licensee to post the officers for these assignments. However keeping in view the comments of the distribution licensee, the clause (ii) & (iii) of Regulation 2.5 have been amended.

(c) As per the suggestion of PSPCL, the Commission agrees to include upto three representatives of the consumers and prosumers as Special Invitees to the Zonal Forum to be nominated by the licensee and clause (v) has been accordingly amended.

(d) Regarding the comments of PSPCL in respect of appointing a Dy.CE/SE(DS) as Presenting Officer, the Commission underlines that the proposed clause is in line with the existing provisions and the Chairperson is authorized to nominate one officer as Nodal Officer and as such it is not required to specifically designate any such officer in the Regulations. Accordingly, no change in this regard in Regulation has been made.

9. Regulation 2.6 - Circle Consumer Grievances Redressal Forum (Circle Forum)

- (i) PSPCL has suggested that the already existing Circle Dispute Settlement Committees (CDSC) may be re-established/re-named as Circle Forums and has further proposed as under:-
 - a) The officers of PSPCL as members of the Circle forum may be appointed in line with the existing members of CDSC i.e. one serving officer from Accounts & Finance cadre not below the rank of Dy.CAO/ Dy.FA or of equivalent rank may be nominated as member instead of the proposed one serving officer from Accounts & Finance cadre not below the rank of Sr. Accounts Officer/ Accounts officer or of equivalent rank.
 - b) As per directions of the Chief Minister, Punjab to the CMD, PSPCL imparted in June, 2021, 3 persons may be notified as Special Invitees in each CDSC. However, the provisions of CDSC will be repealed once these proposed amendments are notified by Commission. Since Rule 15 of Electricity (Rights of Consumers) Rules, 2020 has a provision that the forums shall consist of officers of the licensee and have not more than four members as consumer and prosumer representatives, therefore, 3 persons may be notified as Special Invitees in Circle Forum as consumer and prosumer representatives.
 - c) Since existing Clause 4.3 of CCHP has a provision that the distribution licensee may appoint a Presenting Officer for each Dispute Settlement

Committee, therefore, it is proposed that concerned Addl.SE/ Sr.Xen(DS) may be appointed as Presenting Officer for Circle forum.

- (ii) The Lokpal (Ombudsman) has suggested a minor drafting change as per the context i.e. to substitute the word “keeping” with “keep” in clause (vii).

Analysis and decision

- (i)(a) It has been provided that one serving officer from Accounts & Finance cadre not below the rank of Sr. Accounts Officer/ Accounts officer or of equivalent rank shall be nominated by the licensee as Member. Thus PSPCL can nominate an officer of the rank of Dy.CAO/Dy.FA, if it so intends. It only provides greater flexibility to the licensee to post the officers for these assignments. However keeping in view the comments of the distribution licensee, the clause (ii) of Regulation 2.6 have been amended. .
- (b) As per the suggestion of PSPCL, the Commission agrees to include upto three representatives of the consumers and prosumers as Special Invitees to the Circle Forum to be nominated by the licensee and clause (v) has been amended.
- (c) Regarding the comments of PSPCL in respect of appointing a Presenting Officer, the Commission underlines that as per Regulations, the Chairperson of Circle Forum shall nominate one officer as Nodal Officer and as such it is not required to specifically designate any such officer in the Regulations. Accordingly, no change in this regard in Regulation has been made.
- (ii) The suggestion of the Lokpal (Ombudsman) is accepted and accordingly Clause (vii) of Regulation 2.6 has been reworded.

10. Regulation 2.7 - Divisional Consumer Grievances Redressal Forum (Divisional Forum)

- (i) PSPCL has suggested that the already existing Divisional Dispute Settlement Committees (DDSC) may be re-established/re-named as Divisional Forums and has further proposed as under:-
 - a. The officers of PSPCL as members of the Divisional forum may be appointed in line with the existing members of the DDSC. i.e. one serving officer of the

rank not below the rank of AEE/AE to be designated by Dy. CE/SE(DS) circle from within the circle.

- b) Since existing clause 4.3 of CCHP has a provision that the distribution licensee may appoint a Presenting Officer for each Dispute Settlement Committee, therefore, it is proposed that concerned AEE/AE (DS) may be appointed as Presenting Officer for Divisional forum.
- (ii) The Lokpal (Ombudsman) has suggested minor drafting changes as per the context i.e. to substitute the word “Circle” with “Divisional” in Clause (vi) and “keeping” with “keep” in Clause (vii).

Analysis and Decision

- (i)(a) It has been provided that one serving officer not below the rank of XEN/AEE/AE dealing with commercial matters, shall be nominated as member by Dy. CE/SE(DS) circle from within the circle. It is in line with the existing provisions of CCHP except that officer dealing with commercial matters has been specified since the distribution set up has been remodelled on functional lines by PSPCL. However there may be some offices where officer dealing with only commercial matters is not available so the Commission decides to insert the word ‘preferably’ before the words “dealing with commercial matters”. Further, in the spirit of the suggestion of PSPCL for Zonal and Circle Forum, the Commission has decided to include one representative of the consumers and prosumers as Special Invitee to the Divisional Forum to be nominated by the licensee and clause (v) has been amended.
- (b) Regarding the comments of PSPCL in respect of appointing a Presenting Officer, the Commission underlines that as per Regulations, the Chairperson of Divisional Forum shall nominate one officer as Nodal Officer and as such it is not required to specifically designate any such officer in the Regulations. Accordingly, no change in this regard in Regulation has been made.
- (ii) The suggestion of the Lokpal (Ombudsman) is accepted and accordingly Clause (vi) and (vii) have been reworded.

11. Regulation 2.8 - Non-monetary Complaints and Claim for compensation:

- (i) The first Proviso to Regulation 2.8 provides that the aggrieved consumer(s) may submit the claim for compensation to the Nodal Officer of the Divisional or Circle Forum, as the case may be, within one month from the date of cause of action. The Ombudsman has suggested to substitute the word “consumer(s)” with “consumer”.
- (ii) PSPCL has proposed that the 2 months time period to approach the Corporate Forum in case an aggrieved consumer is not satisfied with the resolution of his/her grievance and/or award of compensation by the Divisional or Circle Forum as provided in second proviso to this proposed Regulation, may be increased to 3 months.

Analysis and decision

- (i) Regarding the suggestion of the Ombudsman, the Commission is of the view that in some cases the number of aggrieved consumers affected by deficiency in service may be more than one, thus change in the Regulation is not required.
- (ii) Regarding the suggestion of PSPCL, the Commission is of the view that the time period of 2 months is for the consumer and no objection in this regard has been received from consumers. Further, this provision is as per existing Regulations and as such, there is no justification to increase this period.

12. Regulation 2.9 - Monetary Complaints

PSPCL has suggested that the complaints relating to monetary disputes arising due to application of wrong multiplying factor may also be included in this proposed Regulation.

Analysis and Decision

All the monetary disputes except those mentioned in this Regulations falls in the competency of the Forum. However to further make the provision self explanatory, the Commission decides to substitute the words “arising due to” with the words “including but not limited to” after the words “ involving monetary dispute in the first sentence of this Regulation.

13. Regulation 2.9.1 - Corporate Forum

- (i) PSPCL has commented that for speedy redressal of grievances of consumers at local level & to avoid inconvenience to consumers, monetary limit of Rs. Five lakh (Rs.5,00,000/-) in each case may be increased to Rs. Ten lakh (Rs.10,00,000/-) in each case. PSPCL has further proposed that the time period of 2 months to make the representation before Corporate Forum from the date of receipt of the orders of respective Zonal/Circle/ Divisional Forum may be increased to 3 months.
- (ii) CGRF Ludhiana/Patiala have suggested that Corporate Forum should also have the powers to forward the complaint/petition to appropriate forum (Zone, Circle, Division) falling under their jurisdiction according to monetary value.

Analysis and Decision

- (i) Regarding the comments of PSPCL in respect of increasing the monetary limit, the Commission is of the view that the monetary limits were revised recently i.e. in August 2018 as per the recommendations of PSPCL. Accordingly, the Commission decides to retain the same. Further, PSPCL's proposal to enhance the time limit to 3 months is also not accepted as discussed in Para (11) above.
- (ii) Regarding the suggestion of CGRF Ludhiana/Patiala, the Commission is of the view that the jurisdiction of each Forum has been defined, so the Corporate Forum can refuse or advise the complainant to approach Appropriate Forum for redressal of grievance. Thus the suggestion is not accepted.

14. Regulation 2.9.2 - Zonal/Circle/Divisional Forum

PSPCL has suggested that for speedy redressal of grievances of consumers at local level & to avoid inconvenience to consumers, following monetary limits for each forum may be considered:

(i) Zonal Forum:

Exceeding Rs. Five lakh (Rs.5,00,000/-) and upto Rs. Ten lakh (Rs.10,00,000/-) in each case.

(ii) Circle Forum

Exceeding Rs. Two lakh (Rs.2,00,000/-) and upto Rs. Five lakh (Rs.5,00,000/-) in each case.

(iii) Divisional Forum

Upto Rs. Two lakh (Rs.2,00,000/-) in each case.

Analysis and Decision

The Commission is of the view that the monetary limits were revised recently i.e. in August 2018 as per the recommendations of PSPCL. Accordingly, the Commission decides to retain the same. Thus PSPCL's suggestion has not been accepted.

15. Regulation 2.15

PSPCL has proposed that all the decisions of the Corporate Forum should be taken normally by consensus. Further, serving members being well conversant of technical and commercial aspects, decision taken by them in agreement should prevail and in case of any difference between serving members, decisions should be taken on the basis of majority of the members present and voting. In case of equality of votes on any issue, the Chairperson shall, in addition, have a casting vote.

Analysis and Decision

In view of changes approved in the composition of Fora, as discussed above, Regulation 2.15 has been amended as under:

“The quorum for Corporate Forum shall be three members out of which at least two shall be officers of the distribution licensee. The quorum for Zonal/Circle/Divisional Forum shall be two officers of the distribution licensee. All the decisions shall be taken on the basis of majority of the members present and voting. In case of equality of votes on any issue, the Chairperson shall, in addition, have a casting vote.

Provided that the special invitees nominated by the distribution licensee in Zonal/Circle/Divisional Forum shall not have voting rights but in case of dissent their views shall be duly recorded in the proceedings”

16. Regulation 2.19

- (i) PSPCL has proposed that in case a complainant approaches the Corporate Forum against the decision of the Zonal or Circle or Divisional Forum and he had already deposited the amount as mentioned in this proposed Regulation, additional 30% of the disputed amount should also be required to be deposited by the complainant.
- (ii) The Lokpal (Ombudsman) has suggested a minor rewording in the heading of Clause (ii) as per the context i.e. to substitute “(a)” with “(i)”.

Analysis and Decision

- (i) The Commission is of the view that the additional 30% deposit proposed by PSPCL would be burdensome for the consumers. Even as per the existing provisions of CCHP/Regulations also, the consumer needs not to deposit additional amount in case of appeal against Dispute Settlement Committee with the CGRF. Accordingly, the proposal of PSPCL has not been accepted.
- (ii) The suggestion of the Lokpal (Ombudsman) regarding rewording is accepted and rewording has accordingly been carried out.

17. Regulation 2.25

The Lokpal (Ombudsman) has suggested a minor rewording in Clause (c) as per the context i.e. to substitute “as the” with “as per”.

Analysis and Decision

The suggestion of the Lokpal (Ombudsman) regarding rewording is accepted and rewording has accordingly been carried out.

18. Regulation 2.31

PSPCL has commented that existing Regulations allow 90 days to Dispute Settlement Committees for disposal of grievance. Thus 90 days may be allowed to all forums for disposal of the grievance.

Analysis and Decision

The Rule 15(2) of the Electricity (Rights of Consumers) Rules, 2021 provides that normally a grievance shall be decided within 30 days and in any case not exceeding 45 days. Even the existing Regulations allow 45 days to the CGRF

for disposal of grievance. Thus the suggestion of PSPCL has not been accepted.

19. Regulation 2.39

- (i) PSPCL has proposed that every order made by the Forum shall be a speaking order normally by consensus and further, serving members being well conversant of technical and commercial aspects, decision taken by them in agreement shall prevail. In case of any difference between serving members, decisions shall be taken on the basis of majority of the members present and voting. In case of equality of votes on any issue, the Chairperson shall, in addition, have a casting vote.
- (ii) PSPCL has further suggested that the complainant may be allowed 3 months, instead of the proposed 2 months to approach the Corporate Forum in case he/she is not satisfied with the order of the Zonal/Circle/Divisional Forum.

Analysis and decision

- (i) The matter has been discussed in para 15 above.
- (ii) The matter has been discussed in para 11 above.

20. Regulation 3.20

PSPCL has commented that collection & compilation of information sought by the Ombudsman takes some time and there is a shortage of field staff also. PSPCL has accordingly requested to retain the presently allowed period of 15 days, instead of the proposed 10 days, to furnish information sought by the Ombudsman.

Analysis and Decision

The Commission is of the view that the time given to licensee to respond has to be curtailed as the period of disposal of grievance by Ombudsman is proposed to be reduced from 60 to 45 days, which has been agreed to by PSPCL. The period is in line with existing Regulation 2.37 wherein CGRF allows 10 days for PSPCL to respond.

Further Suggestions by the Ombudsman

21. Regulation 3.5

Regulation 3.5 specifies that Ombudsman shall also be entitled to office facilities as admissible to Grade-1 officers of State Government. The Ombudsman has suggested that “Grade-1” may be substituted with “Group-A”.

Analysis and Decision

The issue has already been discussed while processing 1st amendment to PSERC (Forum & Ombudsman) Regulations. The Commission is of the view that since the allowances of the officers are in terms of Grade Pay, so amendment in Regulation 3.5 is not required.

22. Regulation 3.23

The third Proviso to Regulation 3.23 specifies that where any injunction has been granted by the Ombudsman without notice to the opposite party, the Forum shall make efforts to finally dispose of the application within 30 days from the date on which the injunction was granted. The Ombudsman has suggested to substitute word “Forum” with “Ombudsman”

Analysis and decision

Keeping the context in view, the suggestion of the Ombudsman is accepted. The third Proviso to Regulation 3.23 has accordingly been reworded.

23. Regulation 3.29

The existing Regulation 3.29 specifies that for the purpose of carrying out his duties, Ombudsman shall have the same powers to call records or information as are available to the Forum under Regulation 2.37. Since aforementioned Regulation 2.37 stands replaced, the Ombudsman has suggested to remove its reference from Regulation 3.29.

Analysis and decision

Since the powers of the Forum to call for information are now specified in Regulation 2.30, the Commission decides to reword Regulation 3.29 as under:

For the purpose of carrying out his duties, Ombudsman shall have the same powers to call records or information as are available to the Forum under Regulation 2.30.

No comments/objections/suggestions in respect of other Regulations have been received. Accordingly, the Commission approves the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) (2nd Amendment Regulations, 2021 with modifications as discussed above and with some drafting changes necessitated due to amendments in the Regulations.

(Paramjeet Singh)

Member

(Anjuli Chandra)

Member

(Viswajeet Khanna)

Chairperson

Chandigarh

Dated: