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RANCHI, MONDAY 29TH AUGUST, 2022

**JHARKHAND STATE ELECTRICITY REGULATORY
COMMISSION**

NOTIFICATION

26 August, 2022

No.88 —In exercise of the powers vested in the Commission under the provisions of subsection (5), (6) & (7) of Section 42 read with clause (r) and (s) of sub-section (2) of Section 181 of the Electricity Act, 2003 (36 of 2003) (the Act), and in pursuance of the provisions of Electricity Rules, 2005 as amended, the Jharkhand State Electricity Regulatory Commission had notified the regulations namely Jharkhand State Electricity Regulatory Commission (Guidelines for establishment of forum for redressal of Grievances of the Consumers Electricity Ombudsman and Consumer Advocacy) Regulations 2020 on 12th January 2021.

On Examination, the Commission feels that there are some ambiguities in the Regulation which requires amendments/clarifications in the Regulation. Hence, the Commission is of the view that the relevant regulations be amended/clarified as and where required such as in respect of the essential requirement for the post of Electricity Ombudsman and in the essential requirement/conditions for the post of Second Member in the Consumer Grievance Redressal Forum etc. Hence, in exercise of the powers vested under sub-section 6 of Section 42 of the Electricity Act, 2003 Commission feels it is appropriate to relax the regulatory process for repealing clauses 4.1 (b), 9(1), 11.4, 11.7, 16 (2) and 16(6) of principal regulation. Hence, the Commission hereby amends Jharkhand State Electricity Regulatory Commission (Guidelines for establishment of forum for redressal of Grievances of the Consumers Electricity Ombudsman and Consumer Advocacy) Regulations 2020, namely :

Jharkhand State Electricity Regulatory Commission (Guidelines for establishment of forum for redressal of Grievances of the Consumers Electricity Ombudsman and Consumer Advocacy)(First amendment), Regulations, 2022.

CHAPTER-I

Short Title and Commencement

(1) These regulations shall be called the Jharkhand State Electricity Regulatory Commission (Guidelines for establishment of forum for redressal of Grievances of the Consumers Electricity Ombudsman and Consumer Advocacy) (First amendment), Regulations, 2022.

(2) These regulations shall be applicable to all distribution licensees in Jharkhand in their respective licensed areas.

(3) These shall come into force from the date of their publication in Jharkhand Rajpatra.

Definition

(4) In These regulations, unless context otherwise requires:

“Principal Regulations” means the Jharkhand State Electricity Regulatory Commission (Guidelines for establishment of forum for redressal of Grievances of the Consumers Electricity Ombudsman and Consumer Advocacy) Regulations 2020.

CHAPTER II
Amendment

(5) Delete clause 4.1 (b) principal regulations and insert following:

Second Member- One Member shall be possessing degree in Electrical Engineering/ Electrical & Instrumentation/ Electrical & Electronics and having at least 20 (Twenty) years of experience in the Transmission, Distribution and Trading of electricity and who is and has been at least Superintending Engineer/DGM or at an equivalent post in an Organization engaged in the business of Transmission, Distribution and Trading of electricity **OR** shall be at least a CA/ICWA or MBA Finance from a recognized University with twenty (20) years of experience and knowledge of Accounts and Finance in Government Department / Commercial Public Undertaking including power sector in the grade not below the rank of DGM (F & A) of the State Govt. or equivalent post. The Licensee may appoint Second Member amongst its serving officer in grade not below the rank of D.G.M. (Technical/Finance) or equivalent having experience of 20 years after relinquishing the present employment. The second Member shall not hold any other office of profit during his tenure.

(6) under 9 (1) Explanation **clause 10(1)** will be read as **clause 9(1)**.

(7) Delete clause 11.4 principal regulations and insert following :

The Forum may also direct the Licensee to undertake an inspection or engage a third party to undertake such inspection with regard to the Grievance, as may be required for expeditious redressal of the grievance. The Forum can also engage a third party (other than the licensee) at the instance and on request of the Complainant, to undertake inspection and obtain an independent report. The Forum shall record the reasons for the need for such third-party inspection, which should generally be resorted to rarely and keeping in view the special circumstances of a case. The expenses of such third-party inspection, except expenses of inspection at the request of the Complainant, shall be borne by the licensee, and to the extent reasonable and justifiable, such expenses shall be allowed as pass through expense in the determination of tariff in accordance with the relevant Regulations of the Commission. In case inspection is taken up at the request of the Complainant, the expenses shall be deposited in advance by the complainant, which may or may not be refunded by the Forum depending on whether the grievance is found to be of substance or not.

(8) Delete clause 11. 7 principal regulations and insert following :

A Complainant, distribution licensee or any other person who is a party to any proceedings before the Forum may either appear in person or authorize any person **who may be** an Advocate (within the meaning of the Advocates Act, 1961) to present his/ her case before the Forum and to do all or any of the acts for the purpose.

(9) Delete clause 16 (2) principal regulations and insert following:

The Commission shall invite applications through public advertisement for the appointment of the Ombudsman. The Ombudsman shall be a person of experience, ability, integrity and standing to be selected by the Commission from amongst, a working/retired Principal District Judge or District Judge who held a judicial office for not less than 25 years or a person who held a post of Secretary in the State Government for not less than 25 years of experience or a working/retired **Chief Engineer** or equivalent of an Electricity sector utility having experience of not less than 25 years.

(10) Delete clause 16 (6) principal regulations and insert following :

The Electricity Ombudsman shall be provided with a Secretariat and office. The cost of the Secretariat/Office will be borne by the Commission. In the Secretariat of the Ombudsman, a technical officer to the rank of **Assistant Engineer** from Electrical Engineering side may be taken on deputation from State Government/Central Government/ Government Utilities/ Public Utilities.

By Order of the Commission,

R.P.Nayak,
Secretary
