

**Report on Compliance of the Directions given by the**  
**Appellate Tribunal for Electricity in order dated 29th May,**  
**2009 in Review Petition No. 5 of 2009 in**  
**Appeal No. 181 of 2008**

As directed by APTEL, the level of implementation of the provisions of the Electricity Act as contained in Sections 42(5) to (7), 50, 57 & 59 of the Electricity Act, 2003 has been ascertained by compiling the information received from the SERCs.

There are 28 States and 7 Union Territories (UTs) in India. As far as Electricity Act, 2003 is concerned, this Act does not apply to the State of J& K. Out of the remaining 27 States and 7 UTs, SERCs are functional in 24 States and 7 UTs including 2 Joint Electricity Regulatory Commissions (JERC), one JERC for Manipur & Mizoram & the other for the Union Territories & the State of Goa except Delhi. SERC is not functional in Sikkim, Nagaland and Arunachal Pradesh. FOR Secretariat has so far received the information from twenty two (22) SERCs which has been compiled and analysed. Information from the two JERCs has not been received; however these two JERCs have been recently constituted. It emerges that the directions by the APTEL with respect to the Sections 42(5) to (7), 50 & 57 of the Electricity Act, 2003 have been complied with in most of the States.

• **Compliance related to Section 42(5)**

**Direction:** Constitute, appoint and make functional the Consumer Grievance Redressal Forum (CGRF) for each distribution licensee under the regulatory supervision of the respective State Commission/Joint Commission. In case the CGRF has already been constituted but vacancy has arisen, fill up the vacancy in the CGRF.

**Status:** The Commissions in 22 States have specified the necessary regulations for the establishment of Consumer Grievance Redressal Forums (CGRFs). CGRFs for the distribution licensees under the regulatory supervision of the Commissions have been constituted and are functional in 21 States. Tripura is the only State out of the twenty two States which have been covered in this report, where the formation of CGRF is still under process. However, the licensee in that State has created a mechanism where complaints from the consumers are being

received and attended from time to time. Though the vacancies in the CGRFs in the 21 States are being filled up but it is not very clear from the information obtained if there are any current vacancies in CGRFs.

**Compliance related to Section 42(6)**

**Direction: Constitute, appoint and make functional the Ombudsman for the State.**

**Status:** Regulations/guidelines for establishment of Ombudsman have been issued by all the 22 SERCs. Office of the Ombudsman has been constituted in 22 States but has been appointed/designated and is functional in 21 States (except Assam). In Assam the post of Ombudsman is presently vacant and is likely to be filled up soon; however, there was no case pending before the Ombudsman at the time of vacancy. In Tripura, appointment of full time Ombudsman is under process. However, the Secretary of SERC has been designated as Ombudsman which is still allowed to continue.

• **Compliance related to Section 42(7)**

**Direction: Specify and publicise guidelines governing the functioning of the CGRF and of the Ombudsman as also the grievance redressal mechanism of the consumers of electricity within the State.**

**Status:** The guidelines governing the functioning of CGRFs and of the Ombudsman have been specified by all the 22 SERCs. These regulations provide the procedure for setting up the Forum for redressal of grievances of the Consumers, for the appointment of Ombudsman by the Commission, for the representation to Ombudsman against non redressal of grievances and the time and manner of settlement of grievances by Ombudsman and for matters incidental and ancillary thereto.

FOR Secretariat has requested the SERCs to furnish complete information about publicizing the guidelines, particularly if they have publicised these guidelines by other methods apart from the Gazette.

- **Compliance related to Section 50**

**Direction: Specifying of Electricity Supply Code**

**Status:** As per the information available with FOR Secretariat, 18 State Commissions have specified the Electricity Supply Codes in accordance with Section 50 of the Electricity Act, 2003.

- **Compliance related to Section 57**

**Direction: Notify and publicize appropriate standards of performance applicable to distribution licensees functioning under the regulatory supervision of the State Commission/Joint Commission.**

**Status:** The Regulations on Standards of Performance (SOP) applicable to the distribution licensees have been notified by all the 22 State Commissions and it appears from the information provided to FOR Secretariat that these have been notified in the State Gazette. As far as publicity is concerned, FOR Secretariat is only considering publicity other than the Gazette like printing at the back of bills, electronic media, workshops, display at circle offices etc. For eg. in Uttarakhand, to publicise the Standards of Performance Regulations, the Commission has provided the printed flex boards of about 5'X3' size to the licensee, containing salient features/key information for display at all the Circle, Division and Sub-Division offices of the Licensee in the State. In Haryana the distribution companies have been directed to make wide publicity of these regulations through print as well as electronic media, through Bijli Adalats, Bijli Melas, workshops and through all the possible modes of publicity.

FOR Secretariat has requested the SERCs to furnish complete information in this regard so that it can be incorporated for assessing the level of implementation.

All Licensees within the State of Kerala expect Kerala State Electricity Board have introduced the SOP within their jurisdiction from 1.11.2006. Kerala State Electricity Board, the licensee in the state has informed its willingness to introduce the same w.e.f. 1-4-2009 with request to freeze the penal conditions for one year from the date of implementation.



- **Compliance related to Section 59**

**Direction: Information with respect to level of performance**

**Status:** The information with respect to the level of performance achieved with respect to Standards specified under Section 57 of the Electricity Act, 2003 has not been provided explicitly by most of the SERCs. Only the SERCs of Delhi, Andhra Pradesh, Gujarat, Tamil Nadu, Rajasthan, Bihar & Chhattisgarh have clearly mentioned that they have been obtaining reports from the licensees and are also publicizing the information furnished by the licensees from time to time.

**Conclusion:**

The conclusion on the level of implementation with respect to the Sections 42(5) to (7), 50, & 57 of the Electricity Act, 2003 based on the information received from SERCs is that the above stated sections have been complied with to a large extent in almost all the States. The picture regarding the following is not clear from the reports sent by SERCs:

1. Publicity to setting up of CGRFs and Ombudsman and the related guidelines through modes other than Gazette.
2. Existing vacancy positions in CGRFs and Ombudsman.
3. The disposal of the grievances to indicate actual functioning of CGRFs & Ombudsman.
4. Receiving reports under Section 59 of the Act.

SERCs have been requested to send further information on the above. The two JERCs have also been requested to send the complete information including the information on the above issues.

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Sl. NO	State Electricity Regulatory Commissions	Consumer Grievance Redressal Forum - CGRF	Ombudsman	Guidelines for Functioning of Ombudsman & CGRF	Sec 50	Standard of Performance	Sec 59					
		Sec 42 (5)	Sec 42 (6)	Sec 42 (7)		Sec 57						
		Constituted	Functional	Vacancy	Appointed/ Designated	Guidelines- CGRF Specified	Guidelines- Ombudsman Specified	Publicised	Specify Electricity supply code	Notified	Publicised	Reporting of Information wrt levels of performance
1	Madhya Pradesh	V	V	X	V	V	NA	V	V	V	V	NA
2	Jharkhand	V	V	NA	V	V	NA	V	V	V	NA	NA
3	Uttarakhand	V	V	X	V	V	NA	V	V	V	V	NA
4	Chattisgarh	V	V	NA	V	V	NA	V	V	V	V	V
5	West Bengal	V	V	NA	V	V	NA	V	V	V	NA	NA
6	Kerala	V	V	X	V	V	NA	V	V	V	NA	NA
7	Haryana	V	V	NA	V	V	NA	V	NA	V	V	NA
8	Orissa	V	V	NA	V	V	NA	V	NA	V	NA	NA
9	Andhra Pradesh	V	V	NA	V	V	NA	V	V	V	V	V
10	Gujarat	V	V	NA	V	V	NA	V	V	V	NA	V
11	Tamil Nadu	V	V	NA	V	V	NA	V	V	V	V	V
12	Karnataka	V	V	NA	V	V	NA	V	V	V	NA	X
13	Bihar	V	V	NA	V	V	NA	V	V	V	V	V
14	Meghalaya	V	V	NA	V	V	NA	V	NA	V	NA	NA
15	Rajasthan	V	V	NA	V	V	NA	V	V	V	NA	V
16	Maharashtra	V	V	NA	V	V	NA	V	V	V	NA	NA
17	Assam	V	V	X	X*	V	NA	V	V	V	NA	NA
18	Punjab	V	V	X	V	V	NA	V	V	V	NA	NA
19	Tripura	X	X	V	V	V	NA	V	NA	V	NA	X
20	Uttar Pradesh	V	V	NA	V	V	NA	V	V	V	NA	NA
21	Delhi	V	V	NA	V	V	NA	V	V	V	NA	V
22	Himachal Pradesh	V	V	NA	V	V	NA	V	V	V	NA	NA
21		21	1	21	22	NA	22	NA	18	22	7	7

\* The post is vacant  
Information not  
available

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