

PUNJAB STATE ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

The 20th November, 2013

No. PSERC/Secy/Regu. 89 – In exercise of powers conferred under Section 181 of the Electricity Act, 2003 (36 of 2003) read with sub-section (5), (6) and (7) of Section 42 and all other powers enabling the Commission in this behalf, the Punjab State Electricity Regulatory Commission hereby makes the following Regulations to amend the “Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2005” namely ;

1. Short Title and Commencement:

- (1) These Regulations shall be called the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) (5th Amendment) Regulations, 2013.
- (2) These Regulations shall come into force on the date of their publication in the official gazette of the State.

2. Amendment to Regulation 4: Consumer’s right to approach

Regulation 4 shall be substituted as under:-

Any complainant aggrieved by non-redressal of his grievance by the licensee and/or under the Consumer Complaint Handling Procedure, as the case may be, may himself or through his authorized representative, approach the Forum in writing for the redressal of his grievance.

For expeditious redressal of the complaint, the complainant may approach the appropriate authority of the licensee prescribed under Consumer Complaint Handling Procedure (CCHP) approved by the Commission.

Provided that the Complainant shall have the right to approach the Forum directly in respect of matters falling under the jurisdiction of the Forum.

3. Amendment to Regulation 5: JURISDICTION

In Regulation 5, the sub-clause (2) shall be substituted as under:-

- (i) The Forum shall entertain only those complaints where the representation is made within 2 years from the date of cause of action in case the complainant approaches the

Forum directly or within 2 months from the date of receipt of the orders of respective Dispute Settlement Committee under CCHP or where complaint is not resolved by the licensee within the timeframe prescribed by the Commission.

Provided that the Forum may, for reasons to be recorded in writing, entertain a complaint which does not meet the aforesaid requirements.

(ii) In case a complainant approaches the Forum directly for redressal of his monetary dispute under Reg. 4 above, the consumer shall be required to deposit following amount (inclusive of amount already deposited on this account), with the Licensee, in cash or cheque (subject to realization) or through demand draft payable at the headquarters of the concerned sub-division, pending disposal of any dispute between the complainant and the Licensee and attach a copy of the receipt with the complaint:

a) Disputed current electricity bill amount (covered under Reg.35 of Supply Code): payment as per Regulation 35.1 of Supply Code Regulations, as amended from time to time.

b) Cases Other than that covered under (a) above: 20% of the disputed amount other than the current bill amount.

Provided that in case the consumer is unable to make payment as specified above, the Chairperson of the forum shall be competent to fix the amount to be deposited before consideration of the grievance by the forum.

4. Amendment to Regulation 7: Grievance Handling Procedure

In Regulation 7, the sub-clauses (5) & (8) shall be substituted as under:-

(5) In addition to the record of the concerned Dispute Settlement Committee (if applicable), the Forum may call for further information or record from the Licensee or the complainant that it considers relevant for examination and disposal of the grievance and the parties will be under obligation to provide such information or record as the Forum may call for. The concerned party will send the same to the Forum within 10 days of receipt of its requisition. Where a party fails to provide such information, document or record within the stipulated time and the Forum is satisfied that the party in possession of the record is withholding it deliberately, it may draw an adverse inference.

(8) The Forum may, subject to the Electricity Supply Code and related matters Regulations made by the Commission in this regard, award such compensation to the complainants as it considers just and appropriate in the circumstances of the case.

Provided that the interest payable on recoverable/ refundable amount if any, by either party shall be as under:

- i) **Cases covered under 5 (2) (ii) (a) above** : as per Regulation 35.4 & 35.5 of Supply Code Regulations, as amended from time to time, as the case may be.
- ii) **Cases covered under 5 (2) (ii) (b) above:** *at SBI Base Rate prevalent on 1st of April of the relevant year plus 2%.*

By Order of the Commission

Sd/-

(P.P.GARG)

Secretary to the Commission