

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the matter of:

Non-compliance of Order dated 05.10.2012 of CGRF (Kumaon Zone) issued on the review petition No. 10/2012 of UPCL in the matter of Sh. Chaan Singh Jeena.

Coram

Shri J.M. Lal

Chairman

Shri C.S. Sharma

Member

Shri K.P. Singh

Member

Date of Order: June 14, 2013

A complaint dated 13.02.2013 was received from shri Chaan Singh Jeena S/o Shri N.S. Jeena, Village- Jalaliyagauja, P.O. Kotabag, Distt- Nainital stating that UPCL has not implemented the Order dated 05.10.2012 of Consumer Grievance Redressal Forum (Kumaon Zone) issued on Review Petition No. 10/2012 of UPCL filed against the Forum's Order dated 14.06.2013 with regard to the billing dispute with Shri Jeena.

2. The Commission took cognizance of the violation of Regulations 3(24) and 3(27) of UERC(Guidelines for Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievances of the Consumers) Regulations, 2007 and initiated a suo-moto proceeding against UPCL u/s 142 of the Electricity Act,

2003 and issued a show cause notice dated 23.04.2013 to Managing Director, UPCL to explain by 30.04.2013 as to why appropriate action be not taken against him and further directed him to appear before the Commission on the scheduled date of hearing i.e. on 14.05.2013 at 12:30 Hrs. Due to some unavoidable circumstances the scheduled hearing was postponed and the next date was fixed on 10.06.2013 at 12:00 Hrs. vide UERC letter No. 285 dated 23.05.2013 and accordingly, Managing Director , UPCL was informed to appear personally before the Commission vide UERC vide letter No. 285 dated 23.05.2013.

3. In response to the said notice, MD, UPCL submitted its reply under Affidavit vide letter No. 1035 dated 30.04.2013 stating that:

“as per the order dated 14-06-2012 of the learned forum, the electricity bills of Shri Jeena were revised on 21.03.2013 and the meter was replaced on 26.03.2013 by the division office (Annexure-D)”. Thus, the order of the learned forum are complied with.”

4. Meanwhile, Managing Director, UPCL vide its letter No. 1123 dated 10.05.2013 requested the Commission for exemption from personal appearance and under Regulation 9 of the UERC(Conduct of Business Regulations) Regulations, 2004 requested to be represented through an Advocate and authorized representative i.e. Chief Engineer (Commercial), UPCL.
5. The Commission rejected the request of Managing Director, UPCL for exemption from personal appearance and informed him vide its letter No. 353 dated 06.06.2013.
6. The hearing was held on the scheduled date i.e. on 10.06.2013 at 12:00 Hrs. Managing Director, UPCL alongwith Advocate and authorized representative appeared before the Commission. During the hearing proceedings, Advocate appeared on behalf of Managing Director , UPCL and reiterated the earlier written submission of MD, UPCL discussed in para 4 above and stated that the orders of CGRF in the matter has now been complied with by the licensee and accordingly the meter installed in the consumer premises has been replaced on

26.03.2013. He further accepted that the timelines stipulated in the regulation could not be followed due to various other constraints including the shortage of field staff. The Advocate on behalf of MD, UPCL also submitted that all the field officers have been directed for timely compliance of the Orders of the Forums.

7. The Commission observed that there has been unexplained delay in complying with the Orders of the Forum after the review request of the licensee was rejected by the Forum. The Commission directed the licensee to ensure timely compliance in future and cautioned the licensee that any non-compliance of the Forums' Orders shall be treated as willful non-compliance of the Regulations and action shall be initiated as per provisions of the Act for any violation of the Regulations.

8. In the light of above, the Commission hereby orders that:

Managing Director, UPCL shall review the compliances of all the cases, on which Forum has issued the orders and ensure the compliances pending at different levels in UPCL. The compliance report on the above shall be submitted to the Commission within 30 days of issuance of this Order.

(K.P. Singh)
Member

(C.S. Sharma)
Member

(Jag Mohan Lal)
Chairman