

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the matter of:

Non-compliance of the Commission's Order dated 10.01.2013 in the matter of violation of Standards of Performance Regulations and Licence Conditions by UPCL with regard to the complaint of Smt. Geeta Bisht.

Coram

Shri J.M. Lal	Chairman
Shri C.S. Sharma	Member
Shri K.P. Singh	Member

Date of Order: June 14, 2013

In the matter of violation of Standards of Performance Regulations and Licence Conditions by UPCL with regard to the complaint dated 16.07.2012 of Smt. Geeta Bisht, the Commission issued an Order dated 10.01.2013 directing UPCL to submit the compliance report of the stipulated directions before the Commission latest by 15.02.2013, stating that:

- “(i) MD, UPCL is required to explain as to why this gross violation of SoP Regulations is being done.*
- (ii) MD, UPCL is required to identify the officers/staff responsible for these violations and action taken against the persons responsible for the violations.*

- (iii) *MD, UPCL is required to submit a report on steps taken, at Head Quarter level, to stop these violations and submit a road map to achieve the 'service levels' specified to SoP Regulations.*
- (iv) *MD, UPCL is required to submit details of compensation paid by UPCL to different consumers against these violations."*
2. The Compliance report on the above directions was required to be submitted by 15.02.2013, however, instead of submitting the compliance report by the stipulated date, UPCL requested the Commission for time extension upto 31.03.2013 vide its letter No 396 dated 14.02.2013 for submission of the same. The Commission accepted the request and granted the time extension till 31.03.2013 vide Commission's letter No. 1582 dated 21.02.2013.
 3. Even after granting the time extension of nearly 1½ months on UPCL's request, the Commission did not receive any compliance report even after more than 3 months from the date of the Order. Therefore, the Commission decided to initiate suo-moto proceedings in the matter u/s 142 of the Electricity Act, 2003 and directed Managing Director, UPCL to show cause and explain as to why appropriate action be not taken against him for non-compliance of the Commission's Order vide notice dated 25.04.2013. The reply to this show cause notice was required to be submitted before the Commission latest by 06.05.2013. Thereafter, a hearing was fixed on 14.05.2013 at 11.30 Hrs. and Managing Director, UPCL was directed to appear before the Commission in the scheduled hearing.
 4. Due to unavoidable circumstances the scheduled date of hearing was postponed and the next date of hearing was fixed on 10.06.2013 at 12:30 Hrs. and accordingly, Managing Director , UPCL was informed to appear personally before the Commission vide UERC letter No. 286 dated 23.05.2013.
 5. Managing Director, UPCL submitted its reply vide letter No. 1054 date 01.05.2013 i.e. after a delay of 30 days, stating that since the Call Center was started in the month of November 2012 and since the field staff was not aware of the functioning of the Call Center, proper communication could not be

established between the field staff and the Call Center resulting in incorrect recording of fault rectification time which also included the time of communication between Call Center and field officers/staff. In the earlier report submitted before the Commission which was for the month of November, 2012 i.e. the very first month of starting up of the system, while the breakdown/fault/complaints were attended/rectified/disposed within the , standards laid down in SoP Regulations.

6. With regard to the voltage fluctuation, UPCL has submitted that the service level mentioned in the earlier report was flawed and have been corrected in accordance with the SoP Regulations. A list of service level parameters has been submitted by UPCL alongwith its submission. UPCL has also enclosed an Escalation Matrix showing the flow of information on non-redressal of the complaint from lower level to higher level. Besides this, UPCL has also submitted a copy of procedure being adopted by the person receiving the complaints at Call Center.
7. Further, UPCL submitted the reply of the Show Cause Notice dated 25.04.2013 vide its letter No. 1090 dated 06.05.2013 stating that the reasons for delay in submission was due to delay in receipt of information from the Zonal Offices and violation of the direction of the Commission was not willful. Besides this, Managing Director, reiterated the submission of Chief Engineers (Distribution) and prayed that the Order 10.01.2013 be reviewed and modified and it be held that the licensee has not violated the SoP Regulations.
8. From the submission of UPCL, it has been observed that Managing Director, UPCL has simply reiterated the reply of Chief Engineers and has not submitted any report on steps taken at Headquarter level to stop these violations and also not submitted road map to achieve the service levels specified in the SoP Regulations as directed in para 20 (iii) of the Commission's Order dated 10.01.2013.
9. Meanwhile, during the proceedings Managing Director, UPCL vide its letter No. 1124 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 which was rejected by the Commission vide its letter No. 352 dated 06.06.2013.

10. The hearing was held in the proceedings on the scheduled date i.e. on 10.06.2013 at 12:30 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 written submission of UPCL as stated in para 5, 6 and 7 above. Advocate on behalf of Managing Director further requested the Commission that the licensee may be forgiven.
11. During the hearing , the Commission expressed its concern on the issue that during their visit to various divisions in the State, it has been observed that in most of the places, the proper complaint registration mechanism is absent and the reported complaints generally being recorded without giving reference/complaint number, date, time etc. The Commission is of the view that without proper complaint handling procedure including proper logging of complaints, effective redressal of complaints in accordance with the standards of service laid down in SoP Regulations is not possible. **UPCL is hereby directed to look into the matter holistically and improve the system accordingly so as to ensure meticulous compliance of SoP Regulations. The Commission may consider getting this verified through an independent agency.**
12. Managing Director, UPCL submitted that at present, UPCL is working on the staff structure sanctioned in the year 2002 while since 2002 lots of working personnel have been retired and expansion in distribution system has become manifold, therefore, in such limitations/constraints, they are giving their best output which should be appreciated. Managing Director, UPCL also submitted that as per present requirement of staff, it has submitted a proposal to GoU for approval and the same is awaited.

On the above submission of MD, UPCL, the Commission is of the view that the licensee should atleast ensure recruitments against the vacancies created on account of retirements which will ease the situation. The Commission in the recent MYT Order has already allowed additional recruitments.

13. In the light of above the Commission hereby orders that:

- a) **The licensee shall prepare a mechanism for submission of the replies/information/reports/compliance reports within the stipulated time and depute an officer, not below the rank of Chief Engineer, who shall be responsible for timely submission of the regulatory correspondences such as reporting of the compliances of Commission's directions,.**
- b) **The licensee is required to submit a comprehensive report on complaint logging and redressal report of the Electricity Distribution Division (Rural), Dehradun for the month of April & May 2013 in accordance with the SoP Regulations.**

The compliance report of the above direction is required to be submitted before the Commission within one week from the date of issue of this Order.

(K.P. Singh)
Member

(C.S. Sharma)
Member

(Jag Mohan Lal)
Chairman