

## **Before**

### **UTTARAKHAND ELECTRICITY REGULATORY COMMISSION**

#### **In the matter of:**

Non-compliance of Standards of Performance Regulations and Licence Conditions by Uttarakhand Power Corporation Limited (UPCL).

#### **Coram**

**Shri C.S. Sharma**

**Member**

**Shri K.P. Singh**

**Member**

**Date of Order: January 10, 2013**

1. A complaint dated 16<sup>th</sup> July, 2012 was received from Smt. Geeta Bisht, Zila Mahamantri, Congress Committee, Dehradun regarding closure of Call Centre for last six months and difficulties faced by the rural consumers of Mohanpur (Premnagar) Sub-division, Dehradun due to this closure.
2. In this matter, the Commission vide its letter No. उविनिआ/7/सी.एल./295/2012-13/704 dated 07.08.2012 directed UPCL to make necessary arrangement for providing essential consumer services and submit its action taken report before the Commission by 31.08.2012.
3. UPCL did not submit its reply on the above letter by stipulated date, the Commission further issued reminders vide reference No. उविनिआ/7/सी.एल./295/2012-13/811 dated 03.09.2012 and उविनिआ/7/सी.एल./295/2012-13/888

dated 17.09.2012 giving opportunity to UPCL for submission of its reply by 17.09.2012 and 01.10.2012 respectively, however, UPCL did not respond upto the stipulated dates.

4. Due to non-receipt of reply from UPCL on the above stated reminders by the stipulated date, the Commission through its final reminder vide reference No. उविनिआ/7/सी.एल./295/2012-13/970 dated 05.10.2012 directed UPCL to submit its action taken report alongwith explanation giving specific reasons for the delay in making reply/compliance of the Commission's directions by 17.10.2012.
5. In response to the above letter & reminders, UPCL, submitted its reply vide reference No. 2120/उपाकालि/आर0एम0/एम-273 dated 19.10.2012 i.e. after a period of 2½ months, stating that:

*“इस सम्बन्ध में सूचनीय है कि मोहनपुर उपखण्ड में कोई भी कॉल सेन्टर स्थापित नहीं था। केवल रात्रि पाली हेतु एक वाहन एवं 4 कार्मिकों की व्यवस्था वाह्य एजेन्सी के माध्यम से करायी जा रही थी। इस एजेन्सी का अनुबन्ध माह 10/2011 को समाप्त हो गया था। इस सम्बन्ध में यह भी उल्लेखनीय है कि उपरोक्त सचल वाहन दल बन्द होने के उपरान्त विद्युत उपसंस्थानों पर रात्रि पाली में उपभोक्ताओं की शिकायतों के निराकरण के लिये सेल्फ हेल्प ग्रुप के कार्मिकों की तैनाती कर दी गयी थी।”*

6. Regarding registration of complaints, Regulation 10(1) of UERC (Standards of Performance) Regulations, 2007 provides that:

*“The Licensee shall register every complaint of a consumer regarding failure of power supply, quality of power supply, meters, bills etc., at the Centralized Call Centre or Complaint Centers, Commercial Manager and intimate the complaint number to the consumer.”*

7. After registration of complaints, under Guaranteed Standards of Performance of UERC (Standards of Performance) Regulations, 2007, power supply failure has to be restored within the stipulated time limits and this would be possible only if dedicated resources like breakdown maintenance/supply restoration gang, vehicles fully equipped with T&P for such activities on 24x7 basis alongwith a round the clock operational call centre for logging such complaints and passing

on the instructions to the dedicated team for attending such complaints are available. After resolving the complaint, completion time of the works is logged off. However, if the complaint is not attended within stipulated time, the complaint is escalated to higher level of officers of the licensee based on complaint handling procedures of licensee.

8. Besides above, clause 23.4 of the Distribution and Retail Supply Licence (No. 02 of 2003 dated 20.06.2003) issued to UPCL provides that:

***“Complaint Handling Procedure:***

- a) *The Licensee shall within three months after this licence has become effective establish with approval of the Commission a procedure for handling complaints from Consumers about the manner in which the Licensee conducts its Distribution and Retail Supply Business. ...*
- c) *Any procedure established pursuant to this Paragraph 23.4 (a) including any revisions to it, shall specify the periods within which it is intended that different descriptions of complaint should be processed and resolved.”*

9. The above narrative brings forth that, prima facie, UPCL is non-compliant of the above said requirements of Regulations and Licence Conditions and it is also noted that UPCL failed to timely respond to various communications of the Commission and the reply of UPCL was casual and does not address the issues raised by the Commission.
10. Keeping in view of above, the Commission initiated suo-moto proceedings in the matter to review the complaint redressal mechanism, if any, put in place by UPCL and issued a show cause Notice to MD, UPCL as to why appropriate action be not taken against him in accordance with the provision of section 142 of the Electricity Act, 2003 for non-compliance of the Commission’s Regulations, Directions and Licence Conditions. The reply to this show cause Notice was required to be submitted before the Commission latest by 17.12.2012. UPCL was also required to elaborate the prevailing consumer complaint redressal

mechanism and MD, UPCL was required to appear before the Commission on 20.12.2012 at 12:00 noon.

11. In connection to the above Notice dated 30.11.2012, UPCL requested vide letter No. 1222 dated 14.12.2012 for extension of time for filing of its reply upto 26.12.2012 and requested for adjournment of the scheduled hearing of 20.12.2012 and to fix it to any other convenient date after 25.12.2012.
12. The Commission accepted the UPCL's request and allowed time extension for filing of reply upto 26.12.2012 and re-fixed the hearing on 31.12.2012.
13. UPCL submitted its reply to the show cause Notice on 26.12.2012 stating that :

*... There were some delay in submission of reply due to collection of the factual position from field offices. ...*

*As regards, establishment of Complaint Handling Procedure, it is submitted that the respondent company has developed a centralized Customer Care Centre, which has been put into operations from 01.08.2012. The centralized Customer Care Centre is broadly based on the guidelines issued by the Ministry of Power, Government of India through SRS document. ...*

UPCL has also enclosed the relevant extract of SRS document template of Ministry of Power, GoI and elaborated the facilities available to the consumers at the Centralized Customer Care Centre.

14. UPCL in its reply has submitted that in 'No Power Supply' conditions, the complaint handling process takes 9 Steps to resolve the complaint and all these 9 Steps have been stated in the reply.
15. On perusal of Annexure-D of the reply (rectified sample report for the month of November' 2012), it has been observed that out of 74 complaints, only 03 complaints have been redressed within the prescribed period as specified in SoP Regulations. This shows that the compliance rate of SoP Regulations is only 4% and in 96% of the complaints/cases, licensee is also violating the Overall Performance Standards laid down under the SoP Regulations, which is totally unacceptable. Besides this, the 'service level' in the report for voltage problems

has been shown as 168 hrs., which is not in accordance with Regulations 7.2.1 of UERC (Standards of Performance) Regulations, 2007.

16. In the same report, it has also been observed that, there is a large gap between the time specified for rectification of faults in Regulations (service level) and time taken in rectification of these faults/breakdowns. This documentary evidence submitted by the licensee clearly exhibits and establishes gross violation of SoP Regulations in the entire State.
17. On scheduled date of hearing a letter was received at about 11:00 hrs seeking adjournment of the hearing on a date after 07.01.2013 and the plea given for the postponement is stated as *"... it is to apprise the Hon'ble Commission that the undersigned is busy in pre-fixed works on 31-12-2012 and therefore cannot appear before the Hon'ble Commission on such date"*.
18. The Commission is of the view that this casual behavior of the licensee is a deliberate non-compliance of the directions issued from time to time. It is inconceivable that the "pre-fixed" works come to its notice only one hour before scheduled time of hearing. The Commission hereby declines the licensee's request of adjournment of hearing and has decided to continue the proceedings ex-parte.
19. On perusal of reply submitted by the licensee, the Commission has come to the conclusion that there has been violation of the Standards of Performance Regulations and directions of the Commission.
20. Hence, the Commission, hereby orders 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 in SoP Regulations.
- (iv) MD, UPCL is required to submit details of compensation paid by UPCL to different consumers against these violations.

21. The compliance report of above directions is required to be submitted before the Commission latest by 15.02.2013.

(K.P. Singh)  
Member

(C.S. Sharma)  
Member