

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the matter of:

Application seeking amendment in UERC (Guidelines for Appointment of Members and Procedures to be followed by the Forum for Redressal of Grievances of the Consumers) Regulations, 2007 as amended from time to time.

And

In the matter of:

Uttarakhand Power Corporation Ltd., (UPCL)
Victoria Cross Vijeta Gabar Singh Bhawan,
Kanwali Road, Dehradun.

.....Petitioner

Coram

Shri Subhash Kumar	Chairman
Shri K.P. Singh	Member

Date of Hearing: June 07, 2016

Date of Order: June 07, 2016

ORDER

The Order relates to the Petition dated 02.04.2016 filed by Uttarakhand Power Corporation Limited (hereinafter referred to as "Petitioner) for seeking amendment in UERC (Guidelines for Appointment of Members and Procedures to be followed by the Forum for Redressal of Grievances of the Consumers) Regulations, 2007 (hereinafter referred to as CGRF Regulations, 2007).

2. UPCL vide letter No. 976/UPCL/RM/F-1 dated 02.04.2016 had filed an Application for seeking amendment in sub-regulation 2 (a) of Regulation 3 of CGRF Regulations, 2007 which specifies the qualification/eligibility for being a judicial member of the Consumer Grievance Redressal Forum. The said Regulations stipulate that:

“Judicial Member of the Forum shall be a retired district judge/Additional District Judge or a retired judicial officer having at least 20 years of experience in legal/judicial profession or a retired civil servant not below the rank of a District Collector.”

3. In continuation to the above and before delving into the issue of maintainability, it is necessary to give brief of the submissions made by the Petitioner in the matter which are as follows:

- (i) That the term of Judicial Member of the CGRF for Kuamon & Udham Singh Nagar Zone was completed on 04.01.2016 and thereafter advertisement were made in four different news papers inviting applications, however, only two applications were received but the same were not eligible to fit in the required qualification criteria for the post of Judicial Member.
- (ii) That the Petitioner out of its past and present experience, it has been felt that very few persons are applying for the post of Judicial Member in the CGRF because of the specified qualification being very narrow and deprives the other person having knowledge of the judicial system to apply for the post.
- (iii) The Petitioner further proposed that the existing definition of the Judicial Member may be substituted by the following:

“Judicial Member of the Forum shall be (i) a retired District Judge/ Additional District Judge or (ii) a retired Judicial Officer having at least ten years of experience in legal/judicial profession or (iii) a retired civil servant not below the rank of a District Collector or (iv) an advocate of a district Court/ High Court/ Supreme Court having at least fifteen years of experience of practice in such Court(s), which preferably includes experience in electricity sector for a period of

at least three years or (v) a person possessing degree in Law and having at least ten years of experience as a legal head in any Central/ State Public Service Undertaking."

4. Meanwhile, the Commission vide its letter dated 02.05.2016 directed the Petitioner to re-advertise the vacancy for the post of Judicial Member and publish the same in widely circulated English & Hindi News Papers in the State. Accordingly, the Petitioner complied with the said directions of the Commission and informed about the same vide its letter dated 07.05.2016.
5. Subsequently, the Petitioner vide its letter dated 30.05.2016 apprised the Commission that after re-publishing the advertisement as directed by the Commission, the Petitioner has now received 14 applications for the post of Judicial Member out of which 9 candidates are eligible for the said post.
6. The hearing in the matter of admissibility of the Petition was held on 07.06.2016. The Commission enquired about the need of the proposed amendment, to which Petitioner, during the hearing, reiterated its submissions made in the Petition as discussed above.

Commission's View

7. The Commission on 20.01.2007 had notified CGRF Regulations 2007 wherein, each provision of the said Regulations were framed after giving due considerations to all aspects and after inviting and analysing comments of various stakeholders including the Petitioner. Since then, a smooth process of inviting applications and appointing the members of CGRF is being carried out.
8. In the instant case, the Commission had observed that the re-advertisement for the vacant post of Judicial Member in CGRFs was published in the widely circulated English and Hindi newspapers in the State on 05.05.2016. As a result of which UPCL has been able to receive 14 applications for the said post, out of which, based on the submission of the Petitioner dated 30.05.2016, as many as 9 candidates have been shown to be eligible for the post. The Commission considers this as an adequate response insofar the applications for the posts are concerned and therefore denies the contention of the Petitioner that the existing

eligibility criteria specified in the existing Regulations are too narrow and deprives the persons having the knowledge of judicial system from applying for the post.

In light of the above, the Commission does not find any merit in the contention of the Petitioner and therefore, decides to reject the Petition as not maintainable.

The Petition stands disposed off.

Ordered accordingly.

(K.P. Singh)
Member

(Subhash Kumar)
Chairman