

## MINUTES OF THE MEETING HELD ON 3<sup>RD</sup> DECEMBER, 2014

An interactive meeting with the Consumer Representatives and Distribution Licensees was held on 3<sup>rd</sup> December, 2014 between 11.00 a.m. to 2.00 p.m. in the Conference Room of MSETCL at Prakashganga in Bandra Kurla Complex by the Electricity Ombudsman (Mumbai) in coordination with the Electricity Ombudsman (Nagpur).

2. Various Consumer Representatives and officials of the following Distribution Licensees were requested to attend the meeting.
  - a) Reliance Energy Limited (RIL)
  - b) Tata Power Company Limited (TPL)
  - c) Brihanmumbai Electric Supply & Transport Undertaking (BEST)
  - d) Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)
  
3. Hon'ble Chairperson of Maharashtra Electricity Regulatory Commission (MERC) was requested to nominate a Member of the Commission. Accordingly, Mr. Deepak Lad, Member MERC attended and chaired the meeting.
  
4. Mr. D.S. Dumbre, Secretary, Electricity Ombudsman (Mumbai) welcomed all the persons present in the meeting.
  
5. Mr. R.D. Sankhe, Electricity Ombudsman (Mumbai), in the opening remarks explained the object of the meeting with the Consumer Representatives and the concerned officers of the Distribution Licensees. He gave powerpoint presentation and highlighted the main issues. Mr.

Sankhe narrated the following provisions as well as the issues frequently raised during the adjudication of grievances:-

**(A) Maharashtra Electricity Regulatory Commission  
(Consumer Grievance Redressal Forum & Electricity  
Ombudsman) Regulations, 2006**

- (i) Definition of “grievances” with reference to definition of “consumer”.
- (ii) Provision of making application under Regulation 6 to IGRC with reference to the provisions of Section 42 (5) of the Electricity Act, 2003 which provides only for Forum.
- (iii) Exclusion of cases under Section 126 to 139 of the Electricity Act, 2003 from the jurisdiction of the Forum even if grievance is regarding procedure lapse.
- (iv) Non compliance of the orders of the Forum and the Ombudsman and provision of Section 142 in the Electricity Act, 2003.

**(B) Maharashtra Electricity Regulatory Commission  
(Electricity Supply Code & Other Conditions of Supply)  
Regulations, 2005**

- (i) Defective meter - Regulation 15.4.1 needs further clarity.
- (ii) Change of category from continuous to non continuous.
- (iii) Proviso to Regulation 10.5 regarding change of name and charges to be recovered from the legal heir as in case of transfer it is limited.
- (iv) Disconnection of supply made even in pending disputes before the Forum / Ombudsman.

- (v) Long delays in granting agricultural connections beyond the period provided.
- (vi) Refund of meter cost not done inspite of MERC order.
- (vii) Date of actual issue and receipt of bill in respect of availing incentive.

**(C) Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation), Regulations, 2005 and 2014.**

- (i) Changes carried out in the SOP Regulations of 2014 as compared to Regulation of 2005
  - Regulation 12.2 regarding compensation to be claimed within 60 days from the time person affected.
  - awareness in consumers regarding the change.
- (ii) Regulation 6.1 - Fuse of call, the procedure to be properly laid down for complaint especially in rural areas during rainy season, etc.

**(D) Electricity Act, 2003**

- (i) Dispute regarding recovery of past arrears under Section 56 (2) of the Electricity Act, 2003 and this issue is pending in the High Court since 2011. Ambiguity in implementation.
- (ii) Cases in which interest payable under Section 62 (6) and the rate of interest.
- (iii) Delay and the procedure followed regarding assessment under Section 126 and appeal under Section 127 of the Electricity Act, 2003.

**(E) General**

- (i) IGRC is not effective – No decisions are given – mostly rejected.
- (ii) Vacant post of Chairman and members in the Forums and delay in decision.
- (iii) Consumer Representatives to be genuine and fair.
- (iv) Customer centres to be established as per the SOP Regulations, 2014.
- (v) Issue regarding giving connection to the buildings constructed unauthorisedly.
- (vi) Steps to be taken by the Forums and the Utilities for consumer awareness.
- (vii) Officials attending hearing on behalf of the Utilities are not empowered to settle the grievances.

**(F) Data about Representations received from the Appellants / consumers and disposal by Electricity Ombudsman (both Mumbai and Nagpur)**

Sr.No.	Particulars	2011-12	2012-13	2013-14
1	Number of Representation received	163	262	240
2	Number of Grievance decided / order issued	154	225	223
3	Number of orders issued in favour of Appellant / Consumer	68	139	108
4	% of decision in favour of Appellant / Consumer	44%	62%	48%

6. On behalf of the Distribution Licensees, presentations were thereafter made by the officials of the Utilities namely:(i) Reliance Energy Limited, (ii) Tata Power Co. Ltd., (iii) B.E.S &T Undertaking, (iv) Maharashtra State Electricity Distribution Co. Ltd.

The data furnished by them is tabulated as below:-

Detail given by Utilities during the period 2013 - 2014						
		B.E.S & T Undertaking	Reliance Infrastructure Ltd.	Tata Power Co. Ltd.	MSEDCL	
(i)	No. of Consumer (Approximately)	9.90 lakh	29 lakhs	5,85,702	220.66 lakh	
(ii)	No. of IGRC	11	6	1	44	
(iii)	No. of Forum in 2013-14	1	1	1	14	
(iv)	No. of Grievance received by IGRC	271	45	29	1521	
(v)	No. of cases redressed	217	41	29	Not furnished	
(vi)	No. of cases in favour of Consumer (%)	-	7(18%)	3	Not furnished	
(vii)	No. of Complaint received by Forums	37	16	11	1159	
(viii)	No. of Cases redressed	35	15	11	1038	
(ix)	Decisions of Forums in favour of Consumers	20	7	5	574	
(x)	% Decision in favour of Consumers	57%	47%	46%	55%	

The Officers of the Utilities pointed out that efforts are made to fill up the vacant posts of the Forum. Utilities were, however, unanimous that there has to be mechanism for filing review by the Distribution Licensees before the Forum and Ombudsman to avoid filing writ petitions in the High Court which is expensive as well as there is delay in justice delivery and causing hardship to the consumers.

7. Mr. Yadwad, the former Secretary to the Electricity Ombudsman (Mumbai) based on his experience also made certain suggestions in a brief presentation made by him.

8. Thereafter, the various Consumer Representatives expressed their views. Consumer Representatives mainly addressed the following issues:

- (i) There is less than 1% awareness amongst consumers about redressal mechanism. Therefore, campaigning should be made by the Forums and Distribution Licensees.
- (ii) There is delay in passing final orders by the Forum due to shortage of staff, etc. This position needs to be improved keeping in view the time limit of two months prescribed in the Regulations.
- (iii) Vacant posts of the Chairman and Members of the Forums should be filled in immediately.
- (iv) Forums and the Ombudsman are expected to protect the interest of consumers.
- (v) Grievances should not be rejected on technical grounds or for other minor lapses.

- (vi) Distribution Licensees are adding the disputed amount in regular monthly bills and the consumers are hesitant to pay disputed amount. This is aggravating the problem further by increase in interest and delayed payment charges. Disputed amount should be shown separately in the bill or separate bill for arrears be given so that the current bill can be paid regularly to avoid disconnection.
- (vii) There are large number of cases of non compliances of orders of Forums and Ombudsman where the consumers are required to approach the MERC under Section 142 of the Act.
- (viii) Power to ensure compliance needs to be delegated to the Forums and Ombudsman by suitably amending the Act and Regulations.
- (ix) In spite of the MERC order, meter cost etc. is recovered from the HT consumers increasing the grievances unnecessarily. Where there is specific provision or the order of the MERC on any aspect, it should be followed by the Utilities.
- (x) Consumers should be allowed to approach the Forums directly by intimating the IGRCs. The relevant provisions of CGRF Regulations need to be suitably amended.
- (xi) Though no new plea be allowed to be raised before the Ombudsman, furnishing of additional information or evidence should be allowed at the appellate stage for proper justice.
- (xii) The Chairman of the IGRC who is the Nodal Officer and conversant with the case should appear before the Forum and the Ombudsman.
- (xiii) District Committees should be constituted as per Section 166 (5) of the Electricity Act, 2003.
- (xiv) Definition of the “grievance” and the “consumer” needs to be suitably amended.

- (xv) Forum and Electricity Ombudsman should hold circuit hearings at district places wherever possible.
- (xvi) Chairman and the Member (Consumer) of the Forum, both should be appointed by MERC and Chairman should be as far as possible having experience of judicial work.
- (xvii) There is no objection for giving remedy to file review by the Distribution Licensees to avoid litigation in High Court.

9. Mr. Lad, Member, MERC who presided the meeting, highlighted the following issues amongst others:-

- (i) The Distribution Licensees are expected to follow strictly the provisions of the Electricity Act, 2003 as well as the Regulations and orders of the Commission.
- (ii) Distribution Licensees should ensure that the grievances of the consumers are minimized by adopting proper approach and effective mechanism.
- (iii) There has to be change in the mindset of the Consumer Representatives. They should be fair in their presentation and should not act as Touts.
- (iv) The MSEDCL is having large number of consumers and also catering service in the rural areas. MSEDCL has different issues than the issues of other Utilities.
- (v) Large number of cases are filed under Section 142 of the Electricity Act, 2003 before MERC for non compliance of the orders of the Forums and the Ombudsman. MERC at that stage cannot enter into the merits of such orders.
- (vi) MERC has now adopted new procedure for compliance of the orders. Accordingly, whenever such application is received for non compliance, it is first forwarded to the MSEDCL for



necessary action at first instance. It is expected that the Distribution Licensees comply the order in a stipulated time.

10. Mr. Justice K.J. Rohee, Electricity Ombudsman (Nagpur) in concluding remarks shared his experience. He stated that the object of the Forum and the Ombudsman is to protect the interest of the consumers. He also stressed the need for awareness amongst the consumers. Mr. Rohee also pointed out that the IGRCs are located far away causing inconvenience to the consumers. He also suggested that sometime consumers are not literate and deserve assistance in getting the justice. He also expected that the functioning of the Forum is more effective. He pointed out that there is a need to have more clarity on certain issues so that the Forum and the Ombudsman can deliver justice properly.

11. Thereafter, there was general discussions and exchange of views between the Consumer Representatives, Officers of the Distribution Licensees, both the Electricity Ombudsman and Mr. Lad, Hon'ble Member of the MERC. The Consumer Representatives made various suggestions for better functioning of the redressal system and expected to conduct such seminars full day from time to time.

12. The meeting was concluded with vote of thanks by Mr. Bhagat, Secretary to Electricity Ombudsman (Nagpur).

13. The meeting was followed by a working lunch.

(D.S.Dumbre)  
Secretary