

# Kerala State Electricity Regulatory Commission

## NOTIFICATION

No.875/Admn//2014/KSERC (ii)

Dated, Thiruvananthapuram 10<sup>th</sup> February, 2016

In exercise of the powers conferred by Section 91 read with Section 181 of the Electricity Act, 2003 (Central Act 36 of 2003) and all other powers enabling it in this behalf and with the approval of the Government of Kerala and after previous publication, the Kerala State Electricity Regulatory Commission hereby makes the following Regulations, namely.-

### **Kerala State Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) Amendment Regulations, 2016**

**1. Short title and Commencement.-** (1) These Regulations may be called the Kerala State Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) Amendment Regulations, 2016.

(2) They shall come into at once.

**2. Amendment of regulations.-** In the Kerala State Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) Regulations, 2005,-

(i) in regulation 14, the existing provision shall be numbered as sub-regulation (1) thereof and after sub-regulation (1) as so numbered, the following sub-regulations shall be inserted as sub-regulation (2) and sub-regulation (3) thereof,-

“(2) The Commission shall be the appointing authority of the Electricity Ombudsman;

(3) The working days and working hours of the office of the Electricity Ombudsman shall be the same as those of the Commission as specified in the Kerala State Electricity Regulatory Commission (Conduct of Business) Regulations, 2003.”;

(ii) in regulation 15, after sub-regulation (2), the following proviso shall be inserted,-

“Provided that the person appointed as Electricity Ombudsman shall not hold any other office during the tenure of his appointment and he shall not be eligible for reappointment.”;

(iii) after regulation 15, the following regulation shall be inserted,-

**“15 A - Selection of Electricity Ombudsman.-** (1) There shall be a Committee consisting of the Chairperson and Members of the Commission for the selection of the Electricity Ombudsman.

(2) The Chairperson of the Commission shall be the Chairperson of the Selection

Committee.

(3) The Commission may include external expert or experts in the Selection Committee.

(4) The Selection Committee shall invite applications from the eligible candidates with specified qualifications and experience by giving wide publicity through media and website of the Commission.

(5) The Selection Committee shall after conducting personal interview with the candidates finalise the selection and select one among them for appointment as Electricity Ombudsman.

(6) The Commission shall take advance action for the selection and appointment of Electricity Ombudsman so that there is no undue delay in appointment after the post falls vacant.

(7) The Commission shall normally complete the process of selection and appointment, within two months from the date of occurrence of vacancy by reason of death, resignation or removal of the Electricity Ombudsman:

Provided that no appointment of Electricity Ombudsman shall be invalid merely by reason of not completing the process of selection and appointment within the said two months.”;

(iv) for regulation 17, the following regulation shall be substituted,-

**“17. Pay and allowances of Ombudsman.-** (1) The Ombudsman shall be entitled to have the pay and allowances applicable to the Chief Electrical Inspector in Government of Kerala subject to sub-regulation (3).

(2) The Ombudsman shall be entitled to the revised pay scale as and when the pay scale applicable to the Chief Electrical Inspector is revised by Government of Kerala.

(3) If the person appointed as Ombudsman is a retired officer receiving pension from Government or any other institution, the pay and allowances admissible to such person shall be reduced by the gross amount of pension including dearness relief and such other allowances if any, received by him.

(4) The pay and allowances of Ombudsman shall be met from the Kerala State Electricity Regulatory Commission Fund constituted under Section 103 of the Act.”;

(v) after regulation 17, the following regulations shall be inserted,-

**“17 A. Leave and encashment of leave.-** The Ombudsman shall be eligible for the leave and for the encashment of earned leave as are admissible to the officers of the Government under the provisions of the Kerala Service Rules and the orders issued by Government from time to time in this regard.

**17 B. Travelling allowance.-** The Ombudsman shall be eligible for travelling allowance as are applicable to the class-I officers in Government of Kerala under the provisions of the Kerala Service Rules and the orders issued by Government from time to time in this regard.

**17 C. Medical reimbursement.-** The Ombudsman shall be eligible for reimbursement of his medical expenses as admissible in accordance with the terms and conditions of the medical insurance scheme introduced by the Commission:

Provided that the Ombudsman shall be eligible for medical reimbursement as are

applicable to the officers of Government of Kerala till such medical insurance scheme is introduced by the Commission.”.

By Order of the Commission,

SECRETARY

### **Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport)

At present there are two regulations to govern the constitution, duties and functions of the Electricity Ombudsman and the employees in the office of the Electricity Ombudsman namely,-

- (i) Kerala State Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) Regulations, 2005 and
- (ii) Kerala Electricity Ombudsman (Terms and Conditions of Services) Regulations, 2008

The Kerala Electricity Ombudsman (Terms and Conditions of Service) Regulations, 2008 deals with service conditions of Electricity Ombudsman and two other staff in his office namely, one confidential assistant and one attender. It has been noticed by the Kerala State Electricity Regulatory Commission that the service conditions of the above supporting staff of the Electricity Ombudsman and the service conditions of the employees in the office of the Commission are similar. Therefore, it has been decided to unify the service conditions of the employees in the office of the Electricity Ombudsman and in the office of the Kerala State Electricity Regulatory Commission by a common regulation. Thus only the regulations regarding the electricity ombudsman will be left under the Kerala Electricity Ombudsman (Terms and Conditions of Service) Regulations, 2008. Therefore it was proposed to incorporate necessary provisions relating to the selection and appointment, pay and allowances, leave, travelling allowance, medical reimbursement of the Electricity Ombudsman in the Kerala State Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) Regulations, 2005 by making necessary amendments to the same.

Necessary approval of Government of Kerala under sub-sections (2) and (3) of Section 91 of the Electricity Act has been received vide Government order No.2780/A1/2015/PD dated 18.11.2015. The draft of the Kerala State Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) Amendment Regulations, 2015 has been published in the website of the Commission on 16.12.2015 for eliciting opinions of the stakeholders. Now the Commission has finalised the Kerala State Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) Amendment Regulations, 2016 and decided to publish the same in the official gazette.

This notification is intended to achieve the above object.