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KERALA STATE ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

No. 1734/Admn/KSERC/2013

Dated, Thiruvananthapuram, 18 th June, 2020.

In exercise of the powers conferred by sub-section (1) and clauses (r),(s) and (zp) of sub-section (2) of section 181 of the Electricity Act, 2003 (Central Act 36 of 2003) and after considering the objections and suggestions received on the draft proposals published on 19th February, 2019 the Kerala State Electricity Regulatory Commission hereby makes the following



regulations further to amend the Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2005 issued under Notification No. 1/1/KERC-2004/III dated 6th October, 2005 and published in the Kerala Gazette Extra ordinary No.2230 dated 14th October, 2005, namely:—

REGULATIONS

1. *Short title and commencement.*— (1) These Regulations may be called the Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Amendment Regulations, 2020.

(2) They shall come into force at once.

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

(1) in regulation 3, for clause (b) of sub- regulation(3), the following clause shall be substituted, namely:—

“(b) One Member shall be nominated by the Commission for a period of three years from among persons having,—

- (i) degree in Law obtained from a recognized University and approved by the Bar Council of India; and
- (ii) not less than three years of experience as an Advocate practising before Subordinate Courts;
- (iii) proven ability, integrity, standing and familiarity with consumer affairs:

Provided that no person who is or has been an employee of any Distribution Licensee shall be nominated by the Commission as a Member of the Forum.”;

(2) after sub-regulation (3), the following sub-regulation shall be inserted, namely:—

“3A. *Validation.*— Notwithstanding anything contained in the Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2005, as amended by these regulations, any action taken or done by a Member nominated by the Commission, for a period of one year from such nomination under clause (b) of sub-regulation (3) of regulation 3 of the said regulation, but continued to discharge his



functions as such a Member, shall be deemed to have been validly taken or done under these regulations, as if his term has been extended up to the date of commencement of these regulations.

By order of the Commission,

C.R.SATHEESH CHANDRAN,
Administrative Officer,
(in charge of the Secretary).

Explanatory Note

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

Sub-section (5) of section 42 of the Electricity Act, 2003 (Central Act 36 of 2003) stipulates that a forum for redressal of grievances of the consumers has to be established by every distribution licensee within six months from the appointed date or the date of grant of licence, whichever is earlier, for the redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission. Accordingly, Forums had been constituted by all the distribution licensees in the State of Kerala.

The functioning of the Forums are governed by the Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2005. As per Regulation 3(b), one member of the Forum shall be nominated by the Commission for a period of one year from among persons having a degree in any discipline with proven ability, integrity, standing and familiarity with consumer affairs. The person shall not be an employee or former employee of any licensee. The Kerala State Electricity Regulatory Commission decided to amend sub-regulation (b) of regulation 3 for ensuring that the period of appointment of the member nominated by the Commission shall be three years and the member shall be a person from among persons having a degree in Law with proven ability, integrity, standing and familiarity with consumer affairs with a minimum of three years practicing experience in any of the Subordinate Courts in Kerala. It was also decided that no person who is or has been an employee of any distribution licensee shall be nominated as a Member of the Forum.



In addition, the Commission has decided to validate the appointments of members nominated by the Commission in the forum for redressal of grievances of the consumers of certain licensees as they are continuing in their offices beyond the actual period of one year. A draft of the amended Regulations for the purpose was published for inviting public comments in the website of the Commission on 19th February 2019 as required under sub-section (3) of section 181 of the Electricity Act, 2003. The suggestions / comments received were duly considered by the Commission and certain suggestions were accepted and incorporated in the draft Regulations. Therefore the Commission have decided to amend Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2005.

The notification is intended to achieve the above object.

