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| UPERC LOGO Final 27-10-09 | Uttar Pradesh Electricity Regulatory CommissionKisan Mandi Bhawan, II Floor, Gomti Nagar, Lucknow-226010 Phone 2720426 Fax 2720423 E-mail secretary@uperc.org |

**No. UPERC/Secy/VCA/1568 Dated: December 20, 2016**

**Public Notice**

The proposed amendment in the UPERC(Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation, 2007 are placed here with.

All stake holders are requested to submit your comments by 15.01.2017 for consideration of the Commission.

(Vikas Chandra Agarwal)

Secretary

**Proposed amendment in UPERC (CGRF & EO) Regulations, 2007**

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| **S.NO.** | **Present Regulation** | **Proposed amendment** |
| 1. |  | Following new clause 3.2 (ii)A is being proposed after clause 3.2 (ii):-  3.2 (ii) A The Commission shall have the right to transfer the Judicial Member of a forum to any other forum of the state during his tenure, in public interest and/or in the interest of work. |
| 2. |  | Following new clause 3.18 is being proposed after clause 3.17:-  3.18 (i)The Forum shall constitute an advisory Committee to advise and assist it in discharge of its duties and responsibilities as laid down under the provisions of UPERC (CGRF & EO) Regulations 2007. For every Forum, the constitution of the committee shall be as follows:-   1. Chairperson / Judicial Member of the Forum   Chairperson   1. Technical Member of the Forum Member 2. Officer of the Licensee (Secretary of the Forum) Member/Secretary 3. One representative of electricity consumers of the area of jurisdiction of the Forum, to be nominated by the UPERC for a term of three years. Member 4. A retired officer of any DISCOM of the state, who has held a post not below the rank of Executive Engineer and resides in the area of jurisdiction of the Forum, to be nominated by the UPERC for a term of three years. Member   3.18 (i) The Advisory Committee of the Forum, constituted under the Regulation 3.18 (ii) shall hold, at least one meeting in three months and the minutes of the meeting shall be forwarded to the UPERC.  3.18 (iii) The Commission may, in the public interest and/or in the interest of work, replace any member nominated by the Commission, under 3.18 (i)(4) and 3.18(i)(5) as on above, before expiry of his term, without assigning any reason to him. |
| 3. |  | 8.5 The following new clause 8.5 is being proposed after clause 8.4  **General power of transfer**  8.5(i) On the application of any CGRF, or any of the parties to the case and after notice to the parties and after hearing such of them as desired to be heard, the electricity Ombudsman, at any stage, by speaking and reasoned order, may –  (a) Transfer any case or other proceeding pending before any CGRF for trial or disposal to any CGRF in the same discom, within its jurisdiction; or  (b) Recall, *suo moto,* any case or other proceeding pending in any CGRF, within its jurisdiction, and transfer the same for trial or disposal to any other nearest CGRF, within its jurisdiction in the same discom.  8.5(ii) Where any case or proceeding has been transferred or recalled under sub rule 8.5(i), the CGRF, which is thereafter to try or dispose of such case or proceeding may, subject to any special directions in the case of an order of transfer, proceed from the point at which it was transferred.  8.5(iii) Where in application for an order under sub rule 8.5(i) is dismissed, the Electricity Ombudsman may, if it is of opinion that the application was frivolous or vexatious, indicating the reasons in the order for the applicant, to pay by way of compensation to any person who has opposed the application such sum not exceeding Rs. 500/- as it may consider proper in the circumstances of the case. |
| 4. | 3.3 (i) The Commission, in case of Chairperson, and the Distribution Licensee, in case of Technical Member shall invite applications for appointment on the posts in the Forum through public advertisement,  (ii) In case of occurrence of vacancy in the post of the Chairperson or Technical Member by reason of death, resignation, removal or completion of the tenure, the Commission in the case of Chairperson and the Distribution Licensee, in the case of the Technical Member shall invite application, through public advertisement, and complete the selection within one month of the occurrence of vacancy and in case of superannuation or end of tenure, the Commission or the Distribution Licensee shall do so within three months before the date of superannuation or end of the tenure, as the case may be.  (iii) The Distribution Licensee shall submit within 15 days of completing selection procedure, to the Commission a panel of two eligible persons for the post of Technical Member and shall appoint the person approved by the Commission with effect from the date to be indicated by the Commission.  (iv) Along with the panel of names for the post of Technical Member, the Distribution Licensee shall also inform the Commission of the compliance of the provisions contained in regulations 3.10, 3.13 and 4.0.  (v) The Commission shall convey the appointment of Chairperson to the Distribution Licensee. | 3.3(i) The Commission, in case of Chairperson and Technical Member shall invite applications for appointment on the posts in the Forum through public advertisement. The applicants will be given choice to mention three place of their preference while applying for the recruitment to the concerned post.  3.3(ii) In case of occurrence of vacancy on the post of Chairperson or Technical Member by reason of death, resignation, removal or completion of the tenure, the Commission shall invite application, through public advertisement and complete the selection within three months after receipt of ACRs from the concerned department and in any case of superannuation or end or tenure, the Commission shall do so within three months before the date of superannuation or end or the tenure as the case may be.  3.3(iii) The Commission shall convey the appointment of Chairperson and Technical Member to the Distribution Licensee. |
| 5. | 3.15 The Chairperson or the Technical Member may relinquish their office by giving three months notice in writing to the Commission or Distribution Licensee as the case may be:  Provided that, in the case of Technical Member, the copy of the resignation shall also be sent to the Commission forthwith. | 3.15 (a) The Chairperson or the Technical Member may relinquish their office by giving one month notice or by depositing one month salary in lieu of notice, in writing to the Commission.  3.15(b) The condition to deposit one month salary can be waived by Commission in appropriate cases. |
| 6. | 3.16 The Chairperson may be removed by the Commission and any Member may be removed by the Distribution Licensee with the approval of the Commission, if the Chairperson or any Member has been adjudged insolvent or is guilty of misconduct (which includes non-compliance with the provisions of these regulations and directions of the Commission), or has been convicted of an offence involving moral turpitude or has become physically or mentally incapable for discharge of his function or has been found to have acquired financial interest affecting prejudicially his function:  Provided that Chairperson or any Member of the Forum shall not be removed, until an enquiry conducted by a Member of the Commission establishes to the satisfaction of the Commission that it has become necessary in the interest of justice to remove the Chairperson or Member of the Forum. | 3.16 The Chairperson or Technical Member may be removed by Commission, after affording reasonable opportunity if Chairperson or Technical Member-   1. has been adjudged an insolvent; or 2. is found guilty of proved misbehaviour misconduct (which includes non-compliance with the provisions of these regulations and directions of the Commission);or 3. has been convicted of an offence which, in the opinion or the Commission, involves moral turpitude; of 4. has become physically or mentally incapable for discharge of his function; or 5. has been found to have acquired financial or other interest as is likely to affect prejudicially his function as a Chairperson or Technical Member; or 6. has so abused his position as to render his continuance in office prejudicial to the public interest. |