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JOINT ELECTRICITY REGULATORY COMMISSION FOR THE STATES OF MANIPUR AND MIZORAM

NOTIFICATION

No. A. 45014/1/08-JERC, the 20th October, 2008. In exercise of the powers conferred on it by Section 181 read with Sub-section (6) of Section 42 of the Electricity Act, 2003 (no. 36 of 2003) the Joint Electricity Regulatory Commission for the States of Manipur and Mizoram hereby makes the following regulations, namely :

CHAPTER I : PRELIMINARY

1. Short Title and Commencement -

- (1) These regulations may be called the Joint Electricity Regulatory Commission for the States of Manipur and Mizoram (Electricity Ombudsman) Regulations, 2008.
- (2) These Regulations shall come into force from the date of their publication in the Official Gazette of the Government of Manipur and Mizoram.
- (3) These Regulations extend to the whole of the State of Manipur and Mizoram.

2. Definitions -

(1) In these Regulations, unless the context otherwise requires -

- (a) "Act" means the Electricity Act, 2003 (No. 36 of 2003) as in force from time to time.
- (b) "Commission" means the Joint Electricity Regulatory Commission for the States of Manipur and Mizoram constituted under Sub-section (1) of Section 83 of the Electricity Act, 2003 (No. 36 of 2003).
- (c) "Complainant" means any person who has applied for redressal of a grievance as defined at clause C of Sub-section 1 of Section 2 in JERC (Consumer Redressal) Regulations, 2008.
- (d) "Consumer dispute" means a dispute where the person against whom a complaint has been made, denies or disputes the allegations contained in the complaint;
- (e) "Confidential information" includes -
 - (i) information about the identity, occupation or whereabouts of the consumer or of any person who assists an examination; and
 - (ii) information disclosed by a representation; and

- (iii) information of personal concern to an individual; and
 - (iv) information that, if disclosed, may cause detriment to a person;
- (f) "Distribution licensee" means a licensee authorized to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply;
 - (g) "Integrated Utility" means the Manipur and Mizoram Electricity Departments in their present form or the successor entity of the Department performing one or more of the functions of generation, transmission, distribution and trading;
 - (h) "Electricity Service" shall include supply, billing, metering and maintenance of electrical energy to the consumer and all other attendant sub-services;
 - (i) "licensee" means a person who has been granted a license or is a deemed licensee under section 14 of the Act;
 - (j) "Forum" means "Forum for Redressal of Grievances of Consumers" constituted by each distribution licensee in terms of the "Regulations for Redressal of Consumer Grievances";
 - (k) "Ombudsman" means an authority to be appointed or designated by the Commission under these Regulations issued for the purpose under sub-section (6) of section 42 of the Act, to whom a representation may be made by any consumer aggrieved by non-redressal of grievances by the Forum;
- (2) All other expressions used herein but not specifically defined herein but defined in the Act shall have the meaning assigned to them in the Act.

CHAPTER II : OMBUDSMAN

3. Appointment & Tenure

- (1) The Commission may from time to time appoint or otherwise designate such person or persons as the Commission may consider appropriate as the Ombudsman to discharge the functions under sub-section (6) of section 42 of the Act.
- (2) The Commission may appoint or designate Ombudsman or Ombudsmen separately for each Distribution Licensee/Integrated Utility.
- (3) The Commission may also appoint more than one Ombudsman for the same Distribution Licensee and specify the area of operation of each such Ombudsman.
- (4) The Ombudsman shall be selected by the Commission through open advertisement from a wider public including those who have experience and have exposure in the Legal Affairs, Engineering, industry, civil service, administrative service, Consumer Affairs or persons of eminence, preferably with experience in and knowledge of Electricity Distribution.
- (5) For the purposes of selection of Ombudsmen the Commission may constitute a selection committee to shortlist and make recommendations of eligible persons. The

Selection Committee shall comprise of the Chairman and Member of the Commission and an expert from power sector. Chairman of the Commission shall be the Chairperson of the Selection Committee.

- (6) The age of the person appointed as Ombudsman should be a minimum of fifty-five years at the time of appointment and should not be continued over sixty-two years. The person selected should not be associated with the activities of any of the licensees for a period of preceding one year. The person once appointed should not have any financial interest in the electricity industry of the state during his tenure.
- (7) The office(s) of the Electricity Ombudsman (s) will be located at such place(s) as may be specified by the Commission. In order to expedite disposal of complaints, the Electricity Ombudsman may hold sittings at such places with his area of jurisdiction as may be considered necessary and proper by him in respect of a complaint or reference, as the case may be, before him.

4. Terms of office

- (1) An Ombudsman shall be appointed for a term of 2 years from the date of his joining the office and the appointment may be extended for a further period not exceeding 2 years, as the Commission may consider appropriate.
- (2) Before entering upon his office, the Ombudsman shall make and subscribe to an Oath of office and secrecy in the form as may be specified by the Commission. The Chairman of the Commission will administer the oath.
- (3) The Ombudsman shall be deemed to the Public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).
- (4) The Ombudsman may relinquish his office by giving in writing to the Commission a notice of not less than three months.

5. Removal of Ombudsman

- (1) No Ombudsman shall be removed from office except in accordance with the provisions of these regulations.
- (2) The Commission may, by order remove from office any Ombudsman if he:
 - (a) has been adjudged an insolvent;
 - (b) has been convicted of an offence which, in the opinion of the Commission, involves morale turpitude;
 - (c) has become physically or mentally incapable of acting as an Ombudsman;
 - (d) has acquired such financial or other interest as is likely to be prejudicial to his functions as an Ombudsman;
 - (e) has so abused his position as to render his continuance in office prejudicial to public interest; or
 - (f) has been guilty of misconduct

Provided that no Ombudsman shall be removed from his office on any of the grounds specified herein above unless the Chairman of the Commission, on an inquiry, held by him and after giving an opportunity to the Ombudsman is satisfied that the grounds for removal of the Ombudsman exist.

6. Remuneration

The Electricity Ombudsman shall be given the pay scale of 14300-400-18300. He shall be entitled to receive other benefits admissible to the Group 'A' staff of the Commission. Ombudsman on deputation shall have the option to either opt for his/her existing pay scale of the parent department alongwith deputation allowance prescribed by the State Government or to opt the pay scale as above. The expenditure towards his salary and other admissible benefits shall be paid out of the fund constituted under section 103 of the Electricity Act. Provided, however, that till the time that such fund is constituted the remuneration and other allowances payable to the Ombudsman shall be borne by the Commission and shall be included in its budget.

7. Secretariat

Each of the Electricity Ombudsman shall be provided with a Secretariat of 2 personnel as shown in Table 1 below, taken on deputation from State Government / Central Government / Government Undertakings or public utilities Expenses on this shall be included in the Commission's budget. The establishment of the Secretariat shall be subject to the approval of the State Government pending which officers / staff for this will be drawn from the existing staff of the licensees and placed on duty in the Office of the Ombudsman. The salary of such staff shall continue to be borne by the concerned licensee. Necessary instructions on this matter shall be issued by the Commission.

Table I: Staff in the office of the Ombudsman

Name of the post staff	Strength	Pay scale
Assistant Director (Technical)	1	8000-13500
Clerk-cum-Computer Operator	1	4500-7000

8. Jurisdiction of the Ombudsman

- (1) The Ombudsman may receive and consider all representations filed by the Complainant for non redressal of the grievance by the Forum under Sub-Section (5) of Section 42 of the Act pursuant to the Complaint made by the Complainant as more fully set out in the regulations for redressal of consumer grievances issued by the Commission.
- (2) Notwithstanding the above the Ombudsman shall not entertain any representation in regard to matter which are subject matters of existing or proposed proceedings before the Commission or before any other authority including under part X, XI, XII, XIV, XV of the Act.

CHAPTER III : GENERAL

9. Savings

Nothing contained in these regulations shall affect the rights and privileges of the consumer under any other law for the time being in force, including the Consumer Protection Act, 1986 (68 of 1986).

10. Powers to Remove Difficulties

If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, take suitable action, not being inconsistent with the Electricity Act, 2003, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties.

11. Power to Amend

The Commission may, at any time add, vary, alter, modify or amend any provision of these regulations.

12. Procedure to Represent

Procedure to Represent before the Ombudsman when any consumer is aggrieved for non-redressal of his / her grievances is available in Section 6 of the Chapter on Ombudsman in the Regulations for redressal of Consumer Grievances.

By order of the Commission



Assistant Secretary

Joint Electricity Regulatory Commission
for Manipur and Mizoram
Aizawl, Mizoram.