

UTTAR PRADESH SHASAN

U.P. ELECTRICITY REGULATORY COMMISSION, LUCKNOW

Notification No. U.P.E.R.C./Secy/Regulation/07/1186

September 17, 2007

In exercise of the powers conferred on it by section 181 read with sub-section (6) of section 42 of the Electricity Act, 2003 (Act no.36 of 2003) and all other powers enabling in this behalf, the U.P. Electricity Regulatory Commission make the following Regulations, namely:

1.0 Short title and commencement-

- (a) These Regulations shall be called the "U.P. Electricity Ombudsman (terms & conditions of Service) Regulations, 2007".
- (b) These Regulations shall extend to the whole of the State of Uttar Pradesh.
- (c) These Regulations shall come into force on the date of their publication in the Uttar Pradesh Government Gazette.
- (d) In case of conflict between English and Hindi versions of these Regulations, the English version shall prevail.

2.0 Definitions –

- 2.1 "Act" means, the Electricity Act, 2003.
- 2.2 "Commission" means the Uttar Pradesh Electricity Regulatory Commission.
- 2.3 "Chairperson" means Chairperson of the Commission.
- 2.4 "Electricity Ombudsman" means an authority to be appointed or designated by the Commission under sub-section (6) of section 42 of the Electricity Act, 2003 and these Regulations.

3.0 Qualifications-

- 3.1 There shall be an Electricity Ombudsman known as 'Electricity Ombudsman' to be appointed by the Commission to exercise the powers and discharge duties and functions entrusted on him by U.P.E.R.C. (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2007:

Provided that the Commission may appoint more than one Electricity Ombudsman in the State, specifying the area of territorial jurisdiction as considered necessary, for speedy disposal of representations of consumers and the Electricity Ombudsman shall hold office at places as specified by the Commission :

Provided further that the U.P. Electricity Ombudsman appointed by the Commission under the repealed Regulations No.3323/U.P.E.R.C.-Regulation-04, dated 2.4.04, before the commencement of these Regulations, shall be deemed to have been appointed under these Regulations.

- 3.2 The Electricity Ombudsman must be a person of ability and integrity having adequate capability of dealing with problems of Engineering, Commerce, Economics and Law preferably having knowledge of regulatory affairs and must-

- (i) be an Engineering Graduate; preferably having a degree in Law;
- (ii) have minimum of 20 years experience in a Public/Private Electricity utility including electricity distribution;
- (iii) have held the post of Chief Engineer or an equivalent post; and
- (iv) have attained an age of 58 years;

4.0 Selection and appointment-

- 4.1 (a) Appointment of Electricity Ombudsman shall be made through an open advertisement:

Provided that the Commission may, in its discretion, designate a person as an Electricity Ombudsman, as a temporary measure, until selection through open advertisement is made.

(b) Where vacancy in the post of Electricity Ombudsman occurs by reason of death, resignation or removal, the Commission shall, within one month from the date of occurrence of vacancy, and in case of superannuation, three months prior to that date, make an advertisement in newspaper inviting applications from eligible candidates.

- 4.2 There shall be a Selection Committee comprising –

(a) A Chairperson of the CommissionChairman

(b) Members of the Commission.....Members

(c) An expert from power sectorMember

- 4.3 The Commission shall appoint Electricity Ombudsman recommended by the Selection Committee.

5.0 Tenure and conditions of Service-

- 5.1 The Ombudsman shall hold office as such for a term of three years from the date on which he enters upon his office :

Provided that such Ombudsman shall be eligible for reappointment for a second term of three years :

Provided further that the Ombudsman shall not hold office as such after he has attained the age of 65 years.

- 5.2 The Electricity Ombudsman may resign or may be removed by the Commission on three months notice or pay in lieu thereof.

- 5.3 Notwithstanding the provisions contained in Regulation 5.2, the Electricity Ombudsman may be removed by the Commission if he 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 discharging his function or has been found to have acquired financial interest affecting prejudicially his function:

Provided that the Electricity Ombudsman shall not be removed under the Regulation unless an enquiry conducted by a Member of the Commission, establishes grounds for his removal to the satisfaction of the Commission.

- 5.4 The Electricity Ombudsman shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (no.45 of 1860).

- 5.5 The other conditions of service shall, *mutatis mutandis*, be as applicable to the Directors appointed in the Commission.

- 5.6 The Commission may, in its discretion, transfer an Electricity Ombudsman.

6.0 Remuneration--

- 6.1 The Electricity Ombudsman shall be placed in the pay scale of 18,400-500-22,400 as revised by the Commission from time to time and he will also be entitled to other benefits admissible to the Directors of the Commission.

6.2 The Electricity Ombudsman on deputation shall have the option to either remain in the pay scale of his/her parent department, along with deputation allowance prescribed by the State Government or opt the pay scale under these Regulations.

6.3 The expenditure towards the salary and other admissible benefits of the Electricity Ombudsman shall be made from the fund constituted under section 103 of the Electricity Act, 2003:

Provided that till time such fund is constituted, the remuneration and other allowances payable to the Electricity Ombudsman shall be borne by the Commission and shall be included in its budget.

7.0 **Powers to remove difficulty--**

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, make such provisions, not being inconsistent with the Electricity Act, 2003, which appear to it necessary or expedient for the purpose of removing difficulty.

8.0 **Power to amend--**

The Commission may, at any time add, modify, delete or amend any provision of these Regulations subject to the provision of the Electricity Act, 2003.

9.0 **Repeal--**

U.P. Electricity Ombudsman (Terms & Conditions of Service) Regulations, 2003 issued vide Notification No.3323/UPERC-Regulation-04, dated 2.4.04, shall stand repealed from the date these Regulations come in to force.

By order of the Commission,
A. K. Srivastava,
Secretary.