

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
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**Case No. 72 of 2009**

**In the matter of**  
**Application filed by MSEDCL proposing amendment to Regulation 4.1(a) of the**  
**MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman)**  
**Regulations, 2006, related to appointment of Chairperson of CGRF**

**Shri. V.P. Raja, Chairman**  
**Shri. S. B. Kulkarni, Member**  
**Shri. V. L. Sonavane, Member**

Maharashtra State Electricity Distribution Co. Ltd.                      ....Applicant

**ORDER**

**December 24, 2009**

The Maharashtra State Electricity Distribution Co. Ltd. (“MSEDCL”) filed an application on 17.06.2009 proposing an amendment to Regulation 4.1(a) of “MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006” (“CGRF Regulations”), in relation to appointment of Chairperson of Consumer Grievance Redressal Forum (“CGRF”).

2. The Applicant has prayed as under:

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*a) The eligibility criterion of Chairperson ,CGRF, as prescribed under Regulation 4.1(a) of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations,2006 be reviewed/ reconsidered;*



- b) *Hon. Commission may approve the Proposal I above stating the eligibility criterion as “The Chairperson of the Forum shall be retired senior judicial officer; or a retired civil servant not below the rank of a Collector; or a retired Principal of a reputed Engineering college; or a retired Professor of the Electrical Engineering Department of a reputed institute; or a retired senior electrical engineer of the Government or a retired senior Engineer from State Electricity Utilities having experience of more than 15 years in the field of distribution of electricity”; Or,*
- c) *Hon. Commission may approve Proposal II above stating the eligibility criterion as “The Chairperson of the Forum shall be a retired senior judicial officer; or a retired civil servant not below the rank of a Collector; or a retired Principal of a reputed Engineering college; or a retired Professor of the Electrical Engineering Department of a reputed institute; or a retired senior electrical engineer of the Government or a retired Engineer from erstwhile MSEB, MSEDCL, MSPGCL/MSETCL/MSEB Holding Company not below the rank of Chief Engineer or equivalent post and having experience in the field of distribution of electricity of more than 15 years. ”*
- d) *Hon. Commission may suitably amend the Regulation 4.1(a) related to Appointment of Chairperson of Forum of “MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006” accordingly;*
- e) *The Honorable Commission may consider the above proposal for a favourable dispensation.*
- f) *The Honorable Commission may condone errors/omission, if any, and may please give an opportunity to rectify the same and to file additional data, information as may be required.”*
3. The Applicant submitted the following reasons for seeking an amendment to the qualifications of the Chairperson of the CGRF:
- i. The Applicant is of the view that the current Regulation 4.1(a) laying down the eligibility for appointment as Chairperson of the CGRF is not broad enough which is the reason why not too many applications are received for the post of Chairperson of CGRF;
  - ii. The Applicant is also of the view that the applicants seeking appointment to the post of Chairperson of CGRF, to some extent, lack technical knowledge and understanding of electricity distribution business;
  - iii. The eligibility criteria specified in Regulation 4.1(a) of the CGRF Regulations do not permit MSEDCL to consider senior (retired) engineers having experience of electricity distribution business for appointment to the post of Chairperson of CGRF even though such senior engineers may have deserving qualifications.

The Applicant submits that in such circumstances, the eligibility criteria of Chairperson, CGRF, as prescribed under Regulation 4.1(a) of the said Regulations

needs to be reviewed/ reconsidered and it is felt that appropriate amendment/ modification to the said provision enlarging the eligibility criteria as proposed in the prayers made in the present application may assist the consumers in getting their grievances redressed/ resolved in much effective manner.

4. A hearing was held on 14<sup>th</sup> December 2009. MSEDCL was represented by Shri Abhijit Deshpande, Executive Director (Commercial) and Shri S S Ketkar, Executive Engineer, Tariff Regulatory Cell of MSEDCL. Prayas, one of the authorised Consumer Representatives under Section 94(3) of EA 2003, filed their written submission on 14th December 2009 opposing the proposed amendment on the ground that the existing criteria in the CGRF regulations were quite broad in nature and there does not appear to be any reasons for MSEDCL to face any problems in finding suitable candidates. It has also been submitted by Prayas that CGRF being composed of three members, one of whom is a person from the utility of the rank of an Executive Engineer or above, there seems to be no reason why technical experience of the CGRF should be a matter of doubt. It has also been submitted that autonomy and independence of the CGRF as a “consumer’s forum” was essential and at the heart of the CGRF Regulations and therefore all the more the regulations necessitate a non-utility person to act as Chairperson of the CGRF. The Applicant did not oppose these contentions which were filed by Prayas.
5. Having heard the Applicant and after considering the materials placed on record and the oral submissions advanced during the hearing, the Commission is of the view that the reasons put forth by the Applicant seeking an amendment to the CGRF regulations, are far from satisfactory. The Commission is not convinced that the Applicant is facing difficulties in finding candidates for appointment of Chairperson/s of the CGR Forum/s due to the requirements of eligibility as per Regulation 4.1(a) of the CGRF Regulations or that they are not able to secure adequate and enough number of applications for the post of Chairperson. The Commission is also not convinced that this has resulted in delays in appointments of Chairpersons of some of the CGRFs, due to which the post/s of Chairpersons of CGRF have remained vacant for a long time after the retirement of the serving Chairperson/s. The Commission is of the view that these reasons cannot be taken into account for expanding the eligibility criteria for the post of Chairperson of CGRF, for the reason that the Commission finds the existing eligibility criteria to be broad enough for finding enough number of candidates. The existing regulations provide as under:-

*“4.1 Each Forum to be constituted by the Distribution Licensee shall consist of three members, who shall meet the following criteria:*

*(a) The Chairperson of the Forum shall be a retired senior judicial officer; or a retired civil servant not below the rank of a Collector; or a retired Principal of a reputed Engineering college; or a retired Professor of the Electrical Engineering Department of a reputed institute; or a retired senior electrical engineer of the Government.*

*Provided that the Chairperson shall preferably have working knowledge of the vernacular language of the State of Maharashtra.”*

Given the existing broad nature of the eligibility criterion the Commission has no doubt that enough number of candidates would be available for the posts of Chairpersons of the CGRFs. It is also not convincing that the eligibility criteria needs to be changed because the Chairperson may not have specific experience of electricity distribution business, for the reason that one of the members of the CGRF has to have knowledge and experience in distribution and supply of electricity as would be evident from a reading of Regulation No. 4.1(b) as under:-

*(b) One member shall be a person not below the rank of an executive engineer of the Board or a person of equivalent rank of any other Distribution Licensee.*

.....  
*Provided that the Distribution Licensee shall, while appointing the member referred to in sub-clause (b), ensure that he/she is a **person having knowledge and experience in distribution and supply of electricity.*** {emphasis added}

6. As regards the proposal to amend the eligibility criteria in such a manner so as to include “*a retired senior Engineer from State Electricity Utilities having experience of more than 15 years in the field of distribution of electricity*”; or, “*a retired Engineer from erstwhile MSEB, MSEDCL, MSPGCL/MSETCL/MSEB Holding Company not below the rank of Chief Engineer or equivalent post and having experience in the field of distribution of electricity of more than 15 years*”, the Commission has a doubt as to whether objectivity could be ensured if the post of Chairperson of the CGRF is filled up by a person who has retired having worked with the same Distribution Licensee in whose CGRF he would apply, more so, when out of the other two members, one member of CGRF is an executive engineer or a person of equivalent rank of any other Distribution Licensee.
7. In the circumstances, in view of the above, the Commission is not inclined to accept the proposal to amend the CGRF regulations as proposed. In any case, carrying out an amendment to regulations cannot be taken up in this manner as sought for.

Accordingly, the present application stands dismissed for the reasons as stated above.

(V. L. Sonavane)  
Member

(S. B. Kulkarni)  
Member

(V. P. Raja)  
Chairman



(Sanjay Sethi)  
Secretary, MERC