

KERALA STATE ELECTRICITY REGULATORY COMMISSION
NOTIFICATION

No. 1718/CT/2010/KSERC

Dated, Thiruvananthapuram 07th February, 2011

**KERALA STATE ELECTRICITY REGULATORY COMMISSION (CONSUMER
GRIEVANCE REDRESSAL FORUM AND ELECTRICITY OMBUDSMAN)
(FIFTH AMENDMENT) REGULATIONS, 2011**

In exercise of the powers conferred under Section 181 of the Electricity Act, 2003 (Central Act 36 of 2003), and all other powers enabling it in this behalf, and after previous publication, the Kerala State Electricity Regulatory Commission hereby makes the following Regulations further to amend Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2005, namely.-

1.Short title and commencement.- (1) These Regulations may be called the Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) (Fifth Amendment) Regulations, 2011.

(2) They shall come into force at once.

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

(i) after regulation 12, the following regulation shall be added, namely:-

“12 A Review.- (1) The Forum may, either on its own motion or an application of any person aggrieved by an order, review its order on the following grounds, namely:-

- (i) on the discovery of a new and important matter or evidence which, after the exercise of due diligence, was not with his knowledge or could not be produced by him.
- (ii) mistake or error apparent on the face of the record.

(2) An application under clause (1) shall be filed within period of fifteen days from the date of receipt of the order:

Provided that the Forum may entertain an application after the expiry of the said period of fifteen days, if it is satisfied that the applicant had sufficient cause for not preferring the review within such period.

(3) If on a preliminary examination of the application, if the Forum found that there is no sufficient ground for review, it shall reject the application after affording an opportunity of being heard to the applicant.

(4) In cases where the review petition is admitted, the Forum shall dispose of it within a period of 30 days from the date of admission after affording sufficient opportunity to the parties to the application.”.

(ii) after regulation 27, the following regulations shall be added, namely:-

“27A Review.- (1) The Electricity Ombudsman may, either on its own motion or an application of any person aggrieved by an order, review its order on the following grounds, namely:-

- (i) on the discovery of a new and important matter or evidence which, after the exercise of due diligence, was not with his knowledge or could not be produced by him.
- (ii) mistake or error apparent on the face of the record.

(2) An application under clause (1) shall be filed within period of fifteen days from the date of receipt of the order:

Provided that the Electricity Ombudsman may entertain an application after the expiry of the said period of fifteen days, if it is satisfied that the applicant had sufficient cause for not preferring the review within such period.

(3) If on a preliminary examination of the application, if the Electricity Ombudsman found that there is no sufficient ground for review, it shall reject the application after affording an opportunity of being heard to the applicant.

(4) In cases where the review petition is admitted, the Electricity Ombudsman shall dispose of it within a period of 30 days from the date of admission after affording sufficient opportunity to the parties to the application.”.

By Order of the Commission

Sd/-
Secretary

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

There are no provisions in the existing regulation conferring power to the Forum or Ombudsman to review their orders. In certain circumstances, the Forum and the Ombudsman have to review their orders for the ends of justice. Therefore the Commission has decided to amend the regulation to empower Forum and the Ombudsman to review their orders.

This notification is intended to achieve the above object.