

Minutes of the 20th General Body Meeting
of
Forum of Indian Regulators (FOIR)
Held in Ramnagar (Uttarakhand) during 09th – 11th April, 2007

Venue : Hotel River Corbett Hideaway Resort, Ramnagar
(Uttarakhand)

List of Participants : **At Annexure-I (enclosed)**

The 20th General Body Meeting of the Forum of Indian Regulators (FOIR) was inaugurated by Shri Divakar Dev, Chairperson, UERC and Hony. Chairman, FOIR. Shri Divakar Dev extended a warm welcome to all the Members of the Forum of Indian Regulators (FOIR). He paid a special tribute to Shri A.K. Basu, Ex-Chairperson, CERC and Ex-Hony. Chairman, FOIR and expressed deep appreciation for the work done under his leadership by CERC and FOIR.

2. The following specific issues were discussed in the light of the actions emerging out the Minutes of the last General Body Meeting held at Surajkund (Haryana) :-

2.1 **Commissioning of study on :**

2.1.1 Various Models of Rural Electrification -

The recommendations of the Group on the Study on “Various Models of Rural Electrification” along with the Executive Summary of the final report of the Consultant M/s. Ernst & Young were discussed. Shri S.K. Chatterjee, Assistant Secretary, CERC and Executive Treasurer, FOIR briefed the Members about the process and exercise through which the final report emerged. **The recommendations of the Group accepting the Report of the Consultant were endorsed and it was felt that based on the models suggested in the Report, the SERCs could advise the State Governments in exercise of their powers**

under section 86 (2) of the Electricity Act. The Report shall now be circulated to all the Regulatory Commissions for further action, and final payment (against the agreed consultancy fee of Rs.9.78 lakh + taxes) released to the Consultant by FOIR Secretariat.

2.1.2 Consumer Advocacy –

The recommendations of the Group constituted to commission studies on “Measures for Enhanced Interface of the Electricity Regulatory Commission with the Public (Consumer Advocacy)” were discussed. Members expressed strong sentiments about the need for enhanced awareness about the existence of and the good work done by the Regulatory Commissions, amongst the stakeholders, especially the consumers. UPERC made a presentation highlighting the action taken by the Commission towards Consumer Advocacy. Shri K.P. Pandey, Chairperson, KERC also informed the Members about the measures on Consumer Advocacy taken by the State Commission in Karnataka. Shri S.K. Jena, Member, OERC also apprised the Members of the measures taken by the Commission in Orissa in this regard. The general feeling was that the subject of the study was State specific and could be addressed at each State level. Dr. Pramod Deo, Chairperson, MERC, Shri S.K. Misra, Chairperson, CSERC and Shri Surinder Pal, Member, APERC who were also Members of the Group constituted for commissioning the study on “Measures for Enhanced Interface of the Electricity Regulatory Commission with the Public (Consumer Advocacy)” explained that the Terms of Reference (TOR) for the study were prepared with due regard to the sentiments expressed and mandate given by the FOIR in its meeting held in June, 2006. Given the response received from the bidding Consultants, the Group was convinced that the recommended Consultant was the most suitable amongst the applicants to carry out the study, if at all the study were to be commissioned. However, **after a detailed discussion, the Members felt that a broad strategy on the issue, especially, the strategy to reach out to the consumer, might be evolved by each SERC and that the study on the subject at the FOIR level might not be pursued for the moment.**

2.2. **Review on the Status of Metering :**

Shri S.K. Chatterjee, Assistant Secretary, CERC and Executive Treasurer, FOIR informed that comments from only two State Commissions have been received so far on the Regulation on Metering by CEA. **It was decided that comments, if any, on the issue might be sent by other State Commissions within 15 days to the FOIR Secretariat after which, the Group constituted for the purpose would have a meeting with the Chairperson, CEA for suggesting improvements/amendments, if any, in the Metering Regulation.**

2.3. Dr. Pramod Deo, Chairperson, MERC, drew attention towards the amendments suggested by the MERC in the Minutes of the last meeting, with reference to Agriculture metering and requested FOIR Secretariat to carry out the desired editorial correction.

3. **With the above observations and decisions, the Minutes of the 19th GBM were confirmed.**

4. After confirmation of the Minutes, the following agenda items were taken up for discussion :

(I) Proposal for commissioning of studies on (i) Estimation of Loss in the Distribution and (ii) Estimation of Agriculture Consumption.

4.1 The Members were apprised of the status regarding commissioning of the studies on the subject. It was informed that the studies could not be commissioned in view of the opinion expressed by some Members that the scope of work for the studies at the national level would be too wide to be covered by a single Consultant. After discussion, it was felt that the subject was highly State specific and that ideally each SERC should evolve its own measures either through a study at the State level or based on the similar studies, if any already conducted by agencies like CEA. **It was, therefore, decided not to pursue the study on the subject at the FOIR level.**

(II) Discussion on “Consumer Grievance Redressal Machinery” – issues in connection with the working of Consumer Grievance Redressal/Ombudsman.

4.2 The background paper circulated in this regard was discussed and several Members expressed their opinion on general and specific issues arising out of the paper. **It was decided that each SERC/Hony. Member would forward detailed comments by 15th May, 2007 on the paper/note on the subject to the FOIR Secretariat which will compile them and place before the next meeting of FOIR for consideration.**

5. Miscellaneous.

- (I) Some Members stated that the State Commissions faced problems because of the Appellate Tribunal’s Benches sitting only in Delhi. Attention was drawn towards section 112 (2)(c) of the Electricity Act, 2003 which provides that “*the Benches of the Appellate Tribunal shall ordinarily sit at Delhi and such other places as the Central Government, may, in consultation with the Chairperson of the Appellate Tribunal, notify*”. **It was felt that the issue highlighting the problems being faced by the SERCs in this regard be brought to the notice of the Ministry of Power requesting the Ministry to notify Benches of the Tribunal in various Regions, in exercise of its power under section 112 (2)(c) of the Act.**
- (II) The issue regarding commissioning of studies/research by FOIR was discussed in general. Some Members felt that the State Commissions often had State specific issues to commission study on and that it could be explored as to whether such proposals for commissioning of studies by SERCs could be part funded by FOIR. It was informed that FOIR as a Society has been recognized as a charitable organization under the Income Tax Act, which exempts the Society from the requirement of payment of Income Tax on a specified portion of its income, on account of the Society spending its funds on activities like research, training etc. **It was decided that the rules/by laws in this regard might be examined by FOIR Secretariat to find out as to (a) whether FOIR funds could be used to fund the research proposals of the**

Members of the FOIR, instead of funding the research activities by the FOIR itself and (b) even in such an event (of FOIR ‘itself’ not funding the research activities) whether Income Tax exemption, as stated above, could be claimed by the FOIR. If it is so, the State Commissions could be advised to send proposals for part funding by FOIR. The proposals, after they are received at FOIR Secretariat could be considered and approved by the Hony. Chairman of the FOIR. Chairperson, UPERC felt that a Group could be constituted for the purpose of examining the proposals received from various State Commissions before recommending the proposal along with percentage of funding by FOIR, to Hony. Chairman of FOIR for approval.

- (III) Uttarakhand Electricity Regulatory Commission (UERC) made a presentation on a case study which highlighted inter alia the need for activating consumer groups/organizations which could advocate and safeguard the interests of the consumers in various fora.
- (IV) Shri Bhanu Bhushan, Member, CERC and Hony. Secretary, FOIR informed the Members about the important orders/concept papers issued by CERC and requested them to give their considered views on the issues to enable the Central Commission to take informed view on such issues of importance.

6. Hony. Chairman, FOIR conveyed his gratitude towards the entire team of UERC for their arduous efforts at organizing the meeting at Ramnagar. He also thanked and conveyed his deep appreciation to the staff of FOIR Secretariat for their assistance in hosting the meeting.

The meeting ended with thanks to the Chair.

LIST OF PARTICIPANTS ATTENDED THE 20TH GENERAL BODY MEETING

OF

FORUM OF INDIAN REGULATORS (FOIR)

HELD AT HOTEL RIVER CORBETT HIDEAWAY RESORT, RAMNAGAR

(UTTARAKHAND)

DURING 09TH – 11TH APRIL, 2007

S. No.	Name	Designation
01.	Shri Divakar Dev	Chairperson, UERC and Hony. Chairman, FOIR
02.	Shri P.K. Bora	Chairperson, AERC
03.	Shri S.K. Misra	Chairperson, CSERC
04.	Shri G. Subba Rao	Chairperson, GERC
05.	Shri Bhaskar Chatterjee	Chairperson, HERC
06.	Shri K.B. Pillai	Chairperson, J&KSERC
07.	Shri S.K.F. Kujur	Chairperson, JSERC
08.	Shri K.P. Pandey	Chairperson, KERC
09.	Shri C. Balakrishnan	Chairperson, KSERC
10.	Dr. J.L. Bose	Chairperson, MPERC
11.	Dr. Pramod Deo	Chairperson, MERC
12.	Shri Jai Singh Gill	Chairperson, PSERC
13.	Shri S.S. Chakraborty	Chairperson, TERC
14.	Shri Vijoy Kumar	Chairperson, UPERC
15.	Shri S.N. Ghosh	Chairperson, WBERC
16.	Shri A.K. Basu	Ex-Chairperson, CERC
17.	Shri V.K. Sood	Ex-Chairperson, DERC
18.	Shri A. Balraj	Ex-Chairperson, TNERC
19.	Shri Bhanu Bhushan	Member, CERC
20.	Shri Surinder Pal	Member, APERC
21.	Shri Himadri Dutta	Member, AERC
22.	Shri B.K. Halder	Member, BERC
23.	Shri S.K. Jayaswal	Member, BERC
24.	Shri Sarat Chandra	Member, CSERC
25.	Shri R. Krishnamoorthy	Member, DERC
26.	Shri K. Venugopal	Member, DERC
27.	Shri Manmohan	Member, GERC
28.	Shri Tej S. Tewatia	Member, HERC
29.	Shri T.R. Dhaka	Member, HERC
30.	Shri P.C. Verma	Member, JSERC
31.	Smt. Shakuntala Sinha	Member, JSERC

32.	Shri H.S. Subramanya	Member, KERC
33.	Shri M.P. Aiyappan	Member, KSERC
34.	Shri A. Velayutham	Member, MERC
35.	Shri S.B. Kulkarni	Member, MERC
36.	Shri R. Natarajan	Member, MPERC
37.	Shri D. Roy Bardhan	Member, MPERC
38.	Shri S.K. Jena	Member, OERC
39.	Smt. Baljit Bains	Member, PSERC
40.	Shri S.S. Pall	Member, PSERC
41.	Shri B. Jeyraman	Member, TNERC
42.	Shri P.N. Pathak	Member, UPERC
43.	Shri R.D. Gupta	Member, UPERC
44.	Shri V.K. Khanna	Member, UERC
45.	Shri V.J. Talwar	Member, UERC
46.	Shri K.N. Sinha	Ex-Member, CERC
47.	Shri R.K. Sharma	Ex-Member, GERC
48.	Shri S.C. Dhingra	Ex-Member, UPERC
49.	Shri Shaik Ahmed	Secretary, KERC
50.	Shri Anand Kumar	Secretary, UERC
51.	Shri Arun Kumar Srivastava	Director, UPERC
52.	Shri S.K. Chatterjee	Asstt. Secretary, CERC