

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

**Present : Shri. Preman Dinaraj, Chairman
Adv.A.J.Wilson, Member (Law)**

O.P.No.47/2020

In the matter of : Approval of Manual of Procedure for Redressing Consumer Complaints–
Petitioner : M/s Technopark, Park Centre, Thiruvanathapuram.
Respondents : Stake holders of Technopark.

Order dated 19.01.2021

Background of the Case:

1. M/s Technopark, Park Centre, Thiruvanathapuram .or the Petitioner on 15.12.2020 has filed a petition for approval of the draft Manual of Procedure for redressing consumer complaints. The Manual is prepared in accordance with the provision of Regulation 29 (1) of KSERC (Standards of Performance of Distribution Licensees) Regulations, 2015.The Commission shall within two months from the date of submission of the draft of the manual, approve the manual with modifications if necessary after hearing the stakeholders, as specified in Regulation 29(3) of KSERC (Standards of Performance of Distribution Licensees) Regulations, 2015.

Analysis of the Commission:

2. Vide Government of India Notification CG-DL-E-31122020-224061 No.681 dated 31st December, 2020; the Ministry of Power has notified the Electricity (Right of Consumers) Rules, 2020. The Commission has since reviewed the provisions of these Rules and noted that a number of deviations and additions will have to be made in the Commission's Regulations including amendments in the KSERC (Standards of Performance of Distribution Licensees) Regulations, 2015 and the Kerala Electricity Supply Code, 2014, so as to bring it in line with these Rules. Since these Regulations are in the nature of sub-ordinate legislation and electricity being a concurrent subject under the Constitution, the State Regulations has to be made consistent to the Rules. Hence, the KSERC Regulations has to be amended

following the due process ie., pre-publication, conduct of public hearings, consideration by the Commission and amendments as required to be published through Gazette Notification. Under such circumstances, the Commission is constrained to amend its Regulations first before the Draft Manual of Procedure for redressing consumer complaints prepared by Technopark is approved.

Order of the Commission:

- (1) In view of the notification of Electricity (Right of Consumers) Rules, 2020, the Commission cannot issue any Regulations or Orders which are not consistent with the Rules.
- (2) KSERC will be proposing amendments in KSERC (Standards of Performance of Distribution Licensees) Regulations, 2015, Kerala Electricity Supply Code, 2014, and any other Regulations as required, so as to bring these Regulations in line with the Rules.
- (3) Thereafter, M/s Technopark can consider and propose amendments/changes in the Draft Manual of Procedure for redressing consumer complaints making it consistent with the Amendments as adopted by KSERC as per (2) above.
- (4) The fee remitted by M/s Technopark towards the petition will be adjusted while on resubmission of the Draft Manual of Procedure for redressing consumer complaints which is consistent with the Amendments as adopted by KSERC.
- (5) In view of the above stated position, the petition is disposed off.

Sd/-

**Adv. A.J. Wilson
Member (Law)**

Sd/-

**Preman Dinaraj
Chairman**

Approved for Issue

**C.R.Satheeshchandran
Secretary (i/c)**