

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

RP-5/2009 in A.No. 181 of 2008

Dated: 29th July, 2011

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member

In the matter of:

D.E.R.C.Appellant(s)

Versus

BSES Rajdhani Power Pvt. Ltd. ... Respondent(s)

Counsel for the Appellant(s) : Mr Meet Malhotra, Senior
Counsel with Mr. Ravi S.S.
Chauhan and Mr. Gaurav
Verma

Counsel for the Respondent(s) : Mr. Amit Kapur and Mr. Vishal
Anand, Amicus Curie Counsel

Order

We have received a report of the Secretary of the Forum of Regulators dated 13th July, 2011.

It is noticed, as pointed by Mr. Amit Kapur, Amicus Curie Counsel that the posts of CGRFs are vacant in eight States namely Chhattisgarh, Delhi, Goa, Tamil Nadu, Jharkhand, Uttar Pradesh, Maharashtra & Lakshwadeep, Dadra & Nagar Haveli, Daman & Diu (UTs). It is also

noticed that the posts of CGRFs are yet to be created in three other States namely Sikkim, Arunachal Pradesh and Nagaland.

Therefore, it would be appropriate to direct the respective States and Union Territories to ensure filling up of all the posts without any further delay within four weeks from the date of the receipt of this order. It is also appropriate to give a general direction to the Commissions to initiate steps to fill up a vacancy even six months before the vacancy is expected to arise. Accordingly, ordered.

The Secretary of the Forum would contact those State Commissions and ensure the compliance of this order and report the matter to this Tribunal.

Similarly, it is noticed in the report that the posts of Ombudsman are vacant in 4 States namely Bihar, Chattisgarh, Joint Electricity Regulatory Commission for Manipur & Mizoram and Uttarakhand. Besides that, the posts of Ombudsman in three States – Nagaland, Sikkim and Arunachal Pradesh are also yet to be created.

Hence, the State Commissions are directed to ensure the creation and filling of all the posts without any further delay within 4 weeks from the date of the receipt of this order. The State Commissions as well as Forum of Regulators may report to the Tribunal about the compliance of this order.

Post the matter on **5th September, 2011 at 2.30 p.m.** It is directed to the Registry to send copy of this order to all the Commissions.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

Ss/ak

