

# Jharkhand State Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulation, 2005]<sup>1</sup>

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**Noti. JSERC/54/11, dated 6th April, 2005.**—In exercise of the power conferred on it by Section 181 read with sub-sections (5) to (8) of Section 42 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling in this behalf, the Jharkhand State Electricity Regulatory Commission, to provide for a system of redressal of consumer grievances, makes the following guidelines.

## PART I

### *General*

**1. Short title, Commencement and Interpretation.**—(i) These regulations may be called the Jharkhand State Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulation, 2005.

(ii) These regulations shall be applicable to all distribution and retail supply Licensees in their respective licensed areas.

(iii) These regulations shall extend to the State of Jharkhand.

1. Published in Jharkhand Gazette (ex. ord.) dated 6.4.2006.

(iv) These regulations shall come into force on the date of its publication in the Jharkhand State Government Gazette.

**2. Definition.**—In these regulations, unless the context otherwise requires:—

- (a) "Act" means the Electricity Act, 2003.
- (b) "Area of supply" means the area within which a distribution Licensee is permitted by his License to supply electricity;
- (c) "Chairperson" means the Chairperson of the Forum;
- (d) "Commission" means the Jharkhand State Electricity Regulatory Commission;
- (e) "Complainant" means :
  - (i) a consumer of electricity including applicants for new connections who has a complaint against the licensee;
  - (ii) the representative of complainant, authorised in writing, supported by the affidavit on Non-Judicial Stamp Paper of appropriate value, duly attested by the Oath Commissioner/Notary Public to represent the complainant before the Forum/Ombudsman; or
  - (iii) any Registered/Unregistered Association of consumers where consumers have similar interest; or
  - (iv) one or more consumers, where there are numerous consumers having similar interest; or
  - (v) in case of death of a consumer, his legal heirs or authorised representatives who makes the complaint;
- (f) "Complaint" means any grievance in writing made by a complainant that:—
  - (i) there exists defect or deficiency in electricity service provided by the Distribution Licensee;
  - (ii) an unfair or restrictive trade practice has been adopted by the Distribution Licensee in providing electricity services;
  - (iii) The Distribution Licensee has charged a rate in excess of that fixed by the Commission, for supply of electricity and related services;
  - (iv) The Distribution Licensee has recovered expenses, in excess of charges approved by the Commission, in providing any electric line or electric plant or electric meter;
  - (v) The electricity services provided by the distribution licensee, is unsafe or hazardous to public life and is in contravention to the provisions of any law in force;
- (g) "Conduct of Business Regulations" means JSERC (Conduct of Business) Regulations, 2003 with amendments as framed and published by the Commission from time to time.
- (h) "Consumer" means any person who is supplied with electricity for his own use by a Distribution Licensee or the Government or by any other person engaged in the business of supplying electricity to the public under the Applicable Legal Framework or any other law for the time being



in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a distribution licensee, the Government or such other person, as the case may be;

- (k) "*Consumer dispute*" means a dispute where the person/licensee against whom complaint has been made, denies or disputes the allegation contained in the complaint;
- (l) "*Distribution Licensee*" means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply and includes a deemed licensee;
- (m) "*defect*" means any fault, imperfection or shortcoming in quality, quantity, standard of service, equipment or material which is required to be maintained by or under any law in force or under any contract, express or implied, or as is claimed by the distribution licensee in any manner whatsoever in relation to electricity service;
- (n) "*deficiency*" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law in force or has been undertaken to be performed by distribution licensee in pursuance of a contract agreement or otherwise in relation to electricity service or performance standard; violations of Electricity Supply Code, contraventions of Act, Rules or regulations made there under with regard to consumer interest;
- (o) "*distribution system*" means the system of wires and associated facilities between the delivery points on the transmission lines or the generating station connection and the point of connection to the installation of the consumers;
- (p) "*Electricity Ombudsman*" means an authority to be appointed or designated by the Commission, under sub-section (6) of Section 42 of the Act, with whom a representation may be made by any consumer, who is aggrieved by non-redressal of his grievances by the Forum;
- (q) "*electricity service*" means electricity supply, metering, billing, disconnection and reconnection, providing electricity supply connection to the applicant, maintenance of distribution system and all other attendant sub-services etc.;
- (r) "*Forum*" means 'Forum for redressal of grievances of the consumers' to be constituted by each distribution licensee;
- (s) "*Form*" means form appended to these Regulations;
- (t) "*Member*" means the Member of the Forum and includes the Chairperson of the Forum;
- (u) "*Nodal Officer*" means the convener designated by the distribution licensee who would coordinate with the Forum/Electricity Ombudsman;
- (v) "*restrictive trade practice*" in respect of electricity supply means a trade practice which prevents, distorts or restricts competition in some manner "deemed to be prejudicial to consumer interest, if they raise cost unreasonably, or the prices and/or profit unreasonably, or if they lead to

lowering of quality and shall include delay beyond the period agreed to by a Distribution Licensee in providing the electricity services;

- (w) "State Government" means the State Government of Jharkhand;
- (x) "Licensee" means a person who has been granted a license or is a deemed licensee under Section 14 of the Act;
- (y) "unfair trade practice" means a trade practice which a distribution licensee, for the purpose of promoting sale, use or supply of electricity adopts any unfair method or discriminatory or deceptive practice of making any statement, whether orally or in writing or by visible representation which falsely represents that the services are of a particular standard and/or quality made by him;
- (z) All other expressions used herein but not specifically defined but defined in the Act shall have the meaning assigned to them in the Act.

## PART II

### *Guidelines for Establishment of Forum of Redressal of Grievances of the Consumers*

**3. Constitution of Forum (s).—**(1) Every distribution licensee shall within six months from the date of grant of license, establish a Forum or Forums for redressal of grievances of the consumers in accordance with these regulations, provided that every existing distribution licensee/deemed licensee shall within three months from the date of notification of this regulation, establish a Forum or Forums for Redressal of Grievances of the consumers in accordance with these regulations.

(2) A distribution licensee may establish one or more than one forum located in different areas/divisions, keeping in view the concentration of the consumer in a particular area and the number of complaints expected to be received and the constraints of the forum in disposing of the complaint "expeditiously within a period of 3 months" from the date of receipt of complaint by it.

(3) The office of the "Forum" shall be at such place(s) as each distribution licensee may specify in accordance with the sub-section (2).

(4) The Forum shall consist of three Members including, the Chairperson, of which none shall be working officer from the licensee, to be appointed by the distribution licensee. The Licensee will get the panel approved by the Commission from which the Chairperson and Members will be appointed by licensee, namely:—

- (a) One Member shall be possessing degree in Electrical Engineering and having at least 20 years experience in the transmission, distribution and trading of electricity and who is or has been at least Superintending Engineer or at an equivalent post in an organization engaged in the business of transmission, distribution and trading of electricity;
- (b) One Member shall be possessing degree in law and having at least 15 years experience in legal/judicial work not below the rank of Additional Secretary in the State Government or a registered practitioner having at least 15 years experience in the cases related to Electricity; and
- (c) One Member shall be at least a graduate from a recognized University with twenty (20) years of experience and knowledge of accounts and finance in Government Department/Commercial Public undertaking



including power sector and having at least 5 years working experience in the grade of Director (in the State Government)/Superintending Engineer or equivalent post.

(5) The licensee shall designate one of the Members to be the Chairperson of the Forum under intimation to the Commission.

(6) In the event the post of the Chairperson falls vacant, the senior most Member will act as Chairperson till such time a regular Incumbent is appointed.

(7) The age of the person to be considered for appointment, as Member shall be minimum 50 years. Every Member of the Forum shall hold office for a term of three years and shall not be eligible for reappointment to the same post. Provided that no Member of the Forum shall hold office as such after he has attained the age of sixty-five years.

(8) The quorum of the Forum shall be two Members.

(9) The office of the Chairperson/Members shall not be kept vacant for more than two months.

(10) Any Member may relinquish his office by giving in writing to the Distribution Licensee a notice of not less than one month or by paying one month's salary in lieu thereof.

(11) The Chairperson and the Member of the Forum shall not hold any office of profit during their tenure in the Forum.

(12) The salary, honorarium, TA/DA and other allowances payable to the Chairperson and Members, and their terms and conditions of service shall be such as may be determined by the Distribution Licensee and approved by the Commission.

Provided that the salary, allowances and other terms and conditions of service of the Members, shall not be varied to their disadvantage after appointment.

(13) The office, staff and other facilities required by Members of the Forum for efficient functioning of Forum shall be provided by the distribution licensee. Out of such staff, one person not below the rank of class-I officer shall be designated as full time secretary of the Forum.

(14) The approved expenses of Forum including all salaries, honorarium and allowances payable to Chairperson, Members and staff of the Forum shall be allowed as pass through expense in the Annual Revenue Requirement of the Distribution Licensee.

**4. Removal of Member/Chairperson.**—(1) No Member including Chairperson shall be removed from the office except in accordance with the provisions of this Regulation.

(2) The Distribution Licensee may by order remove from office Chairman/ any Member if he:—

- (a) has been adjudicated insolvent;
- (b) has been convicted of an offence which involves moral turpitude;
- (c) has become physically or mentally incapable of acting as a Member;
- (d) has acquired such financial or other interest as is likely to affect prejudicially his function as a Member;



(e) has so abused his position as to render his continuance in office prejudicial to the public interest;

(f) has been guilty of proven misbehavior. Provided that no Member shall be removed from his office on any ground specified in clauses (c), (d), (e) and (f) unless the Commission, on a reference being made in this behalf by the distribution licensee, has on an inquiry, held that the Member ought on such ground or grounds be removed.

(3) The Distribution Licensee may, in consultation with the Commission, suspend any Member of the Forum in respect of whom a reference has been made to the Commission, under sub-regulation (2) until the Distribution Licensee has passed an order on receipt of the finding of the Commission, on such reference.

(4) Chairman/any Member who remains absent from his duty consecutively for more than 15 days without any valid reason and prior permission of the appointing authority shall cease to be a Member of the Forum.

**5. Jurisdiction of the Forum.**—Subject to the other provisions of these regulations, Forum(s) shall have jurisdiction to entertain complaints within the entire/specified (in case of more than one forum) area of the distribution Licensee;

Provided that each Distribution Licensee may establish more than one Forum so as to ensure that the Forum is able to dispose of every complaint expeditiously within a maximum period of three months from the date of receipt of complaint by it.

**6. Duty of the Distribution Licensee to notify.**—(1) Every Distribution Licensee shall notify and bring to the notice of the consumers by whatever means deemed fit including publication in the newspapers/website etc., the details of the Forum for Redressal of Grievances of the Consumers.

(2) The Distribution Licensee shall make available copies of the procedure for lodging complaints to the Forum, written in English and Hindi, to the consumers free of cost as and when required by the consumers.

(3) The details such as names of the Forum Members, its Secretary and their addresses, telephone numbers and other details shall be notified frequently by the Distribution Licensee in the media/press.

(4) The bills issued by the Distribution Licensee to the consumers for the electricity supplied, shall contain the address and telephone numbers of the Forum for redressal of grievances of the consumers. The statement 'consumers whose grievance is not resolved by the Distribution Licensee can approach the Forum established for redressal of the grievance, only after complying with Complaint Handling Procedure of the licensee as approved by the Commission,' shall also be printed on such bills.

(5) These regulations shall be put on the website of distribution licensee, copies made available up to the level of J.E.s in-charge of sub-offices and District Administration offices in Jharkhand State for further distribution up to Panchayat/ Blocks Samitis and shall be given wide publicity through electronic/print media.

(6) No punitive bill/action can be taken without 15 days show- cause notice by concerned officer/authority of licensee. The person to whom a show-cause notice has been served shall be entitled to file a representation to the concerned officer, who may, after giving a reasonable opportunity to such person, pass final order. The concerned officer shall fix a day in a week for hearing those complaints and the day shall be notified as "Consumers complaint hearing day."



**7. Distribution Licensee.**—Shall notify and bring to the notice of the consumers by what so ever means including publication in newspapers/Websites, Division/Area wise details of authorised officers to whom consumers may lodge particular type of complaint/grievance and also who shall redress the grievance of the consumers within 30 days of filing of the complaint. The complaints shall be serially registered on first come first served basis and a permanent record of the same shall be kept and consumers shall be given a receipt of their complaint mentioning the registration number with date.

**8. Complaint that can be taken up by the Forum.**—8.1. The Forum shall take up any kind of grievances/complaints as defined in regulation 2(h) of these regulations provided that the complaint has already been registered as per Clause 7 of this regulation and the same has not been redressed within 30 days or the consumer is not satisfied with the redressal, except the complaint pertaining to :

- (i) Offences and penalties as specified under Sections 135 to 141 of the Act;
- (ii) Accidents and inquiries as specified under Section 161 of the Act unless prescribed by the State Government by General/special order.

**9. Procedure to file the complaint.**—(1) Every complaint must be filed in writing in triplicate to the Forum by the Complainant in Form-I with one copy duly served on the licensee/or opposite party. The applicant will be required to deposit with every application a non-refundable application fee of Rs. 250/- in case of commercial service and Rs. 450/- for industrial and Rs. 50/- in the case of domestic service and other categories of service. The application fee in the shape of A/c payee Demand Draft in favour of the Secretary, of the said Forum at place as notified by the licensee will be attached with the application submitted in the office of the Forum; Provided that:—

- (i) The complaints relating to previous years pertaining to any grievance covered under regulation 8.1 can be filed with the Forum within one year of its coming into existence;
- (ii) after one year of the establishment of the Forum, only those complaints filed within 1 year of its cause for action shall be entertained by the Forum;
- (iii) the complainant has exhausted the channel of redressal of grievances with the Distribution Licensee under the "Complaint Handling Procedure relating to Distribution and Retail Supply" as approved by the Commission as per Clause 7 of this Regulation;
- (iv) The complaint does not pertain to the same subject matter for which any proceedings before any Court is pending or a degree or award or a final order has already been passed by any competent Court;
- (v) The complainant may withdraw his/her complaint by making a petition to that effect to the Forum which may allow the withdrawal with such orders as It deems necessary.

(2) The complaint can also be lodged through e-mail to the respective Forum's e-mail ID (which will be published by it widely). The hard copy of the complaint in triplicate as specified in Rule 9(1) above should also be submitted within 7 days of sending the e-mail along with the Demand Draft.



**10. Manner in which the complaint shall be redressed.—**(1) On receipt of the complaint from any complainant, the Chairperson or a person authorised by the Chairperson shall make endorsement on the grievance subscribing his dated initial. Complaint received shall be registered and serially numbered generated through computer with date and time.

(2) The Forum shall acknowledge receipt of the complaint and fix and notify to both parties *i.e.* complainant and the licensee for hearing on the point of admissibility of the complaint within 7 days of receipt of the complaint.

(3) On receipt of a complaint made under sub-regulation 8.1, the Forum may, by order, allow the complaint to be proceeded with or rejected: Provided that the complainant shall be informed in writing giving reasons if, the complaint is rejected: Provided further that a complaint shall not be rejected under this sub-regulation, unless an opportunity of being heard has been given to the complainant: Provided further that the maintainability of the complaint shall ordinarily be decided within fifteen days from the date on which the complaint was received.

(5) Where a complaint is allowed to be proceeded with, under sub-regulation 10(3), the Forum may proceed with the complaint in the manner provided under these regulations.

**11. Procedure to be followed by the Forum on admission of complaint.—**

(1) The Forum shall,—

- (a) refer a copy of such complaint to the nodal officer directing him to give his version of the case within a period of fifteen days or such extended period not exceeding ten days as may be granted by the Forum.
- (b) Where nodal officer on receipt of a copy of the complaint, referred to him under clause (a) denies or disputes the allegation contained in the complaint, or omits or fails to take any action to represent his case within the time specified by the Forum, the Forum shall proceed to settle the consumer dispute.—
  - (i) on the basis of evidence submitted by the complainant and the distribution licensee, where the Distribution Licensee denies or disputes the allegations contained in the complaint, or
  - (ii) *ex-parte* on the basis of evidence brought to its notice by the complainant where the Distribution Licensee omits or fails to take any action to represent his case within the time given by the Forum, and
- (c) where the complainant fails to appear on the date of hearing before the Forum, the Forum may either dismiss the complaint for default or decide it on merit, if possible, or serve a notice to the complainant to appear in person to explain the grievances within 15 days of the 1st hearing as decided by the Forum.

(2) Every complaint shall be heard expeditiously and an appropriate reasoned order shall be passed within a period of 14 days from the date of final hearing and maximum within 90 days from date of receipt of complaint by the Forum : Provided that no adjournment shall ordinarily, be granted by the Forum unless sufficient ground exists and the reasons for grant of adjournment have been recorded in writing by the Forum : Provided further that the Forum shall make such orders as to the cost for the adjournment as may be considered appropriate by the Forum;



(3) Where during the pendency of any proceedings before the Forum, it appears to it to be necessary, it may pass such interim order as is just and proper keeping in view the facts and circumstances of the case subject to the condition that the complaint shall be decided within the maximum period of 90 days as specified in sub-regulation 11(2).

(4) Proceedings of the Forum can be attended by any consumer.

**12. Findings of the Forum.**—(1) If, after the proceedings conducted under regulations 11, the Forum is satisfied that any of the allegations contained in the complaint, about the electrical services are proved, it shall issue an order to the Distribution Licensee directing him to do one or more of the action to redress the complaint and compensate the complainant if need be.

(2) Every proceedings referred to in sub-regulation 11(1) shall be conducted by the Forum:

Provided that where a Member, for any reason, is unable to conduct a proceeding till it is completed, the Chairperson and the other Member thereof sitting together shall proceed:

Provided further that in the absence of the Chairperson, the senior most Member shall preside over the proceedings.

(3) All decisions of the proceedings referred to in sub-regulation 11(1) shall be taken by a majority of the Members present and in the event of equality of votes, the Chairperson shall have the second or casting vote.

(4) Every order passed by the Forum under sub-regulation 11(1) shall be a speaking order signed by its Chairperson and the Members conducting the proceeding.

(5) The proceeding of the Forum shall be recorded and kept with the Forum. The decision of the Forum along with the time frame for compliance shall be recorded and communicated to the complainant and the Distribution Licensee for compliance. The order of the Forum shall also be posted on the website of the Forum and/or distribution licensee.

(6) The distribution licensee/complainant shall implement the decisions of the Forum within the time frame specified in the order and compliance reported to the Forum within seven days of the implementation of the order.

**13. Appeal.**—The licensee or any consumer aggrieved by an order made by the Forum or non-implementation of the order of the Forum by the licensee may prefer an appeal against such order to the Electricity Ombudsman within a period of thirty days from the date of the order, in such Form and manner as may be laid down in the regulations made by the Commission:

Provided further that the Electricity Ombudsman may entertain an appeal after the expiry of the said period of thirty days if he is satisfied that there was sufficient cause for not filing the appeal within that period; but within a maximum period of 60 days from the order of the Forum:

Provided further that the Electricity Ombudsman shall entertain no appeal by any consumer, who is required to pay any amount in terms of an order of the Forum, unless the appellant has deposited in the prescribed manner, at least fifty percent of that amount.

**14. Monitoring report.**—The Forum shall submit a report to the Commission on the category-wise number of complaints received, redressed and pending for the every quarter of calendar year in the Form-II.



### PART III

#### *Electricity Ombudsman*

**15. Appointment and tenure.**—(1) As per Section 52(6) of the Electricity Act, 2003, the Commission shall appoint or designate an authority to be known as Electricity Ombudsman for settlement of consumer grievance concerning non-redressal of the consumer grievance by Forum established under Clause 3 of this regulation under Section 42(5) of the Act. As per Section 42(7) of the Act, the Commission makes the following regulations regarding the time and manner in which the Ombudsman shall settle the grievance of the consumer.

(2) The Electricity Ombudsman appointed/designated by the Commission should be an Electrical Engineer/Finance/Administrative/Legal officer with ability, integrity and standing, conversant with the working of the Electricity industry and enjoying a high reputation. The person should have a minimum of 25 years of experience in his relevant field. Experience of working of Consumers' Grievance Redressal Cell/Forum will be desirable. The minimum age of the person to be considered for appointment, as Electricity Ombudsman shall be 50 years: Provided that Ombudsman shall not hold the office after attaining the age of 65 years.

(4) The appointment of Electricity Ombudsman under this Clause may be made for a period not exceeding three years, provided that the tenure of an Electricity Ombudsman, may be extended by the Commission for further period not exceeding one year at a time.

(5) The remuneration and other perquisites payable to Electricity Ombudsman will be determined and borne by the Commission.

(6) The Electricity Ombudsman shall be provided with a Secretariat. The cost of the Secretariat will be borne by the Commission.

(7) Before entering the office, the Electricity Ombudsman shall make and subscribe to an Oath of office and secrecy in the form as may be prescribed by the Commission. The Chairman of the Commission will administer the oath.

(8) The Electricity Ombudsman shall be deemed to be public servant within the meaning of Section 21 of Indian Penal Code.

(9) Where the Commission is satisfied that in the public interest or for the reason of incapacity of the Electricity Ombudsman, it may for reasons to be recorded in writing and by giving him one month notice or by paying one month salary in lieu thereof remove any Electricity Ombudsman from his office.

(10) The Electricity Ombudsman may relinquish his office by giving in writing to the Commission a notice of not less than one month or by paying one month's salary in lieu thereof.

(11) The Electricity Ombudsman shall not hold any office of profit during his tenure as Electricity Ombudsman.

<sup>1</sup>[(12) **Removal of the Ombudsman.**—The Commission may, by order, remove from the office Ombudsman if he/she—

(a) has been adjudged an insolvent;

(b) has been convicted of an offence which, in the opinion of the Commission, involves moral turpitude;

1. "Regulation 15(12)" ins. vide No. JSERC/54/2006-07 dated 12.4.2006 (published in Jharkhand Gazette (ex. ord.) dated 13.4.2006.



- (c) has become physically or mentally incapable of acting as an Ombudsman;
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as an Ombudsman.
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest;
- (f) or has been guilty of proved misbehaviour.

**16. Territorial jurisdiction.**—The territorial limits of Electricity Ombudsman extend to entire State of Jharkhand.

**17. Location of office and temporary headquarters.**—The office(s) of the Electricity Ombudsman(s) will be located at such place(s) as may be specified by the Commission. In order to expedite disposal of complaints, the Electricity Ombudsman may hold sittings at such places within his area of jurisdiction as may be considered necessary and proper by him in respect of a complaint or reference, as the case may be, before him.

**18. Powers and duties of Electricity Ombudsman.**—The Electricity Ombudsman shall have the following powers and duties:—

- (1) To receive the presentation from consumer(s)/Licensee who is (are) aggrieved by the order of the Forum or its non-implementation except the order of the Forum, if the said order is made with the consent with the parties.
- (2) The Electricity Ombudsman shall exercise general powers of superintendence and control over his office and shall be responsible for the conduct of business of his office. The budget of the Electricity Ombudsman will be included in the Commission's budget.
- (3) The Electricity Ombudsman shall perform any other functions as may be specified from time to time by the Commission with regard to the consumer grievances.

**19. Procedure for filing a representation.**—(1) The licensee or any consumer who is aggrieved with the order passed by Forum or non-implementation of the orders of the Forum within one month of the order of the Forum may himself or through his representative, make a representation in writing in Form-III duly signed by the complainant or his authorized representative to the Electricity Ombudsman.

(2) The representation shall state clearly (a) the Name (s) of the consumer(s), or the organization, postal address, telephone number and e-mail address, if any, of the complainant, (b) The consumer number, category, address of the location of the service connection, name of the local distribution "licenses' office and address, the facts giving rise to complaint supported by documents, if any and relief sought from the Electricity Ombudsman, (c) The name of the Forum, date of order, decision of the Forum (a copy of the order of the Forum to be enclosed).

(3) No complaint to the Electricity Ombudsman shall lie unless:—

- (a) The complainant had before making a representation to the Electricity Ombudsman made a written representation to the Forum of the Distribution Licensee named in the complaint and either the Forum had rejected the complaint or the complainant had not received any reply within a period of three months from date of filing of the grievance or the complainant is not satisfied with the orders of the Forum or the order of the Forum has not been complied with.



- (b) The representation is made within thirty days from the date of receipt of the order of the Forum or such extended period as may be permitted by the Ombudsman not exceeding further thirty days for reasons to be recorded in writing Ombudsman; if it is satisfied that there exists sufficient cause for not filing it within that period.
- (c) The complaint is fresh and has not been decided by the Electricity Ombudsman in any previous proceedings.
- (d) The complaint does not pertain to the same subject matter for which any proceedings before the Commission or any authority/Court of law is pending or a decree or award or a final order has already been passed by the Commission or any competent Court, and
- (e) The complaint is not frivolous or vexatious in nature.

(4) After registering the representation of the complainant, licensee, the Ombudsman, within 7 days of registration, shall call for records relating to the representation from the concerned Forum. The concerned Forum shall send the entire records within 15 days from the date of issue of such notice, to the office of the Ombudsman.

**20. Rejection of the representation.**—(1) The Electricity Ombudsman may reject the representation at any stage if it appears to him that the representation made is:

- (a) frivolous, vexatious, *mala fide*; or
- (b) without any sufficient cause; or
- (c) that it is not pursued by the complainant with reasonable diligence; or
- (d) *prima facie*, there is no loss or damage or inconvenience caused to the complainant.

(2) The Electricity Ombudsman may reject a representation at any stage. If after consideration of the complaint and evidence produced before it, the Electricity Ombudsman is of the opinion that the complicated nature of the complaint required consideration of elaborate documentary and oral evidence and the proceedings before the Electricity Ombudsman are not appropriate for adjudication of such complaint.

(3) The decision to reject the representation shall be conveyed to the complainant by way of speaking order in writing.

(4) The representation can be withdrawn by making a petition to that effect to the Electricity Ombudsman which may allow the withdrawal with such orders as it deems necessary.

**21. Powers to call information.**—(1) For the purpose of carrying out his duties, an Ombudsman may require the Distribution Licensee named in the complaint or any of his officers or the consumer to furnish certified copies of any document relating to the subject matter of the complaint, which is or is alleged to be in its possession or further information within 15 days:

Provided that in the event of failure of a Distribution Licensee to comply with the requisition without any sufficient cause, the Electricity Ombudsman may, if he deems fit, draw adverse inference against the distribution licensee/consumer and proceed to settle the case on the basis of material available on record:

Provided that nothing in this clause shall prevent the Electricity Ombudsman from disclosing information or document furnished by a party in a complaint to other



party or parties, to the extent considered by him to be reasonably required to comply with the principles of natural justice and fair play in the proceedings.

**22. Settlement of complaint by agreement.**—(1) As soon as it may be practicable to do, but not later than one week from the date of receipt of representation, the Electricity Ombudsman shall serve a notice to the nodal officer of the Distribution Licensee along with a copy of the complaint and endeavour to promote a settlement of the complaint by agreement between the complainant and the Distribution Licensee named in the complaint through conciliation or mediation.

(2) For the purpose of facilitating settlement of the representation, the Electricity Ombudsman may follow such procedures, as he/she may consider appropriate. The process of mediation should be completed with 30 days from the date of issue of such notice.

(3) When a representation is reported settled through mutual agreement with both the parties in writing, the Electricity Ombudsman shall make a recommendation, in terms of the agreement. The copies of the case recommendation shall be sent to the complainant and the Distribution Licensee concerned not later than 7 days from the date of recording/receipt of the mutual agreement.

(4) If a complainant accepts the recommendation of the Electricity Ombudsman, he shall send a communication in writing within 15 days from the date of issue of the recommendation confirming his acceptance to Electricity Ombudsman and state clearly that the settlement reached is in full and final settlement of complaint.

(5) The Electricity Ombudsman shall send the acceptance letter received from the complainant to the Distribution Licensee to comply with the terms of the recommendations immediately but not later than 21 days of the receipt of such recommendation and the Distribution Licensee shall inform the Electricity Ombudsman of its compliance within 7 days of the implementation of such recommendation.

**23. Hearing of the matter and award.**—(1) Where the complaint is not settled by agreement under Regulation 21, the Electricity Ombudsman may determine the manner, the place, the date and the time of the hearing of the matter as he considers appropriate.

(2) The Electricity Ombudsman may hear the pleadings of the parties and direct the parties to submit written statement of submission in the matter.

(3) The Electricity Ombudsman shall pass a speaking order giving reasons for his findings and award.

(4) The Electricity Ombudsman shall pass an award expeditiously preferably within a period of 90 days from the date of receipt of the complaint and send a copy of the award to the complainant, Distribution Licensee and JSERC within 7 days. The Distribution Licensee/complainant shall inform the Electricity Ombudsman of its compliance within 30 days of the implementation of the award.

**24. Report of Electricity Ombudsman.**—(1) The Electricity Ombudsman send to the Commission, by 1st May every year, a report containing a general review of the activities of his office during the preceding financial year and shall furnish such information as the Commission may direct. The quarterly status report of the complaint should also be submitted in the Form-IV; (2) The Commission, if it

considers necessary in the public interest, may publish the report and the intimation from the Electricity Ombudsman in such consolidated form or otherwise as it deems fit.

#### PART IV

**25. Savings and Powers.**—25.1. Nothing in these regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary to meet the ends of justice or to prevent abuses of the process of the Commission.

25.2. Nothing in these regulations shall bar the Commission from adopting procedure in conformity with the provisions of the Act, which is at variance with any of the provisions of these regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.

25.3. Nothing in these regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Act for which no regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

25.4. Nothing contained in these regulations shall affect the rights and privileges of the consumers under any other law for the time being in force, including the Consumer Protection Act, 1986 (68 of 1986).

**26. Issue of orders or directions.**—Subject to the provisions of the Act, the Commission may from time to time issue orders or directions in regard to the implementation of these regulations to be followed.

**27. Power to amend.**—The Commission may, at any time add, modify, delete or amend any provision of these regulations.

**28. Power to remove difficulties.**—28.1. If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, direct the licensee to take suitable action, not being inconsistent with the Electricity Act, 2003, which appears to it to be necessary or expedient for the purpose of removing difficulties.

28.2. The licensee may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in the establishment of the Forum, as per these regulations.

**29. Affidavit in support.**—All complaint/representation/appeal shall be verified by an affidavit as per Form-V.