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Ranchi, Wednesday the -----, 2020

JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION, RANCHI

Objects :- in order to make these Regulations more consumer friendly with an object to provide an efficient and effective consumer grievance redressal machinery and to promote consumer advocacy – in suppression of The Jharkhand State Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulations, 2011, these regulations and guidelines are hereby enacted.

NOTIFICATION

The -----, 2020

(GUIDELINES FOR ESTABLISHMENT OF FORUM FOR REDRESSAL OF GRIEVANCES OF THE CONSUMERS AND ELECTRICITY OMBUDSMAN) REGULATIONS, 2020

No.39 --In exercise of the power conferred on it by Section 181 Electricity Act, 2003 (36 of 2003) r/w Section 42(5 to7) and all other enabling provisions, Jharkhand State Electricity Regulatory Commission hereby formulate the following Regulations/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, Electricity Ombudsman and Consumer Advocacy) Regulations, 2020.**
- ii) These Regulations shall be applicable to all Distribution & retail supply Licensees in their respective licensed areas.
- iii) These Regulations shall extend to the State of Jharkhand.
- iv) These Regulations/ guidelines shall come into force from the date of its publication in the Jharkhand State Government Gazette and shall also be applicable to the existing Members and Chairperson of the Consumer Grievance Redressal Forums and the Ombudsman of the State.

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 its license to supply electricity;
- c) “Commission” means the Jharkhand State Electricity Regulatory Commission;
- d) “Complainant” means
 - i) A consumer of electricity supplied by the licensee including applicants for new connections;
 - ii) Any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or under any other law for the time being in force;
 - iii) The Central Government or the State Government – who or which makes the complaint;
 - iv) One or more consumer, where there are numerous consumers having the same interest in representative capacity, duly authorized by such consumers or set of consumers;
 - v) In case of death of a consumer, his legal heirs or authorized representatives who makes the complaint;
- e) **“Complaint”** means any grievance made by a complainant for: -
 - i) Defect or deficiency in electricity supply or service provided by the licensee;
 - ii) Unfair or restrictive trade practices of licensee in providing electricity services;
 - iii) Charging of a price in excess of the price fixed by the Commission for supply of electricity and allied services;
 - iv) Any error in billing;
 - v) Erroneous disconnection of supply;
 - vi) Electricity services which are unsafe or hazardous to public life provided in contravention of the provisions of any law or rule in force; or
 - vii) Any other grievance related to supply of electricity by the licensee to the consumers except grievances arising under Sections 126, 135 to 139, 143, 152 and 161 of the Act.
 - Viii) Non-performance in Standards of Performance, as stipulated under Jharkhand State Electricity Regulatory Commission (Distribution Licensee’s Standard Performance) Regulations 2015.
- f) “Conduct of Business Regulations” means “JSERC (Conduct of Business) Regulations, 2011” with amendments as framed and published by the Commission from time to time.
- g) “Consumer” :- as defined under Section 2 (15) of the Electricity Act 2003.
- h) Consumer Advocacy’:- actions taken by persons or group of persons to protect the interests of the consumers and to create awareness amongst the consumers with regard to their rights for electricity services as per the regulations of the commission.
- i) Consumer Dispute’: means a dispute where the person/ Licensee against whom, a complaint is brought in, is denied or disputes the allegation contained in the complaint.
- j) Defect or ‘Deficiency’ means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance, which is required to be maintained under any law for the time being 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;

- k) “Distribution licensee” means a licensee authorized to operate and maintain a Distribution system for supplying electricity to the consumers in its area of supply and includes a deemed licensee;
- l) “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;
- m) “Electricity Service” means in particular and without prejudice in generality of the term, electricity supply, metering, billing, maintenance of supply, maintenance of distribution system and all other attendant sub services etc.;
- n) “Forum” means ‘Forum for redressal of grievances of the consumers’ to be constituted by each Distribution Licensee in terms of sub Section (5) of Section (42) of Act;
- o) Hearing means and includes physical hearing as well as virtual hearing by the CGRF and Ombudsman
- p) “Form” means form appended to these Regulations and the other Regulations of the Jharkhand State Electricity Regulatory Commission;
- q) Internal Grievance Redressal Cell or IGR Cell: - IGR cell means first authority to be contacted by the consumer for redressal of his/her grievance as notified by the distribution licensee.
- r) “Member” means the Member of the Forum and includes the Chairperson of the Forum;
- s) “Nodal Officer” means the convener designated by the Distribution licensee who would coordinate with the Forum / Electricity Ombudsman:
- t) Notice:- means an includes notice through electronic messages such as SMS, Whatsapp, e-mail, and by post such as Speed post, courier or by any other mode decided by the forum :-
- u) “ Para Legal Volunteers” means volunteers appointed under National Legal Services Authority(Legal Aid Clinics) Regulations, 2011, appointed By the respective District Legal Services Authority)
- 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;
- w) State Legal Services Authority – means the Authority Constituted under the Legal Services Authority Act, 1987.
- x) Legal Awareness: - means awareness created in consumers with regard to their legal rights in getting electricity services according to regulations of the commission.
- 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;

Words and expressions used and not specifically defined in these Regulations but defined in the Electricity Act, 2003 shall have the meaning assigned to them in the Act. The other words and expressions used herein but not defined in these Regulations or in the Act but defined under any other regulations of The Commission or any law passed by the Parliament applicable to electricity industry in the State shall have the meaning assigned to them in such law.

PART II

There shall be three tier for grievance redressal of a consumer:-

The Procedure of the Grievance Redressal – Tier - 1

The Distribution Licensee shall have an effective Internal Grievance Redressal Cell to record and redress Grievances in a timely manner. The IGR Cell of the Distribution Licensee shall have office(s) i at every sub-divisional level in the area of supply. The IGR cell of the distribution licensee shall endeavor to redress grievances within the period stipulated under Jharkhand State Electricity Regulatory Commission (Distribution Licensees Standard of Performance) Regulations, 2015.

A consumer with a grievance may intimate such IGR cell by in writing or any of the means such as twitter Account of the Distribution Licensee, SMS, E-mail, Whatsapp or at call centre of the licensee or any other mode convenient to him, for which a unique identification number shall be generated by the licensee.

The office of the IGR Cell shall issue acknowledgement of the receipt of the Grievance to the consumer promptly within 24 hours and forward the copy of the same to the Forum. The office of the cell shall inform the forum, regarding redressal of the grievance as per the time limit fixed under Jharkhand State Electricity Regulatory Commission (Distribution Licensees Standard of Performance) Regulations, 2015

Provide further that the IGR Cells shall keep such electronic records in hard form for ease of retrieval.

PART III

Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers:- Tier II

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.

(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). The Forum shall have sittings at the headquarters and/or at any other place in the licensee’s area as may be decided by the Chairperson depending upon the number of grievances and area of operation.

4.1 The Forum shall consist of three Members one each from following streams:-

(a) Judicial Member- Judicial Member shall be the Chairperson of The forum; he shall be a judicial officer, who held the post not below the rank of Additional District Judge having 20 years of experience in judicial work.

(b) Technical Member - One Member shall be possessing degree in Electrical Engineering and having at least 20 (Twenty) 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. The Licensee may appoint technical member amongst its serving officer in grade not below the rank of

Executive Engineer or equivalent having experience of 10 years out of which at least three years experience in Accounting and/or revenue and/or Commercial matters of electricity.

(c) The Third Member shall be Independent Member: The person shall be representative of a registered society/NGO/consumer organization having one of its main objectives as consumer protection with at least 5 years of standing or alternatively the representing member should have five years of experience in consumer-related matters.

Provided that, a person applying for the post of Independent Member of the Forum shall not have been in the employment in any capacity under, or agency of, the Distribution Licensee for a minimum period of three (3) years prior to being appointed Independent Member of the Forum.

(d) The Chairperson (First Member) and the Independent Member (Third Member) shall be selected through proper advertisement in Press and on the Website & Notice Board of the Commission and the licensee.

(e) The Chairperson (First Member) and the Independent Member (Third Member) of the Forum shall be nominated by the Commission and appointed by the licensee. The process of the appointment of the Chairperson (First Member) and the Independent Member (Third Member) of the Forum shall be initiated by the Commission.

(f) The Distribution Licensee shall propose to the Commission a panel of names of at least two officers, for post of Second Member of the Forum along-with details of qualification, experience and background relating to ability, integrity and standing of each such officer. The Commission shall consider the names proposed by the licensee and after its approval; the licensee shall appoint the Second Member.

4. Term of office and conditions of service of Chairperson/Members

(1) The age of the person to be considered for appointment, as Chairperson/Members, shall be minimum 45 (forty-five) years and maximum 62 (sixty-two) years as on 1st Day of August in the current year of advertisement.

(2) The Chairperson/Member of the Forum shall be appointed initially for a period of three years, extendable upto further two years on satisfactory service or till 65 years (sixty-five) years of age, whichever is earlier. The Member shall not be eligible for re-appointment to the same post.

(3) In the event the post of the Chairperson falls vacant, the senior most members shall act as Chairperson till such time a regular incumbent is appointed and shall ensure that the Forum continues to discharge its normal functions.

(4) For all procedural issues and also adjudicatory proceeding of the forum, generally the quorum shall be two among the three members. In the event post of the Members are the vacant or one member proceeds on leave for a period of more than 15 days, the Chairperson shall be competent to pass any order and the quorum shall be only of the Chairperson.

(5) Any Chairperson/Members may relinquish his office by giving, in writing, to the Distribution licensee a notice of not less than three months or by paying three months' salary in lieu thereof. The distribution licensee, on receipt of such notice, shall initiate action for filling up of the vacancy which may occur due to relinquishment of the Chairperson/ Member.

(6) The distribution licensee shall, three months before the superannuation or end of tenure of the Chairperson or Member, make a reference to the Commission for filling up of the vacancy.

(7) The Member who is in service of the licensee will get his entitled pay and other emoluments as per his entitlement. The salary/honorarium payable per month to the Chairperson/ Member, who has retired from the service, shall be equivalent to the last pay drawn by them minus pension. The dearness allowance and house rent allowance shall be as per State Governments orders issued from time to time. The Chairperson and the second member shall be entitled to a reimbursement

of petrol/ diesel voucher up to one hundred liters per month, any other allowance admissible to them shall be paid by their parent department and not by the licensee.

Provided that in the case of Members not getting pension, the monthly honorarium payable to such Member shall be equal to the last pay drawn. Independent Member shall be given a fixed honorarium of Rs 25000/ (twenty five thousand) and a conveyance allowance of Rs 5000/(five thousand)

(8) The TA/DA, casual leave and holidays shall also be as per the State Governments orders or company orders/policies, as the case may be. The Distribution Licensee shall provide a smart-phone to The Chairperson and both The Members with net facility. Proper networking facility shall be provided in the office. Recharge- vouchers for such mobile phone shall be reimbursed by the Distribution Licensee.

(9) A well furnished office, staff and other facilities required by Chairpersons/Members of the Forum for efficient functioning of Forum shall be provided by the Distribution licensee. Out of such staff, one person shall be designated as full time Secretary/Registrar of the Forum, who shall be at least a graduate, another computer knowing staff will be working as assistant, who will be able to type the orders of the forum on computer, one attendant shall be provided to assist the work of the forum. The Distribution Licensee shall provide sufficient office stationary, furniture, net enabled computer, laptops etc in office of the forum.

(10) The Forum shall take endeavor to make hearing in the matter by virtual mode or physical mode whichever is preferred by the complainant.

(11) Forum shall function five days in a week from 10: 30 AM to 5 PM and observe holidays as observed by The Commission. The forum shall maintain diary for the works of the day.

(12) The approved expenses of Forum including 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.

5. Removal of Member / Chairperson

(1) No Member including Chairperson shall be removed from the office except in accordance with the provisions of these Regulations.

(2) The Distribution licensee or the Commission on its own may, by order, remove from office the Chairperson or 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 Chairperson/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 Chairperson or 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 or the Commission on its own, has, on an inquiry, held that the Chairperson or any Member ought to be, 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, until the Distribution licensee has passed an order on receipt of the finding of the Commission, on such reference.

(4) Chairperson/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/commission shall cease to be a Member of the Forum.

(5) Jurisdiction of the Forum Subject to the other provisions of these Regulations, the 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) The Commission shall have the general powers and superintendence and control over the forum and the forum shall duly comply with such directions/orders/instructions as the commission may issue from time to time.

6. Duty of the Distribution licensee:-

(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 and their addresses, e-mail 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*' shall also be printed on such bills.

(5) The distribution licensee shall promote consumer advocacy and frequently arrange legal awareness camps for consumer advocacy with the help of PLVs and DLSA of the respective districts. The Chairperson and The Members shall be participating in such camps at least once in a month. A monthly report regarding such camps shall be sent to The Commission.

(6) These Regulations shall be put on the website of Distribution licensee; copies made available upto the level of Junior Engineer in-charge of sub-divisional offices and District Administration offices in Jharkhand State for further Distribution upto Panchayat /Blocks Samitis and shall be given wide publicity through electronic/print media.

7. Distribution Licensee and its IGR cell:-

The distribution licensee shall notify and bring to the notice of the consumers by whatsoever means including publication in newspapers / Websites, Division/ Area-wise details of authorized officers(IGR cells) to whom consumers may lodge particular type of complaint/grievance and also who shall redress the grievance of the consumers within 15 days of filing of the complaint. The complaints shall be serially registered on first come first serve 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.

(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".

8. Complaint that can be taken up by the Forum

The Forum(s) shall take up any kind of grievances/complaints as defined in Clause 2(e) of these Regulations and the grievances directly file before the Commission as forwarded to the Forum

Provided that the complaint has already been registered as per Clause 8 of these Regulations and the same has not been redressed within 15 days or the consumer is not satisfied with the redressal, except the complaint pertaining to:

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

9. Procedure to file the Complaint

(1) Every complaint must be filed, in writing or through E-mail, to the Forum by the Complainant in Form-1 with a copy or the unique identification number provided by the licensee. A self declaration shall be submitted in the prescribed format appended with the Form-1

Provided that

- i) The complaints relating to previous years pertaining to any grievance covered under Clause 9 of these Regulations 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 one year of its cause for action shall be entertained by the Forum.
- iii) 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;
- iv) 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.

Explanation:- If the Complain is lodged through e-mail, the hard copy of the complaint, as specified in Clause 10(1) of these Regulations above shall also be submitted within 7 days of sending the e-mail.

10. Manner in which the complaint shall be redressed

(1) On receipt of the complaint from any complainant, as received under clause – by the IGR cell, it shall be kept by the FORUM as IGR case and any action is not required unless a complaint under clause 10 is brought before the forum.

(2) On receipt of the complaint from any complainant, the Chairperson or a person authorized 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.

(3) 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 admission of the complaint within 7 days of receipt of the complaint.

(4) On receipt of a complaint made under Clause 9 of these Regulations, 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 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 Clause 11(3) of these Regulations 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, proceed for the hearing either through physical mode or virtual mode.
 - a) Refer a copy of such complaint to the nodal officer directing him to give his version of the case within a period of ten days or such extended period not exceeding ten days as may be granted by the Forum.
- 11.2) The respondent party shall furnish paragraph-wise comments to the Forum on the grievance within five days (grievance related to non-supply, connection or disconnection of supply) or 15 days (all other grievances) of the receipt of the grievance copy, failing which the Forum shall proceed on the basis of the material available on record.
- 11.3) The Forum may call for any record from the respondent party or from the Complainant as is relevant for examination and disposal of the grievance, and both the parties shall be under obligation to provide such information, document or record as the Forum may call for. Where a party fails to furnish such information, document or record and the Forum is satisfied that the party in possession of the record is withholding it deliberately, it may draw an adverse inference.
- 11.4) The Forum may also direct the Licensee to undertake an inspection or engage a third party to undertake such inspection with regard to the Grievance, as may be required for expeditious redressal of the grievance. The Forum can also engage a third party (other than the licensee) at the instance and request of the Complainant, to undertake inspection and obtain an independent report. The Forum shall record the reasons for the need for such third-party inspection, which should generally be resorted to rarely and keeping in view the special circumstances of a case. The expenses of such third-party inspection, except expenses of inspection at the request of the Complainant, shall be borne by the licensee, and to the extent reasonable and justifiable, such expenses shall be allowed as pass through expense in the determination or tariff in accordance with the relevant Regulations of the Commission. In case inspection is taken up at the request of the Complainant, the expenses shall be deposited in advance by the complainant, which may or may not be refunded by the Forum depending on whether the grievance is found to be of substance or not.
- 11.5) The Forum may call the concerned officer of the Licensee for discussion in suitable cases, in order to seek redressal of the grievance filed before it. In case the matter is settled in discussion, it may be recorded as a decision and conveyed to the Complainant and the Licensee by order of the Forum.
- 11.6) In case the Forum comes to the conclusion that the Complainant and the concerned officer of the Licensee are required to be heard for redressal of the grievance, the Forum shall call the Complainant and the concerned officer with the details of the case and documents, if any as may be necessary.
- 11.7) A Complainant, distribution licensee or any other person who is a party to any proceedings before the Forum may either appear in person or authorize any person other than an Advocate (within the meaning of the Advocates Act, 1961) to present his/ her case before the Forum and to do all or any of the acts for the purpose.
- 11.8) Where the Complainant or the Licensee or their representative fails to appear before the Forum on the date fixed for hearing on more than two occasions, the Forum may decide the grievance ex-parte.
- 11.9) No adjournment shall ordinarily be granted by the Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum.

11.10) The Forum shall be guided by the principles of natural justice, and subject to the other provisions of these regulations, the Forum shall have powers to regulate its own procedure for expeditious disposal of the case.

c) If the Complainant does not appear on the date of hearing before the Forum, the Forum may dispose it of on the basis of the documents on record or pass such order as may be considered proper in the interest of justice.

(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 maximum two adjournments, one each by Distribution Licensee and consumer, will be allowed in such cases and such adjournment shall not be for more than two weeks.

Provided further that the Forum may pass such orders as to the costs for such 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 Clause 12 (2) of these Regulations.

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

12. Findings of the Forum

(1) If, after the proceedings conducted under Clause 12 of these Regulations, 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 proceeding referred to in Clause 12(1) of these Regulations 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, senior most member shall preside over the proceedings.

(3) All decisions of the proceedings referred to in Clause 12(1) of these Regulations 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. The quorum for any proceeding of the Forum shall be two and each member shall have one vote.

(4) Every order passed by the Forum under Clause 12(1) of these Regulations 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. 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.

(7) The Forum may settle any grievance in terms of an agreement arrived between the parties at any stage of the proceedings before it and there shall be no right of representation before the Ombudsman against such an order.

(8) An order passed by the Forum under clause (1) of these Regulations with regards to a dispute up to Rs. 5000/- shall be final and non-appealable.

(9) In case of a dispute between the Forum and the licensee in the matter of administrative in financial control, the matter shall be referred to the Commission for resolution and the decision of the commission shall be final and binding on both the parties.

(10) The Chairperson and member of Forum shall be deemed to be public servant within the meaning of Section 21 of Indian Penal Code.

13. Inspection of records and supply of certified copies:- A party to the case before the Forum shall be entitled to inspection of the record on the day of hearing, copy of the orders shall be provided to the party on payment of Rs five, if the order is exceeding one page, it will be charged at the rate of Rs 3 per page.

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.

15. Appeal/ Representation

The licensee or any consumer aggrieved by an order made by the Forum(s) may prefer an appeal/representation against such order to the Electricity Ombudsman within a period of thirty days from the date of the receipt of the order, in such form and manner as may be laid down in these Regulations.

Provided further that the Electricity Ombudsman may entertain an appeal after the expiry of the said period of thirty days if sufficient cause is shown for not filing the appeal within that period; but not exceeding a maximum period of 60 days from the date of receipt of the order .

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 consumer has deposited in the prescribed manner, at least fifty percent of that amount.

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

PART III

ELECTRICITY OMBUDSMAN: - IIIrd Tier

16. Appointment and tenure

(1) As per section 42 (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 Regulations 3 of these Regulations under section 42(5) of the Act. In view of 42(7) of the Act, the Commission makes the following Regulations/guidelines regarding the time and manner in which the Ombudsman shall settle the grievances of the consumers.

(2) The Commission shall invite applications through public advertisement for the appointment of the Ombudsman. The Ombudsman shall be a person of experience, ability, integrity and standing to be selected by the Commission from amongst, a retired District Judge who held a judicial office for not less than 25 years, a person who held a post of Secretary in The State Government, or retired Chief Executive officer of an electricity sector utility

(3) The Ombudsman shall hold office for a term of five years or sixty five years of age, whichever is earlier. No person shall be appointed after attaining age of 62 years on 1st August of the year of advertisement.

(4) The remuneration payable to Electricity Ombudsman shall be equivalent to last pay drawn by him/her minus pension and will be borne by the Commission. The dearness allowance, conveyance allowance, house rent allowance and telephone facilities shall be as per Orders issued by Commission from time to time.

Provided that in the case of Ombudsman not getting pension, the monthly honorarium payable to such Ombudsman shall be equal to the last pay drawn.

(5) The TA/DA, casual leave and holidays shall also be as per Orders issued by Commission from time to time.

(6) The Electricity Ombudsman shall be provided with a Secretariat and office. The cost of the Secretariat/Office will be borne by the Commission. In the Secretariat of the Ombudsman, a technical officer to the rank of assistant director from Electrical Engineering side may be taken on deputation from State Government/Central Government/ Government Utilities/ Public Utilities.

(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 Chairperson of the Commission will administer the oath to the Electricity Ombudsman.

(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 three month or by paying three month's salary in lieu thereof.

(11) The Electricity Ombudsman shall not hold any office of profit during his tenure as Electricity Ombudsman. A person after ceasing to hold the office of Ombudsman shall not accept any commercial employment or represent any person before the Commission or any authority for a period of two years from the date he ceases to hold such office.

(12) Removal of the Ombudsman

The Commission may, by order, remove from 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;
- 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; or
- f) Has been guilty of proved misbehavior.

17. Territorial jurisdiction

The territorial limits of Electricity Ombudsman extend to entire State of Jharkhand.

18. 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.

19. Powers and duties of Electricity Ombudsman

The Electricity Ombudsman shall have the following powers and duties:

- (1) To receive the representation from consumer(s)/ Licensees 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 or any other matter assigned by the Commission.

20. 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 licensees' 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, The Ombudsman; if 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.

21. 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, malafide; 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.
- (5) The decision of the Ombudsman with regard to regulation 21.1 shall be final and binding on the Consumer and the Distribution Licensee.

22. Powers to call information

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 further 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.

23. 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 within 30 days from the date of issue of such notice.

(3) When a representation is reported in writing, about settlement through mutual agreement between the parties, 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 issue of the recommendation confirming his acceptance to Electricity Ombudsman stating 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.

24. Hearing of the matter and Award

- (1) Where the complaint is not settled by agreement, 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/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 its compliance within 30 days of the receipt of the Award.

25. Report of Electricity Ombudsman

- (1) The Electricity Ombudsman shall 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.

26. Non-compliance of the orders of CGRFs/Ombudsman

The non-compliance of the orders of CGRFs/Ombudsman, as the case may be, shall be deemed to be a violation of these Regulations and will be liable for appropriate action by the Commission under Sections 142, or 146 read with Section 149 of the Electricity Act, 2003.

PART IV

27. Repeal and Savings

27.1 The earlier Regulations namely “**JSERC (Guidelines for establishment of Forum for redressal of grievance of the consumers and Electricity Ombudsman) Regulations, 2011**” read with all amendments thereto, as applicable to the subject matter of these Regulations are hereby superseded.

27.2 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.

27.3 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.

27.4 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.

27.5 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).

28. 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.

29. Power to amend

The Commission may, at any time add, modify, delete or amend any provision of these Regulations.

30. Power to remove difficulties

30.1 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.

30.2 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.

31. Self Declaration in support

All complaint /representation/appeal shall be verified by a self –declaration, as per Form – V.

By order of the Commission

(Rajendra Prasad Nayak)

Secretary-In-Charge

Form – 1

Consumer Complaint Form

Fill Separate Forum for each complaint will be entertained only if checklist is filled.

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

Ph.	E-mail	Address	website
To be filled in by Forum Office			
Unique Identifi	<input type="text"/>	Date of Receiving Complaint	<input type="text"/>
Name of Consumer	<input type="text"/>	Consumer No.	<input type="text"/>
Address	<input type="text"/>	Consumer Category	<input type="text"/>
City/Village	<input type="text"/>	Phone No.	<input type="text"/>
District	<input type="text"/>	Fax No.	<input type="text"/>
		E-mail	<input type="text"/>
		PIN	<input type="text"/>
Licensee	<input type="text"/>	Circle	<input type="text"/>
		Division	<input type="text"/>

Complaint Type (Please tick)

<input type="checkbox"/> 1. Billing Dispute	<input type="checkbox"/> 6. Voltage complaints
<input type="checkbox"/> 2. Non supply of power	<input type="checkbox"/> 7. Problems in Metering
<input type="checkbox"/> 3. Safety	<input type="checkbox"/> 8. Complaint regarding billing and collections service
<input type="checkbox"/> 4. Complaint regarding getting fresh connections	<input type="checkbox"/> 9. Complaint regarding Disconnection and Reconnection
<input type="checkbox"/> 5. Interruption/failure of power supply	<input type="checkbox"/> 10. Others

If others, please specify

Give Brief Description of complaint with Date of cause of action (Details may be annexed separately).

Attach copy of complaint sent to Licensee.

Date of cause of action

Relief sought from Forum (Details may be annexed separately).

Details of lodging complaints with the Licensee

Name of the office where the Complaint lodged

Complaint No.

Date

Decision taking Authority of Licensee

Name of Officer

Designation & Address

Ref. No. of Letter order from Licensee No.

Date

Decision taken by Licensee on complaint

Quote Specific references to any Law, License Condition regarding, code and/ or standard that is alleged to have been violated by Licensee.

List of Enclosures;

1. Copy of Complaint to Licensee
2. Copy of Reply/Relief/Order/Decision received from Licensee
3. Affidavit (As per form - V)

Check List: Before filing complaint with Forum, please ensure that all of the following criteria are met and all boxes are checked ().

1. Complaint has been logged with the Licensee
2. The Complaint dose not pertains to the same subject matter for which any proceeding before any court is pending or a degree or award or a final order has already been passed by any competent court.
3. The complaint has been made within 1 year after the cause of action arose.
4. Have provided complete personal information like name, address, consumer account no. etc.
5. Have mentioned the Relief sought from Forum.

Verification

I(name in full and in block letters), son/daughter
.....of solemnly declare that to the best of my knowledge and belief,
the information given in this complaint and the annexure and statements accompanying it are correct,
complete and truly stated and in accordance with the provisions of JSERC’s “Guidelines for establish
ment of Forum for Redressal of Grievances of the Consumers - Regulations 2011”.

Place:

Signature:

Date:

Name:

Form – II

FORUM FOR REDRESSAL OF GRIEVANCE OF CONSUMERS

REPORT FOR THE QUARTER ENDING June/September/December/March

Name of the Licensee:

Name of the Forum:

Sl. NO.	Nature of complaints	Complaints Status						
		Complaints Pending at the end of the last quarter	Complaints received during the quarter	Total complaints	Complaints attended during the quarter	Balance Complaints to be attended	Complaints pending for more than 3 months but less than 6 months	Complaints pending for more than 6 months
		(1)	(2)	(3=1+2)	(4)	(5=3-4)		
1	Billing Dispute							
2	Non supply of power							
3	Safety							
4	Complaint Regarding getting fresh Connections							
5	Interruption/failure of power supply							
6	Voltage complaints							
7	Problems in Metering							
8	Complaint regarding billing and collections service							
9	Complaint regarding Disconnection and Re-connection							
10	Others							

Form – III

Consumer Complaint Form

Fill separate form for each complaint. The Complaint will be entertained only if checklist is filled.

The Electricity Ombudsman

Ph.	E-mail	Address	website
To be filled in by Forum Office			DD-MM
Complaint ID	<input type="text"/>	Date of Receiving Complaint	<input type="text"/>

Name of Consumer*	<input type="text"/>	Consumer No.	<input type="text"/>
Address	<input type="text"/>	Consumer Category	<input type="text"/>
		Phone No.	<input type="text"/>
		Fax No.	<input type="text"/>
City/Village	<input type="text"/>	E-mail	<input type="text"/>
District	<input type="text"/>	PIN	<input type="text"/>

Licensee	<input type="text"/>	Circle	<input type="text"/>	Division	<input type="text"/>
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Complaint Type (Please tick)

<input type="checkbox"/>	1. Billing Dispute	<input type="checkbox"/>	6. Voltage complaints
<input type="checkbox"/>	2. Non supply of power	<input type="checkbox"/>	7. Problems in Metering
<input type="checkbox"/>	3. Safety	<input type="checkbox"/>	8. Complaint regarding billing and collections service
<input type="checkbox"/>	4. Complaint regarding getting fresh connections	<input type="checkbox"/>	9. Complaint regarding Disconnection and Reconnection
<input type="checkbox"/>	5. Interruption/failure of power supply	<input type="checkbox"/>	10. Others

If others, please specify

Give Brief Description of complaint (Details may be annexed separately). Attach copy of complaint sent to Forum.

Relief sought from Ombudsman (Details may be annexed separately).

Name of Forum	<input style="width: 95%;" type="text"/>	Address	<input style="width: 95%;" type="text"/>
Ref No. of Letter/order received from Forum and Date	<input style="width: 95%;" type="text"/>	Date	<input style="width: 95%;" type="text"/>

Write 'NEW' if No Consumer No. allotted.

Decision/order of the Forum in brief (Details may be annexed separately). Attach copy of Relief Remedy offered by Forum.

List of Enclosures;

1. Copy of Complaint to Forum
2. Copy of Reply/Order received from Forum
3. Affidavit (As per form - V)

Check List: Before filing complaint with Forum, please ensure that all of the following criteria are met and all boxes are checked ().

1. Has lodged complaint with the Forum.
 2. The representation has been made within 1 month from the date of the order of the Forum.
 3. Complaint does not lie with any Consumer Forum or any Court, or the Commission.
 4. Have provided complete personal information like name, address, consumer account no. etc.
 5. Have mentioned the Relief sought from Ombudsman.

Verification

I,..... (Name in full and in block letters), son/daughterof solemnly declare that to the best of my knowledge and belief, the information given in this complaint and the annexure and statements accompanying it are correct, complete and truly stated and in accordance with the provision of JSERC's "Guidelines for establishment of Forum for Redressal of Grievances of the Consumers" and "The Electricity Ombudsman" - Regulations 2011".

Name:

Signature:

Place:

Date:

Form – IV
The Electricity Ombudsman
STATUS REPORT FOR THE QUARTER ENDING June/September/December/ March

Sl. No.	Nature of complaints	Complaint Status									
		Complaints Pending at the end of the last quarter	Complaints received during the quarter	Total complaints	Complaints attended during the quarter				Balance Complaints to be attended	Complaints pending for more than 3 months but less than 6 months	Complaints pending for more than 6 months
		(1)	(2)	(3=1+2)	(4)				(5=3-4)		
					Complaints now maintainable rejected	Settled by agreement	By Order	Total			
1	Billing Dispute										
2	Non supply of power										
3	Safety										
4	Complaint Regarding getting fresh Connections										
5	Interruption/failure of power supply										
6	Voltage complaints										
7	Problems in Metering										
8	Complaint regarding billing and collections service										
9	Complaint regarding Disconnection and Re-connection										
10	Others										

Form- V

(Affidavit on non-judicial stamp paper of appropriate value)

BEFORE THE Forum for Redressal of Consumer Grievances/

The Electricity Ombudsman

RANCHI, JHARKHAND

CASE NO.

(To be filled by the Office)

IN THE MATTER OF:

(Gist of the purpose of the Petition or application)

AND

IN THE MATTER OF:

(Names and full address of the petitioners/applicants and names and full addresses of the respondent)

Affidavit verifying the Petition/reply/application

I..... son of.....

aged..... residing atdo solemnly affirm

and say as follows:

1. I am the petitioner/applicant/respondent etc. or I am a Director/Secretary/partner.....ofthe petitioner/applicant/respondent in the above matter and am duly authorized by the said petitioner/applicant/respondent to make this affidavit.
2. The statements made in paragraphs.....of the Petition/applicant/reply herein now shown to me and marked with the letter 'A' are true to my knowledge and the statements made in paragraphs..... are based on information received by me from..... and I believe them to be true.
3. I solemnly affirm at..... On this day of that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed there from.

Place:

Deponent

Dated:

Identified before me by

Special provisions: Interim Order Escalation mechanism

2.56 Upon request of the Complainant, the Forum may issue such interim orders pending final disposal of the grievance as it may consider necessary.

Provided that the Forum shall have the powers to pass such an interim order in any proceeding, hearing or matter before it, as it may consider appropriate if the Complainant satisfies the Forum that prima facie, the Distribution Licensee has threatened or is likely to remove or disconnect the electricity connection, and has or is likely to contravene any of the provisions of the Act or any rules and regulations made hereunder or any order of the Commission, provided that the Forum has jurisdiction on such matters.

Provided further that, except where it appears that the object of passing the interim order would be defeated by delay, no such interim order shall be passed unless the opposite party has been given an opportunity of being heard.

2.57 A Complainant may prefer a representation before the Ombudsman appointed/designated by the Commission under the following two circumstances:

(a) if the Complainant is aggrieved by the non-redressal of the grievances by the Forum within the period specified, and

(b) if the Complainant is aggrieved with the order passed by the Forum.

2.58 Such a representation may be made within a period of 30 days after grant of order by the Forum or expiration of 30 days after the time limit specified for issuance of the order, whichever is applicable.

2.59 The Forum may settle any grievance in terms of an agreement arrived between the parties at any stage of the proceedings before it and there shall be no right of representation before the Ombudsman against such an order.

2.60 The Commission shall have the general powers of superintendence over the Forum and the Forum shall duly comply with such directions as the Commission may issue from time to time.

2.61 The Licensee shall have the General administrative and financial control over the Forum and in case of dispute between the Forum and the licensee in the matter of administrative & financial control, the matter shall be referred to the Commission for resolution and the decision of the Commission shall be final and binding on both the parties.

3. ELECTRICITY OMBUDSMAN

Qualification, terms of appointment and removal of Electricity Ombudsman

3.1. In accordance with sub-section(6) of Section 42 of the Act, the Commission may, from time to time, appoint or designate a person as the Ombudsman to discharge the functions in accordance with sub-section (7) of Section 42 of the Act.

3.2. The Commission may appoint or designate more than one Ombudsman for a licensee or a common Ombudsman or Ombudsmen for two or more licensees considering factors such as the number of representations received, disposal of representations within the specified time limit, ease of access for the consumer and the geographical area.

3.3. The Commission shall invite applications through public advertisement for the appointment of the Ombudsman. The Commission shall also form a Search Committee for recommending names for the appointment of the Ombudsman by the Commission.

3.4. The Ombudsman shall be a person of experience, ability, integrity and standing.

3.5. The following categories of persons shall be eligible to be appointed as Ombudsman:

a) Retired District Judges

b) Retired Secretaries to State Governments

c) Any person who has held the position of a member or chairperson of any statutory quasi-judicial body at the state level for at least three years.

d) Any other person of equivalent level

3.6. The Ombudsman shall hold office for a fixed term of three years from the date of appointment or till he/she attains the age of 65 years whichever is earlier. The tenure may be extended for a further period not exceeding two years, or till he / she attains the age of 65 years, which is earlier.

3.7. The minimum age-limit for application for the post of Ombudsman shall be 60 years.

Disqualification and Removal of Ombudsman

3.8. No person shall be appointed and / or be entitled to continue as an Ombudsman if he/she stands disqualified on account of his/her

- a) Having been adjudged an insolvent;
- b) Having been convicted of an offence which, in the opinion of the Commission, involves moral turpitude;
- c) Having become physically or mentally incapable of acting as an Ombudsman;
- d) Having acquired such financial or other interest as is likely to affect prejudicially his /her functions as an Ombudsman;
- e) Having so abused his / her position as to render his / her continuance in office prejudicial to public interest; or
- f) Having been guilty of proven misbehavior
- g) Having become member of any political party.

3.9. An existing Ombudsman shall be removed by the Commission from his office forthwith on account on any of the aforesaid disqualifications arising or being discovered.

Provided that the Ombudsman shall not be removed from his /her office on any ground specified in the aforesaid sub-clauses unless the Commission has, on an inquiry, concluded that the person ought, on such ground or grounds, be removed.

3.10. The Ombudsman may relinquish his / her office by giving prior notice in writing not less than three months to the Commission. Similarly, if the Ombudsman is removed by the Commission, the Commission shall give prior notice in writing not less than three months to the Ombudsman.

Office of the Electricity Ombudsman

3.11. The Ombudsman's office / offices shall be preferably located in the capital city of the State or any district headquarters as the case may be. However, the Ombudsman may hold hearings or proceedings at various places within the state in order to expedite the disposal of representations received before him/ her.

3.12. The post of Ombudsman shall be a full-time post. He shall not undertake any other part time or honorary work.

Remuneration

3.13. The Electricity Ombudsman shall be paid a consolidated/salary and such other allowances as determined by the Commission, by order, from time to time.

3.14. The Commission shall provide the Ombudsman with a Secretariat. The staff strength of the said Secretariat and terms and conditions of appointment of the staff shall be determined by the Commission from time to time.

3.15. All expenses of the Ombudsman's office including that of the Secretariat shall be borne by the Commission.

3.16. The name, location, email address and telephone numbers of the Ombudsman shall be widely publicised through newspapers, and displayed on the websites and the offices of the licensees and the Commission and intimated to consumers through electricity bills. They may also be publicised through radio and television.

Pre-conditions/Limitations for entertaining representation

3.17. The representation may be entertained by the Ombudsman only if all of the following conditions are satisfied:

- a) It has been filed by the Complainant being the aggrieved consumer or the association representing the consumer's. For avoidance of doubt, a licensee is not allowed to file a representation before the Ombudsman against the order of the forum.
- b) The Complainant had, before making a representation to the Ombudsman, approached the Forum constituted under Section 42(5) of the Electricity Act, 2003 for redressal of his / her grievance.
- c) The representation by the Complainant, in respect of the same grievance, is not pending in any proceedings before any court, tribunal or arbitrator or any other authority; a decree or award or a final order has not been passed by any such court, tribunal, arbitrator or authority.
- d) The representation is not in respect of the same cause of action which was settled or dealt with on merits by the Ombudsman in any previous proceedings whether or not received from the same

complainant or along with one or more complainants or one or more of the parties concerned with the cause of action.

e) The Complainant is not satisfied with the redressal of his / her grievance by the Forum or the Forum has rejected the grievance or has not passed the order within the time-limit specified.

f) The Complainant has filed the representation before the Ombudsman within 30 days from the date of receipt of the decision of the Forum or date of expiry of the period within which the Forum was required to take the decision, whichever is earlier Provided that the Ombudsman may entertain a representation after the expiry of the said period of thirty days if the Ombudsman is satisfied that there is sufficient cause for not filing it within that period.

g) The Complainant who claims compensation from the Distribution Licensee has paid such fees as may be stipulated by the Commission from time to time.

3.18. Subject to the provision of the Act and this Regulation the Ombudsman's decision on whether the representation is fit and proper for being considered by it or not, shall be final.

3.19. The Ombudsman may reject the representation at any stage if it appears to him that the representation is:

a) Frivolous, vexatious mala-fide;

b) Without any sufficient cause;

c) There is no prima facie loss or damage or inconvenience caused to the Complainant;

Provided that the decision of the Ombudsman in this regard shall be final and binding on the Complainant and the Distribution Licensee.

Provided further that no representation shall be rejected in respect of sub-clauses (a), (b) and (c) unless the Complainant has been given an opportunity of being heard.