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JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION, RANCHI

NOTIFICATION

The 09th November, 2011

**(GUIDELINES FOR ESTABLISHMENT OF FORUM FOR REDRESSAL OF GRIEVANCES OF THE CONSUMERS
AND ELECTRICITY OMBUDSMAN) REGULATIONS, 2011**

No.39 --In exercise of the power conferred on it by Section 181 Electricity Act, 2003 (36 of 2003) and all other powers enabling in this behalf, the Jharkhand State Electricity Regulatory Commission hereby makes the following Regulations, namely:

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) Regulations, 2011.**
- 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 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.

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 including applicants for new connections who has a complaint against the licensee.

- ii) The representative of complainant, authorized in writing, supported by an 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 consumer, where there are numerous consumers having similar interest; or
 - v) In case of death of a consumer, his legal heirs or authorized representatives who makes the complaint;
- e) “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, for 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;
 - vi) The non-achievement of Standard of Performance by the Distribution Licensees as laid down by the Commission in JSERC (Distribution Licensees’ Standard of Performance) Regulations and payment of compensation thereof to the consumers for default in each case.
- 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” 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;
- h) “Consumer dispute” means a dispute where the person/licensee against whom complaint has been made, denies or disputes the allegation contained in the complaint;
- i) “Distribution licensee” means a licensee authorized to operate and maintain a Distribution system for supplying electricity to the consumers in his area of supply and includes a deemed licensee;
- j) “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;
- k) “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;
- 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 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;
- n) "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.;
- o) "Forum" means 'Forum for redressal of grievances of the consumers' to be constituted by each Distribution Licensee;
- p) "Form" means form appended to these Regulations;
- 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) "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;

- u) "State Government" means the State Government of Jharkhand;
- v) "Licensee" means a person who has been granted a license or is a deemed licensee under Section 14 of the Act;
- w) "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;
- x) 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 for 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 Regulations, 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 these three, two shall be working or retired officers of the licensee, one from Electrical Engineering and another from Finance & Accounts stream. The Licensee shall get the panel approved by the Commission for appointment to the post of Members. The Commission shall nominate one independent member from legal stream, who is familiar with the consumer affairs. The Member (Legal) shall be the Chairperson of the Forum. On approval of the panel for Members and/or nomination for Chairperson by the Commission, the licensee shall issue appointment letters to the Chairperson and Members within 15 days of the receipt of such communication.

4. Qualification and Experience for appointment as Chairperson/Members

(1) 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.

(2) 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 (five) years working experience in the grade not below the rank of Finance & Accounts officer of the State Govt. or equivalent post.

(3) The Independent Member shall be possessing degree in law and having at least 20 (Twenty) years experience in legal/judicial work not below the rank of District/Additional District Judge or a registered practioner having at least 20 (Twenty) years experience in the cases related to Consumer affairs.

5. 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.

(2) Every Member of the Forum shall hold office for a term of 05 (five) years or 65 (sixty-five) years of age, whichever is earlier. The Member shall not be eligible for reappointment to the same post.

(3) In the event the post of the Chairperson falls vacant, the senior most Member 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) The quorum of the Forum shall be two Members.

(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 approval of the panel for filling up of the vacancy.

(7) The Members who are in service of the licensee will get their entitled pay. The salary/honorarium payable per month to the Chairperson and Members, who have retired from the

service, shall be equivalent to the last pay drawn by them minus pension. The dearness allowance, conveyance allowance and house rent allowance as well as the telephone facility shall be as per State Governments orders issued from time to time.

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.

(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.

(9) The 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 atleast a graduate and not below the rank of Class-II or equivalent.

(10) 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.

6. 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 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.

7. 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/Registrar 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 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.

(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. Distribution Licensee

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 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 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.

9. 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.

Provided that the complaint has already been registered as per Clause 8 of these Regulations 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 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.

10. 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/- (Rupees Two hundred and fifty only) in case of commercial service and Rs. 450/- (Rupees Four hundred and fifty only) for industrial Service.

Provided that Government of Jharkhand, RLDC, Consumer Groups registered with the Government of India, Consumer Associations recognized by the Commission (as per Section 37 of Conduct of Business Regulations 2011), NGO registered with the Government, individual domestic/IAS (Irrigation and Agriculture Service) consumer are exempted from payment of the prescribed fee.

The application fee in the shape of A/c payee Demand Draft in favour of the Secretary/Registrar, of the said Forum payable at the place notified by the licensee shall 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 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 complainant has exhausted the channel of redressal of grievances with the Distribution licensee under the "Complaint Handling Procedure relating to Distribution & Retail Supply" as approved by the Commission as per Regulation of these Regulations.
- 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 Complainant 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 Clause 10(1) of these Regulations above should also be submitted within 7 days of sending the e-mail along with the Demand Draft.

11. 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 admission of the complaint within 7 days of receipt of the complaint.

(3) 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.

(4) 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.

12. 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 (a) above denies or disputes the allegation contained in the complaint. Any omission or failure 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 first 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 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.

13. 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, the 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.

(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.

14. Appeal

The licensee or any consumer aggrieved by an order made by the Forum(s) may prefer an appeal 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.

15. 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

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. 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 grievances of the consumers.

(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/consumer affairs 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.

(3) The Ombudsman shall hold office for a term of five years or sixty five years of age, whichever is earlier.

(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.

(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.

(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.

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.

(3) 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.

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 and states 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, 2005**” 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. Affidavit in support

All complaint /representation/appeal shall be verified by an affidavit as per Form – V.

By order of the Commission

**Sd/-
(S.Bhoy)**

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			
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"/>
City/Village	<input type="text"/>	Phone No.	<input type="text"/>
		Fax No.	<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 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 does not pertain to the same subject matter for which any proceeding before any court is pending or a decree 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 type="text"/>	Address	<input type="text"/>
Ref No.of Letter/order received from Forum and Date	<input type="text"/>	Date	<input 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;

- Copy of Complaint to Forum
- Copy of Reply/Order received from Forum
- 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 ().

- Has lodged complaint with the Forum.
- The representation has been made within 1 month from the date of the order of the Forum.
- Complaint does not lie with any Consumer Forum or any Court, or the Commission.
- Have provided complete personal information like name, address, consumer account no. etc.
- 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									
		Complain ts Pending at the end of the last quarter	Complaint s received during the quarter	Total comp lains	Complaints attended during the quarter				Balance Complain ts to be attended	Complai nts pending for more than 3 months but less than 6 months	Complai nts pending for more than 6 months
		(1)	(2)	(3=1 +2)	(4)				(5=3-4)		
					Complai nts now maintai- nable rejected	Settled by agreem ent	By Order	To tal			
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