



**4th Capacity Building Programme for
Officers of Electricity Regulatory Commissions
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**Consumer Grievance Redressal
Forum & Ombudsman**

V. K. Khanna
Electricity Ombudsman
JERC (Goa & UTs)

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Consumer Protection Issues

- Protection of consumer interest is one of the primary objectives of Electricity Act , 2003 as well as the National Electricity Policy, 2005.
- Key consumer issues in electricity regulations are -
 - (a) Reliable and adequate availability of service at reasonable price; and
 - (b) addressing consumer grievances
- In Indian Power Sector, consumer participation in the regulatory decision making process is a crucial factor.

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- Electricity Regulatory Commissions (ERCs) in various States in India have notified regulations to improve service delivery and enhance consumer satisfaction.
 - They, broadly, include:
 - (a) Regulatory guidelines on quality of service standards.
 - (b) Complaint redressal mechanism.
 - (c) Appointment of Ombudsman.
 - (d) Consequences of non-compliance.

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- Towards safeguarding consumers' interests, efforts are on in ERCs to attain the objectives enshrined in India's Electricity Act, 2003.
 - ERCs have adequate powers under the Act to enforce regulations concerning consumers' interests including imposition of penalty under Section 43, compensation under Section 57 and invoking Section 142 whenever required.

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COMPLAINT HANDLING AND GRIEVANCE REDRESSAL

- Consumers have the right to have their disputes/grievances redressed in accordance with the regulations notified by the SERCs under the provisions of Section 42 (5) and (7) of the EA 2003.
- The objective is to ensure that every distribution licensee has a clearly identifiable entity within its organization for addressing the complaints/grievances of consumers.
- The identifiable entity is named as Consumer Grievances Redressal Forum (CGRF).
- The idea behind it under the Act is to
 - (a) formalize grievances redressal mechanism through guidelines as may be specified by ERCs.
 - (b) bring in greater objectivity and fair play through induction of an independent outside member to be nominated by the concerned ERC.

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- CGRF is conceived as an integral organ of the distribution licensee. In keeping with the spirit of the Electricity Act, 2003, CGRF is the first channel of redressal of grievances of consumer and hence the consumer should have direct access to CGRF.
 - Notwithstanding the above, the perception generally is that periodic meetings and interaction by the utility staff with the consumers, may be useful and be encouraged to resolve petty and routine issues or grievances or disputes.
 - Therefore, a practical and workable mechanism for expeditious resolution of problems of complainant shall be that any mechanism existing within the utility for grievances redressal may be retained.
 - However, a complainant shall have the right to approach CGRF directly for all matters falling within its purview.

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➤ The Rights (synopsis) available to consumers are -

1. To demand from cash collection centers and offices of the electricity distribution company copies of the rules and procedures for redressal of grievances made by the electricity distribution company as well as the regulations notified by the SERC under the provisions of Section 42 (5) and (7) of the EA 2003, by paying photocopying charges.
2. To know from the electricity distribution company -
 - 2.1. The manner and the form in which a grievance may be made to the Forum;
 - 2.2. The assistance available from CGRFs.
3. Complainant consumer would also include an applicant of a new electricity connection.

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ROLE OF OMBUDSMAN

- Electricity Ombudsman is an authority providing an effective, alternate, time-bound and cost-less route for resolving the problems of electricity consumers.
- Any person affected by deficiency in electricity related service can approach the ombudsman for redressal of disputes/grievances.
- Before approaching the ombudsman, the consumer has to ensure that other remedies available are exhausted.
- Any consumer aggrieved by non-redressal of his grievance under CGRF has the option to make a representation for redressal of dispute to the Ombudsman . In other words, the Electricity Ombudsman is an appellate authority.
- Ombudsmen are appointed/designated by ERCs in each State .

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- Ombudsman, in the first instance, endeavours to settle the dispute by agreement between the parties and pass an award giving reasons for the decision made.
 - Failing settlement through agreement, Ombudsman decides the matter in the dispute on the pleadings by the parties concerned i.e., the consumer and the licensee company.
 - Reasonable opportunity of being heard is provided to them.
 - An award is then passed in writing which is binding on both the parties.

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- Non-compliance of Ombudsman's order constitutes violation of notified regulations under the law and attracts remedial action in terms of the relevant provision of the Act.
 - Remedial action includes punishment – penalty on the licensee company or imprisonment of the official concerned up-to three months and fine up-to one hundred thousand rupees.

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PROCEDURE FOR SUBMITTING REPRESENTATION TO OMBUDSMAN

- Representation to the Ombudsman is required to be submitted in the prescribed Form or on a plain paper.
- Either way, the representation should contain the following documents –
 - (a) Statement of facts or narration of the case
 - (b) Copy of the petition submitted to CGRF with all documents
 - (c) Copy of the order of CGRF
- The relief sought for should be clear and specific
- The address should be clear and complete with Pin Code. It is advisable to give the phone number of the complainant.
- The declaration given in the representation shall need to be signed by the complainant.
- Stamp paper or revenue/judicial stamps are not necessary. No fee is required to be paid.

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- The nature of relief sought should be clearly stated and copies of all relevant documents should be attached.
 - The representation to the ombudsman shall be considered only if the Petitioner had submitted a complaint to the CGRF and the remedy is exhausted.
 - The appeal shall not be admitted unless the Petitioner is aggrieved on account of his complaint being not redressed to his satisfaction by CGRF within the period and manner specified in the Regulations.
 - The appeal against the order of CGRF shall be made by the Petitioner within 30 days from the date of the receipt of the decision of CGRF or within 30 days from the date of expiry of the period within which the Forum should have taken decision and communicated to the complainant. (Generally, the period allowed to CGRF is 45 days.)
 - The appeal shall not be in respect of the same subject matter of dispute that has been settled by the Ombudsman in the past.

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- The representation shall not be admitted by the Ombudsman if the same grievance by the complainant is pending in any proceedings before any Court, Tribunal or Arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority.
 - On receipt and admission of the representation, the Ombudsman shall call for remarks/counter-statement of the licensee company on the matter.
 - The licensee company shall furnish para-wise comments on the grievance within the period as may be specified by the Ombudsman, failing which the Ombudsman may proceed on the basis of material available on record.
 - Ombudsman's attempt in the first instance shall be to promote a settlement of the complaint or the dispute by mutual agreement between the complainant and the licensee through conciliation or mediation.

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- In case the representation is not settled by agreement within 30 days from its receipt or such other extended period which the Ombudsman may be fit (considering the overall time period within which he is required to settle the dispute), the Ombudsman shall conduct hearing on the matter.
 - The Ombudsman shall then notify in writing the parties about the date, time and venue of the hearing, giving sufficient advance notice.
 - The consumer shall not necessarily engage Advocates to argue the case. The consumer can himself appear or nominate any person to present his case.
 - In case anybody is engaged for presenting the case, the nomination form should be filled up and submitted along with the representation.

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- The Ombudsman shall be guided by the factors which are necessary in the interest of justice and shall ensure transparency while exercising its powers and discharging its functions and shall follow the rules of natural justice and dispose off the representation and settle the dispute fairly and equitably.
 - The Ombudsman shall pass speaking order with detail reasoning on each of the matter of the dispute which he thinks fair under the fact and circumstances of the case.
 - The order in writing shall also state the full details of the award to the complainant and the licensee.
 - A copy of the award shall be sent to both the complainant and licensee named in the representation.
 - The distribution licensee shall comply with the order of the Ombudsman and shall intimate the compliance to the Ombudsman within the period specified in the award.
 - Non-compliance shall constitute violation of the notified regulations and may attract remedial action by the concerned ERC as per the law.

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- Since the Ombudsman under law shall consider only such of the representation or appeal of the complainant who has already exhausted the remedy of having approached CGRF for redressal of his complaint/grievance, it would be worthwhile to have the understanding of the Functioning of CGRFs, their jurisdiction, the ground on which complaints are filed with them, the procedures for filing and handling of complaints by them.
 - The subsequent slides in this presentation briefly highlight the above.

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JURISDICTION OF CGRF

- The CGRF shall have the jurisdiction to entertain the complaints filed by the complainants with respect to the electricity services provided by the distribution licensee.
- In particular and without prejudice to the generality of the term the 'electricity service means supply, billing, metering and maintenance of electrical energy to the consumers and all other attendant sub-services etc.
(sub-services may include 'any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by the distribution utility in pursuance of a license, contract, agreement or under the Electricity Supply Code in relation to SOP of the distribution licensee specified by the SERC')

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GROUND ON WHICH COMPLAINTS SHALL BE FILED

- The CGRF shall entertain any kind of complaint/grievance concerning with electricity supply to the consumers except those arising under Section 126 and 127 (unauthorised use of electricity), 135 to 139 (theft of electricity and offences and penalties thereof) and 152 and 161 (notice of accident and inquiries in the distribution, supply or use of electricity) of the Electricity Act, 2003.
- The CGRF shall not entertain complaints/grievances if they pertain to the same subject matter for which any proceedings before any court of law or authority (except an authority under the control of the distribution licensee) or the Forum is pending or a decree, award or a final order has already been passed.

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- CGRF shall not entertain any complaint in regard to recovery of arrears where the billed amount is not disputed.
 - CGRF may reject the complaint/grievance at any stage if it appears to it that the same is frivolous, vexatious, malafide or without any sufficient cause or there is no prima facie loss or damage or inconvenience caused to the consumer.
 - However, before rejecting the complaints of consumers , an opportunity of being heard should be given to them.

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PROCEDURE FOR FILING THE COMPLAINTS

- Complainant shall have the choice to file his/her complaint/grievance even at the complaint centers of the distribution utility as may be nearest to his/her connection.
- All such complaints so received shall be forwarded by the complaint centers to the concerned CGRF within the next working day.
- Acknowledgement shall be issued to the complainant by the complaint receiving centre.

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PROCEDURE FOR HANDLING THE COMPLAINTS

- On receipt of the consumer's complaint/grievance, the Secretary or the authorised officers in the Forum Secretariat shall make an endorsement on the complaint/grievance subscribing his initial with date and complaint number as assigned. All consumer complaints shall be registered and serially numbered for each year.
- Within 5 (five) working days (or as prescribed in the regulations) from the date of the receipt of a complaint/grievance, the Secretary or the authorised officer of the Forum shall send an acknowledgement to the complainant.
- A copy of complaint/grievance, within two days of its receipt (or as prescribed in the regulations) shall be forwarded to the concerned or the nodal officer of the Distribution licensee to file observation/objection if any in writing.
- The Nodal officer designated by the Distribution licensee shall act as the coordinator for filing of reply, making submission, providing issue-wise comments on the complaint/grievance, submitting compliance status/reports, etc. before the Forum and /or the Electricity Ombudsman, as the case may be.

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- The nodal officer or the authorised officer of the licensee or the employee named in the complaint shall furnish para-wise comments on the complaint/grievance within 10 days (or as prescribed in the regulations) from the date of receipt of the letter from CGRF, with a copy to the complainant consumer. Failing which, the Forum shall proceed on the basis of material available on record.
 - Grievances shall be prioritised in the following order:
 - a) Disconnection of supply.
 - b) Meter related issue.
 - c) Billing related issue.
 - d) Other issues.
 - In case, the grievance relates to disconnection of supply, the Forum shall pass the order within 15 days of filling the complaint and in all other cases within the time limit specified in the regulations
 - The CGRF shall notify the Distribution licensee and the complainant applicant, the date, time and venue of hearing of the complaint/grievance, in writing giving sufficient advance notice.

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- A consumer, Distribution licensee or any other person who is a party to any proceeding before the Forum may either appear in person or authorise any person other than an advocate (within the meaning of the Advocates Act, 1961) to present his case before the Forum and to do all or any of the acts for the purpose.
 - The CGRF may call for, any record of the licensee or from the complainant relevant information for examination and disposal of the grievance and 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.

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- On receipt of the comments from the licensee or otherwise and after conducting or having such inquiry or local inspection conducted as the forum may consider necessary, and after affording reasonable opportunity of hearing to the parties the Forum shall pass appropriate orders for disposal of the grievance, as far as possible, within **45 days** (or as prescribed in the regulations) of filling the complaint.
 - The proceedings and decisions of the Forum shall be recorded and shall be supported by reasons.
 - The decision of the Forum shall be based on the opinion of the majority members of the Forum present and voting. In the event of equality of votes, the Chairperson shall have the second and casting vote.

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- The order of the Forum shall be communicated to the Complainant and licensee in writing within 7 days of conclusion of the proceedings.
 - The licensee shall comply with the order of the Forum within 21 days from the date of receipt of the order.
 - The Forum may, award such compensation to the complainants as it considers just and appropriate in the circumstances of the case.
 - The Forum may issue such interim orders pending final disposal of the complaint as it may consider necessary.

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- The Forum shall, however, have the powers to pass such 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 disconnect the electricity connection, and has or is likely to contravene any of the provisions of the Act or any order of SERC, provided that the Forum has jurisdiction on such matters. 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.
 - Where the complainant or the licensee or any other person who is party to any proceedings before the Forum fails to appear before the Forum on the date fixed for hearing, the Forum may decide the complaint ex-parte.
 - No adjournment shall be ordinarily granted by the Forum unless sufficient cause is shown and the reasons for the grant of adjournment have been recorded in writing by the Forum.

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- The Forum may settle any complaint in terms of an agreement reached between the parties at any stage of the proceedings before it and there shall be no right of representation before the Ombudsman against such order.
 - The Forum shall not be bound to follow the procedure prescribed in the Civil Procedure Code 1908 (5 of 1908) or the Indian Evidence Act 1872 (1 of 1872) as in force from time to time.
 - The Forum for efficient discharge of its functions shall conform to the principles of fair play and justice.
 - Any complainant aggrieved by orders of the CGRF may prefer a representation before the Electricity Ombudsman as appointed/designated by SERC.
 - For the purpose of awareness among the consumers, the Licensee/CGRF shall give a wide publicity to the above procedure by way of display on the notice boards of their various bill collection centres, offices, website or any other means as considered appropriate.

THANKS