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CONTENTS

THE DELHI ELECTRICITY REGULATORY COMMISSION (Forum for Redressal of Grievances of the Consumers and Ombudsman) REGULATIONS, 2017

CHAPTER I PRELIMINARY

1. Short title, commencement and application
2. Repeal of Regulations
3. Definitions
4. Interpretation

CHAPTER II CONSTITUTION AND FUNCTIONS OF THE FORUM

5. Constitution of Forum
6. Qualifications for appointment of Chairperson and Members of the Forum
7. Constitution of Selection Committee to select Chairperson and Members of the Forum
8. Term of office and conditions of service
9. Resignation and Removal of the members
10. Designating any person to officiate as Chairperson in certain circumstances
11. Secretary and Staff of the Forum

CHAPTER III JURISDICTION AND PROCEEDINGS OF THE FORUM

12. Jurisdiction of the Forum
13. Limitation of Jurisdiction of the Forum
14. Process of submission of Grievance
15. Grievance Handling Procedure of the Forum
16. Vacancies, etc. not to invalidate Proceedings
17. Reasoned Orders
18. Orders of the Forum to be binding
19. Non-compliance of orders to the Forum
20. Supply of certified copies
21. Monitoring of the consumer Grievances by Forum

CHAPTER IV
CONSTITUTION AND FUNCTIONS OF THE OMBUDSMAN

22. Appointment of Ombudsman
23. General Conditions regarding Eligibility for Appointment
24. Constitution of Selection Committee for Appointment of Ombudsman
25. Term of Office and conditions of service
26. Designating any person to officiate as Ombudsman in certain circumstances
27. Resignation and Removal
28. Secretary, Officers and other employees

CHAPTER V
PROCEEDINGS AND POWERS OF THE OMBUDSMAN

29. Powers and duties of the Ombudsman
30. Filing of representation before the Ombudsman
31. Proceedings of the Ombudsman
32. Finality of award
33. Powers to remand matters to the Forum
34. Power to Review
35. Powers to call information
36. Monitoring of the representations of the Ombudsman
37. Non-compliance of Orders of the Ombudsman

CHAPTER VI
MISCELLANEOUS

38. General
39. Power to relax
40. Power to remove difficulties
41. Inherent powers of the Commission

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(PUBLISHED IN DELHI GAZETTE EXTRAORDINARY PART _____)

DELHI ELECTRICITY REGULATORY COMMISSION

Viniyamak Bhawan, C-Block, Shivalik, Malviya Nagar, New Delhi-110017

Draft Notification

Delhi, _____, 2017

No. 11()/DERC/2015-16/ In exercise of the powers conferred on it by sub-section (2) (r) and sub-section (2) (s) of Section 181 read with sub-section (5) and sub-section (6) of Section 42 of the Electricity Act 2003, and all other powers enabling it in this behalf, and after previous publication, the Delhi Electricity Regulatory Commission hereby frames the “Delhi Electricity Regulatory Commission (Forum for redressal of grievances of the consumers and Ombudsman) Regulations, 2017”, as follows:

CHAPTER I **PRELIMINARY**

1. Short title, commencement and application-

- (1) These Regulations may be called the Delhi Electricity Regulatory Commission (Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations, 2017.
- (2) These Regulations extend to the whole of the National Capital Territory of Delhi and shall apply in relation to all matters falling within the jurisdiction of the Commission.
- (3) These Regulations shall come into force from the date of publication in the Official Gazette of Delhi.

2. Repeal of Regulations-

- (1) On and from commencement of these regulations, the Delhi Electricity Regulatory Commission (Guidelines for establishment of Forum for redressal of Grievances of the Consumers and Ombudsman) Regulations, 2003”, shall stand repealed.

- (2) Notwithstanding Regulation (1), the provisions of “Delhi Electricity Regulatory Commission (Guidelines for establishment of Forum for redressal of Grievances of the Consumers and Ombudsman) Regulations, 2003” shall continue to apply to all proceedings pending under it as if the said regulations have not been superseded.
- (3) The provisions of these Regulations shall be without prejudice to the right, which the consumer may have apart from the rights conferred upon him by these Regulations.

3. Definitions

In these Regulations, unless the context otherwise requires:-

- (1) “Act” means the Electricity Act, 2003;
- (2) “Chairperson” means the Chairperson of the Forum;
- (3) “Commission” means Delhi Electricity Regulatory Commission;
- (4) “Complainant” means—
 - (i) a consumer as defined under clause (15) of Section 2 of the Act; or
 - (ii) an applicant for a new electricity connection; or
 - (iii) any consumer association registered under the Companies Act, 2013 or under any other law for the time being in force; or
 - (iv) in case of death of a consumer, his legal heir(s) or authorised representative ; or
 - (v) Any other person claiming through or authorized by or acting as agent for the consumer and affected by the services or business carried out by the distribution licensee.
- (5) “Distribution Licensee” means any person who has been granted a license to distribute electricity under section 14 of the Act by the Commission and includes deemed distribution licensees.
- (6) “Forum” means ‘Forum for redressal of consumer Grievances’ constituted by distribution licensee pursuant to sub-section (5) of section 42 of the Act and these Regulations;
- (7) “Grievance” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which

has been undertaken to be performed by a Distribution Licensee in pursuance of a license, contract, agreement or under the extant SOP Regulations and includes, *inter alia*, (a) safety of distribution system having potential of endangering of life or property, and (b) non-compliance of any order of the Commission or any action to be taken in pursuance thereof which are within the jurisdiction of the Forum or Ombudsman, as the case may be.

- (8) “Member” means the Member of the Forum and unless the context otherwise requires, the expression ‘Member’ shall also include the Chairperson;
- (9) “Multi Tasking Staff” means class of employees performing multi tasks as given in the extant Policy decision of Department of Personnel & Training.
- (10) “Ombudsman” means an authority appointed or designated by the Commission, under sub-section (6) of Section 42 of the Act and these Regulations;
- (11) “Representation” means the representation made to the Ombudsman by the consumer in accordance with these Regulations.
- (12) “SOP Regulations” mean the extant Regulations issued by the Commission under Section 57 of the Act specifying the Standard of Performance of Distribution Licensee.

4. Interpretation

Words and expressions used but not defined in these Regulations shall have the same meaning as assigned to it in the Act or any other law framed under the Act.

CHAPTER II
CONSTITUTION AND FUNCTIONS OF THE FORUM

5. Constitution of forum

- (1) Every Distribution Licensee, shall establish, immediately on grant of Licence but not later than six (6) months, a Forum to be known as consumer grievance redressal forum, in short “Forum” for redressal of grievances of its consumers in accordance with these Regulations.
- (2) The Forum shall be independent of the distribution Licensee.
- (3) Forum shall consist of three members including the Chairperson.
- (4) The Chairperson of the Forum shall be the independent member, nominated by the Commission in terms of sub-clause (1) of Rule 7 of The Electricity Rules, 2005.
- (5) The forum shall be assisted by an officer known as Secretary of the forum who shall be appointed by the Forum.
- (6) The Distribution licensee shall display, prominently, the address of the Forum and its working hours at its offices, website and also print the same in the electricity bill.

6. Qualifications for appointment of Chairperson and Members of the Forum

- (1) No person shall be eligible to be appointed to the Forum unless he has the following qualifications:
 - (i) **Chairperson** shall be a person having minimum qualification of a graduate in Engineering from a recognized university. He shall have at least thirty (30) years of experience out of which ten (10) years shall be in power sector. He shall also have adequate knowledge of, and have shown capacity in, dealing with problems relating to engineering, finance, commerce, economics, law or management and consumer affairs;
 - (ii) **One Member** shall be a person possessing degree in law from a recognized university and having at least twenty (20) years of experience in handling legal matters;

- (iii) **One Member** shall be a graduate in any field or discipline from a recognized university who shall be a consumer of any of the Distribution Licensees of NCT of Delhi and a member of a registered society or organization having one of its main objectives as consumer protection, with at least twenty (20) years of experience in consumer related matters.
 - (iv) **Age Limit:** the maximum age limit for applying for the post of Chairperson and Members shall be sixty four (64) years as on the date of occurrence of the vacancy.
- (2) No person shall be eligible to be appointed as Chairperson of the Forum if within two (2) years of his retirement or immediately before such retirement or on the date of application; he has been in the service of a Distribution Licensee or in the holding company or subsidiary of such holding company of a Distribution Licensee.
 - (3) No person shall be appointed to the Forum or continue to be a member if he suffers from any of the disqualifications mentioned in sub-regulation (3) of Regulation 9 or if he has reached the age of 67.

7. Constitution of Selection Committee to select Chairperson and Members of the Forum

- (1) The Commission for the purpose of selecting the Members of the Forum, shall constitute a selection Committee comprising of-
 - (a) The Chairperson of the Commission ... Member;
 - (b) The Member of the Commission ... Member;
 - (c) The Member of the Commission ... Member;
 - (d) Subject Specialist ... Member;
 - (e) The Secretary of the Commission ... Convener
- (2) The Subject specialist shall be a member co-opted by the Commission.
- (3) The quorum of the selection committee shall be two and each member shall have one vote and in case of equality of votes, the Chairperson of the Commission or the senior most member of the Commission presiding over the Committee, as the case may be, shall have a casting vote.

- (4) Applications for the post of the Chairperson or the member of the Forum shall be invited through public advertisement:

Provided that in case of vacancy for the post of Chairperson, applications shall be invited by the Commission and in case of vacancy for the post of Member, applications shall be invited by the Licensee:

Provided further that in case of superannuation or end of tenure of the Chairperson or the member, applications shall be invited at least six (6) months prior to the date of superannuation or end of the tenure, as the case may be:

Provided also that in case of occurrence of any vacancy in the Forum for the post of the Chairperson or the Member, by reason of death, resignation or removal, the applications shall be invited, within one (1) month from the date of occurrence of such vacancy.

- (5) The applications for the post of Chairperson shall be scrutinized in the Commission and the applications for the post of Member shall be scrutinized by the Licensee, who shall submit the list of eligible persons before the Selection Committee within one (1) month from the last date for receipt of applications, in the specified format.
- (6) The Selection Committee shall finalize the selection of the Chairperson and Member of the Forum within three (3) months from the submission of the list of the eligible persons.
- (7) The Distribution Licensee shall appoint the Member approved by the Commission with effect from the date to be indicated by the Commission.
- (8) The Commission shall convey the appointment of the Chairperson to the Distribution Licensee.

8. Term of office and conditions of service

- (1) The Chairperson or Member shall hold office for a term of three years from the date he enters upon his office.

Provided that subject to fulfillment of the conditions of eligibility the Chairperson or Member of the Forum shall be eligible for reappointment for a second term of three (3) years and no further:

Provided further that no Member or Chairperson shall hold office as such after he has attained the age of sixty seven (67) years.

- (2) The salary, allowances and other terms and conditions of service of the Chairperson and Members of the Forum shall be such as may be laid down by the Commission from time to time.

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

- (3) Every member of the Forum shall, before entering upon his office, make and subscribe to an oath in such manner and before such authority as the Commission may direct.
- (4) The Chairperson and Member appointed shall devote their whole time to the affairs of the Forum, and shall not undertake any other work including part-time or honorary basis.

9. Resignation and Removal of the Members

- (1) The Chairperson of the Forum may, by giving not less than three (3) months notice in writing under his hand addressed to the Chairperson of the Commission, resign his office:

Provided that the Commission may, after recording the reasons in writing, relax the specified period of notice.

- (2) The Member of the Forum may, by giving not less than three (3) months notice in writing under his hand addressed to the Distribution Licensee, resign his office:

Provided that the Distribution Licensee shall not accept such resignation without the prior approval of the Commission:

Provided further that the Commission may, after recording the reasons in writing, relax the specified period of notice.

- (3) The Commission, in the case of the Chairperson, and the Distribution Licensee, in the case of Member may, by order remove from office any member, if he-
- (i) has been adjudged an insolvent;
 - (ii) has been convicted of an offence involving moral turpitude;
 - (iii) has become physically or mentally incapable of acting as a member;
 - (iv) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member;
 - (v) has so abused his position as to render his continuance in office prejudicial to the public interest;
 - (vi) has been guilty of proved misbehavior.

Provided that, no member shall be removed from his office of any ground specified in clauses (iv), (v) or (vi), unless the Commission, has, on an enquiry, concluded that the member ought on such ground or grounds to be removed.

10. Designating any person to officiate as Chairperson in certain circumstances-

In the event of Chairperson being unable to discharge his functions owing to absence, illness or any other cause, the Commission may designate any person to officiate as Chairperson for the interim period, till the day on which the Chairperson assumes his duties, or a new Chairperson is appointed, as the case may be.

11. Secretary and Staff of the Forum

- (1) The Forum shall with the approval of the Commission, specify the human resource requirement.
- (2) The distribution licensee shall, at all times, provide human resource requirement to the forum i.e. secretarial assistance and Multi Tasking Staff (MTS), as approved by the Commission.
- (3) The Forum may appoint a Secretary, who shall be at least a graduate from a recognized University and shall have at least twenty (20) years of work experience as an executive in the middle management out of which minimum five (5) years experience shall be in carrying out functions of legal and administrative nature.

- (4) The salaries and allowances payable to, and other terms and conditions of service of, the Secretary and supporting staff shall be as such as may be specified with the approval of the Commission.
- (5) No staff member including the Secretary shall continue in the Forum on attaining the age of sixty (60) years.
- (6) The Chairperson of the Forum shall exercise general powers of superintendence and administrative control over his office including Members/Secretary/Staff and shall be responsible for the conduct of business of the office.

CHAPTER III
JURISDICTION AND PROCEEDINGS OF THE FORUM

12. Jurisdiction of the Forum

- (1) The Forum shall have the jurisdiction to entertain the grievances filed by the complainant with respect to the services provided by the Distribution Licensee and the Forum may initiate any proceedings suo motu, and give such orders and directions as may be deemed necessary.
- (2) The Forum shall entertain only those grievances where the complainant has approached the appropriate authority of the distribution licensee as specified in the complaint handling procedure in SOP Regulations from time to time and either is not satisfied with the response of the licensee or there is no response within the time stipulated therein:

Provided that the no grievance shall be entertained unless it is filed before the Forum within three months from the date the consumer has exhausted the remedy under the complaint handling procedure:

Provided further that the Forum may, for reasons to be recorded in writing, entertain a grievance which does not meet the aforesaid requirement.

13. Limitation of Jurisdiction of the Forum

- (1) The Forum shall not entertain a grievance if it pertains to the same subject matter for which any proceedings before any court, authority or any other Forum is pending or a decree, award or a final order has already been passed by any competent court, authority or forum.
- (2) The Forum shall not entertain grievances falling under Sections 126, 127, 135 to 139, 152, and 161 of the Act.
- (3) Subject to sub-regulation (1) and (2) above, no grievance shall be rejected by the Forum at any stage, unless the complainant has been given an opportunity of being heard.

14. Process of submission of Grievance

- (1) Every grievance to the forum shall be submitted in writing to the Secretary of the Forum as per the **“FORM A”** annexed to these Regulations:

Provided that where a complainant is unable to make the grievance in writing, the Forum shall render all reasonable assistance to the complainant making the grievance orally to reduce the same in writing and in filling up the FORM A annexed to these Regulations.

- (2) The grievances are to be submitted either in person or through registered post, speed post, courier service, email, fax or as specified thereto.
- (3) The Distribution Licensee shall, in its website, upload the FORM A annexed to these Regulations in word form so as to enable consumers, at their option, to submit their grievance to the Forum in electronic form.
- (4) All enclosures to such Grievance submitted in electronic form shall be submitted in scanned form.
- (5) The forum shall not levy any fee for submission of Grievance.
- (6) The complainant shall enclose a copy of response, if any from the licensee along with all other relevant documents.

15. Grievance Handling Procedure of the Forum

- (1) On receipt of the grievance, the Secretary or any other person, as may be authorized by the Forum, shall make an endorsement on the grievance subscribing his dated initial and shall send an acknowledgement to the complainant within seven (7) days of receipt of the grievance.
- (2) Grievances received shall be registered and serially numbered for each year, and shall be referred e.g. C.G. No. 1/2016, 2/2016,..., 1/2017, 2/2017,... and so on.

- (3) A copy of the grievance shall be forwarded within seven (7) days of receipt, to the Nodal Officer designated by the Distribution Licensee for redressal or to file its reply in writing.
- (4) The Distribution Licensee shall, within fifteen (15) days of intimation from the Forum or within such other time as prescribed or directed, furnish its issue-wise comments on the grievance, to the Forum with a copy to the consumer and if there is any failure by the Distribution Licensee in providing such comments, the Forum shall proceed on the basis of the material available on record.
- (5) The Forum shall notify the Distribution Licensee and the complainant, the date of hearing of the grievance in writing, giving sufficient advance notice, of not less than five (5) days.
- (6) A consumer, 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 to present his case before the Forum and to do all or any of the acts for the purpose.
- (7) Where any person who has been a party to the proceedings before the Forum fails to appear, on the date of hearing as may be fixed, on more than two consecutive occasions, in this behalf, the Forum may decide the grievance ex-parte:

Provided that no adjournment shall ordinarily be 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.

- (8) The Forum may call for, any record of the Distribution Licensee or from the complainant 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.

Provided that if 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.

- (9) On receipt of the comments from the Distribution 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 a maximum period of 60 days of filing of the grievance:

Provided that if the order of the Forum is passed after the completion of the said period of sixty (60) days, the Forum shall record in writing reasons for the same.

- (10) The proceedings and decision(s) of the Forum shall be recorded and shall be supported by reasons.
- (11) The quorum for the Forum shall be two and each member shall have one vote and in case of equality of votes, the Chairperson of the Forum or as the case may be, the senior most member of the Forum discharging the functions of the Chairperson of the Forum presiding over the meeting shall, in addition, have a casting vote.
- (12) A certified copy of the order of the Forum shall be delivered to the parties to such order in writing within seven (7) days from the date of order.
- (13) The Forum may, subject to the Regulation made by the Commission in this regard, award compensation to the complainant as it considers just and appropriate in the circumstances of the case.
- (14) The compensation awarded under Sub-regulation (13) shall be borne by the distribution licensee and shall not be allowed in the Aggregate Revenue Requirement of the Distribution Licensee.
- (15) The Forum may pass such interim orders, at any stage during the disposal of the grievance, on the request of the consumer as the Forum considers appropriate pending the final decision on the Grievance:

Provided that the Forum shall have the powers to pass such interim order in any proceeding, hearing or matter before it, as it may consider appropriate:

Provided further that if the consumer 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 there under or any order of the Commission and the Forum has jurisdiction on such matters:

Provided also 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.

- (16) The Forum may settle any grievance in terms of an agreement reached between the parties at any stage of the proceedings before it.
- (17) The Forum shall not be bound to follow the procedure prescribed in the Civil Procedure Code 1908(Act 5 of 1908) and subject to these Regulations, the Forum may evolve procedure conforming to the principles of fair play and natural justice for efficient discharge of its functions.
- (18) Any complainant aggrieved by orders of the Forum may prefer a representation before the Ombudsman:

Provided that there shall be no right of representation before the Ombudsman against the order issued under Sub-regulation (16).

16. Vacancies, etc. not to invalidate Proceedings

Subject to Regulation 15 (10) no act or proceedings of the Forum shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Appropriate Forum.

17. Reasoned Orders

- (1) The order passed by the Forum shall set out –
 - (a) issue-wise decision;
 - (b) reasons for passing the order;
 - (c) directions, if any, to the Distribution Licensee or consumer or any other order, deemed appropriate in the facts and circumstances of the case; and
 - (d) directions to pay such amount as compensation as specified by the Commission in the SOP Regulations.
- (2) Every order made by the Forum shall be a reasoned order and signed by the members conducting the proceedings:

Provided that where the members differ on any point or points, the opinion of the majority shall be the order of the Forum. The opinion of the minority shall however, be recorded and shall form part of the order:

Provided further that, along with every order, the Forum shall intimate the complainant of the contact details of the Ombudsman and limitation of time for preferring a representation before the Ombudsman.

18. Orders of the Forum to be binding

Subject to the right of the representation before the Ombudsman specified in these Regulations, the orders of the Forum shall be binding on the consumers and the Distribution Licensee.

Any order passed or direction issued by the Forum shall be implemented or complied with by the Distribution Licensee or the person required by the order or direction to do so and within the time frame stipulated in the order/directions and further intimation of such compliance shall also be made to the Forum within the time frame stipulated in that regard in the order/ directions.

19. Non-compliance of Orders of the Forum-

In the event of Non-Compliance of any orders of the Forum, or part thereof, by the Licensee, the Consumer may approach the Commission for penal actions under Section 142 of the Electricity Act, 2003.

20. Supply of certified copies

Any person shall be entitled to obtain certified copy of the orders of the Forum subject to payment of such fee and after complying with such other terms, which the Forum may direct.

21. Monitoring of the consumer Grievances by Forum

- (1) The Forum will keep a record of consumer grievances reported to it and the results thereof.
- (2) The Forum shall submit the following reports, as per the laid down formats, to the distribution licensee, Ombudsman and the Commission:

- (i) a quarterly report on disposal of grievances within thirty (30) days of the close of the quarter; and
- (ii) a yearly report containing a general review of the activity of the Forum, within sixty (60) days of the close of the year.

CHAPTER IV
CONSTITUTION AND FUNCTIONS OF THE OMBUDSMAN

22. Appointment of Ombudsman

The Commission shall designate or appoint a person to be known as Ombudsman to carry out the functions entrusted to him by the Act and these Regulations. The Commission may appoint more than one Ombudsman if so deemed necessary.

23. General Conditions regarding Eligibility for Appointment

- (1) The Ombudsman shall be a person of ability, integrity and standing, with minimum qualification of a graduate from a recognized university. He shall also have experience in dealing with problems related to consumers and shall have minimum experience of at least twenty (20) years in a Group A post or equivalent out of which five (5) years shall be in the power sector.
- (2) **Age Limit:** the maximum age limit for applying for the post of Ombudsman shall be sixty four (64) years, as on the date of occurrence of the vacancy.
- (3) No person shall be eligible to be appointed as Ombudsman within two (2) years of his retirement or immediately before such retirement or on the date of application; he has been in the service of a licensee or in the holding company or subsidiary of such holding company of a distribution licensee:
- (4) No person shall be appointed to the Ombudsman or continue to be Ombudsman if he suffers from any of the disqualifications mentioned in sub- regulation (3) of Regulation 9 or if he has reached the age of 67.

24. Constitution of Selection Committee for Appointment of Ombudsman

- (1) The Commission for the purpose of selecting the Ombudsman, shall constitute a Selection Committee comprising of-
 - (a) The Chairperson of the Commission ... Member;
 - (b) The Member of the Commission ... Member;
 - (c) The Member of the Commission ... Member;
 - (d) Subject Specialist (To be nominated by the Commission) ... Member;

- (e) The Secretary of the Commission ... Convener
- (2) The quorum of the selection committee shall be two members.
 - (3) The quorum of the selection committee shall be two and each member shall have one vote and in case of equality of votes, the Chairperson of the Commission or the senior most member of the Commission presiding over the Committee as the case may be, shall have a casting vote.
 - (4) Applications for the post of Ombudsman shall be invited by the Commission, through public advertisement.
 - (5) In case of occurrence of vacancy by reason of death, resignation or removal, the Commission, shall invite applications, within one (1) month from the occurrence of any vacancy and in case of superannuation or end of tenure, the Commission shall do so within six (6) months before the date of superannuation or end of the tenure, as the case may be.
 - (6) The list of eligible persons shall be placed before the Selection Committee within one (1) month from the last date for receipt of applications.
 - (7) The Selection Committee shall finalize the selection of the Ombudsman within three (3) months from the submission of the list of the eligible persons.

25. Term of Office and conditions of service

- (1) The term of the Ombudsman shall be for a period of three (3) years from the date he enters upon office:

Provided that subject to fulfillment of the conditions of eligibility the Ombudsman shall be eligible for reappointment for a second term of three (3) years and no further:

Provided further that no Ombudsman shall hold office as such after he has attained the age of sixty seven (67) years.

- (2) The salary, allowances and other terms and conditions of service of the Ombudsman shall be such as may be laid down by the Commission from time to time.

Provided the salary, allowances and other terms and conditions of the office of the Ombudsman shall not be varied to the disadvantage of the Ombudsman after his appointment.

- (3) The Ombudsman shall, before entering upon his office, make and subscribe to an oath in such manner and before such authority as the Commission may direct.
- (4) The Ombudsman appointed shall devote his whole time to the affairs of his office. He shall not undertake any other part-time or honorary work.

26. Designating any person to officiate as Ombudsman in certain circumstances

In the event of Ombudsman being unable to discharge his functions owing to absence, illness or any other cause, the Commission may designate any person as Ombudsman for the interim period, till the day on which the Ombudsman assumes his duties, or a new Ombudsman is designated as the case may be.

27. Resignation and Removal

- (1) The Ombudsman may, by giving not less than three (3) months notice in writing under his hand addressed to the Chairperson of the Commission, resign his office:

Provided that the Commission may relax the specified period of notice.

- (2) The Commission may, by order remove the Ombudsman from office, if he-
 - (i) has been adjudged an insolvent;
 - (ii) has been convicted of an offence involving moral turpitude;
 - (iii) has become physically or mentally incapable of acting as such member;
 - (iv) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member;

- (v) has so abused his position as to render his continuance in office prejudicial to the public interest;
 - (vi) has been guilty of proved misbehavior.
- (3) The Ombudsman shall be liable to be removed from his office in the event of any of the disqualifications mentioned in sub-regulation (2) arising or being discovered:

Provided that, the Ombudsman shall not be removed from his office of any ground specified in clauses (iv), (v) or (vi) of Sub-Regulation (2), unless the Commission, has, on an enquiry, concluded that the Ombudsman ought on such ground or grounds to be removed.

28. Secretary, Officers and other employees

- (1) The Ombudsman shall be assisted by Secretary, Advisors and supporting Staff as approved by the Commission.
- (2) The Ombudsman shall assess the human resource requirement and submit the proposal to the Commission for Approval.
- (3) The appointment of the supporting staff other than the Secretary and Advisors shall be made by the Ombudsman as per the orders of the Commission given from time to time for filling up the vacancies.
- (4) The Commission may, by order, also specify the other terms and conditions of service of the Secretary, Advisors and supporting staff.
- (5) Qualification for appointment of Secretary, Advisor (Engineering) and Advisor (Law) of the Ombudsman shall be as under:-
 - (i) Secretary to the Ombudsman shall be a graduate from a recognized University having at least twenty (20) years of work experience as an executive in the middle management out of which minimum five (5) years experience shall be in carrying out functions of legal and administrative nature. The Experience of working in regulatory bodies/local bodies/public utilities and/or convening meetings of board of Directors in a company or corporation will be desirable.
 - (ii) Advisor (Engineering) to the Ombudsman shall possess a graduate degree in Electrical/Power Engineering or equivalent

from a recognized University and shall have at least ten (10) years experience of working as a Power Engineer in the middle management level in a reputed organization.

- (iii) Advisor (Law) to the Ombudsman shall possess a graduate degree in Law from a recognized University and shall have at least ten (10) years of experience working as a Legal Advisor to an organization of repute. The Experience of working in regulatory bodies/local bodies/public utilities and/ or convening meetings of board of Directors in a company or corporation will be desirable.
 - (iv) **Age Limit:** The Maximum Age limits for applying for the post of Secretary and Advisors shall be sixty two (62) years.
- (6) The selection Committee for the purpose of selecting the Secretary and Advisors, shall be as under–
- (a) The Chairperson of the Commission.....Member;
 - (b) The Member of the CommissionMember;
 - (c) The Member of the CommissionMember;
 - (d) The OmbudsmanMember;
 - (e) The Secretary of the CommissionConvener
- (7) The quorum of the selection committee shall be two members.
- (8) The quorum of the selection committee shall be two and each member shall have one vote and in case of equality of votes, the Chairperson of the Commission or the senior most member of the Commission presiding over the Committee as the case may be, shall have a casting vote.
- (9) The appointment of the Secretary, Advisors and support staff, shall be for a period not exceeding three years in the first instance which is extendable/ renewable for another period of three years at the discretion of the Commission:
- Provided that the Secretary, Advisors and support staff, shall not continue in the office on attaining the age of sixty five (65) years.
- (10) The Ombudsman shall exercise general powers of superintendence and administrative control over his office including

Secretary/Advisor/Staff and shall be responsible for the conduct of business of the office.

CHAPTER V
PROCEEDINGS AND POWERS OF THE OMBUDSMAN

29. Powers and duties of the Ombudsman

- (1) To receive the representation from complainant aggrieved by any order of the Forum and consider such representation and facilitate their satisfaction or settlement by agreement, through conciliation and mediation between the Distribution Licensee and consumer or by passing an order in accordance with these Regulations;
- (2) To exercise all the powers as are available to a Forum under these Regulations and to discharge such functions as the Commission may direct or assign from time to time.
- (3) To advise the Commission on redressal of grievances of the Consumers.
- (4) The Ombudsman may, after hearing the Forum or any other interested party, if any, from time to time, issue such orders, instructions or directions to the Forum for the performance of its functions under these Regulations, as it may deem fit.

30. Filing of representation before the Ombudsman

- (1) Any complainant, aggrieved by the non-redressal of his grievance by the Forum may himself or through his authorized representative make a representation to the Ombudsman in writing as prescribed in **“FORM B”** annexed to these Regulations within one (1) month from the date of receipt of the order of the Forum:

Provided that the Ombudsman may entertain a representation beyond one (1) month on sufficient cause being shown by the person filing the representation that he had sufficient reasons for not filing the representation within the aforesaid period of one (1) month.

- (2) The representation submitted in **“Form B”** shall clearly state:
 - (i) the name(s) and address of the consumer(s), service connection number, category, the name of the local licensees’ office, against which the representation is made, the facts giving rise to the representation, the grounds thereof, the relief sought from the Ombudsman.

- (ii) the name of the Forum, date of order or decision of the Forum shall, as the case may be, mentioned in or enclosed with the representation.
- (3) The Ombudsman shall not entertain a representation:
- (i) unless the consumer has submitted a written representation in the annexed Form B, to the Ombudsman;
 - (ii) unless it has been shown to the Ombudsman that (i) the Forum has rejected the grievance, or (ii) the Forum has not passed an order on the grievance for its redressal within a maximum period of two (2) months from the date of receipt of the grievance by the Forum, or (iii) there has been undue delay in the disposal of the grievance by the Forum even after the period stated above;
- Provided that a complainant may approach the Ombudsman directly in cases where the Commission has directed to do so.
- (iii) unless the representation against an order of the Forum was made within the period set out in these Regulations;
 - (iv) unless the Ombudsman is satisfied that the representation is not in respect of the same subject matter that has been settled by him in any previous proceedings;
 - (v) where the representation by the consumer, in respect of the same grievance, 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;
 - (vi) unless the consumer has deposited in the stipulated manner, an amount equal to one-third of the amount, if any, that is required to be paid by him in terms of the order of the Forum or Rs. 25,000/- (Rupees twenty-five thousand only) whichever is less, by way of mode approved by the Commission from time to time, with the licensee and documentary evidence of such deposit is enclosed with the representation.

31. Proceedings of the Ombudsman

- (1) Within seven (7) days of receipt of a representation, the Secretary shall send an acknowledgement to the complainant. Representations received shall be registered and serially numbered for each year, and shall be referred e.g. C.G. No. 1/2016, 2/2016,..., 1/2017, 2/2017,... and so on.
- (2) Within seven (7) days of registration, the Ombudsman shall call for records relating to the representation from the concerned Forum.
- (3) The concerned Forum shall send the entire records to the office of the Ombudsman within fifteen (15) days from the date of receipt of such notice.
- (4) The Ombudsman may determine the manner, the place, the date and the time of the hearing of the matter as the Ombudsman considers appropriate.
- (5) The Ombudsman shall notify the Distribution Licensee and the applicant who has submitted the representation, the date of hearing in writing, giving sufficient advance notice, of not less than 7 days.

Provided that representations filed by applicants who are senior citizens, physically challenged, widows and persons suffering from serious ailments shall be listed and disposed of on a priority basis.

- (6) A consumer, Distribution Licensee or any other person who is a party to any proceedings before the Ombudsman may either appear in person or authorize any person to present his case before the Ombudsman and to do all or any of the acts for the purpose.
- (7) Where any person who has been a party to the proceedings before the Ombudsman fails to appear on the date of hearing as may be fixed on more than two (2) consecutive occasions, in this behalf, the Ombudsman may decide the Grievance ex-parte:

Provided that no adjournment shall be ordinarily granted by the Ombudsman unless sufficient cause is shown and the reasons for the grant of adjournment have been recorded in writing by the Ombudsman.

- (8) The Ombudsman may reject the representation at any stage if it appears to him that the representation is:
- (i) frivolous, vexatious, malafide;
 - (ii) without any sufficient cause;
 - (iii) there is no prima facie loss or damage or inconvenience caused to the consumer; or
 - (iv) complicated in nature such that the representation requires consideration of elaborate documentary and oral evidence and the proceedings before the Ombudsman are not appropriate for adjudication of such representations.

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

Provided further that no representation shall be rejected unless the applicant has been given an opportunity of being heard.

- (9) The Ombudsman may hear the parties and may direct the parties to submit written statements of submissions in the matter.
- (10) The Ombudsman shall pass a written order giving reasons for all his findings and award.
- (11) The Ombudsman shall pass an award as early as possible but in any case, within three (3) months from the date of receipt of the representation. Where there is delay in disposal of a representation within the said period of three (3) months, the Ombudsman shall record reasons of such delay.
- (12) The order passed by the Ombudsman shall set out –
- (i) issue-wise decision;
 - (ii) reasons for passing the order;
 - (iii) directions, if any, to the Distribution Licensee or consumer or any other order, deemed appropriate in the facts and circumstances of the case; and
 - (iv) directions to pay such amount as compensation as specified by the Commission in the SOP Regulations.
- (13) Notwithstanding the provisions of sub-Regulation (12) above, the Ombudsman may pass such interim orders, at any stage during the

disposal of the representation, on the request of the consumer as the Ombudsman considers appropriate pending the final decision on the representation:

Provided that the Ombudsman shall have the powers to pass such interim order in any proceeding, hearing or matter before it, as it may consider appropriate if the consumer satisfies the Ombudsman 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 thereunder or any order of the Commission, provided that, the Ombudsman, 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.

- (14) A certified copy of the order or award shall be sent to the parties within seven (7) days from the date of order. A copy of the order may also be sent to the concerned Forum for information.

32. Finality of award

The award or the orders of the Ombudsman shall be final and binding on the parties and such order or directions shall be implemented or complied with by the Distribution Licensees or the person required to do so within the time frame stipulated therein. However, this is without prejudice to the rights of the complainant and the Distribution Licensee to seek appropriate remedy against the order passed by the Ombudsman before other appropriate judicial bodies.

33. Powers to remand matters to the Forum

- (1) Where the Forum has disposed of the Grievance and the order of the Forum is reversed or set aside in the proceedings before the Ombudsman, the Ombudsman may, if it thinks fit and necessary, by order remand the Grievance to the Forum.
- (2) The Ombudsman may, further direct what issue or issues shall be decided in the grievance so remanded, and shall send a copy of its judgment and order to Forum from whose order the representation

has been preferred to Ombudsman, with such directions as may be necessary to consider the Grievance and pass orders accordingly.

34. Power to Review

- (1) Any person aggrieved by an order of the Ombudsman, may, upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or on account of some mistake or error apparent from the face of the record, may apply for a review of such order, within thirty (30) days of the date of the order, as the case may be, to the Ombudsman.
- (2) An application for such review shall clearly state the matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or the mistake or error apparent from the face of the record. The application shall be accompanied by such documents, supporting data and statements as the Ombudsman may determine.
- (3) When it appears to the Ombudsman that there is no sufficient ground for review, the Ombudsman shall reject such review application.

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

- (4) When the Ombudsman is of the opinion that the review application should be granted, it shall grant the same provided that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the order, the review of which is applied for.

35. Powers to call information-

For the purpose of carrying out his duties, Ombudsman shall have the same powers to call for records or information as are available to the Forum under sub-Regulation (8) of Regulation (15).

36. Monitoring of the representations of the Ombudsman

- (1) The Ombudsman shall keep a record of the representations reported to it and the results thereof.

- (2) The Ombudsman shall send to the Commission, a quarterly report on disposal of the representations within thirty (30) days of the close of the quarter and a yearly report containing a general review of the activities of his office, within sixty (60) days of the close of the year.

37. Non-compliance of Orders of the Ombudsman-

In the event of Non-Compliance of any orders of the Ombudsman, or part thereof, by the Licensee, the Consumer may approach the Commission for penal actions under Section 142 of the Electricity Act, 2003.

CHAPTER VI
MISCELLANEOUS

38. General-

- (1) Within one year from the date of notification of these Regulations, every Forum and the office of the Ombudsman shall develop and install consumer friendly websites for the purpose of e-filing of complaints/representations. The causelist and orders shall be uploaded at the respective website by the Forum and office of the Ombudsman.
- (2) The Commission may, if it considers necessary in the public interest so to do, publish the reports of the Ombudsman in such consolidated form or otherwise as it deems fit.
- (3) The Commission may by order provide for or clarify any matter on which no provision is made in these Regulations or the provision made is insufficient.
- (4) The Forum and Ombudsman shall exercise such other powers as the Commission may, by order, delegate from time to time.
- (5) Chairperson and Members of the Forum, the Secretary and the staff thereof, the Ombudsman, the Secretary and the staff thereof, when purporting to act under any provision of the Electricity Act, 2003 or under any provision of these Regulations or directions or orders issued there under shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 and Section 2 of the Prevention of Corruption Act, 1988.
- (6) Subject to these Regulations, the Forum and the Ombudsman shall be guided by the principles of natural justice and shall have powers to regulate their own procedure.

39. Power to relax-

The Commission may, in public interest and for the reasons to be recorded in writing, relax any provision of these Regulations.

40. Power to remove difficulties-

If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, by general or specific order, do anything, not inconsistent with the provisions of the Act, which it

considers necessary or expedient for the purpose of removing the difficulties.

41. Inherent powers of the Commission-

Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Commission to make such orders as may be necessary for ends of justice or to prevent the abuse of process of the Commission.

FORM A

APPLICATION TO FORUM FOR REDRESSAL OF GRIEVANCE

1. NAME OF COMPLAINANT _____

2. FULL ADDRESS OF COMPLAINANT _____

PIN CODE _____

PHONE NO, _____

FAX NO _____

EMAIL ID _____

PARTICULARS OF CONNECTION AND CONSUMER NO,
(Please slate nature of connection)

4. DISTRIBUTION LICENSEE: _____

5. DETAILS OF THE GRIEVANCE, FACTS GIVING RISE TO THE
GRIEVANCE

(If space is not sufficient please enclose separate sheet)

6. DATE OF ORIGINAL INTIMATION OF GRIEVANCE BY THE
CONSUMER TO THE DISTRIBUTION LICENSEE (INTERNAL
GRIEVANCE REDRESSAL CELL OF THE LICENSEE)

7. REMEDY PROVIDED BY THE DISTRIBUTION LICENSEE, IF ANY
(If remedy has been provided, please enclose relevant communication from the Distribution Licensee)

8. NATURE OF RELIEF SOUGHT FROM THE FORUM
(Please enclose any proof to support claim, if any)

9. LIST OF DOCUMENTS ENCLOSED
(Please enclose copies of any relevant documents which support the facts giving rise to the Grievance)

10. **DECLARATION**

(a) I/We, the consumer(s) herein declare that:

(i) the information furnished herein above is true and correct to the

best of my/our knowledge, information and belief.

- (ii) I/We have not concealed or misrepresented any fact stated above and the documents submitted herewith.
- (b) The present Grievance has been intimated to the Distribution Licensee and I/We am/are not satisfied by the remedy provided by the Distribution Licensee or no remedy was provided within a period of two (2) months from the date of original intimation.
- (c) The subject matter of the present Grievance has never been submitted to the Forum by me/or by any one of us or by any of the parties concerned with the subject matter to the best of my/our knowledge.
- (d) The subject matter of my/our Grievance has not been settled through the Forum in any previous proceedings.
- (e) The subject matter of my/our Grievance has not been decided by any competent authority/Court/Arbitrator, and is not pending before any such authority/court/arbitrator.

Yours faithfully

Place:

Date:

(Signature)

(Consumers name in block letter)

NOMINATION – (If the consumer wants to nominate his representative to appear and Make submissions on his behalf before the Forum, the following declaration should be submitted.)

I/We the above named consumer hereby nominate Shri/Smt. , Who is not an Advocate and whose address is
.....

..... As my/our REPRESENTATIVE in the proceedings and Confirm that any statement, acceptance or rejection made by him/her shall be binding on me/us. He/She has signed below in my presence. (Copy of valid ID Proof of the Representative to be submitted)

ACCEPTED

(Signature of Representative)

(Signature of Consumer)

FORM B
REPRESENTATION BEFORE ELECTRICITY OMBUDSMAN

No. _____ of year _____

To
The Electricity Ombudsman
(Address)

Dear Sir,

SUB:

(please make a mention of the order of the Forum from which a representation to The Electricity Ombudsman is being made)

Details of the Grievance are as under:

1. NAME OF THE CONSUMER _____

2. FULL ADDRESS OF THE CONSUMER _____

PIN CODE _____

PHONE NO. _____

FAX NO _____

EMAIL ID _____

3. NAME AND FULL ADDRESS OF THE DISTRIBUTION LICENSEE, PIN CODE, PHONE NO. / FAX NO.

4. NAME AND FULL ADDRESS OF THE FORUM, PIN CODE, PHONE NO. / FAX NO.

5. PARTICULARS OF CONNECTION AND CONSUMER NO.

(Please state nature of connection)

6. DATE OF SUBMISSION OF GRIEVANCE BY THE CONSUMER TO THE FORUM_____

(Please enclose three copies of the Grievance)

7. DETAILS OF THE REPRESENTATION, FACTS GIVING RISE TO THE REPRESENTATION

(If space is not sufficient please enclose separate sheet)

8. WHETHER THE CONSUMER HAS RECEIVED THE FINAL DECISION OF THE FORUM ?

(If yes, please enclose three copies of the Forum s order conveying its final Decision)

9. NATURE OF RELIEF SOUGHT FROM THE ELECTRICITY OMBUDSMAN

(Please enclose three copies of documentary proof, if any, in support of your Claim)

10. NATURE AND EXTENT OF MONETARY LOSS, IF ANY, CLAIMED BY THE CONSUMER (IF ANY) BY WAY OF COMPENSATION

Rs_____

(Please enclose documentary proof, if any, to show that such loss is actual loss Caused as a direct consequence of alleged act, omission or commission of the Distribution Licensee)

11. LIST OF DOCUMENTS ENCLOSED

(Please enclose three copies of all the documents, which support the facts giving Rise to the Representation)

12. DECLARATION

(a) I/ we, the consumer /s herein declare that:

(i) The information furnished herein above is true and correct; and (ii) I/ we have not concealed or misrepresented any fact stated in Hereinabove and the documents submitted herewith.

(b) The subject matter of my / our representation has never been brought before the Office of the Electricity Ombudsman by me/ or by any one of us Or by any of the parties concerned with the subject matter to the best of my/ Our knowledge.

(c) The subject matter of my / our representation has not been settled through the Office of the Electricity Ombudsman in any previous proceedings.

(d) The subject matter of the present representation has not been decided by any competent authority/court/arbitrator, and is not pending before any Such authority / court / arbitrator.

Yours faithfully

Place:

Date:

(Signature)

(Consumer's name in block letter)

NOMINATION - (If the consumer wants to nominate his representative to appear and Make submissions on his behalf before the Electricity Ombudsman or to the Office of the Electricity Ombudsman, the following declaration should be submitted.)

I/We the above named consumer hereby nominate Shri/Smt..... Who is not an Advocate and whose Address is

As my/our REPRESENTATIVE in the proceedings and confirm that any statement, acceptance or Rejection made by him/her shall be binding on me/us. He/She has signed below in my Presence. (Copy of valid ID Proof of the Representative to be submitted)

ACCEPTED

(Signature of Representative)

(Signature of Consumer)