

**Maharashtra Electricity Regulatory Commission (Consumer
Grievance Redressal Forum and Electricity Ombudsman)
Regulations, 2006**

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Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006

Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006

CHAPTER 1

GENERAL

1. Short title, Commencement and Interpretation :-

(1) These Regulations may be called the "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006".

(2) These Regulations extend to the whole of the State of Maharashtra.

(3) These Regulations shall come into force from the date of its notification in the Official Gazette.

(4) These Regulations shall be construed harmoniously with the standards of performance of Distribution Licensees and the Electricity Supply Code specified by the Commission under the provisions of Clauses (x) and (za) of sub-section (2) of Section 181 of the Act. In case of any inconsistency with these Regulations, the standards of performance of Distribution Licensees and the Electricity Supply Code shall prevail.

2. Definition :-

(1) In these Regulations, unless the context otherwise requires -

(a) "Act" means the Electricity Act, 2003 (36) of 2003);

(b) "Commission" means the Maharashtra Electricity Regulatory Commission;

(c) "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 licence, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of Distribution Licensees as specified by the Commission and includes inter alia (i) safety of distribution system having potential of endangering of life or property, and (b) grievances in respect of 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.

(d) "Internal Grievance Redressal Cell" or "IGR Cell" means such first authority to be contacted by the consumer for redressal of his/her Grievance as notified by the Distribution Licensee;

(e) "Forum" means the forum for redressal of grievances of consumers required to be established by Distribution Licensees pursuant to sub-section (5) of Section 42 of the Act and these Regulations.

(f) "Electricity Ombudsman" means an authority appointed or designated by the Commission, in pursuance of sub-section (6) of Section 42 of the Act and these Regulations, to whom any consumer, who is aggrieved by non-redressal of his grievances by the Forum, may make a representation.

(g) "Nodal Officer" shall mean an officer having knowledge and experience in distribution and supply of electricity and so designated by the Distribution Licensee to act as a nodal officer who shall not be below the rank of an executive engineer of the Board or officer of equivalent rank of any other Distribution Licensee,

(h) "Representation" shall mean the representation made to the Electricity Ombudsman by the consumer in person or on behalf of such consumer who is aggrieved by non redressal of his grievances by the Forum (including dismissal order) within the specified time and in accordance with these Regulations.

(2) Interpretations. - Words and expressions used and not defined in these Regulations but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Basic Principles :-

(1) Every Distribution Licensee shall, within six months from the Appointed Date or date of grant of license, whichever is earlier,

establish Forum(s) in accordance with these Regulations. Such Forum(s) shall follow the principles of natural justice, including, inter alia, the following :-

- (a) it shall protect the interest of consumers;
- (b) it shall inform consumers of their rights;
- (c) it shall facilitate and expedite the redressal of Grievances;
- (d) it shall ensure that consumers can also have a remedy in the event of failure or delay on the part of the Distribution Licensee in redressing their Grievances.

(2) A Distribution Licensee shall establish at least one (1) Forum in each distribution zone falling within its area of supply.

Explanation. - For the purpose of this Regulation 2, the term "distribution zone" shall mean the geographical area falling within the jurisdiction of a zonal office of the successor entities of the Board as may be vested with the functions of distributing electricity pursuant to re-organisation of the Board. Provided that where the area of supply is the city of Greater Mumbai and adjoining areas, each Distribution Licensee shall have at least one (1) Forum for such area of supply. Subject to any guidelines that may be issued by the Commission, from time to time, the area of jurisdiction of the Forum shall be decided by the Distribution Licensee.

(3) Every Distribution Licensee shall -

(a) publish its draft rules and procedures for redressal of Grievances and make the same available to public in English and Marathi at all cash collection counters and offices of the Distribution Licensee, provided that, the Distribution Licensee shall inform consumers through the bills raised on them regarding the availability of such draft rules and procedures;

Provided that the Commission may make model rules and procedures from time to time for providing guidance to the Distribution Licensees.

(b) invite comments on such draft rules and procedures from its consumers to be submitted at the respective cash collection centre or office of the Distribution Licensee; and

(c) finalise such draft rules and procedures considering comments, if any, and publish and make them available as at (a) above :

Provided that the Distribution Licensee shall, if necessary, update and publish such rules and procedures referred to in sub-clause (c) at regular intervals which shall, in particular, include -

- (i) the objects of these Regulations;
- (ii) the postal and street address, the phone and fax number and, if available, electronic mail address of the IGR Cells and Forums;
- (iii) the manner and the form in which a grievance may be made to the IGR Cells;
- (iv) the assistance available from and the duties of the IGR Cells under these Regulations;
- (v) the assistance available from the Forums;
- (vi) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed on the Distribution Licensee by the Act or these Regulation, as the case may be, including the manner of filing an appeal to the Electricity Ombudsman;
- (vii) any additional rules, procedures or circulars made or issued by the Distribution Licensee in relation to these Regulations and in accordance with the Act;

Provided further that it shall be a constant endeavour of the Distribution Licensee to take steps in accordance with the requirements herein to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that information is disseminated widely and in such form and manner which is easily accessible to the public.

Explanation. - For the purposes of Regulation 3 "disseminated" means making known or communicating the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means.

CHAPTER 2

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCE

4. Constitution of Forum for Redressal of Consumer Grievances :-

(1) Each Forum to be constituted by the Distribution Licensee shall consist of three members, who shall meet the following criteria :

(a) The Chairperson of the Forum shall be a retired Senior Judicial Officer; or a retired civil servant not below the rank of a Collector; or a retired Principal of a reputed Engineering College; or a retired Professor of the Electrical Engineering Department of a reputed institute; or a retired Senior Electrical Engineer of the Government;

Provided that the Chairperson shall preferably have working knowledge of the vernacular language of the State of Maharashtra.

(b) One member shall be a person not below the rank of an Executive Engineer of the Board or a person of equivalent rank of any other Distribution Licensee.

(c) One member shall be a representative of a registered voluntary consumer protection organization of the area, working preferably for at least five (5) years on matters concerning consumer grievances;

Provided that the Distribution Licensee shall, while appointing the member referred to in sub-clause (b), ensure that he/she is a person having knowledge and experience in distribution and supply of electricity;

Provided that, such member referred to in sub-clause (c), shall not have been in the employment in any capacity under, or agency of, the Distribution Licensee for a minimum period of three (3) years prior to being appointed as member of the Forum;

Provided further that in case the Distribution Licensee has less than one lac fifty thousand (1,50,000) consumers in its area of supply in the State of Maharashtra, the forum may consist of a single member, who shall fulfil the eligibility criteria of sub-clause (a) above :

Provided also that where the Chairperson is absent from a sitting of the forum, the technical member, who fulfils the eligibility criteria of sub-clause (b) above, shall be t^he Chair- person for such sitting.

(2) The Distribution Licensee shall ensure that the post of a member in the forum is not kept vacant for a period exceeding three (3) months.

(3) Every member of the forum shall hold office for a fixed term of three years provided that the tenure of a member may be extended by the Distribution Licensee for a further period not exceeding two (2) years subject to an overall age limit of sixty-

seven (67) years :

Provided that a member of the forum who is in the employment of the Distribution Licensee upon his transfer shall cease to be member of the forum and the Distribution Licensee shall designate another officer as member of the forum who shall comply with the eligibility criteria set out in sub-clause (b) of Regulation 1.

(4)

(1) No person shall be appointed and/or be entitled to continue as a member if he stands disqualified on account of his :

(a) having been adjudged an insolvent;

(b) having been convicted of an offence which, in the opinion of the Distribution Licensee, involves moral turpitude;

(c) having become physically or mentally incapable of acting as such member;

(d) having acquired such financial or other interest as is likely to affect prejudicially his functions as a member;

(e) having so abused his position as to refer his continuance in office prejudicial to public interest; or

(f) having been guilty of proved misbehaviour.

(2) An existing member shall be liable to be removed from his office forthwith on account of any of the aforesaid disqualifications arising or being discovered :

Provided that no member shall be removed from his office on any ground specified in the aforesaid Clauses (d), (e) and (f) of Regulation 4 sub-section(1) unless the Distribution Licensee, has, on an independent inquiry held by it, in accordance with such procedure as directed by the Commission, reported to the Commission that such member ought, on such ground or grounds, be removed.

(5) The sitting fees, honorarium and/or other allowances (collectively "Remuneration") payable to the members shall be such as may be decided by the Distribution Licensee :

Provided that the remuneration and the other terms of office of the members shall not be varied to the disadvantage of the member after his appointment:

Provided further that the terms and conditions of service of a member of the forum who is in the employment of the Distribution Licensee shall be governed by the terms and conditions of his employment with such Distribution Licensee.

(6)

(a) The office space, secretarial support and other facilities required by members of the forum shall be provided by the Distribution Licensee including the numbers, nature and categories of staff as may be intimated by the forum to the Distribution Licensee, for the efficient functioning of the forum.

(b) The salaries and allowances payable to, and other terms and conditions of service of the staff required to assist the forum in the discharge of its functions shall be on the terms and conditions as may be determined by the Distribution Licensee.

(7) Notwithstanding the foregoing provisions of Regulation 4 above, the terms and conditions of service of a member of the forum who is in the employment of the Distribution Licensee shall be governed by the terms and conditions of his employment with such Distribution Licensee.

5. Quorum and other Matters :-

(1) The location and the timings of the office of the forum shall be decided by the Distribution Licensee so as to provide convenient access to consumers. In order to expedite disposal of grievances, the forum may also hold sittings at such places within its area of jurisdiction as may be considered necessary and proper by the forum :

Provided that the forum shall hold such number of sittings in a month so as to complete the enquiry as expeditiously as possible and to pass appropriate order within a maximum period of two enquiry as expeditiously as possible and to pass appropriate order within a maximum period of two (2) months from the date of receipt of the grievance by the forum.

(2) Except where the forum consists of a single member, the quorum of the forum shall be two members. In the event a quorum is not present, the forum shall be adjourned to the next working day. If at the adjourned meeting also, a quorum is not present, the member present shall be the quorum.

6. Procedure for Grievance Redressal :-

(1) The Distribution Licensee shall have an Integral Grievance Redressal Cell to record and redress grievances in a timely manner. The IGR Cell of the Distribution Licensee shall have office(s) in each revenue district in the area of supply :

Provided that where the area of supply is the city of Greater Mumbai and adjoining areas, the IGR Cell of the Distribution Licensee shall have at least one (1) office for the area of supply. The Distribution Licensee shall endeavour to redress grievances through its IGR Cell.

(2) A consumer with a grievance may intimate the IGR Cell of such grievance in the form and manner and within the time frame as stipulated by the Distribution Licensee in its rules and procedures for redressal of grievances :

Provided that where such grievance cannot be made in writing, the IGR Cell shall render all reasonable assistance to the person making the grievance orally to reduce the same in writing :

Provided also that the intimation given to officials (who are not part of the IGR Cell) to whom consumers approach due to lack of general awareness of the IGR Cell established by the Distribution Licensee or the procedure for approaching it, shall be deemed to be the intimation for the purposes of these Regulations unless such officials forthwith direct the consumer to the IGR Cell.

(3)

(a) The office of the IGR Cell shall issue acknowledgement of the receipt of the Grievance to the consumer within five (5) working days from the date of receipt of a Grievance. Where the Grievance has been submitted in person, the acknowledgement shall be provided at the time of submission :

Provided that where the Grievance is submitted by e-mail to the IGR Cell acknowledgement of the receipt of the Grievance to the consumer shall be provided by return e-mail as promptly as possible:

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

Provided further that where the Grievance is submitted by email

hard copies of the same shall be submitted forthwith separately to the IGR Cell.

(b) Notwithstanding sub-clause (a), the written acknowledgement of receipt of Grievance provided by officials (who are not part of the IGR Cell) shall be deemed to be the acknowledgement for the purposes of these Regulations.

(4) Unless a shorter period is provided in the Act, in the event that a consumer is not satisfied with the remedy provided by the IGR Cell to his Grievance within a period of two (2) months from the date of intimation or where no remedy has been provided within such period, the consumer may submit the Grievance to the Forum. The Distribution Licensee shall, within the said period of two (2) months, send a written reply to the consumer stating the action it has taken or proposes to take for redressing the Grievance.

(5) Notwithstanding Regulation 4, a Grievance may be entertained before the expiry of the period specified therein, 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 thereunder or any order of the Commission, provided that, the Forum or electricity Ombudsman, as the case may be, has jurisdiction on such matters :

Provided further that no such Grievance shall be entertained, before the expiry of the period specified in Regulation 4, unless the Forum records its reasons for the same.

(6) The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.

(7) The Forum shall not entertain a Grievance :-

(a) unless the consumer has complied with the procedure under Regulation 2 and has submitted his Grievance in the specified form, to the Forum;

(b) unless the consumer is aggrieved on account of his Grievance being not redressed by the IGR Cell within the period set out in these Regulations;

(c) unless the Forum is satisfied that the Grievance is not in respect

of the same subject matter that has been settled by the Forum in any previous proceedings; and

(d) where a 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.

(8) If the Forum is prima facie of the view that any Grievance referred to it falls within the purview of any of the following provisions of the Act the same shall be excluded from the jurisdiction of the Forum:-

(a) unauthorized use of electricity as provided under Section 126 of the Act;

(b) offences and penalties as provided under Section 135 , Section 136 , Section 137 ,S.138 and Section 139 of the Act;

(c) accident in the distribution, supply or use of electricity as provided under Section 135 , Section 161 of the Act; and

(d) recovery of arrears where the bill amount is not disputed.

(9) The Forum may reject the Grievance at any stage if it appears to it that the Grievance is,-

(a) frivolous, vexatious, mala fide;

(b) without any sufficient cause;

(c) there is no prima facie loss or damage or inconvenience caused to the consumer :

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

(10) Every Grievance must be submitted in writing to the Forum in the format set out in Schedule "A" to these Regulations :

Provided that where such Grievance cannot be made in writing, the Forum shall render all reasonable assistance to the person making the Grievance orally to reduce the same in writing and in filling up the format set out in Schedule A to these Regulations. The Grievance may also be lodged by registered post acknowledgement due, by speed post or by courier service or by any other means of

transmission of documents (including FAX message) :

Provided further that the Distribution Licensee shall, in its website, upload the format set out in Schedule "A" to these Regulations in word form so as to enable consumers, at their option, to submit their Grievance in electronic form :

Provided further that all enclosures to such Grievance submitted in electronic form shall be submitted in scanned form :

Provided also that submission of Grievance in electronic form shall be as per the rules and procedures of the Distribution Licensee as in force from time to time.

(11) The Forum shall send an acknowledgement of receipt of Grievance to the consumer bearing a serial number and date within five (5) working days from the date of receipt of a Grievance. Where Grievance has been submitted in person, acknowledgement shall be provided at the time of submission:

Provided that where the Grievance is submitted by email to the Forum acknowledgement of the receipt of the Grievance to the consumer shall be provided by return email as promptly as possible :

Provided further that the Forum shall keep such electronic records in hard form for ease of retrieval :

Provided further that where the Grievance is submitted by email hard copies of the same shall be submitted forthwith separately to the Forum.

(12) A copy of the Grievance shall be forwarded forthwith by the Forum to the Nodal Officer designated by the distribution Licensee for redressal or to file its reply to the Grievance. The Nodal Officer shall act as the co-ordinator for filing of reply, making submission, providing issue wise comments on the Grievance, submitting compliance status/reports, etc., before the Forum and/or the electricity Ombudsman, as the case may be.

(13) Within fifteen (15) days of intimation from the Forum or within such other time as it may direct, the Distribution Licensee shall furnish, to the Forum with a copy to the consumer, its issue wise comments on the Grievance, failing which the Forum shall proceed on the basis of the material record available.

(14) The Forum shall notify the Distribution Licensee and the applicant who has submitted the Grievance, the date of hearing of the Grievance in writing, giving sufficient advance notice.

(15) A consumer, Distribution Licensee or any other person who is a party to any proceedings 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.

(16) 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 in this behalf, the Forum may decide the Grievance *ex parte*: Provided that 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.

(17)

(a) The forum shall be entitled to call for any record and/or require attendance of any person to facilitate and expedite the disposal of the Grievance. The Forum shall also be entitled to direct the Distribution Licensee to undertake an inspection.

(b) Notwithstanding sub-clause (a), the Forum may engage third party to undertake such inspection with regard to the Grievance, as may be required for the expeditious redressal of the Grievance;

Provided that the Forum shall record the reasons in writing requiring the engagement of third party to undertake *sudft* inspection.

(c) The expenses of such inspection to be undertaken by third party as referred to in sub-clause (b) shall be borne by the Distribution Licensee and to the extent reasonable and justifiable such expenses shall be allowed in the determination of tariff in accordance with the terms and conditions of tariff as specified by the Commission.

(18) After considering the Grievance submitted by the consumer, issuewise comments on the Grievance submitted by the Distribution Licensee, all other records available, the Forum shall complete the enquiry as expeditiously as possible and every endeavour shall be made by the Forum to pass appropriate 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 :

Provided that the Forum shall issue such directions as it may deem necessary for redressal of the Grievance within stipulated time frames :

Provided further that if the Order of the Forum is passed after the completion of the said period of two (2) months, the Forum shall record in writing reasons for the same.

(19) The Forum shall not be bound by the Code of Civil Procedure, 1908 (5 of 1908) or the Indian Evidence Act, 1872 (1 of 1872) as in force from time to time.

(20)

(a) Notwithstanding anything to the contrary contained above, the Forum may initiate any proceedings suo motu, and give Such orders and directions as may be deemed necessary, including inter alio, for service of notices to the affected parties and invite reply on the issues involved in the proceedings in such form as the Forum may direct.

(b) While issuing the notice of inquiry or at any time thereafter, the Forum may, at its discretion designate any person whom the Forum considers appropriate to, -

(i) present the case of a party which cannot afford to engage its representative, or

(ii) act as amicus curiae to assist the Forum in its proceedings.

7. Inspection of records and supply of certified copies :-

(1) Any person shall be entitled to a copy of the orders of the Forum or take extracts therefrom, subject to payment of a cost, which shall not be more than the cost of photocopying and complying with other terms, which the Forum may direct: Provided that an applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

(2) Notwithstanding anything contained in Regulation (1), there shall be no obligation to give to any person, -

(a) information including commercial confidence, trade secrets or

intellectual property, the disclosure of which would harm the competitive position of a third party, unless the Forum is satisfied that larger public interest warrants the disclosure of such information; or

(b) information which would impede the process of investigation or apprehension or prosecution of offenders.

8. Finding of the Forum :-

(1) On completion of the proceedings conducted under Regulation 6, except where the Forum consists of a single member, the Forum shall take a decision by a majority of- voters of the members of the Forum and in the event of equality of votes, the Chairperson shall have the second and casting vote.

(2) If, after the completion of the proceedings, the Forum is satisfied after voting under Regulation 1 that any of the allegations contained in the Grievance is correct, it shall issue an order to the Distribution Licensee directing it to do one or more of the following things in a time bound manner, namely -

(a) to remove the cause of Grievance in question;

(b) to return to the consumer the undue charges paid by the consumer;

(c) to pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer :

Provided however that in no case shall any consumer be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity.

(d) to pay such amount as compensation as specified by the Commission in the standards of performance of Distribution Licensees.

(e) any other order, deemed appropriate in the facts and circumstances of the case.

(3) Notwithstanding the provisions of Regulation 2, 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 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 thereunder or any order of the Commission, provided that, the Forum has jurisdiction on such matters:

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

(4) Every order made by the Forum shall be a reasoned order either in Marathi or English 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 consumer of the contact details of the Electricity Ombudsman appointed or designated by the Commission under Regulation 10.

(5) A certified copy of the order passed by the Forum shall be delivered to the parties to such order,

(6) The order of the Forum shall be binding on the consumer and the Distribution Licensee.

(7) 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.

9. Public awareness of the IGR Cells and the Forums :-

The Distribution Licensee shall, in relation to its IGR Cell, make information accessible and available to the public, including, inter alia, through the bills raised on the consumers and make available to consumers its rules and procedures for redressal of Grievances in English and Marathi at all cash collection centres and offices, internet, and other media deemed appropriate:

Provided that the Distribution Licensee shall also give publicity of the existence of the Forum through statements in the bills raised for the supply of electricity to the consumers and in doing so, shall be guided by, any directions that the Commission may issue from time to time :

Provided further that it shall be a constant endeavour of the Distribution Licensee to take steps in accordance with the requirements herein to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that information is disseminated widely and in such form and manner which is easily accessible to the public. The address, email, facsimile and phone numbers of the IGR Cell and Forum shall be displayed at all cash collection centres and offices of the Distribution Licensee so as to put to the notice of common public visiting the premises and shall also be duly publicized, including in the bills raised on the consumers.

Explanation - For the purposes of Regulation 9, "disseminated" means making known or communicating the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means:

Provided also that every Distribution Licensee shall, within one hundred days of the publication of these Regulations, designate some of its officers as may be necessary to provide information to persons requesting for the information under this Regulation and such officers shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

CHAPTER 3 ELECTRICITY OMBUDSMAN

10. Constitution of Electricity Ombudsman :-

(1) The Commission shall designate or appoint one or more persons to be the Electricity Ombudsman to exercise such powers and discharge such functions entrusted by or under the provisions of the Act and/or under these Regulations.

(2) The appointment or designation of the person(s) as the Electricity Ombudsman shall be made for a period not exceeding three (3) years:

Provided that the tenure of the Electricity Ombudsman may be extended by the Commission for a further period not exceeding two (2) years subject to an overall age limit of seventy (70) years.

(3) The Electricity Ombudsman may relinquish his office by giving in writing to the Commission a prior notice of not less than three (3) months.

(4) Where the Commission is satisfied that in the public interest and for the reasons set out below, it is necessary to remove the person discharging the duties of an Electricity Ombudsman, the Commission may for reasons to be recorded in writing and by giving three months notice or by paying three months consolidated emoluments in lieu of the notice period, remove the person discharging the duties of Electricity Ombudsman, if such person :-

(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 Electricity Ombudsman;

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as Electricity 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 misbehaviour :

Provided that no person shall be removed from his office on any ground specified in the aforesaid Clauses (d), (e) and (f) unless the Commission, has, on an inquiry, concluded that the person ought, on such ground or grounds, be removed.

11. Jurisdiction of the Electricity Ombudsman :-

The territorial jurisdiction of the Electricity Ombudsman shall extend to the whole or part of the State, of Maharashtra :

Provided that the Commission may appoint or designate more than one Electricity Ombudsman with defined territorial jurisdiction.

12. Location of office :-

The office(s) of the electricity Ombudsman(s) will be located at such place(s) as may be determined by the Commission. In order

to expedite disposal of Grievances 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 representation before him.

13. Qualification :-

There Electricity Ombudsman shall be constituted from amongst a retired Judge of a High Court, a retired Secretary to the Government, or retired Chief Executive Officer of an electricity sector utility.

14. Remuneration :-

The remuneration and other allowances payable to the Electricity Ombudsman will be determined by the Commission from time to time and shall be paid out of the Fund constituted under S.103 of the Act :

Provided that the remuneration and the other terms of office of the Electricity Ombudsman shall not be varied to the disadvantage of the Electricity Ombudsman after his appointment.

15. Secretariat :-

(1) The Electricity Ombudsman shall be provided with a secretariat.

(2) The expenses of such secretariat shall be paid out of the Fund constituted under S.103 of the Act.

(3) The Electricity Ombudsman shall normally devote his whole time to the affairs of his office:

Provided that the Commission may permit the Electricity Ombudsman to undertake such part time honorary work, as is not likely to interfere with his duties under these Regulations.

16. Powers and Duties of the Electricity Ombudsman :-

The Electricity Ombudsman shall have the following powers and duties :-

(a) to receive from consumers, representations against orders of the Forum and consider such representations 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;

(b) to exercise general powers of superintendence and administrative control over his secre- tariat/office, and be

responsible for the conduct of business thereat;

(c) to incur expenditure on behalf of the office, provided however, that in order to exercise such power, the Electricity Ombudsman will draw up an annual budget for his office in consultation with the Commission and shall exercise the powers of expenditure within the approved budget;

(d) to discharge such functions as the Commission, may by order, direct or assign, from time to time.

17. Proceedings before the Electricity Ombudsman :-

(1) The Electricity Ombudsman shall settle the Grievance of the consumer within such time and in such manner as specified in the following Regulations.

(2) Any consumer, who is aggrieved by the non-redressal of his Grievance by the Forum, may make a representation for redressal of his Grievance to the Electricity Ombudsman within sixty (60) days from the date of the order of the Forum : Provided that the Electricity Ombudsman may entertain a representation after the expiry of the said period of sixty (60) days if he is satisfied that there was sufficient cause for not filing it within the said period.

(3) The representation to be made before the Electricity Ombudsman shall be in writing in the form specified and set out in Schedule "B" of these Regulations and duly signed by the consumer and shall state/provide clearly the information required thereunder including inter alia (i) the name and address of the consumer; (ii) the facts giving rise to the representation supported by documents, if any, that are desired to be relied upon by the consumer and (iii) the relief sought from the Electricity Ombudsman. The representation may also be lodged by registered post acknowledgement due, by speed post or by courier service or by any other means of transmission of documents (including FAX message).

(4) The Electricity Ombudsman shall send an acknowledgement of receipt of the representation to the consumer bearing serial number and date within five (5) working days from the date of receipt of a representation. Where the representation has been submitted in person, the acknowledgement shall be provided at the time of submission;

Provided that where the representation is submitted by email to the Electricity Ombudsman acknowledgement of the receipt of the Grievance to the consumer shall be by return email as property as possible;

Provided further that the Electricity Ombudsman shall keep such electronic records in hard form for ease of retrieval:

Provided further that where the representation is submitted by email hard copies of the same shall be submitted forthwith separately to the Electricity Ombudsman.

(5) The fees as may be directed by the Commission, from time to time, shall be payable along with such representation for redressal of Grievance.

(6) The Electricity Ombudsman shall notify the Distribution Licensee and the applicant who has submitted the representation, the date of hearing in writing, giving sufficient advance notice :

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.

(7) Subject to Regulations 11, 12 and 13, where any person who is a party to the proceedings before the Electricity Ombudsman fails to appear on the date of hearing as may be fixed in this behalf, the Electricity Ombudsman may decide the representation exparte:

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

(8) A consumer, Distribution Licensee or any other person who is a party to any proceedings before the Electricity Ombudsman 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 Electricity Ombudsman and to do all or any of the acts for the purpose.

(9) The Electricity Ombudsman shall not entertain a representation :

(a) unless the consumer has submitted a written representation in the specified form, to the Electricity Ombudsman;

(b) unless it has been shown to the Electricity 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;

(c) unless the representation against an order of the Forum was made within the period set out in these Regulations;

(d) unless the Electricity 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;

(e) 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;

(f) unless the consumer has deposited in the stipulated manner fifty percent of the amount, if any, that is required to be paid by him in terms of the order of the Forum or twenty five thousand rupees whichever is less; and

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

(10) The Electricity Ombudsman may reject the representation at any stage if it appears to him that the representation is :-

(a) frivolous, vexatious, mala fide;

(b) without any sufficient cause;

(c) there is no prima facie loss or damage or inconvenience caused to the consumer; or

(d) complicated in nature such that the representation requires consideration of elaborate documentary and oral evidence and the proceedings before the Electricity Ombudsman are not appropriate for adjudication of such representations :

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

Distribution Licensee :

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

(11)

(a) The Electricity Ombudsman may, in the first instance, endeavour to promote a settlement of the representation received through conciliation or mediation.

(b) If a representation is not settled by agreement the Electricity Ombudsman may give an order after affording the parties reasonable opportunity to present their case :

Provided that the Electricity Ombudsman shall determine the place, date and time of hearing of the matter, as the Electricity Ombudsman considers appropriate.

(12) When a representation is settled, through conciliation or mediation of the Electricity Ombudsman, the Electricity Ombudsman shall have the settlement recorded and signed in his presence and cause issuance of orders on the settlement of the Grievance by mutual agreement.

(13) The Electricity Ombudsman shall complete the enquiry as expeditiously as possible and every endeavour shall be made to decide the representation within a period of two (2) month from the date of receipt of the representation by the Electricity Ombudsman :

Provided that in the event of the representation being disposed of after the completion of the said period of two (2) months, the Electricity Ombudsman shall record, in writing, the reasons for the same.

(14) The Electricity Ombudsman shall be guided by such factors which in the opinion of the Electricity Ombudsman are necessary in the interest of justice and shall ensure transparency while exercising its powers and discharging its functions in compliance with the principles of natural justice :

Provided that the Electricity Ombudsman shall not be bound by the Code of Civil Procedure, 1908 (5 of 1908) or the Indian Evidence Act, 1872 (1 of 1872) as in force from time to time.

(15) The order passed by the Electricity Ombudsman shall set out -

(a) issue-wise decision;

(b) reasons for passing the order; and

(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/or

(d) directions for adjustment or refund of amount or fees deposited in terms of Regulations 9(f) and 9(g); and/or

(e) directions to pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer; and/or

Provided, however, that in no case shall any consumer be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity.

(f) directions to pay such amount as compensation as specified by the Commission in the standards of performance of Distribution Licensees.

(16) Notwithstanding the provisions of Regulation 15, the Electricity Ombudsman may pass such interim orders, at any stage during the disposal of the representation, on the request of the consumer as the Electricity Ombudsman considers appropriate pending the final decision on the representation :

Provided that the Electricity 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 Electricity 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 Electricity 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.

(17) A copy of the order shall be sent to the consumer and the

Distribution Licensee named in the representation. A copy of the order may also be sent to the concerned forum for information.

(18) An order passed or direction issued by the Electricity Ombudsman shall be binding on the parties so named in the order or direction and such order or direction 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 therein and further intimation of such compliance shall also be made to the Electricity Ombudsman within the time frame stipulated in that regard therein.

18. Power to remand matters to the forum :-

(a) Where the forum has disposed of the grievance and the order of the forum is reversed or set aside in the proceedings before the Electricity Ombudsman, the Electricity Ombudsman may, if it thinks fit and necessary, by order remand the grievance to the forum.

(b) The Electricity 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 Electricity Ombudsman, with such directions as may be necessary to consider the grievance and pass orders accordingly.

19. Review of order :-

(1) Any person aggrieved by an order of the Electricity 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 Electricity 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 Electricity Ombudsman may determine.

(3) When it appears to the Electricity Ombudsman that there is no sufficient ground for review, the Electricity Ombudsman shall reject such review applications :

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

(4) When the Electricity 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.

20. Power to call for Information :-

(1) For the purpose of carrying out its duties and as may be required to decide the representation, the Electricity Ombudsman may, within such period as he may decide, require attendance of any person or require the Distribution Licensee or any of its officials, representatives or agents including the forum named in the representation to furnish any information or certified copies of any documents, books, data, and details relating to the subject matter of the representation, which is or is alleged to be in the knowledge of possession of the Distribution Licensee or any of its officials, representatives or agents including the forum :

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 deemed fit, proceed to settle the case on the basis of the records available with the Electricity Ombudsman.

(2)

(a) The Electricity Ombudsman may also direct the Distribution Licensee to undertake an inspection.

(b) Notwithstanding sub-clause (1), the Electricity Ombudsman may engage a third party to undertake such inspection, as may be required for the expeditious disposal of the representation and redressal of the grievance :

Provided that the Electricity Ombudsman shall record the reasons in writing requiring the engagement of third party to undertake such inspection.

(c) The expenses of such inspection to be undertaken by third party as referred to in sub- clause (b) shall be borne by the Distribution Licensee and to the extent reasonable and justifiable such expenses shall be allowed in the determination of tariff in accordance with the relevant regulations of the Commission.

21. Inspection of records and supply of certified copies :-

(1) A certified copy of the order passed by the Electricity Ombudsman shall be delivered to the parties to such order.

(2) Any person shall be entitled to a copy of the orders of the Electricity Ombudsman or take extracts therefrom, subject to payment of a cost, which shall not be more than the cost of photocopying and complying with other terms, which the Electricity Ombudsman may direct:

Provided that an applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

(3) Notwithstanding anything contained in Regulation 2, there shall be no obligation to give to any person, -

(a) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the Electricity Ombudsman is satisfied that larger public interest warrants the disclosure of such information; or

(b) information which would impede the process of investigation or apprehension or prosecution of offenders.

22. Punishment for non-compliance of orders :-

Without prejudice to any penalty which may be imposed or prosecution proceeding which may be initiated under the Act, non-compliance of Regulation 7, section 8 or Regulation 18, section 17 in any manner whatsoever shall be deemed to be a contravention of the provisions of these Regulations and Commission may initiate proceedings suo motu or on a complaint filed by an person to impose penalty or prosecution proceeding under Section 142 and Section 149 of the Act.

23. Supply of copies of these Regulations :-

Upon receiving a request, the Distribution Licensee shall ensure

that copies of these Regulations are made available to the consumers on payment of a cost, which shall not be more than the cost of photocopying.

24. Repeal and Savings :-

(a) Save as otherwise provided in these Regulations, these regulations supersede the "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2003."

(b) Notwithstanding sub-clause (1), the provisions of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2003" shall continue to apply to all proceedings pending under it as if the said regulations have not been superseded.

(c) 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.

25. Powers to remove difficulties :-

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 Distribution Licensee, the forum or the Electricity Ombudsman to take suitable action, not being inconsistent with the Act, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties.

26. Issue of Order and Practice Directions :-

Subject to the provisions of the Act, the Commission may from time to time issue orders, circulars and practice directions in regard to the implementation of these Regulations.

27. Power to Amend. :-

The Commission may, at any time vary, alter, modify or amend by notification any provision of these Regulations.

28. Submission of Report :-

(1) The forum(s) and Electricity Ombudsman shall maintain true and correct records of all grievances received by them from time to time and make available such records for inspection by the Commission as the Commission may require.

(2) Notwithstanding Regulation 1, the forum(s) and Electricity

Ombudsman shall submit to the Commission, in the form as may be stipulated by the Commission, six-monthly reports in respect of grievances filed, redressed and pending, within fifteen (15) days of the end of each six month period.

(3) It shall be the duty of every Distribution Licensee to furnish to the Commission such information relating to the composition of the forums alongwith qualification of members, vacancies arising therein and other statistics as it may require and at such times and in such form and manner as may be directed by the Commission :

Provided that the Distribution Licensee shall forthwith inform the Commission if the post of a member in the forum is vacant for a period exceeding three (3) months.

29. Language of the forum(s) and Electricity Ombudsman :-

The filing of the grievance/ representation and the proceedings of the forum(s) and of the Electricity Ombudsman shall be in Marathi or in English.

30. Treatment of Expenses :-

All reasonable costs incurred by a Distribution Licensee on the establishment and running of the forum and the Electricity Ombudsman, to the extent reasonable and justifiable, shall be allowed in the determination of tariff of the Distribution Licensee in accordance with the terms and conditions of tariff specified by the Commission.

31. Preservation of Records :-

Unless otherwise directed by the Commission, the office of forum and Ombudsman shall preserve the records of the grievances/representations including interim/final orders for a period of atleast three (3) years from the date of passing of the final order.

SCHEDULE A

Application to forum for redressal of grievance

Date.....
1. Name of the Consumer.....
2. Full Address of the Consumer.....
Pin Code.....
Phone No.....
Fax No.....

Email ID.....

3. Particulars of Connection and Consumer No.

(Please state 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)

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 and

(ii) I/We have not concealed or misrepresented any fact stated hereinabove and the

documents submitted herewith.

(b) The present grievance has been intimated to the Distribution Licensee in the form and

manner and within the time frame prescribed by 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,

(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 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.

ACCEPTED

(Signature of Representative).

(Signature of Consumer).

SCHEDULE B

Representation before Electricity Ombudsman