

# **Chhattisgarh State Electricity Regulatory Commission (Redressal of Grievances of Consumers) Regulations, 2007**

CHHATTISGARH

India

## **Chhattisgarh State Electricity Regulatory Commission (Redressal of Grievances of Consumers) Regulations, 2007**

### **Rule**

### **CHHATTISGARH-STATE-ELECTRICITY-REGULATORY-COMMISSION- of 2007**

- Published on 22 December 2007
- Commenced on 22 December 2007
- [This is the version of this document from 22 December 2007.]
- [Note: The original publication document is not available and this content could not be verified.]

Chhattisgarh State Electricity Regulatory Commission (Redressal of Grievances of Consumers) Regulations, 2007Published vide Notification No. Notification No. 24/CSERC/2007, dated 22.12.2007Last Updated 17th September, 2019Notification No. 24/CSERC/2007 dated the 22nd December, 2007. - In exercise of the powers vested in the Commission under the provisions of subsections (5), (6) and (7) of Section 42 read with clauses (r) and (s) of sub-section (2) of Section 181 of the Electricity Act, 2003 (36 of 2003), and in pursuance of the provisions of Electricity Rules, 2005, as amended, the Chhattisgarh State Electricity-Regulatory Commission hereby makes the following regulations providing for guidelines to the licensees in the State of Chhattisgarh for setting up a comprehensive system of redressal of consumers' grievances, including setting up of Forums for Redressal of Grievances appointment of Ombudsman by the Commission, and the procedure to be followed for redressal of grievances by the Forums and Ombudsman, and for matters incidental and ancillary thereto. These regulations shall supersede the earlier regulations on the subject notified on 15th February, 2003 amended on 29th July, 2005.

## **Chapter 1**

### **Short Title And Commencement**

## **1. Short Title and Commencement.**

- These regulations may be called the Chhattisgarh State Electricity Regulatory Commission (Redressal of Grievances of Consumers) Regulations, 2007.

## **2.**

These regulations shall be applicable to all distribution licensees in Chhattisgarh in their respective licensed areas.

## **3.**

These shall come into force from the date of their publication in Chhattisgarh Rajpatra.

## **4. Definition.**

(1) In these regulations, unless the context otherwise requires : (a) "Act" means the Electricity Act, 2003 (No. 36 of 2003) and its amendments; (b) "Aggrieved person" or "complainant" means and includes the following who have a grievance or a complaint as defined in (f) below : (i) a consumer as defined under clause (15) of Section 2 of the Act; (ii) an applicant for a new electricity connection; (iii) any registered consumer association; (iv) any unregistered association or group of consumers, where the consumers have common or similar interests; and (v) in case of death of a consumer, his legal heir(s) or representative(s). (c) "Chairperson" means the Chairperson of the Forum; (d) "Commission" means the Chhattisgarh State Electricity Regulatory Commission constituted under Sec. 82 of the Act; (e) "Consumer dispute" means a dispute where the licensee against whom a complaint has been made, denies or disputes the complaint. (f) "Grievance" or "Complaint" means a grievance or complaint regarding any of the following : (i) Interruption in power supply ; (ii) voltage related complaints ; (iii) load shedding (unscheduled outage); (iv) meter-related complaints; (v) electricity bill related complaints not relating to unauthorized use and theft of electricity covered under sections 126 and 135 of the Act; (vi) disconnection and reconnection of power supply ; (vii) delay in new connection; (viii) non-achievement of standards of performance as laid down by the Commission for distribution licensees; and (ix) other grievances relating to damage to consumer's equipment/network/ premises; requests for reduction/enhancement in load/demand; nonpayment of interest on security deposit or recovery of excessive charges for any service; etc. (g) "Electricity Ombudsman (Vidyut Lokpal)" means an authority appointed or designated by the Commission, under sub-section (6) of Section 42 of the Act. (h) "Forum" means a forum for redressal of grievances of consumers', constituted by each licensee in terms of sub-section (5) of section 42 of the Act. (i) "Licensee" in these Regulations means a distribution licensee and shall include Chhattisgarh State Electricity Board and its successor distribution licensee(s). (j) "Rules" means the Electricity Rules, 2005 as amended from time to time. 4.2 Words and expressions used in these regulations but not defined above shall have the same meaning as in the Act or in the CSERC (Conduct of Business) Regulations, 2004.

## **Chapter 2**

### **Consumers' Rights and Grievance Redressal.**

#### **5.**

Every consumer of the licensee is entitled to the most economic and efficient service and service conforming to the standards laid down by the Commission in the Standards of Performance Regulations.

#### **6.**

The licensee shall institute a swift, efficient and transparent consumer grievance redressal procedure which may be followed at every level of its organization. There should be a monitoring mechanism to continuously assess its effectiveness.

#### **7.**

The licensee shall make effective use of Information Technology (IT) for redressal of consumer grievances. It shall set up assistance centres at major consumer centres for centralised receipt and monitoring of redressal of consumer's complaints/grievances and for general assistance to consumers, with the help of IT.

## **Chapter 3**

### **Redressal of Consumer Grievances :**

Institutional Mechanism. Forum for Redressal of Consumers' Grievances (Forum)

#### **8.**

Every licensee, shall within six months from the date of grant of distribution licence, establish, in terms of sub-section 5 of section 42 of the Act. one or more Forum(s) for redressal of grievances of consumers in accordance with these regulations, with the approval of the Commission.

#### **9.**

The number of Forums and their location and the area of their jurisdiction may be decided by the licensee, with the approval of the Commission. Constitution of the Forum

## 10.

The Forum shall consist of not more than three members of which two may be appointed by the licensee and one independent member may be nominated by the Commission. The composition of the Forum shall be the following : (a) A maximum of two full-time members may be appointed by the licensee from out of the following : (i) Officers of the licensee not below the rank of superintending Engineer or equivalent, who possess a degree in Electrical Engineering and have at least 20 years' experience in the field of distribution of electricity; and (ii) Officers of the licensee not below the rank of Deputy Director, Finance/Accounts or Sr. Account officer/Senior Law officer or equivalent, having at least 10 years experience in finance/accounts/legal matters in the electricity sector. (b) One independent member to be nominated by the Commission who may be a representative of consumer association/Non-Govt. Organisation actively engaged in consumer advocacy, or a person familiar with consumer affairs. However, he should not have worked as employee/officer of the licensee concerned at least two years prior to his nomination. (c) The member at 10 (a) (i) above shall be the Chairperson of the Forum.

## 11.

(a) The member(s) at 10 (a) (i) and (ii) above shall be appointed by the licensee for a period of 2 years and shall not be replaced during this period, except with the prior approval of the Commission or on attaining the age of superannuation. The member of Forum at 10 (b) may be a part time member and shall be nominated by the Commission for a period of two years. (b) The members of the Forum appointed by the licensee shall not hold any other office, during their tenure in the Forum. (c) A member may be removed from his office by the appointing/nominating authority, if: i. he is adjudged an insolvent; ii. he is convicted of an offence which involves moral turpitude; iii. he has become physically or mentally incapable of acting as member; iv. having acquired such financial or other interest which is likely to affect pre-judicially his functioning as a member; v. has abused his position so that his continuance in office is considered prejudicial to the public interest; vi. has been guilty of misbehaviour, or vii. has been negligent to his duties and/or not attending to the work of the Forum, without any valid reason. (d) No member of the Forum as at Regulation 10(a) and (b) shall be removed from his office on the grounds specified in (iv) to (vii) of sub-clause (c) above, except on the recommendation of the Ombudsman on an enquiry conducted by him on the request of the licensee or on the direction of the Commission. In case the member nominated by the Commission as at Regulation 10 (b), the enquiry shall be conducted by the Ombudsman only on the direction of the Commission.

## 12.

On occurrence of any vacancy in the Forum for any reason, the licensee shall take action to fill up the vacancy within a month of the date of occurrence of the vacancy. Procedure before the Forum.

**13.**

The quorum for meeting of the Forum shall be two and each member shall have one vote and in case of equality of votes on any issue, the chairperson shall have a casting vote.

**14.**

All decisions of the Forum shall, as far as possible, be unanimous or be on the basis of decision by majority of the members present.

**15.**

No act or proceeding of the Forum shall be deemed to be invalid by reason only of some defect in the constitution of the Forum or by reason of the existence of a vacancy among its members.

**16.**

Grievances/complaints may be submitted to the Forum by the aggrieved person(s) either in person or by post. The Forum shall maintain true and correct record of all complaints received by it.

**17.**

A complaint/grievance may be submitted in writing in plain paper and containing the following information :- (i) Name and full address of aggrieved person, (ii) centre/office of licensee with which the grievance is related, (iii) type of electrical connection and connection number, (iv) details of grievance(s) (v) declaration that the complaint is not pending before any Commission/other Forum/tribunal, court, etc. and (vi) signature of the aggrieved person. The Forum shall not prescribe any format for such complaint.

**18.**

The office of the Forum shall issue due acknowledgement of the receipt of the grievance to the person presenting it in person at the time of presenting the complaint, or by post if complaint is received by post, indicating the receipt number and date of receipt. An acknowledgement sent by post, shall be sent latest by the next working day.

**19.**

In case of billing complaints the Forum may receive only such complaints, where the disputed amount is more than Rs. 1,000/- (excluding cases where the disputed amount is due to arithmetical or clerical errors) in case of HT/LT industrial and non-domestic consumers' and where the disputed amount is more than Rs. 500/-, (excluding cases where the disputed amount is due to arithmetical or clerical errors) in case of domestic/agriculture and agriculture allied consumers.

**20.**

The Forum shall take up all consumer grievances for redressal except those pertaining to :- (i) unauthorised use of electricity as defined in Section 126 of the Act; (ii) offences and penalties under sections 135 to 139 of the Act; and (iii) accidents and in queries as specified under section 161 of the Act unless authorised by the State Government by general/special order. Explanation. - Filing of a grievance before a Forum shall not in any way prejudice the right of a consumer to seek relief/compensation under section 57 of the Act.

**21.**

The Forum shall not take up cases where proceedings in respect of the same matter and between the same aggrieved person and the licensee, are pending before any court, tribunal, the Commission, arbitrator or any other competent authority, or in respect of which a decree or award or a final order has already been passed by any such court, tribunal, the Commission, arbitrator or authority.

**22.**

(a) On receipt of a grievance the Forum should first satisfy itself if a grievance is prima facie made out. If, it finds that there is a grievance, which needs to be redressed, it should register it and allot and convey the registration number to the complainant within two working days of the receipt of the grievance. The Forum will not reject any application only on technical grounds. In case it is found that the complaint is frivolous or prima facie without substance, the Forum shall send a reply to the complainant indicating reasons for not considering the complaint/grievance within four working days from the date of receipt of the complaint. The consumer may, however, be given an opportunity of being heard, if he so desires. (b) A notice along with a copy gist of the grievance shall be issued by the Forum within three days of the receipt of the grievance to the concerned officer of the licensee, asking him to send his reply by a day not later than seven working days from the date of issue of the notice, as to (i) whether the grievance can be redressed by him, and (ii) if it cannot be redressed, the reasons thereof. (c) The Forum can call the officer concerned of licensee for discussion in suitable cases, in order to seek redressal of the grievance filed before it. In case the matter is settled in discussion, it may be recorded as a decision and conveyed to the complainant and the licensee. (d) In case the Forum comes to the conclusion that the complainant and the concerned officer of the licensee are required to be heard for redressal of the grievance, he shall call the complainant and the concerned officer with the details of the case and documents, if any, as may be necessary. (e) (i) if the concerned officer of the licensee, on receipt of a copy of the complaint/gist of the grievance, referred to him under Regulation 22 (b) above, fails to take any action or submit reply within the time given by it, the Forum may proceed to settle the grievance ex-parte on the basis of evidence brought before it by the aggrieved person. (ii) In case of default in attendance in course of the proceedings, the Forum may proceed to settle the grievance on the basis of evidence submitted to it by the aggrieved person and the concerned officer of the licensee up to that time. (f) If the aggrieved person fails to appear on the date of hearing the Forum may either dismiss the complaint in default or decide it on merits ex-parte. (g) The Forum may allow any association of consumers to file complaints on behalf of the consumer(s). The Forum may permit a representative of any consumer association/NGO

dealing with consumer issues to remain present during hearings of any complaint by a consumer.(h)The aggrieved person shall be entitled to take the assistance of any person, which may include an advocate, or an association/society of which he is a member, or an NGO, for putting forth his cases before the Forum.(i)The time limit for disposal of a complaint/redressal of grievance shall be thirty days of its registration. The Forum shall ensure that the time limit of disposal of a complaint is adhered to, and normally no adjournment is given during the hearing of the cases. In case of delay in any case, the Electricity Ombudsman shall be informed by Forum giving the reasons in detail for the delay.(j)The Forum shall be entitled to call for any record of the licensee related to the grievance while considering a complaint/grievance.(k)If considered necessary, the Forum may inspect the electrical installation of consumer or licensee, and record the findings of such inspections. The Forum may also ask the concerned officer of the licensee to undertake an inspection or engage a third party to undertake an inspection, as may be required, for expeditious redressal of the grievance. The Forum can also engage a third party (other than the licensee) at the instance and request of the aggrieved person, to undertake inspection and obtain an independent report. The Forum shall record the reasons for the need for such third party inspection, which should generally be resorted to rarely and keeping in view the special circumstances of a case. The expenses of such third party inspection, except expenses of inspection at the request of the aggrieved person, shall be borne by the 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. In case, inspection is taken up at the request of the aggrieved person, the expenses shall be deposited in advance by him, which may or may not be refunded by the Forum depending on the complaint being found to be of substance or not.(l)The language of the proceedings of the Forum .shall be Hindi.

## **23.**

The Forum may consult the higher authorities of the distribution licensee for settlement of any grievance, if required in any case.

## **24.**

Every order given by the Forum shall be a reasoned order and signed by the members conducting the proceedings. The order should specify the time period within which it is to be complied by the concerned officer of the licensee.

## **25.**

The Forum may also issue interim orders on the request of the aggrieved person, as it considers appropriate, pending final disposal of the complaint.

## **26.**

The Forum shall send the copy of the order to the aggrieved person, to the concerned officer of the

licensee and to the next higher authority of the officer concerned of the licensee for information.

**27.**

The Forum may review its order either on its motion, at any time, on the application of any of the parties to the original proceedings within 30 days of the order on the following grounds : (i) discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time the order was made; or (ii) mistake or error apparent on the face of the record; or (iii) any other sufficient reason. Duty of licensee to ensure compliance of order(s) of the Forums.

**28.**

The concerned officer of the licensee shall comply with and implement the orders of the Forum within the period specified therein. In the absence of any such time limit, considering the nature of the case, compliance shall be ensured within the period of 30 days. In appropriate cases, considering the nature of case, the Forum, on the request of the aggrieved person licensee may extend the period for compliance of its order up to a maximum period of 3 months. Non-compliance of the order of the Forum shall be treated as violation of Regulations of the Commission and shall be liable for action under section 142 of the Act.

**29.**

The concerned officer of the licensee shall furnish compliance report of the order of the Forum within seven days from the date of compliance, to the Forum, to the complainant and also to his next superior officer to whom copy of the order was endorsed by the Forum.

**30.**

The Forum shall keep record of the compliance of its orders and review the same every month. In case of non-compliance of its orders the Forum shall take up matter with the highest authorities of the licensee for compliance. If even after that the order is not complied with, the Forum shall inform the Commission regarding such non-compliance. General.

**31.**

The chairperson shall have the general powers of superintendence and control over the Forum.

**32.**

The Forum shall comply with such general directions as the Commission may issue from time to time in the interest of more efficient and effective redressal of grievances.



**33.**

The licensee shall from time to time give due publicity about the Forum and its charter through advertisement in widely circulated local newspapers and in such other manner as it considers appropriate and as the Commission may direct, from time to time. The names of the members of the forum, their addresses and phone numbers shall be displayed prominently at all the offices of the licensee which has interface with consumers and shall also be duly published, including on the electricity bills raised on the consumers.

**34.**

The Forum is an institutional mechanism created by the licensee for redressal of the grievances of its consumers. It is, therefore, the responsibility of the licensee to empower it and take necessary measures to make it effective in the interest of its consumers. The licensee shall ensure that necessary instructions are issued to all concerned officers sensitising them about the Forum and its functions, and about their duty to comply with its orders promptly.

**35.**

The licensee shall provide required supporting staff and appropriate office accommodation to the Forum.

**36.**

The salary or honorarium and other allowances payable to the members shall be charged to the licensee who shall be responsible for timely and regular payment.

**37.**

The licensee shall meet all the costs and expenses of the Forum including the cost of establishment and staff required to assist the Forum in the discharge of its functions under these regulations.

**38.**

The expenditure on the Forum(s) will be considered in the revenue requirement of the licensee and will be allowed as a pass through expense.

## **Chapter 4**

### **Electricity Ombudsman (Vidyut Lokpal).**

#### **Appointment of Electricity Ombudsman**

**39.**

The Commission may, from time to time, appoint or otherwise designate such person, as it considers appropriate, as the Electricity Ombudsman (Hereinafter called Ombudsman) under sub-section (6) of Section 42 of the Act read with rule 7 of the Rules.

**40.**

The Ombudsman may be appointed/designated separately for each licensee or there can be common Ombudsman for two or more licensees.

**41.**

The Ombudsman shall be selected from amongst persons who have experience and exposure in any of the fields, such as legal affairs, engineering, industry, administration, management, defence services and consumer affairs, of not less than 20 years. The age of the person to be appointed/designated as Ombudsman should not exceed sixty-two years at the time of first appointment.

**42.**

The person proposed for appointment as Ombudsman shall not be associated with the activities of any licensee for the preceding two years.

**43.**

The Ombudsman appointed/designated shall remain in office for a period of two years from the date he assumes office. The period of appointment may be extended beyond two years for another one year at the discretion of the Commission.

**44.**

The Ombudsman may relinquish office by giving in writing to the Commission a notice of not less than one month.

**45.**

Before entering upon his office, the Ombudsman shall make and subscribe to an oath of office in the form given below. The Chairman of the Commission will administer the oath of office to him.^^eS

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**46.**

The Ombudsman shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).

**47.**

The Ombudsman may be paid fixed fees or honorarium as may be decided by the Commission from time to time.

**48.**

The Ombudsman may work from the Commission's office or any other place as may be decided by the Commission. In order to expedite disposal of representations, he may hold sittings at such places within his area of jurisdiction as may be considered necessary by him.

**49. Removal of Ombudsman.**

- Where the Commission is satisfied that in the public interest, it is necessary to remove a person from the post of Ombudsman, the Commission may by giving one month's notice or by paying one month's consolidated fees or honorarium in lieu thereof, remove such person, if such person: (i) has been adjudged an insolvent; or (ii) has been convicted of an offence which involves moral turpitude; or (iii) has become physically or mentally incapable of acting as Ombudsman; or (iv) has acquired such financial or other interest as is likely to affect pre-judicially his functioning as Ombudsman; or (v) has so abused his position as to render his continuance in office prejudicial to the public interest; or (vi) has been guilty of misbehaviour; or (vii) has been negligent to his duties and/or not been attending office, without furnishing any valid reason: Provided that no person shall be removed from office on any ground specified in clauses (iv), (v), (vi) & (vii) above unless the Commission has, on an inquiry held by it, concluded that the person ought to be removed on such ground or grounds. Representation to the Electricity Ombudsman.

**50.**

An aggrieved person not satisfied with the order of the Forum may make a representation to the Ombudsman within a period of thirty days from the date of such order: Provided that, the Ombudsman may entertain a representation after the expiry of the said period of thirty days if he is satisfied that there was sufficient cause for not filing it within that period.

**51.**

The Ombudsman shall not admit for consideration any representation, if the subject matter of the representation is under consideration in a proceeding before the Commission, the Appellate Tribunal for Electricity established under section 110 of the Act. or any court of law.

**52.**

If the representation to the Ombudsman concerns payment of any bill raised by the licensee, it shall not be accepted unless the person making the representation has deposited with the licensee at least one third of the amount required to be paid by him in terms of the order of Forum.

**53.**

A representation made to the Ombudsman shall. -(a)be in writing and signed by the person making it,(b)give the name and address of the aggrieved person,(c)contain the details of the complaint including the order of the Forum, and,(d)contain a declaration to the effect that the subject matter of the representation is not under consideration in any proceeding before the Commission/Appellate Tribunal for Electricity or any court of law.

**54.**

The office of the Ombudsman shall acknowledge receipt of the representation in the following manner. -(i)If the representation is delivered personally, immediately on submission; and(ii)If the representation is received through post or courier, on the same day or on the next working day.

**55.**

(1)The Ombudsman may at any time ask an aggrieved person making a representation. -(a)to provide further information or documents; or(b)to verify all or any part of the representation on affidavit:Provided further that the Ombudsman shall allow a reasonable period of time for compliance with the above requirements.(2)The Ombudsman may permit the aggrieved person to plead his case himself or take the assistance of any person which may include an advocate or an association/society of which he is a member, or an NGO for putting forth his case.

**56.**

An aggrieved person may withdraw his representation at any time by making an application to the Ombudsman in writing for such withdrawal. The withdrawal shall take effect only when the Ombudsman agrees to such withdrawal.Procedure before Electricity Ombudsman.

**57.**

Subject to the provisions of the Act and these Regulations, the Ombudsman's decision whether a representation is fit and proper for being considered by it, shall be final.

**58.**

The Ombudsman shall decide the representation, only after providing the parties an opportunity of being heard.

**59.**

The Ombudsman may require the licensee/aggrieved person, to furnish such documents, books of accounts, information, data and details as may be required to decide the representation and the licensee/aggrieved person shall duly comply with such requirements.

**60.**

If considered necessary, the Ombudsman may inspect the electrical installation of consumer or licensee, and record the findings of such inspections. He may direct the licensee to undertake an inspection or engage a third party to undertake such inspection with regard to any grievance, as may be required, for expeditious redressal of the grievance. The Ombudsman can also engage a third party (other than the licensee) on the request of the aggrieved person, to undertake inspection, with regard to the complaint and obtain an independent report. This power may be exercised by the Ombudsman only when the facts and circumstances of the case merit third party inspection. The Ombudsman shall record the reasons for the need for such third party inspection which should generally be resorted to rarely and keeping in view the special circumstances of a case. The expenses of such third party inspection except expenses of inspection at the request of the aggrieved person, shall be borne by the 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. In case of inspections at the request of the aggrieved person, the expenses shall be deposited in advance by the person, which may or may not be refunded by the Ombudsman depending on the complaint being found to be of substance or not.

**61.**

The Ombudsman shall decide the representation within three months from the date of its receipt. In the event the representation is not decided within three months, the Ombudsman shall record the reasons therefor. He may also order any cost to be paid by the licensee, in case the reasons for the delay are attributable to the licensee. In case the delay is attributable to the complainant, the Ombudsman may award cost to the licensee, in such cases where the final order is against the complainant.

**62.**

The Ombudsman may reject the representation at any stage, if it appears to him that the representation is-(i)frivolous, vexatious, mala fide;(ii)without any sufficient cause;(iii)not being pursued by the person making the representation with reasonable diligence.

**63.**

The Ombudsman may adopt a procedure ensuring transparency and due compliance with the principles of natural justice and due process of law.

**64.**

The language of the proceedings of the Ombudsman shall preferably be Hindi.Promotion of settlement by agreement.

**65.**

As soon as practicable to do so, but not later than one week from the date of receipt of a representation, the Ombudsman shall serve a notice to the licensee along with a copy of the representation.

**66.**

In suitable cases, the Ombudsman my en-devour to promote a settlement of the grievance through mediation and in doing so, the Ombudsman may follow such procedure, as he considers appropriate.Orders by the Electricity Ombudsman.

**67.**

In case an agreement is reached and the grievance redressed by such agreement between the aggrieved person and the licensee, the Ombudsman shall make a record of such agreement in the case as his orders and thereafter close the case.

**68.**

Where the representation is not settled by mutual agreement between the person aggrieved and the licensee, the Ombudsman shall proceed to hear the case and decide the place, the date and the time of such hearing.

**69.**

The Ombudsman shall decide the representations on the pleadings of the parties, after providing them an opportunity of being heard. He shall pass a speaking order, which he considers fair in the light of the facts and circumstances of the case.

**70.**

The Ombudsman shall take a decision on the representations of the consumers, which is consistent with the provisions of the Act, the Rules and these Regulations or general orders or directions given by the Government of Chhattisgarh or this Commission in this regard.

**71.**

An order shall be in writing and shall state the nature of the relief including monetary compensation, if any, the aggrieved person is entitled to.

**72.**

A copy of the order shall be sent to the aggrieved person concerned and the licensee and shall be binding on both.

**73.**

The aggrieved person or the licensee may prefer an application for review of the order to the Ombudsman, within thirty (30) days from the date of receipt of the order. The Ombudsman may review his order on his own motion at any time.

**74.**

The Ombudsman may review his order on the following grounds : (iv) Discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time the order was made; or (v) Mistake or error apparent on the face of the record; or (vi) Any other sufficient reason. Other functions of the Electricity Ombudsman.

**75.**

The Ombudsman shall exercise general powers of superintendence and control over his office and shall be responsible for the conduct of business of the office and shall also perform other functions as may be specified by the Commission.

**76.**

The expenditure on Ombudsman shall be borne by the licensee(s). The Commission will prepare every year the budget for the Ombudsman in consultation with him. The Commission will indicate the respective share of expenditure, to be borne by each licensee to be released quarterly in advance. Responsibility of licensee to ensure compliance with orders :

**77.**

The licensee shall comply with and implement the order of the Ombudsman within the period specified in the order or in the absence of any such time limit, within a period of 30 days. In appropriate cases, considering the nature of the case, the Ombudsman, on the request of the aggrieved person/licensee, can extend the period of compliance of order up to a maximum period of three months. The licensee shall report compliance to Ombudsman within seven days of the day the order of Ombudsman was complied with. Ombudsman will review the compliance of his orders every month and shall report non-compliance of his orders, if any, to the Commission.

**78.**

Non-compliance with the orders of the Ombudsman shall be treated as violation of the provisions of these Regulations by the licensee. The Commission upon information received from the Ombudsman or any complaint regarding non-compliance of order(s) of Ombudsman filed by the affected person, may proceed under section 142 of the Act.

## **Chapter 5**

Miscellaneous. Powers to remove difficulties.

**79.**

If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, direct the licensee to take suitable action, not being inconsistent with the Act. which appears to it to be necessary or expedient for the purpose of removing difficulties.

**80.**

The licensee may seek guidance or clarification from the Commission for removal of any difficulties that may arise in the establishment/functioning of the Forum as per these Regulations.



**81.**

Nothing in these Regulations shall bar the Commission from adopting, in conformity with the provisions of the Act a procedure, which is at variance with any of the provisions of these regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, considers it necessary or expedient to do so.

**82.**

Nothing in these Regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Act with regard to redressal of grievances of consumers for which no regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

**83.**

Nothing contained in these Regulations shall affect the rights and privileges of the consumer under any other law for the time being in force, including under the Consumer Protection Act, 1986 (68 of 1986). Report to the Licensee and Commission.

**84.**

The Forum shall submit a monthly report of disposal of grievances to the licensee, the Ombudsman and the Commission, in the form as may be prescribed by the Commission. The report should be submitted within seven days of the close of the month to which it relates. This report will be in addition to the report required to be sent by the Forum to the Commission under Regulation 30.

**85.**

The Ombudsman shall submit to the Commission a quarterly report on disposal of cases by him. He shall also prepare a report on six monthly basis about the nature of the grievances of the consumers dealt by him, the response of the licensees in the redressal of the grievances and the opinion of the Ombudsman about the licensee's compliance or the standards of performance as specified by the Commission under Section 57 of the Act during preceding six months. This report shall be forwarded to the Commission and the State Government within 15 days of the end of every six months.

**86.**

At the end of every year the Ombudsman will prepare a report bringing out the main features of the work done during the year. The report shall be made available to the Commission for inclusion in the annual report of the Commission prescribed under section 105 of the Act. Power to Amend.

**87.**

The Commission may, at any time vary, alter, modify or amend any provision of these regulations. Repeal and Savings.

**88.**

(i) CERC (Redressal of Grievances of Consumers and Establishment of Forum and Electricity Ombudsman) Regulation, 2004 and its first amendment issued in 2005 are hereby repealed and replaced by these Regulations. (ii) Notwithstanding such repeal, anything done or any action taken including any order passed or notice issued, any inspection done or any direction given under the repealed Regulations shall be deemed to have been done or taken under the corresponding provisions of these Regulations. Notes. - In case of any difference in the interpretation or understanding of the provisions of the Hindi version of these Regulations with those of the English version (the original version), the latter will prevail and in case of any dispute in this regard, the decision of the Commission shall be final and binding.