

Chhattisgarh State Electricity Regulatory Commission (Redressal of Grievances of Consumers and Establishment of Forum and Electricity Ombudsman) Regulations, 2004

CHHATTISGARH

India

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Rule

CHHATTISGARH-STATE-ELECTRICITY-REGULATORY-COMMISSION- of 2004

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Chhattisgarh State Electricity Regulatory Commission (Redressal of Grievances of Consumers and Establishment of Forum and Electricity Ombudsman) Regulations, 2004Published vide Notification No. 4/CERC/2004, dated 30.09.2004Last Updated 1st November, 2019Notification No. 4/CERC/2004. - In exercise of the powers under clause (a) and (c) of sub-section (2) of Section 181 read with sub-sections (5), (6) and (7) of Section 42 of the Electricity Act, 2003 (36 of 2003) the Chhattisgarh State Electricity Regulatory Commission hereby makes the following regulations providing for the guidelines to the licensees in the State of Chhattisgarh for setting up a comprehensive system of redressal of consumer grievances including forums for redressal of grievances of consumers; for the appointment of Ombudsman by the Commission, and the procedure to be followed for settlement of grievances by Ombudsman and for matters incidental and ancillary thereto.

Chapter I

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 and Establishment of Forum and Electricity Ombudsman) Regulations, 2004

2.

These extend to the whole of the State of Chhattisgarh.

3.

These regulations shall be applicable to the licensees in the territory of Chhattisgarh in their respective licensed areas.

4.

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

5. Definitions.

- In these regulations, unless the context otherwise requires : (a) "Central Act" means the Electricity Act, 2003 (No. 36 of 2003); (b) "Chairperson" means the Chairperson of the Forum; (c) "Commission" means the Chhattisgarh State Electricity Regulatory Commission; (d) "Complainant" means- (i) a consumer as defined under clause (15) of Section 2 of the Central Act; or (ii) an applicant for a new connection; or (iii) any registered consumer association; or (iv) any unregistered association of consumers, where the consumers have similar interest; or (v) in case of death of a consumer, his legal heirs or representatives who makes a complaint. (e) "complaint" means any representation in writing made by a complainant regarding any of the following (a) Interruption in power supply; (b) Voltage related complaints; (c) Load shedding/scheduled outage; (d) Meter related complaints; (e) Electricity bill related complaints; (f) Disconnection and reconnection of power supply; (g) Delay in new connection; (h) Other complaints like damage to consumer's equipment/ network/ premises, or requests for reduction/enhancement in load/demand, or non-payment of interest on security deposit, or recovery of excessive charges for any services, or actions of vigilance squad. (f) "consumer dispute" means a dispute where the person against whom a complaint has been made, denies or disputes the contents of the complaint. (g) "defect" means any fault, imperfection or shortcoming in the quality, quantity, purity or standard of service, equipment or material which is required to be maintained by or under any law for the time being in force or under any contract, express or implied, or as is claimed by the distribution licensee in any manner whatsoever in relation to electricity service. (h) In particular and without prejudice to the generality of the term the "Electricity Service" means supply, billing, metering and maintenance of electrical energy to the consumer and all other related services, etc.; (i) "Electricity Ombudsman (Vidyut Lokpal)" means an authority to be

appointed or designated by the Commission, under sub-section (6) of Section 42 of the Central Act.(j)"Forum" means "Forum for Redressal of Grievances of Consumer', constituted by each licensee in terms of sub-section (5) of section 42 of the Central Act;(k)"Grievance" means a complaint filed by an affected person;(l)"Licensee" in these regulations includes a deemed licensee.

6.

All terms and expressions used herein but not defined above shall have the meaning assigned to them in the Central Act and other regulations of the Commission.

Chapter 2

Redressal of Consumer Grievances

7. Internal Grievance Redressal Machinery (IGRM).

- Every existing licensee, including the deemed licensees, shall within two months from the date of notification of these regulations and any new licensee within six months from the date of grant of distribution licence shall constitute a consumer grievance redressal mechanism (hereinafter referred to as 'Internal Grievance Redressal Machinery' (IGRM) with the approval of Commission.

8.

The IGRM will provide for the specific official of the licensee whose duty is to redress consumer grievances, the time limit within which grievances are to be redressed and the manner of such redressal.

9.

The types of consumer grievances/complaints which may be attended to and redressed through IGRM are those included in the definition of 'complaint' in Regulation 5 (e) above.

10.

The first level of redressal of grievances shall be the distribution level. The official who may handle all grievances at this level in respect of LT consumers shall be the Junior Engineer/Assistant Engineer and in case of HT consumers, the Executive Engineer for complaints regarding interruption in supply and Superintending Engineer, in case the grievance relates to billing.

11.

In case the consumer's grievance is not redressed at the first level or he is otherwise not satisfied with the action taken, he may approach the machinery at the second level which will be the Assistant

Engineer/Executive Engineer in case of LT consumers and Superintending Engineer/Chief Engineer in case of HT consumers.

12.

The licensee shall ensure that all complaints of consumers are attended to promptly and their grievance redressed within the time limits prescribed and also that generally there is no need for recourse to higher level for redressal of grievances.

Chapter 3

Forum for Redressal of Consumers Grievances

13.

Every existing licensee, including licensee, shall within two months from the date of notification of these regulations and any new licensee within six months from the date of grant of distribution licence shall establish, in terms of sub-section 5 of Section 42 of the Central Act, one or more forum (Grievance Redressal Forum) for redressal of grievances of consumers in accordance with these regulations, with the approval of the Commission.

14. [[Substituted by Notification No. 10/CSERC/2005, dated 5.7.2005.]

The forum shall consist of two full time members to be appointed by the licensee, who shall be officers of the licensee and may include officers on re-employment. The composition of the Forum shall be the following:(a)An officer not below the rank of Superintending Engineer, who possesses a degree in Electrical Engineering and has 20 years of experience in the distribution of electricity having served as a Superintending Engineer or on a higher post.(b)An officer not below the rank of Joint Director (Finance/Accounts) or Senior Accounts Officer, who has at least 10 years experience in Finance/Accounts in the electricity sector having served on an appointment not below the rank of Joint Director (Finance/Accounts) or Senior Accounts Officer or any other senior position for at least 5 years.The member at (a) above shall act as the Chairman of the Forum.]

15.

The Forum shall consist of three members to be appointed by the distribution licensee, with the following composition -(a)A serving officer not below the rank of Superintending Engineer or a retired person who possesses degree in Electrical Engineering and has at least 20 years experience in the distribution of electricity having served as Superintending Engineer or on a higher post.(b)A serving officer not below the rank of Joint Director, Finance/Accounts or a retired person who possesses a degree in Finance and Accounts and has at least 10 years experience in the electricity sector having served on an appointment not below the rank of Joint Director, Finance/Accounts.(c)A representative of consumers preferably an office bearer of a consumer

society recognized by the Commission. The senior most member of the forum shall act as its Chairman.

16.

The members of the forum shall be appointed for a period of 3 years and shall not be replaced by the licensee during this period except with the prior approval of the Commission.

17. Procedure before the Forum.

- All decisions of the forum shall be on the basis of voting by majority of the members present. The forum may allow consumer organizations to remain present during hearings.

18.

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.

19.

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

20.

The forum shall duly comply with such directions as the Commission may issue from time to time.

21.

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. No act or proceeding of the forum shall be deemed 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.

22.

The Forum shall receive complaints of consumers forwarded to or filed with it so long as such complaint is in writing. The forum need not prescribe any format for complaint.

23.

A complaint may be filed by -(a) any consumer who is not satisfied with solution offered by the licensee through the procedure prescribed in Chapter 2 (IGRM) of these regulations; or (b) HT consumers who dispute their bills or any part thereof and the disputed amount is more than Rs.

20,000/-, excluding cases where the disputed amount is due to arithmetical or clerical errors;
or(c)LT consumers who dispute their bills or any part thereof and the disputed amount is more than Rs. 20000/-, excluding cases where the disputed amount is due to arithmetical or clerical errors.

24.

The office of the forum shall issue due acknowledgement of the receipt of the complaint to the complainant.

25.

(a)The forum shall refer a copy of such complaint to the concerned office of the distribution licensee/deemed licensee directing it to give its version of the case within a period of fourteen working days or such extended period not exceeding ten days, as may be granted by the forum,(b)If the concerned office of the licensee, on receipt of a copy of the complaint, referred to him under Regulation 25 denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the forum, the forum shall proceed to settle the consumer dispute.(i)on the basis of evidence brought to its notice by the complainant and the distribution licensee, where the distribution licensee denies or disputes the allegations contained in the complaint, or(ii)exparte on the basis of evidence brought to its notice by the complainant where the distribution licensee omits or fails to take any action to represent his case within the time given by the forum.(c)If the complainant fails to appear on the date of hearing before the forum, the forum may either dismiss the complaint in default or decide it on merits.

26.

The forum shall maintain true and correct records of all complaints received by it from time to time.

27.

The forum shall duly comply with any consumer complaint handling procedure, which the Commission may specify from time to time.

28.

The forum shall decide the complaint within a period of thirty days and shall communicate its decision to the complainant. It shall give the reasons in support of its decisions.

29.

The licensee shall from time to time give publicity of the constitution and existence of the forum including in the bills raised for the supply of electricity to the consumers and in such other manner as the Commission may from time to time decide. The names/designation of the members and the

concerned officers of the forum, the address, e-mail, facsimile and phone numbers of the forum shall be displayed at all the offices of the licensee and shall also be duly published, including on the bills raised on the consumers.

30.

The licensee shall provide required supporting staff and appropriate office accommodation for functioning of the forum.

31.

The salary or honorarium and other allowances payable to, and other terms and conditions of service in respect of the members shall be charged to the licensee who shall be responsible for timely and regular payment.

32.

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 the functions under these regulations.

33.

The office expenditure of the forum 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)

34. Appointment of Electricity Ombudsman.

- The Commission may from time to time appoint or otherwise designate such person or persons as it considers appropriate, as the Electricity Ombudsman (hereinafter called Ombudsman) to discharge the functions under sub section (7) of Section 42 of the Central Act.

35.

The Commission may appoint or designate Ombudsman or Ombudsmen separately for each licensee or a common Ombudsman or Ombudsmen for two or more distribution licensees.

36.

The Ombudsman shall be selected from among those who have experience and exposure in any of the fields, such as legal affairs, engineering, industry, administration, management, defence services and consumer affairs. The person proposed shall not be associated with the activities of any of the licensees for a period of preceding one year. The age of the person to be appointed as Electricity Ombudsman should not exceed sixty two years at the time of appointment.

37.

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

38.

The Ombudsman appointed may be paid a fixed fees or honorarium as decided by the Commission.

39.

Before entering upon his office, the Ombudsman shall make and subscribe to an oath of office and secrecy in the form as may be prescribed by the Commission. The chairman of the Commission will administer the oath.

40.

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

41.

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).

42.

The Ombudsman may relinquish his office by giving in writing to the Commission a notice of not less than three months. The Commission may at any time remove the Ombudsman from his office in the event of his becoming incapacitated due to health reasons or for misconduct after giving one months notice :Provided that the Ombudsman shall not be removed from his office, unless the Commission has, on an enquiry, held by the Commission concluded that the Ombudsman ought, on such ground or grounds, be removed.

43. Representation to the Electricity Ombudsman.

- If a complainant is aggrieved by the order or non-redressal of the grievance by the forum within the period specified or the licensee is aggrieved by the decision of the forum, either the complainant or the licensee may make a representation to the Ombudsman appointed/designated by the Commission within a period of thirty days from the date of the final order or from the expiry of the period specified for redressal of the grievance by the forum.

44.

The Ombudsman may receive and consider all representations filed by complainant for non-redressal of the grievance by the forum under sub-section (5) of Section 42 of the Central Act. Notwithstanding the above the Ombudsman shall not entertain any representation in regard to matter which is subject-matter of existing or proposed proceedings before the Commission or before any other authority including under part X, XI, XIII, XIV and XV of the Central Act.

45.

No representation to the Ombudsman shall lie unless the consumer has deposited in the prescribed manner, at least, one third of the amount that is required to be paid by him in terms of an order of the forum and has also agreed to pay a surcharge on the balance amount in the event of his representation not being successful.

46.

The Ombudsman may entertain a representation after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

47.

Subject to this clause, a representation made to the Ombudsman shall -(a)be in writing,(b)be signed by the consumer or the licensee as the case may be,(c)disclose the name and address of the consumer/licensee,(d)contain the details of the grievance including the award of the Grievance Redressal Forum of the licensee, and(e)contain details of complaint made to any other authority/court of law.

48.

The Ombudsman may accept a representation that does not comply with clause 47 at his discretion.

49.

The Ombudsman may also undertake a case under the directives of the Commission.

50.

The Ombudsman may, at any time, require consumer/licensee making a representation -(a)to provide further information or documents; or(b)to verify all or any part of the representation on affidavit.

51.

When making a requirement under Regulation 50, the Electricity Ombudsman must specify a reasonable period of time within which the requirement is to be satisfied.

52. [[Substituted by Notification No. 10/CSERC/2005, dated 5.7.2005.]

- The Ombudsman shall consider the representations of the consumers consistent with the provisions of the Act, the Rules and Regulations made thereunder or general orders or directions given by the appropriate Government or the appropriate Commissioner in this regard before setting their grievances.]

53. Procedure before Electricity Ombudsman.

- Subject to the provisions of the Act and these regulations the Electricity Ombudsman's decision whether the complaint is fit and proper for being considered by it shall be final.

54.

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

55.

For the purpose of carrying out its functions, the Ombudsman may require the licensee or any of the officials, representatives or agents of the licensee, to furnish documents, books, information, data and details as may be required to decide the representation and the licensee shall duly comply with such requirements.

56.

If the Ombudsman has commenced examination of a representation, the licensee should not commence proceedings in any court in respect of the matter raised in the representation.

57.

The Ombudsman shall finally decide the representation within three months from the date of receipt of the representation and in the event the representation is not decided within three months, the Ombudsman shall record the reasons therefor including the cost to be paid by the licensee in case the reasons for the delay is attributable to the licensee. In case the delay is for reasons attributable to the consumer the Electricity Ombudsman may on the basis of the merit of the case decide, to proceed with the case or reject the representation.

58.

The licensee shall duly comply with and implement the award/recommendation of the Ombudsman.

59. Electricity Ombudsman to act fairly and equitably.

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

60.

He shall dispose of a complaint in a fair and equitable manner.

61.

Promotion of settlement by agreement. - As soon as it may practicable to do but not later than one week from the date of receipt of a representation, the Ombudsman shall serve a notice to the other party along with a copy of the complaint and endeavour to promote a settlement of the complaint by agreement through conciliation or mediation.

62.

For the purpose of facilitating settlement of the representation, the Ombudsman may follow such procedures, as he may consider appropriate.

63.

When a complaint is settled, through mediation of the Ombudsman, shall make a recommendation, which he thinks is fair in the circumstances of the case. Copies of the recommendation shall be sent to the consumer and the licensee.

64.

If the complainant accepts the recommendation he will send a communication of acceptance in writing within 15 days of the date of receipt of the recommendation. In such a communication he will state clearly that the settlement communicated is acceptable to him, in totality, in terms of recommendations made by the Ombudsman and is in full and final settlement of complaint.

65. Final order by the Electricity Ombudsman.

- Where the representation is not settled by agreement within a period of 30 days from the date of its receipt or such extended period the Ombudsman may deem fit, duly considering the overall time limit specified, the Ombudsman may determine the place, the date and the time of the hearing of the matter.

66.

The Ombudsman shall decide the matter of the pleadings of the parties, after providing them an opportunity of being heard. Where the representation is not settled by agreement, the Ombudsman shall pass a speaking order with detailed reasoning which he thinks fair in the facts and circumstances of a case.

67.

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

68.

A copy of the award shall be sent to the complainant concerned and the licensee and shall be binding on the licensee and the complainant. If either of the party is not satisfied with the implementation of the award passed by the Ombudsman, the party may approach the Commission for enforcement of the award.

69.

The licensee shall comply with the award within such time frame as may be directed by the Electricity Ombudsman.

70. Other functions of the Electricity Ombudsman.

- The 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. The Commission will indicate the respective share of expenditure, to be borne by each licensee and to be released

quarterly in advance.

71.

He shall exercise general powers of superintendence and control over his office and shall be responsible for the conduct of business of the office.

72.

He shall perform other functions as may be prescribed by the Commission.

Chapter 5

Miscellaneous

73. 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 licensee to take suitable action, not being inconsistent with the Electricity Act, 2003, which appears to it to be necessary or expedient for the purpose of removing difficulties.

74.

The licensee may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in the establishment of the forum as per these regulations.

75. Power to Amend.

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

76. [Report of the Ombudsman. [Substituted by Notification No. 10/CSERC/2005, dated 5.7.2005.]

(a)The Ombudsman shall prepare a report on six monthly basis giving details of 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 Licensees in the redressal of the grievances and the opinion of the Ombudsman about the Licensee's compliance or the standards or performance as specified by the Commission under Section 57 of the Act, during the preceding six months.(b)The report under regulation 76 (a) above shall be forwarded to the CSERC and the State Government within 45 days after the end of the relevant period of six months.]

77.

Within a month after each quarter of the financial year, the Ombudsman shall provide to the Commission and each licensee a quarterly statement specifying the number of representations in each category received by the Ombudsman and settled in relation to each licensee during the period covered by the statement. The Commission will specify the format of the statement.

78.

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 Central Act.

79. Availability of Forms/Rules.

- The licensee will ensure the availability of the following at all offices for the convenience of the consumers;(a)CSERC (Redressal of grievances of consumers and establishment of forum and Electricity Ombudsman) Regulations, 2004.(b)Various forms for lodging of complaints.(c)Application form for power supply.(d)Seniority list for new connections.(e)Schedule of miscellaneous charge.(f)Applicable electricity tariff and surcharges/duties.(g)The Electricity Act 2003, (36 of 2003).(h)The Indian Electricity Rules, 1956.(i)List of approved wiring contractors.(j)The licensee will also display on its notice board; names, addresses and telephone numbers of its officers of the licensee.(k)Office timings for bill collection.(l)Time of the scheduled power cuts.(m)The time period within which the different types of complaints will be resolved by the licensee.

80. Infrastructure and Training.

- The licensee shall ensure that necessary infrastructure is put in place, including establishment of a Central Complaint Centre, to register all complaints and to ensure that these are redressed within the prescribed time limits. It shall be the responsibility of the licensee to ensure that there are adequate telephone lines to take all complaint desk is manned at all times, that all necessary forms/rules/procedures etc. are available at all times and all other necessary steps are taken to ensure that consumers are satisfied in their interaction with the officers/staff.

81. Savings.

- Nothing in these regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary to meet the ends of justice or to prevent abuse of the process of the Commission.

82.

Nothing in these regulations shall bar the Commission from adopting, in conformity with the provisions of the Central 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.

83.

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

84.

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).