

The Delhi Electricity Regulatory Commission (Redressal Of Consumers' Grievances) Regulations, 2003

DELHI

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Rule

THE-DELHI-ELECTRICITY-REGULATORY-COMMISSION-REDRESSAL- of 2003

- Published on 10 June 2003
- Commenced on 10 June 2003
- [This is the version of this document from 10 June 2003.]
- [Note: The original publication document is not available and this content could not be verified.]

The Delhi Electricity Regulatory Commission (Redressal Of Consumers' Grievances) Regulations, 2003Published vide Notification No. P. 11(29)/DERC/2003-04/1036, dated 10th June, 2003, published in the Delhi Gazette, Pt. IV, dated 10th June, 2003In exercise of the powers conferred on it by sub-section (1) of section 61 read with clause (h) and clause (m) of sub-section (1) of section 11 of the Delhi Electricity Reforms Act, 2000 (Delhi Act 2 of 2001), the Delhi Electricity Regulatory Commission hereby makes the following Regulations, namely:

1. Short title and commencement.

- (i) These Regulations may be called the Delhi Electricity Regulatory Commission (Redressal of Consumers' Grievances) Regulations, 2003.(ii)They shall come into force with effect from the date of their publication in the Official Gazette.(iii)They shall extend to the whole of the National Capital Territory of Delhi except the areas covered by the New Delhi Municipal Council and the Delhi Cantonment Board.

2. Definitions.

- In these Regulations, unless the context otherwise requires,(i)"Act" shall mean the Delhi Electricity Reforms Act, 2000 (Delhi Act 2 of 2001).(ii)"Commission" shall mean the Delhi Electricity Regulatory Commission.(iii)"Grievance Redressal Officer" shall mean the officer appointed as such

under Regulation 3.

3. Appointment of Grievance Redressal Officer.

-(i) The Commission shall nominate a nodal officer to be designated as 'Grievance Redressal Officer', hereinafter called the GRO, for dealing with matters relating to consumer grievances. (ii) Any person or organization may submit his grievance to the Commission through a complaint with the following essential submissions: (a) that the complainant has submitted his grievance to the licensee in accordance with the licensee's approved complaint handling procedure along with necessary documentary evidence. (b) that the complainant is not satisfied with the final response of the licensee or that the licensee has caused a delay in addressing the consumer's grievance beyond the period prescribed in its complaint handling procedure. (c) that the complaint is not pending before any Court of law or with any other forum. (iii) The Commission shall not take cognizance of the grievance if- (a) the requirements mentioned in clause (ii) are not met with; (b) the subject matter of complaint is outside the jurisdiction of the Commission; (iv) If the Commission declines to entertain the complaint, it shall inform the complainant in writing stating the reasons for declining, within 7 working days.

4. Procedure for filing the Grievances.

- All grievances shall be submitted in writing to the Grievance Redressal Officer stating: (i) the name of the individual or organization, address, telephone number, if any, and service -connection number (K No.), of the complainant; (ii) name of the licensee; (iii) full description of the matter describing the issues under dispute along with necessary documentary evidence. (iv) a brief description of the remedy/relief that the licensee has made or offered together with documentary evidence and an explanation as to how the relief so offered does not meet the ends of justice or other obligations of the licensee. (v) specific references to any law, condition of license, Regulation, code or standard that is alleged to have been violated.

5. Procedure for redressal.

- (i) Within 3 working days of receipt of a consumer grievance, the GRO shall send an acknowledgement to the complainant. The GRO shall, within five days of its receipt, send a copy of the complaint to the licensee to offer parawise comments and such other information as may be necessary to dispose off the grievance effectively and adequately. (ii) Subject to clause (iii), the Licensee shall, within 14 working days from the date of receipt, submit its parawise comments and other information mentioned in clause (i) to the GRO failing which it shall be presumed that the Licensee has no comments to offer and the GRO shall proceed further as deemed fit and proper. (iii) The GRO shall not ordinarily extend the period prescribed for submission of the parawise comments except on a written prayer giving cogent reasons for the delay. (iv) The GRO on receipt of the parawise comments from the Licensee, may send a notice to the parties for a personal hearing, if required, and shall record the submission made by the parties during the hearing, if any, or may direct the parties to file an affidavit. (v) The GRO may, if he considers it necessary or on a specific prayer from the parties, allow the parties to file rejoinder within such time as he may consider

fit.(vi)Where the GRO, at any stage of the proceedings, finds that the parties are agreeable to reach a settlement, he may record the same and after obtaining the formal consent of the parties thereto, seek approval of the Commission and dispose the matter accordingly.(vii)On receipt of the parawise comments and rejoinders, if any, the GRO may, within 5 working days, obtain the comments of the relevant Divisions in the Commission.(viii)The GRO shall, within seven working days of obtaining the comments of the relevant Divisions in the Commission as mentioned in the foregoing clause, submit the matter through his Division for seeking orders of the Commission and shall, thereafter, communicate the order to the parties. Such order may, in addition to any other relief, also award any compensation to the consumer and the GRO may, while submitting the matter to the Commission for obtaining its orders, recommend such compensation wherever deemed fit:Provided that a compensation not exceeding one thousand rupees may be recommended or awarded without hearing the parties.

6.

The licensee shall implement the orders of the Commission within 30 days from the date of receipt of the order and in case of his failure to do so, he shall be liable to be proceeded under sections 33 and 44 of the Act.

7. Miscellaneous.

- (i) Where the GRO is of the opinion that the matter involves a dispute where the parties are not agreeable to a settlement and the matter relates to a subject which needs to be submitted to the Commission for arbitration under section 40 of the Act or where on the basis of the material before him, the GRO is of the opinion that the licensee has violated any provision of the Act or Rules or Regulations or Orders or directions made or issued thereunder and calls for proceedings under section 33 of the Act, he may, after obtaining such advice as mentioned in clause (vii) of regulation 5, as he may consider necessary, record his opinion and submit the matter for orders of the Commission thereon.(ii)The GRO shall, as far as possible, adhere to the time limits prescribed under these Regulations. However, any delay therein shall not affect the legality of such actions.

8. Monitoring of Grievances and use of data related thereto.

- The Commission may.-(i)Keep a record of consumer grievances brought to it and the results thereof relating to each Licensee;(ii)Arrange for publication of the data relating to the grievances;(iii)Take notice of its record of consumer grievances in any proceeding including but not limited to proceedings relating to licences and tariffs.