

The Regulations for Consumer Grievance Redressal Forum and Electricity Ombudsman, 2004

TAMILNADU

India

The Regulations for Consumer Grievance Redressal Forum and Electricity Ombudsman, 2004

Rule

THE-REGULATIONS-FOR-CONSUMER-GRIEVANCE-REDRESSAL-FORUM of 2004

- Published on 8 January 2004
- Commenced on 8 January 2004
- [This is the version of this document from 8 January 2004.]
- [Note: The original publication document is not available and this content could not be verified.]

The Regulations for Consumer Grievance Redressal Forum and Electricity Ombudsman, 2004 Published vide Notification No. TNERC/CGR&EO/6/1, dated 8-1-2004 - No. 6(2)/502/2004 In exercise of the powers conferred on it by section 181 read with sub-sections (5), (6) and (7) of section 42 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, the - Tamil Nadu Electricity Regulatory Commission makes the following regulations, namely: Part-I General

1. Short title and commencement.

- (i) These regulations may be called the Regulations for Consumer Grievance Redressal Forum and Electricity Ombudsman, 2004. (ii) These extend to the whole of the State of Tamil Nadu. (iii) These shall come into force on 10-6-2004.

2. Definitions.

- In these regulations, unless the context otherwise requires, - (a) "Act" means the Electricity Act, 2003; (b) "area of supply" means the area within which a distribution licensee is authorised by his/her/their licence to supply electricity; (c) "Chairperson" means the Chairperson of the Forum; (d) "Commission" means the Tamil Nadu Electricity Regulatory Commission; (e) "Complainant" means - (i) a consumer of electricity supplied by the licensee including applicants for new connections; (ii) any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or under any other law for the time being in force; (iii) the

Central Government or any State Government who or which makes the complaint;(iv)one or more consumers, where there are numerous consumers having the same interest;(v)in case of death of a consumer, his legal heirs or representatives; ^ (f)"complaint" means any grievance made by a complainant in writing on - (i)defect or deficiency in electricity service provided by the licensee;(ii)unfair or restrictive trade practices of licensee in providing electricity services(iii)charging of a price in excess of the price fixed by the Commission for consumption of electricity and allied services;(iv)electricity services which will be unsafe or hazardous to public life in contravention of the provisions of any law for the time being in force;(g)"consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case maybe(h)"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 sendee;(i)"deficiency" means any fault, imperfection, shortcoming ,or inadequacy in the quality, nature and manner of supply which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by distribution licensee in pursuance of a contract agreement or otherwise in relation to electricity service or performance standard, violations of Electricity Supply Code, contraventions of Act, rules or regulations made thereunder with regard to consumer interest;(j)"distribution system" means the system of wires and associated facilities between the delivery points on the transmission lines or the generating station connection and the point of connection to the installation of the consumers;(k)"Electricity Ombudsman" means an authority to be appointed or designated by the Commission under sub-section (6) of section 42 of the Act, with whom a representation may be made in accordance with sub-clause 17(1) of these Regulations;(l)In particular and without prejudice to the generality of the term, "electricity service" means electricity supply, metering, billing, maintenance of electrical energy, maintenance of distribution system and all other attendant sub-service, etc.:(m)"Forum" means 'forum for redressal of grievances of consumers' to be constituted by each distribution licensee in accordance with these Regulations;(n)"licensee" means a person who has been granted a licence under section 14 of the Act;(o)Words and expressions used and not defined in these Regulations but defined in the Act, or the Consumer Protection Act, 1986 (69 of 1986) shall have the meanings respectively assigned to them in these Acts.

Part-II Consumer Grievance Redressal Forum

3. Constitution of forum(s) for redressal of consumer grievances.

(1)Every distribution licensee shall establish a forum or forums for redressal of grievances of the consumers in accordance with these Regulations.(2)A licensee may establish more than one forum so as to ensure that any consumer in the area of supply of the licensee shall not have to travel more than 100 Kilometres to submit his complaint with the forum for redressal. The concentration of the consumers in a particular area and the number of complaints expected to be received and the constraints of the forum in disposing of the complaint within the stipulated time-frame may also be taken into account to determine the places and the number of forums to be established.(3)The head

office of the forum shall be at such place(s) as each distribution licensee may specify in accordance with the sub-clause 3 (2).(4)The forum shall consist of three members to be appointed by the distribution licensee with the following composition:(a)Chairperson of the forum shall be a full time officer of the licensee not lower in rank than the rank of Superintending Engineer.(b)One member shall be a person with 15 to 20 years experience in financial / legal profession and shall be nominated by the District Collector of the district where the forum is head quartered.(c)Another member shall be from a registered society of NGO or a consumer organization or a consumer activist and shall be nominated by the District Collector of the district where the forum is head quartered.(5)Every member of the forum except the Chairperson shall hold office for a term of three years and shall not be eligible for reappointment as such. Provided that no member shall hold office as such after he has attained the age of sixty-two years. The person occupying the designated post of the distribution licensee to act as Chairperson shall be deemed to be the Chairperson of the forum.(6)The quorum of the forum shall be two among the three members, which includes the Chairperson. The post of the members shall not be kept vacant for more than two months.(7)The honorarium for each sitting shall be decided by the Licensee subject to approval by the Commission and TA / DA and other allowances payable to the members shall be as applicable to Class I Officers of the State Government. [The Chairperson shall make use of his office space, secretarial staff and other facilities for efficient functioning of Forum. The members by virtue of their office shall not be entitled to claim any separate accommodation in the office premises of Chairperson or any separate secretarial staff and other facilities. The members of the forum may avail of the office premises of the Chairperson and the secretarial staff, only for the limited purpose of attending the sittings of the Forum on the days on which they are scheduled to be held and dictating the decisions of the forum to the secretarial staff appointed for the above purpose without causing any inconvenience or prejudice to the normal use of office premises and secretarial staff for discharging their normal functions.] [[Substituted by Commission's Notification No. TNERC/CGR&EO/6-1 dated 03.10.2005 (w.e.f 07.12.2005) before substitution stood as under:'The office space, secretarial support and other facilities required by members for efficient functioning of forum shall be provided by the distribution licensee.']](8)Notwithstanding anything contained in sub-clause 3 (5), a member (other than the Chairperson) may relinquish his office by giving in writing to the Licensee a notice of not less than two months.(9)Notwithstanding anything contained in sub-clause 3 (5), where the Commission is satisfied that in the public interest or for the reason of incapacity of any member, it is necessary so to do, it may for reasons to be recorded in writing remove any member from his office.

4. Jurisdiction of the forum.

- Subject to the other provisions of these Regulations, the forum shall have jurisdiction to entertain the complaints within the jurisdiction of the distribution licensee. If there is more than one forum in the same Licensee's area, then the area of jurisdiction may be decided by the Licensee in accordance with sub-clause 3(2).

5. Kind of grievances that can be taken up by the forum.

- The forum shall take up any kind of grievances / complaints as defined in clause 2 (1) of these regulations. However, the consumer's grievances concerned with-(i)authorised use of electricity as

detailed under section 126; and(ii)offences and penalties as detailed under sections 135 to 141 of the Electricity Act, 2003 are excluded from the purview of this forum.

6.

(1)The licensee shall notify details such as the address, telephone numbers and e-mail address of the Forum often in the media. The licensee shall make available copies of the procedure for lodging complaints to the complainants at free of cost. The applications/bills/receipts issued by the licensee to the consumers shall contain the address of the concerned Consumer Grievance Redressal Forum and the statement 'Complainants whose grievance is not redressed by the official of the licensee may approach the Consumer Grievance Redressal Forum' shall also be printed on it.(2)Grievance filing procedure. - Every grievance to the forum must be submitted in writing to the Chairperson of the forum in the complaint format given in Annexure-I. The complaint can also be lodged through e-mail to the respective forum's e-mail ID (which will be published by them widely). Such mode of complaint can be in text format with the required information and address of the complainant.

7. Grievance handling procedure for the forum.

(1)On receipt of the grievance from any complainant, the Chairperson shall make endorsement on the grievance subscribing his dated initial. Grievances received shall be registered and serially numbered for each year.(2)Within seven working days of receipt of a consumer grievance, the forum shall send an acknowledgement to the complainant. If the grievance / petition is anonymous, the same shall be rejected on receipt and placed before the forum in the next available opportunity for recording the same.(3)On receipt of a complaint and following the procedure mentioned under sub-clause 7(1), the forum may, by order allow the complaint to be proceeded with or reject. Provided that the complainant shall be informed in writing if the complaint is rejected. Provided further that the admissibility of the complaint shall ordinarily be decided within 10 working days from the date on which the complaint was received. Where a complaint is allowed to be proceeded, the forum may proceed with the complaint in the manner provided under these Regulations.(4)A copy of the admitted complaint shall be forwarded simultaneously to the nodal officer of the concerned licensee for redressal or to file objection in writing if the licensee is not agreeable to the request of the complainant.(5)The licensee shall furnish the para-wise comments on the grievance within 15 days of receipt of the letter from the forum, failing which the forum shall proceed on the basis of the material record available. The complainant can represent himself or through a representative of his choice. Where the complainant or his representative fails to appear on the date of hearing before the forum, the forum may either dismiss the complaint for default or decide it on merits.(6)The forum shall be entitled to call for any record of the licensee and also from the complainant in respect of the grievance received by the forum for examination and disposal of the grievances.(7)On receipt of the comments from the licensee or otherwise, the forum shall complete enquiry as expeditiously as possible and every endeavour shall be made to pass appropriate order on the complaint within a maximum period of 2 months from the date of receipt of complaint by the forum.(8)All decisions shall be taken by a majority of votes by the members present and in the event of the equality of the votes, the facts may be recorded and referred to the Electricity Ombudsman for final orders. All the members present shall sign every order passed by the forum. [The decisions of

the forum shall be strictly in accordance with the provisions of the Act, the rules and regulations made thereunder and in particular the Tamil Nadu Electricity Supply Code and the Tamil Nadu Electricity Distribution Code and the directions of the Commission and it is not open to the Members and the Chairperson of the Forum to deviate either expressly or impliedly from the provisions of the Act or the rules or regulations made thereunder or the Tamil Nadu Electricity Supply Code or the Tamil Nadu Electricity Distribution Code or the directions of the Commission while taking the decisions by the forum.] [Inserted by commission's Notification No.TNERC/CGR & EO/6 1 dated 3.10.2005 (w.e.f 7.12.2005).](9)The proceedings and decisions of the forum along with time-frame for compliance shall be recorded and communicated to the complainant and licensee for compliance.(10)The licensee shall implement the decisions of the forum within the time-frame specified in the order and report compliance to the forum within 5 days of the implementation of the order.(11)In respect of grievances on non-implementation of standards of performance of licensee on consumer service specified by the Commission under section 57(1) of the Electricity Act, 2003, if the forum finds that there was default of the licensee, it shall only hold that the consumer is entitled to the compensation and shall state that, the consumer if agreed, can accept the compensation prescribed by the Commission in the relevant Regulations.

8. Appeal.

- Any person aggrieved by an order made by the forum may prefer an appeal against such order to the Electricity Ombudsman within a period of 30 days from the date of the order, in such form and manner as may be prescribed by the Commission:Provided that the Electricity Ombudsman may entertain an appeal after the expiry of the said period of 30 days if the Electricity Ombudsman is satisfied that there was sufficient cause for not filing it within that period:Provided further that the Electricity Ombudsman shall entertain no appeal by any party, who is required to pay any amount in terms of an order of the forum, unless the appellant has deposited in the prescribed manner, twenty-five per cent of the amount as ordered by the forum.

9. Monitoring report.

- The forum shall submit a report to the Commission on the category-wise number of complaints received, redressed and pending for every quarter of calendar year in the Format given in Annexure-II.Part-III Electricity Ombudsman

10. Appointment and tenure.

(1)The Tamil Nadu Electricity Regulatory Commission will designate / appoint one or more persons to be known as Electricity Ombudsman to carry out the functions entrusted to him by these Regulations.(2)The minimum age of the person to be considered for appointment as Electricity Ombudsman shall be 58 years.(3)The appointment of Electricity Ombudsman under this clause may be made for a period not exceeding three years. Provided that the tenure of an Electricity Ombudsman, may be extended by the Commission for further period not exceeding three years subject to an overall age limit of 65 years.(4)The Electricity Ombudsman appointed under sub-clause 10(1) shall devote his whole-time to the affairs of his office.(5)Where the Commission is

satisfied that in the public interest or for the reason of incapacity of the Electricity Ombudsman, it is necessary so to do, it may for reasons to be recorded in writing and by giving him three months' notice or by paying three months' consolidated emoluments in lieu of the notice period, remove any Electricity Ombudsman from his office.

11. Territorial jurisdiction.

- The territorial limits of Electricity Ombudsman extend to the whole of the State of Tamil Nadu. If the Commission appoints more than one Ombudsman, the Commission shall specify the territorial limits.

12. Location of office and temporary headquarters.

- The office(s) of the Electricity Ombudsman(s) will be located at such place(s) as may be specified by the Commission. In order to expedite disposal of complaints, 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 complaint or reference, as the case may be, before him.

13. Qualification.

- The Electricity Ombudsman appointed / designated should be a person with ability, integrity, conversant with the working of electricity sector and enjoying high reputation.

14. Remuneration.

- The [salary] [Substituted for the expression 'honorarium' by Commission's Notification No.TNERC/CCRF&EO/6 7, dated 28.02.2007 (w.e.f 14.03.2007).] and other perquisites payable to Electricity Ombudsman will be determined by the Commission, from time to time, and shall be borne by the distribution licensees in such proportion and in such manner as may be determined by the Commission.

15. Secretariat.

- The Electricity Ombudsman shall be provided with a secretariat. The staff pattern and salary, etc., shall be approved by the Commission. The cost of the secretariat will be shared by distribution licensees in such proportion as may be determined by the Commission.

16. Powers and duties of Electricity Ombudsman.

- The Electricity Ombudsman shall have the following powers and duties:-(a)To receive the appeal petitions against the order of the consumer grievance redressal forum and consider such complaints and facilitate their satisfaction or settlement by agreement, through conciliation and mediation between a licensee and the aggrieved parties or by passing an award in accordance with the Act and

Rules or Regulations made thereunder.(b)The Electricity Ombudsman shall exercise general powers of superintendence and control over his office and shall be responsible for the conduct of business thereat.(c)The Electricity Ombudsman shall have the powers to incur expenditure on behalf of the office. In order to exercise such power, the Electricity Ombudsman will draw up an annual budget for his office in consultation with Commission and shall exercise the powers of expenditure within the approved budget. The Commission will indicate the share-of expenditure to be borne by the distribution licensees.

17. Procedure for filing a complaint.

(1)Any consumer, who is aggrieved on the order on the grievance or non-redressal of his grievances by forum constituted under section 42 (5) of the Electricity Act, 2003 by licensees relating to providing of electricity supply, may himself or through his representative make a complaint to the Electricity Ombudsman. Complaints of common nature (which may be considered applicable to more than one forum) can be directly brought upto Electricity Ombudsman by a State Level Consumer Association.(2)The complaint shall be in writing duly signed by the complainant or his authorised representative and shall state clearly the name of the individual or the organisation, postal address, telephone number and e-mail address (if any) of the complainant.(3)The complaint shall also contain the number of the service connection, category of the service, address of the location of the service connection, name of the local licensees' office and address against which the complaint is made, the facts giving rise to the complaint supported by documents, if any, and the relief sought from the Electricity Ombudsman.Note:- The licensees shall ensure that the address of the Electricity Ombudsman to whom the appeals could be made by the consumers against the order of the forum are displayed in their premises. The 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 printing or reproduction.(4)No complaint to the Electricity Ombudsman shall lie unless -(a)The complainant had before making a complaint to the Electricity Ombudsman made a written representation to the forum of the licensee named in the complaint and either the forum had rejected the complaint or the complainant had not received any reply within a period of two months from the date of filing of the grievance or the complainant is not satisfied with the reply given to him by the forum. This shall, however, not be applicable to the complaints of common nature described under clause 17 (1);(b)The complaint is made within three months after cause of action has arisen;(c)The complaint, which is not settled, is not in respect of the same subject, which was settled through the office of the Electricity Ombudsman in any previous proceedings whether received from the same complainant or along with one or more complainants or anyone or more of the parties concerned with the subject matter;(d)The complaint does not pertain to the same subject matter for which any proceedings before any Court is pending or a decree or award or a filial order has already been passed by any competent Court; and(e)The complaint is not frivolous or vexatious in nature.

18. Rejection of the complaint.

- The Electricity Ombudsman may reject the complaint at any stage if it appears to him that the complaint made is -(a)frivolous, vexatious, mala fide; or(b)without any sufficient cause; or(c)that it is not pursued by the complainant with reasonable diligence; or(d)prima facie, there is no loss or

damage or inconvenience caused to the complainant.

19. Powers to call for information.

(1) For the purpose of carrying out his duties, an Electricity Ombudsman may require the licensee named in the complaint to furnish certified copies of any document relating to the subject matter of the complaint, which is or is alleged to be in its possession, within 15 days. Provided that in the event of failure of a licensee, without any sufficient cause, to comply with the requisition made under this clause, the Electricity Ombudsman may, if he deems fit, draw the inference that the information, if provided, or copies, if furnished, would be unfavourable to the licensee and proceed to settle the case on that basis. (2) The Electricity Ombudsman shall maintain confidentiality of any information or document coming into his knowledge or possession in the course of discharging his duties and shall not disclose such information or document to any person except with the consent of the person furnishing such information or document. Provided that nothing in this clause shall prevent the Electricity Ombudsman from disclosing information or document furnished by a party in a complaint to other party or parties, To the extent considered by him. to be reasonably required to comply with the principles of natural justice and fair play in the proceedings.

20. Settlement of complaint by agreement.

(1) As soon as it may be practicable to do, the Electricity Ombudsman shall cause a notice of the receipt of any complaint along with a copy of the complaint to the concerned office of the licensee named in the complaint and endeavour to promote a settlement of the complaint by agreement between the complainant and the licensee named in the complaint through conciliation or mediation. (2) For the purpose of facilitating for settlement of the complaint, the Electricity Ombudsman may follow such procedures, as he may consider appropriate. (3) When a complaint is settled, through mediation of the Electricity Ombudsman, undertaken by him in pursuance of request made in writing by complainant and licensee through mutual agreement, the Electricity Ombudsman shall have the settlement recorded and signed in his presence and cause issuance of orders on the settlement of grievances by mutual agreement.

21. Hearing of the matter.

(1) Where the complaint is not settled by agreement under clause 20, the Electricity Ombudsman may determine the stage, the manner, the place, the date and the time of the hearing of the matter as the Electricity Ombudsman may consider appropriate. (2) The Electricity Ombudsman may decide the matter on the pleadings by oath of both the parties and direct the parties to written note of arguments or submission in the matter. The parties can be represented in person or through representatives of their choice.

22. Award.

(1) Where the complaint is not settled by agreement under clause 20, the Electricity Ombudsman

shall pass a speaking order with detailed reasoning that he thinks fair in the facts and circumstances of a claim.(2)The order shall be in writing and shall state the full details of the award to the complainant and licensee.(3)The Electricity Ombudsman shall pass an award within a period of three months from the date of receipt of the complaint.(4)A copy of the award shall be sent to the complainant and the licensee named in the complaint. A copy of the award may also be sent to the concerned forum for information.(5)The licensee shall comply with the award within the period specified in the award and shall intimate the compliance to the Electricity Ombudsman.

23. Report of Electricity Ombudsman.

(1)The Electricity Ombudsman shall send to the Commission, by 1st May every year, a report containing a general review of the activities of his office during the preceding financial year and shall furnish such information as the Commission may direct.(2)The Commission may, in the public interest, publish the report and the intimation from the Electricity Ombudsman in such consolidated form or otherwise as it deems fit.

24. Savings.

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

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 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.

26. Power to amend.

- The Commission may, at any time, add, modify, delete or amend any provision of these regulations subject to the provision of the Electricity Act, 2003. Annexure-1 Consumer Redressal Forum Complaint Format

(Please tick (☐) in the box whichever is applicable) Date:

1. Service Connection Related

(i) For new service: date of application: _____ L.T.H.T.D. Domestic Commercial Industrial Agriculture Others

(ii) For existing service

Service Connection No. _____

Replacement of Capacity Service lines Meter Problems

Meter Enhancement

Additional Load

Conversion to 3 Phase Shifting of Service

Name Transfer

Tariff Change

Billing Problems

Deficiency in Service Other Complaints

Date of representation _____

Date of payment made, if any. _____

(iii) Quality of power supply:

Low Voltage Voltage fluctuation Frequent Supply Interruption

From (Date) To (Date) From (Time) To (time)

Address of the location of the existing / proposed service connection (common to all complaints)

2. Other Complaints: -

(i) Discourtesy

(ii) Denial of requisite information

(iii) Wanton delay on account of -

Registration of application

Acceptance of payment

Fixing of meter

Effecting service connection

(iv) Demand / Acceptance of bribe

Time _____

Date _____

Licensee's Employee Against Whom Complaint Is Made

(for more than one person fill in separate form)

Name _____

Designation _____

Office Address] _____

Describe details of the complaint _____

(common to all complaints)

3. Complainant's Details.

Name and address _____

Telephone No. _____

E-mail ID _____

Signature of the Complainant.

Note:(i)Send separate sheets, if necessary, to cover details of complaint.(ii)Complainant is assured that there will be no harassment for giving this complaint.(iii)Complete postal address of the complainant is essential for taking action.For Office Use

Grievance No. Name of Data entry Operator

Date of receipt

Division

Signature