

# **The West Bengal Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers and Time and Manner of Dealing with such Grievances by the Ombudsman) Regulations, 2006**

WEST BENGAL

India

## **The West Bengal Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers and Time and Manner of Dealing with such Grievances by the Ombudsman) Regulations, 2006**

### **Rule**

### **THE-WEST-BENGAL-ELECTRICITY-REGULATORY-COMMISSION-GUIDELINES FOR ESTABLISHMENT OF FORUM FOR REDRESSAL OF GRIEVANCES OF CONSUMERS AND TIME AND MANNER OF DEALING WITH SUCH GRIEVANCES BY THE OMBUDSMAN) REGULATIONS, 2006**

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The West Bengal Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers and Time and Manner of Dealing with such Grievances by the Ombudsman) Regulations, 2006 Published vide Notification Kolkata Gazette, Extraordinary, Part 1, dated 17th January, 2006, vide Notification No. 27/WBERC, dated 17.01.2006 Notification No. 27/WBERC Dated, the 17th January, 2006 - In exercise of the powers conferred by sub-sections (5) and (7) of section 42 read with sub-section (1) and clauses (r) and (s) of sub-section (2) of section 181 of the Electricity Act, 2003 (36 of 2003) and all powers enabling on that behalf, and in supersession of Notification No. 10/WBERC dated 23.09.2003 published on October 8, 2003 in the Kolkata Gazette, Extraordinary, West Bengal Electricity Regulatory Commission (WBERC) hereby makes the following Regulations.

## **1. Short Title, Commencement and Interpretation :**

- These Regulations may be called the West Bengal Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers and Time and Manner of Dealing with such Grievances by the Ombudsman) Regulations, 2006.(i)These shall come into force on the date of the publication in the Official Gazette and shall be concurrent within the area of jurisdiction of West Bengal Electricity Regulatory Commission.(ii)The General Clauses Act, 1897 (10 of 1897) shall apply to the interpretation of these Regulations unless otherwise indicated in these Regulations or inconsistent with the provisions of the Electricity Act, 2003.

## **2. Definitions:**

- In these Regulations, unless the context otherwise requires:(a)The Act means the Electricity Act, 2003;(b)Regulation means the Regulation made under the Act;(c)Rules means the Rules made under the Act;(d)Commission means the "West Bengal Electricity Regulatory Commission" constituted under section 82 of the Electricity Act, 2003;(e)Consumer Grievance means a grievance in an appropriate written form in accordance with these Regulations by a consumer against a distribution licensee under the provisions of the Electricity Act, 2003;(f)Forum for Redressal of Consumer Grievance means 'Forum for Redressal of Grievances of Consumers' to be constituted by each distribution licensee in accordance with the provisions of the Act, read with these Regulations and called in short, Forum;(g)Words and expression used and not defined in these Regulations shall have the meanings as defined in the Act.

## **3. Constitution of Forum for Redressal of Consumer Grievances:**

-3.1- The Commission shall appoint and designate an Ombudsman for various distribution licensees separately, or one Ombudsman for any group of distribution licensees, or one Ombudsman for all the distribution licensees.3.2- Every distribution licensee shall, within 2 (two) months from the date of coming into force of the instant Regulations or date of grant of licence where licence has been granted after coming into force of the instant Regulations, whichever is later, establish a forum for redressal of consumer grievances in accordance with these Regulations.3.2- Till the forum in terms of these Regulations is established, the Grievance Redressal Officers who are already in position and are functioning in that capacity immediately before the coming in force of the instant Regulations, shall continue to act as Grievance Redressal Officers for the purpose of dealing with consumer grievances in terms of these instant Regulations.3.3- The forum shall consist of as many Grievance Redressal Officers as may be considered to be necessary at the rate of at least one such officer at each sub-district/district/region/zone and at least one Central Grievance Redressal Officer at the corporate head quarters level.3.4- The exact location of the offices of the Grievance Redressal Officers shall be decided upon by the distribution licensee keeping an eye to the factor of easy approachability of the consumers.3.5- The grievance redressal offices should be headed by appropriately high-ranking officers of the distribution licensee not below the rank of an Executive Engineer, having suitable supervisory roles in running of the organisation. At the corporate level, the office of the Central Grievance Redressal Officers should be manned by the officers not below the rank of a Superintending Engineer. If in the organisation of any distribution licensee, there is no

equivalence between the officers it decides to deploy as Grievance Redressal Officers and the foregoing general description of such officers as Executive Engineers or Superintending Engineers, the said distribution licensee may, with the prior approval of the Commission deploy officers of its selection as Grievance Redressal Officers at different levels in its organisation. At the corporate level, there may be more than one Central Grievance Redressal Officer. Irrespective of rank and status substantively enjoyed by the Central Grievance Redressal Officers at the corporate level, none of them shall function as an appellate authority of, or a superior authority to any other Central Grievance Redressal Officer at the corporate level or of Grievance Redressal Officers at the level of sub-districts, district, regions or zones. The plurality of Central Grievance Redressal Officers at the corporate level is meant to ensure quick disposal of consumers' grievances at that level through a suitable distribution of workload among different Central Grievance Redressal Officers

#### **4. Functions of the Grievance Redressal Officers:**

-4.1- The functions of the Grievance Redressal Officers at the level of sub-districts/districts/regions/zones consist of receiving petitions from consumers stating their respective grievances; acknowledging them in writing; consulting superior technical experts, if called for, holding spot inspections, if considered necessary; and/or hearing the complainants; redress such grievances within specific time limits as laid down in this set of Regulations within the framework of the Electricity Act, 2003, and the Rules and Regulations made thereunder; pass reasoned and speaking orders towards the aforesaid goal; communicate such orders to the petitioners; maintain an account of grievance petitions received, disposed of, etc., submit reports, returns, statistics as may be asked for by the corporate head quarters; and perform any other duty in relation to redressal of consumers' grievances as may be assigned to them by the higher authorities.4.2- The Central Grievance Redressal Officer(s) at the corporate head quarters will have all the responsibilities of the Grievance Redressal Officers at the sub-district/district/region/zone levels in redressing the grievances of consumers. In addition, any one of them specifically identified by the management will work as the clearing house of all consumers' grievances pertaining to that distribution licensee as a whole. In that capacity, he will be responsible for maintenance and collection of all statistics, reports, returns, etc. from all other Grievance Redressal Officers, including other Central Grievance Redressal Officers, preparation of all reports, returns, etc. in this behalf for the distribution licensee as a whole, submission of such reports, returns, etc. to the Commission and/or any other superior authority, correspond with all concerned including the Ombudsman in the matter of consumers' grievances. keep track of individual consumers' grievances that might have been forwarded to the Grievance Redressal Officers at the sub-districts/districts/regions/ zones etc. from the corporate head quarters, etc.4.3- Representation against any order of any Grievance Redressal Officer, irrespective of whether the latter is functioning at the corporate level or a district, sub-district, region or zone level, finally disposing of a consumers' grievance would lie with the Ombudsman.

#### **5. Dissemination of Information about the Forum for Redressal of Grievances:**

-5.1- A gist of the grievance redressal procedure and the names as also the official designations of the Grievance Redressal Officers and of the Ombudsman, along with their full office addresses, telephone numbers, FAX numbers, e-mail addresses, working day period, etc. should be prominently displayed along with format at Annexure-I at/ near the main entrance of the offices/sub-offices, as also at the Bill Payment Halls/Centres, website, etc. of the distribution licensee.5.2- Any change in the abovementioned particulars relating to the Grievance Redressal Officers and/or Ombudsman should lead immediately to the necessary corrections/updating of the notice board/display board mentioned above.5.3- The distribution licensee should bring to the notice of his consumers all the abovementioned particulars through an attachment to the electricity bills of all consumers at least twice a year at an interval of 6 (six) months.

## **6. Working Procedure for the Grievance Redressal Officers:**

-6.1- An aggrieved consumer may approach the Grievance Redressal Officer of his area only through a written petition, submitting in the same, as much concrete and detailed information about grievance as possible. If his grievance is the subject matter of any court case, he should furnish a copy of his plaint and indicate the status of the court case; in case, the court case has already resulted in an order, he should submit a copy of that order.6.2- On receipt of the grievance petition from a consumer, the Grievance Redressal Officer should acknowledge the same by a written communication to the aggrieved consumer acknowledging his petition within 7 (seven) working days from the date of receipt of the same. Each grievance petition should be given a consecutive number pertaining to any year (i.e., grievance No. 240 of 2005-to take an imaginary example) and the date on which this number is given and the same shall be specifically quoted in communication to the grievance petitioner.6.3- If a grievance, in the considered opinion of the Grievance Redressal Officer does not require any consultation with technical expert belonging to the organisation of the licensee, or if it does not call for any spot inspection, the Grievance Redressal Officer shall, after giving a reasonable opportunity of hearing to both parties, pass a reasoned and speaking order disposing of the grievance petition within 21 (twenty one) working days from the date of sending the acknowledgement to the petitioner.6.4- If a grievance, in the considered opinion of the Grievance Redressal Officer needs either a consultation with a technical expert belonging to the organisation of the licensee, or a spot inspection, or both, the Grievance Redressal Officer, shall, after giving a reasonable opportunity of hearing to both parties, pass a speaking and reasoned order after holding the said consultation and/or the spot inspection, within 45 (forty five) working days from the date of sending the acknowledgement to the petitioner.6.5- Each order of a Grievance Redressal Officer by which a consumer's grievance is finally disposed of shall contain the information to the effect that the consumer may approach the Ombudsman for settlement of his grievance, if he feels dissatisfied with the order of the Grievance Redressal Officer. The order should also mention the full postal address/telephone No., Fax No., e-mail address, etc. of the office of the Ombudsman.6.6- A copy of the written order passed by a Grievance Redressal Officer, certified to be a true copy, shall be given to the aggrieved consumer who had submitted a grievance petition. by the Grievance Redressal Officer within 7 (seven) working days from the date of passing of the order. In each such order of a Grievance Redressal Officer there shall be a specific mention of the arrangement of representation to the Ombudsman in case the aggrieved consumer wishes to move the Ombudsman against order of the Grievance Redressal Officer.

## **7. Jurisdiction of the Grievance Redressal Officers:**

-7.1- A Grievance Redressal Officer working at a sub-district, or a district, or a region or a zone shall have jurisdiction coterminous with his official jurisdiction. A Grievance Redressal Officer working at the corporate level will however have jurisdiction over the entire area of operation of the distribution licensee.7.2- A Grievance Redressal Officer working at a sub-district, or a district, or a region, or a zone shall entertain grievances or complaints received direct from consumers who are located within his official jurisdiction. A Central Grievance Redressal Officer(s) at the corporate level may however refer any grievance/ complaint of any consumer to any Grievance Redressal Officer at any sub-district, or district, or region, or zone whereupon the latter shall accept such referred grievance/complaint and proceed to deal with the same in the manner laid down in Regulation 6; provided that when a Central Grievance Redressal Officer(s) refers any consumers grievance(s) to a Grievance Redressal Officer working at a sub-district/district/ region/ zone level, he shall endorse a copy of his letter to the concerned consumer with the advice to contact the concerned Grievance Redressal Officer to whom his grievance has been referred. In such referred cases, the Central Grievance Redressal Officer shall remain responsible for following the case up till the grievance is finally redressed but within the time limit indicated in these Regulations. In those cases where a Central Grievance Redressal Officer refers a consumer's grievance to a Grievance Redressal Officer at sub-district/district/region/zone level, the time limit for disposal indicated in Regulation 6 above shall stand extended by 10 (ten) working days under Regulations 6.3 and 6.4 respectively.7.3- A Central Grievance Redressal Officer may himself proceed to deal with any consumer complaint, in which case, he will follow the same procedures that have been laic down for Grievance Redressal Officers working at the sub-district/district/region/zone level at Regulation 6, provided that the time limits indicated at Regulations 6.3 and 6.4 shall stand extended by 10 (ten) working days under each of these Regulations to facilitate dealing of a consumer's complaint centrally,

## **8. Representation by an Aggrieved Consumer to the Ombudsman:**

-8.1- A consumer must approach at least one Grievance Redressal Officer, or one Central Grievance Redressal Officer before he can represent his case to the Ombudsman. If a consumer is not satisfied with an order from any Grievance Redressal Officer, as aforesaid, or if he does not receive any order from the Grievance Redressal Officer to whom he has approached at the first instance seeking redressal of his grievance(s) within 60 (sixty) days from the date of lodging of his grievances, he may submit a written representation to the Ombudsman for the purpose of settlement of his grievances/complaints.8.2- Representation to the Ombudsman by an aggrieved consumer is without any prejudice to the consumer's rights to move any other authority or a court of law, or a consumers' forum for redressal of his grievances. However, if he has moved any such authority, or court of law, or a consumer's forum, he shall disclose the same with all necessary details to the Ombudsman when he files a representation to the latter.8.3- The representation should be filed in the format prescribed for this purpose at annexure-l. The form may be copied and used by any consumer for the purpose of filing a representation to the Ombudsman. No fees are payable to any one including the Ombudsman for filing a representation.

## **9. Working Procedure of the Ombudsman:**

-9.1- A representation to the Ombudsman should normally be filed within 30 (thirty) working days from the date of passing of an order by a Grievance Redressal Officer, or within 60 (sixty) working days from the date of lodging of a complaint/grievance to a Grievance Redressal Officer, where no order from the latter is received within 45 (forty five) days from the date of lodging of the complaint/grievance. The Ombudsman however may, at his discretion, accept representations even after the aforesaid time limits.9.2- The Ombudsman shall accept any grievance petition/complaint which the Commission may transfer to the Ombudsman in exercise of its powers under section 97 of the Electricity Act, 2003, for disposal by passing an order, after giving a reasonable opportunity of hearing to both parties.9.3- On receipt of a grievance petition/complaint either direct from an aggrieved consumer or from the Commission, the Ombudsman shall acknowledge the same to the aggrieved consumer within 10 (ten) working days from the date of receipt of the grievance petition/complaint.9.4- The Ombudsman shall call for a report with all the relevant details from the concerned distribution licensee on sending to the latter, a copy of the grievance petition/complaint, under intimation to the aggrieved consumer. The Ombudsman shall fix a time limit, the length of which will be decided upon by the Ombudsman, by which the distribution licensee should submit the report. The distribution licensee should be asked to send a copy of the report to the aggrieved consumer/complainant.9.5- After perusal of the available records in the form of the grievance petition along with its enclosures, if any, and the report of the distribution licensee with its enclosures, if any, the Ombudsman shall pass a reasoned and speaking settlement order in writing within a reasonable time, after giving a reasonable opportunity of hearing to both parties.9.6- Copies of the order/settlement order of the Ombudsman, certified to be true copies, shall be supplied to the aggrieved consumer/ complainant and the licensee free of cost.

## **10. Compliance of the Orders/Settlement Orders of the Ombudsman:**

-10.1- The distribution licensee shall comply with the orders/settlement orders of the Ombudsman within 30 (thirty) days from the date of issue of the order(s)/settlement order(s) and shall submit a report of compliance to the Ombudsman within another 15 (fifteen) days thereafter. In case of delay in complying, the licensee shall seek permission of Ombudsman before expiry of 30 days.

## **11. Appeal against Orders of the Ombudsman:**

-11.1- Only such orders of the Ombudsman which are passed by the Ombudsman while disposing of grievance petitions/complaints that are received by him from the Commission in terms of Regulation 9.2 above are appealable. Appeals in such cases shall follow the same procedures that are applicable to appeal against any order of the Commission itself.

## **12. General Power to amend:**

-12.1- The Commission may at any time, at its sole discretion, vary, alter, modify, add or amend any provision of these Regulations.

### **13. Removal of difficulties:**

-13.1- If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, on reasons to be recorded in writing, direct a distribution licensee or a consumer, by a general or a special order to take suitable action, not inconsistent with the provisions of the Act, as may appear to be necessary, for removing the difficulty.13.2- Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Commission to make such orders as may be necessary for meeting the ends of justice or prevent the abuse of the process of the Commission.

### **14. Repeal:**

-14.1- The West Bengal Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumer and Ombudsman) Regulation, 2003 issued under Notification No. 10/VVBERC dated 23rd September, 2003, published in the Kolkata Gazette, Extraordinary on 8th October, 2003 is hereby repealed. Notwithstanding such repeal, anything done or any action already taken under the repealed regulation. shall in so far as it is not inconsistent with this Regulation be deemed to have been done or taken under the corresponding provisions of this Regulation. Annexure - I Format for Filing Representation to the Ombudsman (See Regulation 8.3) To The Ombudsman, West Bengal Electricity Regulatory Commission, Centre for Excellence, Plot No. X-1, 2 & 3, Block-EP, Sector-V, Salt Lake City, Kolkata 700 091 Subject : Representation against an order of the Grievance Redressal Officer of ...../Representation when the Grievance Redressal Officer has not passed any order on a grievance petition of the aggrieved consumer. Consumer's Service Connection No. ....Category.....; Location of Connection.....; Name of Distribution Licensee.....; Consumer grievance No. with date given by the Grievance Redressal Officer.....Sir, [In this space please state the grievance in brief but please provide all relevant details] Certified that the above information is complete and correct and nothing material has been omitted which will have effect on the case. I have filed/not filed any case pertaining to similar complaint in any Court of Law or under the provisions of the Electricity Act with any other Authority. (If any case/complaint has been filed, please enclose a copy of the plaint, a copy of any order received from any Court of Law, etc.). Yours faithfully, (Signature with date) Complainant's Name.....Contact No./Telephone No (if any).....Postal Address: .....Encl: (a) Copy of the grievance petition submitted to the Grievance Redressal Officer. (b) Copy of Order, if any, passed by Grievance Redressal Officer. (c) Copy of any other relevant document in support (Please specify). By order of the Commission Place: Kolkata Date: 17.01.2006 (K. L. Biswas) Secretary of the Commission