

The U.P. Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2007

UTTAR PRADESH

India

The U.P. Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2007

Rule

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The U.P. Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2007 Published Vide Notification No. UPERC/Secy/Regulation/07/1259, dated 04.10.2007, published in the U.P. Gazette, Extraordinary, dated 04.10.2007. In exercise of the powers conferred on it by Section 181 read with sub-sections (5) to (8) of Section 42 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling in this behalf, the Uttar Pradesh Electricity Regulatory Commission hereby makes the following regulations, namely :-

1. Short title, commencement and interpretation :

- 1.1 These regulations may be called the "U.P. Electricity Regulatory Commission (Consumer Grievance REDressal Forum and Electricity Ombudsman) Regulations, 2007". 1.2 These regulations shall extend to the whole of the State of Uttar Pradesh and shall apply on the Distribution Licensees engaged in the business of distribution and supply of electricity in the State. 1.3 These regulations shall come into force from the appointed date. 1.4 These regulations shall be read with the relevant provisions of the U.P. Electricity Reforms Act, 1999 to the extent they are not inconsistent with the provisions of the Electricity Act, 2003. 1.5 The Uttar Pradesh General Clauses Act, 1904 shall apply to the interpretation of these regulations. 1.6 In case of conflict between English and Hindi version of these regulations, the English version shall prevail.

2. Definitions :

- 2.1 In these regulations, unless the context otherwise requires -(a)"Applicable Legal Framework" means the provisions of Uttar Pradesh Electricity Reforms Act, 1999 to the extent they are not inconsistent with the provisions of the Electricity Act, 2003, read with the applicable provisions of the Electricity Act, 2003;(b)"Appointed Date" means the date of notification of these regulations in the Gazette;(c)"Commission" means the Uttar Pradesh Electricity Regulatory Commission;(d)"Complainant" means -(i)a consumer or more than one consumer having shared interest in the grievance or authorized representative of such consumer(s); or(ii)any voluntary consumer association registered under the Companies Act, 1956 (I of 1956) or under any other law for the time being in force;(iii)a person who has completed all procedural requirement for obtaining a connection but the sanction has not been accorded by the Distribution Licensee within the time frame specified by the Commission in the Electricity Supply Code.(e)"Complaint" means any allegation in writing made by a complainant or his authorized representative regarding any consumer grievance arising in relation to -(i)any defect or deficiency in electricity supply or service by a licensee, including non-conformity with the applicable performance standards specified in the Electricity Supply Code;(ii)billing including charging for the electricity supplied or services mentioned in the complaint, a price in excess of the price fixed by the Commission in tariff order or otherwise;(iii)offering electricity services, to the public which will be hazardous to life and safety when availed, in contravention of the provisions of the Act, rules made thereunder, Electricity Supply Code or any other law;(iv)violation of any provision of the Act, the rules or regulations made thereunder or license requiring the licensee to display the information in regard to the manner or effect of use of the electrical services.(v)breach of any obligation, made under the Act, the Electricity Supply Code, tariff order, provisions relating to safety and electricity supply, meter, disconnection, realization of dues, by the licensee which adversely affects any consumer or which the Forum may consider appropriate to be treated as a complaint..(f)"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 the Act or any other law' for 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, Government or any other person, as the case may be;(g)"Distribution Licensee" means a licensee authorized to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply;(h)"Defect" means any fault, imperfection or shortcoming in the quality, quantity 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, by the Distribution Licensee in any manner whatsoever in relation to electricity service;(i)"Deficiency" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance 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 under the Electricity Supply Code or otherwise in relation to electricity service or performance standard as specified by the Commission; that is interruption, failure of power supply, voltage complaints, metering problems including meter shifting, charges/payments (billing problems); disconnection/reconnection of power supply to the consumer, new connections/extensions in load, notice of supply interruptions, contraventions of Act, rules or regulations made thereunder with regard to consumer interest;(j)"Electricity Service" means supply,

billing, metering & maintenance of electrical energy to the consumer and all other attendant services;(k)"Electricity Supply Code" means the U.P. Electricity Supply Code as notified by the Commission from time to time;(l)"Electricity Ombudsman" means an authority appointed or designated by the Commission, under sub-Section (6) of Section 42 of the Electricity Act, 2003 and the regulations notified in that regard;(m)"Forum" means 'Consumer Grievance Redressal Forum' constituted by each Distribution Licensee pursuant to Section 42(5) of the Electricity Act, 2003 and these regulations;(n)"Grievance" in relation to the consumer means failure of the Distribution Licensee to provide the specified or agreed electricity service, giving rise to a complaint.2.2 Words and expressions used and not defined in these regulations but defined in the applicable legal framework or the Consumer Protection Act, 1986 shall have the meanings respectively assigned to them in the said enactment.

3. Constitution of Consumer Grievance Redressal Forum etc.

- 3.1 (i) Every Distribution Licensee shall, within three months from the appointed date, establish and make operational a Forum in accordance with these regulations at following locations:(1)Agra Dcom; Kanpur Agra, Jhansi and Chitrakoot;(2)Meerutiscom; Meert, Moradabad and Saharanpur;(3)Luckno Discom; Luknow, Bareilly, Faizabad and Devipatan (Gonda);(4)Varana Discom; Vaanasi, Allahabad, Gorakhpur, Azamgarh, Mirzapur and Basti;(5)KESCO;anpur;(6)NPCL; eater Noida/p>Provided tt in case o more than one Distribution Licensee in an area, the location of the Forum for each subsequent Distribution Licensee shall be the area of supply.(ii)n the establishment of Forum under these regulations, the Distribution Licensee and the Chairperson of the Forum shall notify, by wide publicity in at least one English and one Hindi Newspaper and display on the notice boards of the Distribution Licensee and of the erstwhile and new' Forums, the establishment of the particular new Forum under these regulations along with the following information:(i)Dte on which new Forum has started functioning;(ii)ddress of the Forum;(iii)Names of the Chairperson and the Members;3.2(i)Ea Forum shal comprise -(a)Judicial MemberChairperson(b)Technical MemberMember(c)Officer of the LicenseeMember(ii)udicial Member shall be a Judicial Officer who held the post not below the rank of Additional District Judge and who has attained the age of 60 years and shall hold office for a period of three years or up to the age of 65 years, whichever be earlier.(iii)Technical Member shall be a person who -(a)hlds a degree in Electrical or Mechanical Engineering;(b)hs at least 10 years experience in electricity distribution;(c)hld a post not below the rank of a Deputy General Manager/Superintending Engineer or an equivalent Post in any Government Department or Government undertaking or a private company;(d)preferably has experience in regulatory affairs; and has attained the age of 58 years;(e)sall hold office of the Forum for a period of three years or up to age of 65 years, whichever is earlier.(iv)fficer of the Distribution Licensee shall be a person who -(a)hlds a degree in Electrical or Mechanical Engineering;(b)hs at least 7 years experience in electricity distribution;(c)hld a post not below the rank of a Executive Engineer or an equivalent post in the establishment of the Distribution Licensee;(v)Oficer of licensee shall exclusively function as Member of the Forum.(vi)o act or proceeding of the Forum shall be invalid merely on the ground of existence of any vacancy or defect in constitution of the Forum.(vii)The Chairperson and Members shall be persons of ability, integrity and standing.3.3(i)ThCommission,in case of Chairperson, and the Distribution Licensee, in case of Technical Member shall invite applications for appointment on the posts in the Forum

through public advertisement.(ii) In case of occurrence of vacancy in the post of the Chairperson or Technical Member by reason of death, resignation, removal or completion of the tenure, the Commission in the case of Chairperson and the Distribution Licensee, in the case of the Technical Member shall invite application, through public advertisement and complete the selection within one month of the occurrence of vacancy and in case of superannuation or end of tenure, the Commission or the Distribution Licensee shall do so within three months before the date of superannuation or end of the tenure, as the case may be.(iii) The Distribution Licensee shall submit within 15 days of completing selection procedure, to the Commission a panel of two eligible persons for the post of Technical Member and shall appoint the person approved by the Commission with effect from the date to be indicated by the Commission.(iv) Along with the panel of names for the post of Technical Member the Distribution Licensee shall also inform the Commission of the compliance of the provisions contained in Regulations 3.10, 3.13 and 3.14 and 4.0.(v) The Commission shall convey the appointment of Chairperson to the Distribution Licensee.3.4 The Forums established under these regulations shall entertain complaints of the consumers/complainants, who are supplied electricity by the concerned Distribution Licensee within the area of respective Commissioner's division (known by the name of the said locations), and in case of KESCO and NPCL, such area shall mean their areas of license.3.5(1) The existing Forums shall continue to dispose of the matters before them under these regulations until new Forums are established by the Commission under Regulation 3.1.(2) With effect from the date of the establishment of the Forums under these regulations-(a) all complaints shall be filed before such Forums;(b) the existing Forums shall cease to receive complaints but may continue to function for not more than one month from the date of establishment of the Forums under these regulations only for the purpose of transferring the records to the new Forum and thereafter cease to function and accordingly, the service of the Members and the other staff of existing Forums shall also cease.3.6 The Distribution Licensee shall ensure the transfer of records of the cases decided or pending in the erstwhile Forums to the concerned Forums established under these regulations, along with the comprehensive list, within one month of the establishment of the Forums, with notice to the concerned parties of such transfer of cases.3.7 The Forum shall function independent of the Licensee.3.8 The Chairperson of the Forum shall be the Chief Executive of the Forum.3.9 The Distribution Licensee shall appoint/designate one engineer officer as full time Secretary to the Forum, who will join immediately on the date of establishment of the Forum and shall work under the control and supervision of the Chairperson.3.10 Where the Chairperson is unable to discharge the functions, owing to absence, illness or any other cause, Technical Member shall discharge the functions of Chairperson.3.11(i) The Chairperson shall be entitled to a consolidated salary, of Rs 25,000 per month, or such salary as may be revised by the Commission from time to time;(ii) The Technical Member shall be entitled to a consolidated salary of Rs 20,000 per month, or such salary as may be revised by the Commission from time to time;(iii) The Officer of the Licensee, appointed as Member, shall continue to draw the same salary and other benefits from the concerned Distribution Licensee as he would have been entitled to had he not been appointed in the Forum.(iv) In case of official journey, the allowance, as admissible to the Chief Engineer or equivalent rank officer of the Distribution Licensee, shall be admissible to the members of the Forum.3.12 The salary, allowances, secretarial support, office accommodation and infrastructure facilities for establishing the office and other facilities required for efficient functioning of the Forum shall be provided by the concerned Distribution Licensee and the expenditure so involved shall be allowed in the tariff.3.13 The Distribution Licensee shall provide the

following staff immediately on the establishment of the Forum -(a) Personal Assistants - three, (b) Office Assistants - two, (c) Peons - three, (d) Sweeper/farrash - one : Provided that if the full strength of staff has not been provided by the Licensee with the establishment of the Forum, the Chairperson may engage the staff on contract after 15 days of notice to the Distribution Licensee on the following monthly salary, for such period, as may be considered necessary' subject to revision by the Commission by an Order: Personal Assistant Rs 7000 Clerk Rs 5500 Peon Rs 3000 Sweeper/Farrash Rs 2500.3.14 The Forum shall necessarily obtain an e-mail address and a post box number etc. to facilitate easy registration of complaints by consumers.3.15 The Chairperson or the Technical Member may relinquish their office by giving three months notice in writing to the Commission or Distribution Licensee as the case may be : Provided that, in the case of Technical Member, the copy of the resignation shall also be sent to the Commission forthwith.3.16 The Chairperson may be removed by the Commission and any Member may be removed by the Distribution Licensee with the approval of the Commission, if the Chairperson or any Member has been adjudged insolvent or is guilty of misconduct (which includes non-compliance with the provisions of these regulations and directions of the Commission), or has been convicted of an offence involving moral turpitude or has become physically or mentally incapable for discharge of his function or has been found to have acquired financial interest affecting prejudicially his function : Provided that Chairperson or any Member of the Forum shall not be removed, until an enquiry' conducted by' a Member of the Commission establishes to the satisfaction of the Commission that it has become necessary in the interest of justice to remove the Chairperson or Member of the Forum.3.17 The constitution of Forums, under these regulations, and compliance of the various provisions thereof shall be deemed to be a condition of the license and non-compliance shall be dealt with in accordance with the provisions of the Electricity Act, 2003.

4. Place of sitting and office hours of Forum:

- 4.1 Forum shall have an office at an accommodation to be provided and notified by the Distribution Licensee, and shall function six days a week from 10 a.m. to 5 p.m. and observe holidays as observed by the State Government.4.2 The meetings of the Forum may be held at any other place within the jurisdiction of the said Forum as may be decided by the Chairperson.

5. Jurisdiction of the Forum:

- 5.1 The Forum shall not entertain a complaint, if it pertains to matters mentioned in Sections 126, 127, 128, 135 to 139, 143, 152 and 161 of the Electricity Act, 2003.5.2 The Forum shall have the jurisdiction to take up complaints, except those under Regulation 5.1, on an application before it or suo moto if it considers appropriate in the interest of justice.5.3 The Forum shall not entertain a complaint if it pertains to the same subject matter for which any proceedings before any court, authority or any other Forum is pending or a decree award or a final order has already been passed by any competent court, authority or Forum.

6. Procedure before the Forum:

- 6.1 The designated staff of the Forum shall -(i) receive complaints and issue acknowledgement; (ii) maintain records; (iii) post the matter/complaints for hearing as per direction of the Forum; (iv) function as decided by the Forum. 6.2 Every complaint to the Forum must be submitted in writing and shall contain the following particulars :- (i) Name of the individual or the organization, postal address, service connection number, tariff category, telephone number, fax number and the E-mail address (if any) of the complainant; (ii) Name of the Distribution Licensee and its office to which complaint pertains; (iii) Full facts of the matter supported by self-attested copies of relevant documents; (iv) The relief prayed for; (v) A statement that the matter is not pending before any court, authority or Forum; (vi) Copy of response, if any, or order of the licensee; and (vii) Any other matter considered relevant. 6.3 Complaint shall be accompanied by fees of Rs 50 through Indian postal order or demand draft or banker's cheque payable to Forum or any other instrument specified by the Forum. 6.4 The Forum shall determine the admissibility of the complaint not later than seven working days from the date of receipt of the complaint. No complaint shall be rejected unless an opportunity of hearing is provided to the complainant except matters related to Regulation 5.1.

6. 5 After mission, the Forum shall proceed to adjudicate upon the complaint in the manner provided in these regulations.

6.6 The Forum shall cause a copy of the complaint served on the concerned Distribution Licensee directing it to submit, in writing, its reply with a copy of such reply directly to the complainant within two weeks or such extended period, not exceeding three weeks, as may be granted by the Forum. The complainant shall file a counter reply, if any, to the reply of the Distribution Licensee within next one week with a copy to such licensee. 6.7 If the Distribution Licensee fails to respond within the time given by the Forum or fails to appear before the Forum through an authorized representative, the Forum may proceed to hear and dispose of the matter ex parte on the basis of the documents and any other evidence on record or pass such order as may be considered proper in the interest of justice. 6.8 If the complainant does not appear on the date of hearing before the Forum, the Forum may dispose it of on the basis of the documents on record or pass such order as may be considered proper in the interest of justice. 6.9 (i) Every complaint shall be heard as expeditiously as possible. The Forum shall adjudicate upon a complaint by a speaking order at the earliest but preferably within three months from the date of receipt of complaint by the Forum. (ii) In the event of complaint being not disposed of within the period, the Forum shall record in writing reasons for the same. In such cases, the complainant may also approach the Ombudsman. 6.10 (i) The Forum may pass such interim orders, as it may consider necessary, pending final disposal of the complaint: Provided that, save in exceptional circumstances, the interim relief shall not be allowed for a period of more than three months: Provided further that in case of dispute in regard to bill, the interim relief shall not be granted unless the complainant deposits with the authority/office/officer, with whom the amount has to be deposited, an amount at the following rates or at such rates as may be revised by the Commission by an Order: (a) Rs 1000 per KW for sanctioned loads up to 5 KW, (b) Rs 5000 plus Rs 2000 per KW for each additional KW of sanctioned load above 5 KW to 25 KW, and (c) Rs 45,000 plus Rs 2500 per KW for each additional KW of sanctioned load above 25 KW; or an amount to the extent of fifty per cent of the impugned demand, whichever is less: Provided also that the application seeking

interim relief shall be disposed of within three working days after receipt of the complaint. (ii) the supply of the consumer shall not be disconnected and, if disconnected, shall be reconnected within 24 hours if he has deposited the amount directed by the Forum. 6.11 The Forum shall not grant more than one adjournment unless sufficient cause is shown and the reasons for grant of adjournment shall be recorded in writing by the Forum. In such case, the party seeking adjournment shall pay other party a sum of Rs. 100 as compensation for the hardship caused due to adjournment of the case.

7. Decision of the Forum:

- 7.1 (a) The decisions of the Forum shall be - (i) in writing; (ii) supported by reasons, and (iii) by majority of votes. (b) Two members shall constitute the quorum and when there is a difference of opinion between such two members, the, (i) Chairman in case he is one of the Members, (ii) Technical Member, where the Chairperson is not one of the two members, shall have a casting vote : Provided that one Member shall constitute the quorum during initial one year from the appointed date. (c) The order of the Forum shall be communicated to the complainant and Distribution Licensee in writing within 7 days. The licensee shall comply with the decision of the Forum within 30 days of the receipt of the order. 7.2 The Forum may also decide any complaint in terms of settlement reached between the parties at any stage of the proceedings before it and in such case, there shall be no right of representation before the Ombudsman against such order of the Forum. 7.3 The Forum may, subject to the regulations made by the Commission in this regard, award such compensation to the complainants, as it may consider just and appropriate in the circumstances of the case. 7.4 The Forum shall not be bound to follow the procedure prescribed in the Civil Procedure Code, 1908 (Act 5 of 1908). 7.5 If, after the proceedings conducted under these regulations, the Forum finds that any of the allegations contained in the complaint are correct, it shall issue an order to the Distribution Licensee directing it to do one or more of the following things, namely - (i) return/make adjustment to the complainant of the undue/excess charges paid by the consumer; (ii) remove the defects/deficiencies in the services in question; (iii) not to offer and/or withdraw hazardous electrical services; and (iv) pass any other order deemed appropriate in the facts and circumstances of the case. 7.6 Subject to the right of the representation before the Electricity Ombudsman appointed/designated by the Commission under Section 42 of the Act, 2003, the Orders of the Forum shall be final and binding on the consumer and the Distribution Licensee. 7.7 Any person may obtain copy of the orders of the forum on payment per page.

8. Representation before Electricity Ombudsman :

- 8.1 (i) Any consumer aggrieved by the order made by the Forum or where the Forum has failed to redress the grievance within the specified period or Distribution Licensee is aggrieved by the order of the Forum, may prefer representation to the 'Electricity Ombudsman'. (ii) The representation may be made by the consumer or by his authorized representative or by the Distribution Licensee within 30 days of the order. (iii) The representation shall be in writing, signed by the consumer or his authorized representative or as the case may be, by the authorized officer of the Distribution Licensee, shall be accompanied by the copy of the order of the Forum, where an order has been passed, and shall state - (a) Name and address of the consumer, (b) Name and address of the

Distribution Licensee, (c) Name and address of the Forum, (d) Facts giving rise to representation; (e) Relief sought, (f) Any other relevant fact. 8.2 No representation shall lie to Electricity Ombudsman unless- (a) the consumer has made a written representation to the Forum in prescribed manner and the Forum has either rejected the representation or has failed to dispose of it within specified time; (b) the consumer or the Distribution Licensee is aggrieved by the decision of the Forum; (c) the representation is in respect of the matter, which has not been already settled by the Electricity Ombudsman or by any Court, Tribunal or any other competent authority; (d) the representation relates to a matter which is not pending in any Court, Tribunal, Arbitrator or any other competent authority. 8.3 'Electricity Ombudsman' may, for reason to be recorded, entertain a representation after the expiry of the specified period, if it is satisfied that there was sufficient cause for not filing the same within that period. 8.4 'Electricity Ombudsman' shall not entertain a representation from any consumer, who is required to pay an amount to any authority/office/officer of the concerned Distribution Licensee as specified by the Forum in the final order, until the complainant has deposited, in compliance with such order of the Forum, thirty-three per cent of such amount inclusive of any amount already paid to such authority/office/officer in pursuance to an interim order of the Forum, if any.

9. Location of office, Secretariat and headquarters of Electricity Ombudsman:

- 9.1 The office(s) of the Electricity Ombudsman(s) will be located at Lucknow and at such place(s) as may be specified by the Commission by an order: Provided that the Electricity Ombudsman shall hold hearing at any other place within the area of his jurisdiction, if he considers it to be proper and necessary for speedy disposal of representation. 9.2 The office of the Electricity Ombudsman shall function five days a week from 9:30 a.m. to 6:00 p.m. and observe holidays as observed by the State Government. 9.3 (i) The Electricity Ombudsman shall be provided with a Secretariat comprising personnel as shown in the Table :

Name of the Post Staff	Strength	Pay Scale
Assistant Director (Technical)	1	8000-275-13500
Assistant Director (Law)	1	8000-275-13500
Personal Secretary Grade-II	2	5500-175-9000
Cashier/Accountant	1	5000-150-8000
Clerk-cum-Computer Operator	1	4500-100-7000
Receptionist	1	4000-100-6000
Peon	2	2550-55-2660-60-3200
Farrash	1	2550-55-2660-60-3200

All terms and conditions of service of the above staff shall be governed by UPERC (Recruitment, Control and Service Conditions of Staff) Regulations, 2004. (ii) The staff may be taken on deputation from State Government/Central Government/Government Undertakings or public utilities. The rank Assistant Engineer of UPPCL shall be considered equivalent to Assistant Director for the purpose of deputation. (iii) Expenses on this account shall be included in the Commission's budget. 9.4 Notwithstanding anything contained in Regulation 9.3, the Commission may appoint the

staff directly, subject to the approval of the State Government, in accordance with UPERC (Recruitment, Control and Service Conditions of the Staff) Regulations, 2004 as amended from time to time :Provided that, pending the approval of the staff by the State Government, officers/staff may be taken, on the direction of the Commission, from the Distribution Licensees and deployed in the Office of the Electricity Ombudsman and the salary of such staff shall continue to be borne by the concerned Distribution Licensee :Provided further that pending approval of the Government and failure of Licensee to provide required staff within 15 days; the Electricity Ombudsman may with the approval of the Commission engage the staff on contract on monthly consolidated salary as per provisions of UPERC (Recruitment, Control and Service Conditions of the Staff) Regulations, 2004 as amended from time to time.

10. Powers of the Ombudsman:

- 10.1 (i) The Electricity Ombudsman shall be the Chief Executive of his Office.(ii)The Electricity Ombudsman may issue such directions as may be considered necessary for discharge of functions by the Forum under these regulations.10.2(i)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 and shall exercise the powers of expenditure within the budget approved by the Commission. The annual accounts of the Office of the Ombudsman shall be maintained in such manner and format as may be specified by the Commission.(ii)The Accounts of the Ombudsman shall be audited by the Comptroller and Auditor-General of India at the time, the Accounts of the Commission is audited.10.3Subject to the provisions of these regulations, the Electricity Ombudsman shall specify the procedure to be adopted for issue of notices, calling attendance, examination on oath, receipt of evidence and requisitioning of records and may also specify the form and manner in which a representation is to be submitted before him.10.4The 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.

11. Duties of the Ombudsman:

- (i) The Electricity Ombudsman shall -(a)settle the grievance of the consumer who is aggrieved by non-redressal of his grievances by Consumer Grievances Redressal Forum on a representation made by such consumer within thirty days of the receipt thereof:Provided th an Electricity Ombudsman shall not hear any matter, which pertains to matters mentioned in Regulation 5.1.(b)recive representations against the order of the Consumer Grievance Redressal Forum and consider such complaints and facilitate to his satisfaction or settlement by agreement, through conciliation and mediation between a licensee and the aggrieved parties or by passing an award after hearing the parties in accordance with the Electricity Act, 2003, provisions of U.P. Electricity Reforms Act, 1999 not being inconsistent with Electricity Act, 2003, rules or regulations made thereunder particularly

tariff orders, and Electricity Supply Code.(c)settle the grievance of the consumer ordinarily within three months.(d)deala with any other matter referred by the Commission.(ii)Th Electricity Ombudsman may, after hearing the Forum or other interested parties, if any, from time to time, issue such orders, instructions or direction to any forum for the performance of its function under these regulation as may be deemed fit.

12. Proceedings before the Electricity Ombudsman :

- 12.1 The Electricity Ombudsman -(i)maycall for records relating to the representation from the concerned Forum and the concerned Forum shall send the entire records within 7 days from the date of receipt of such notice to the office of the Electricity Ombudsman;(ii)ma determine the manner, the place, the date and the time of the hearing of the matter, as considered appropriate;(iii)sall hear the parties and may direct the parties to submit written submissions in the matter;(iv)ma pass interim order as deemed necessary;(v)shal pass a reasoned order for all his findings and award;(vi)shll pass an award as early as possible, preferably within three months from the date of receipt of the representation and where there is delay in disposal of a representation within the said period of three months, shall record reasons of such delay;,(vii)sall send a copy of the orders to the parties.12.2The Eltricity Ombusman 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)nt being pursued by the consumer with reasonable diligence.12.3The desion of the lectricity Ombudsman with regard to Regulation 12.2 shall be final and binding on the Consumer and the Distribution Licensee.12.4The Eltricity Ombusman may endeavour to promote a settlement of the representation/complaint received through conciliation or mediation. To promote such a settlement, the Electricity Ombudsman may follow such procedures as he may consider appropriate in the interest of justice and he shall not be bound by any rule of evidence or procedure.12.5If a rresentation s not settled by agreement within a period of one month from the date of its receipt or such further period as the Electricity Ombudsman may consider necessary', he may dispose of representation after affording the parties reasonable opportunity to present their case.12.6The orr passed by he Electricity Ombudsman shall set out-(i)issewise decision;(ii)resons for passing the order; and(iii)directions, if any, to the Distribution Licensee/consumer.12.7A copyf the order hall be sent to the Consumer and the Distribution Licensee named in the representation.12.8The coumer or the istribution Licensee, aggrieved of the decision of the Ombudsman, may approach any Court or Tribunal having jurisdiction to, decide such grievance.

13. Power of Electricity Ombudsman arid Forum to Call Information:

- 13.1 In any proceedings, the Electricity Ombudsman or Consumer Forum may -(i)sumon and enforce the attendance of any person, who appears to be relevant for the proper disposal of the complaint or, as the case may be, the representation and examine him on oath;(ii)dict the Distribution Licensee or the consumer to furnish any information or produce any other document or record;(iii)rquire evidence on affidavits.13.2If theistribution icensee or the consumer does not comply with the direction given under Regulation 13.1, without sufficient cause, the Ombudsman or the Forum may draw' adverse reference.

14. Compliance with the Orders:

- 14.1 In case, a Distribution Licensee fails to comply with the orders of the Forum or, as the case may be, of the Electricity Ombudsman, within 30 days of the order or within such time as may be granted, the Electricity Ombudsman may within thirty days of the date of the application of the consumer and, after giving opportunity to the Distribution Licensee, -(a) issue necessary direction to ensure compliance of the order; or (b) refer the matter to the Commission for appropriate order under Section 142 of the Act. 14.2 Notwithstanding anything contained in these regulations, where the Distribution Licensee fails to comply with the directions or orders of the -(i) Electricity Ombudsman, within the time specified by him; (ii) Forum passed under Regulation 6.10(ii) The consumer may approach the Commission directly by way of a complaint under Section 142 of the Electricity Act, 2003 for appropriate orders. 14.3 On receiving reference from the Ombudsman or a complaint directly from the consumer, the Commission shall pass appropriate order under Section 142 of the Act, -(a) after hearing the parties, and (b) if considered necessary, after obtaining report from the Ombudsman.

15. Report by Forum and Electricity Ombudsman and Meetings:

- 15.1 (i) The Forum and Electricity Ombudsman shall prepare a report on a six monthly basis giving details of the nature of the grievances of the consumers dealt, the response of the licensee in the redressal of the grievances and their opinion on the licensee's compliance of the standards of performance as specified by the Commission under Section 57 of the Act during the preceding six months. (ii) The report under 15.1(7) above shall be forwarded to the Commission and the State Government within 45 days after the end of the relevant period of six months; 15.2 The Commission may hold meeting with the Electricity Ombudsman and with the Chairperson and/or Members of the Forum as and when the Commission considers it appropriate.

16. Duty to Notify:

- The Forum, Electricity Ombudsman and Distribution Licensee shall notify and bring to the notice of the consumers, by wide publicity in TV, Newspapers, Display on notice boards, website and other means -(i) (a) name of Chairperson and Member of the Forum, (b) office address, e-mail address and working hours of the Forum, (ii) (a) name of the Electricity Ombudsman, (b) office address and working hours of the Electricity Ombudsman, (iii) such other details as considered proper in the interest of the consumers.

17. Savings:

- 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 the Consumer Protection Act, 1986.

18. Power to remove difficulty:

- If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, on its own motion or on the matter being brought before it by any person, the Distribution Licensee or a group or association of consumers, issue such general or special order, not inconsistent with the provisions of the Electricity Act, 2003, as it may consider necessary or expedient for the purpose of removing the difficulty'.

19. General:

- 19.1 Unless otherwise agreed by parties, where the order is for the payment of money -(a) to the Distribution Licensee, the Forum or Electricity Ombudsman shall include in the sum for which the order is made a surcharge at such rate as applicable on the whole or any part of the money, for the whole or any part of period between the date on which the cause of action arose and the date on which order is made; (b) to the complainant, the Forum or the Electricity Ombudsman shall include in the sum for which the order is made an interest at the rate of sixteen per cent per annum compounded every six months on the whole or any part of the money, for the whole or any part of period between the date on which the cause of action arose to the date on which order is made. (c) a sum directed to be paid by the Forum or the Electricity Ombudsman after providing at (a) and (b) above, if not paid/adjusted within Fifteen days, shall carry interest at the rate of sixteen per cent per annum compounded every six months from the date of order to the date of payment. 19.2 (i) The Distribution Licensee or the complainant shall comply with the order passed by the Forum or the Electricity Ombudsman within time specified in these regulations or as may be directed by the Forum or the Electricity Ombudsman. (ii) In case the order is for payment of money -(a) by the complainant, the complainant may at his option make payment which shall not be refused by distribution licensee for want of a revised bill or the distribution licensee shall issue a revised bill for such an amount which shall be paid by the complainant within fifteen days failing which interest at the rate of sixteen per cent compounded half yearly shall be charged on such amount without prejudice to the right of the distribution licensee to disconnect the supply after giving another fifteen days clear notice to complainant on expiry of such initial fifteen days in addition to recover dues under applicable legal framework. Any payment made after initial fifteen days of the revised bill shall continue to attract interest at the rate of sixteen per cent compounded half yearly in spite of disconnection together with any expense incurred by him in cutting or reconnection of the supply. (b) by the distribution licensee and he neglects to adjust money by revising bill or make payment of money within fifteen days of the order, the distribution licensee shall pay interest at the rate of sixteen per cent compounded half yearly for such period during which default continues. 19.3 The Commission may from time to time issue such order or instruction or direction, as it considers necessary, to the Forum and the Electricity Ombudsman for discharge of their functions under these regulations. 19.4 The Commission may, by order, provide for or clarify any matter on which no provision is made in these regulations or the provision made is insufficient. 19.5 The Forum and Electricity Ombudsman shall exercise such other functions as the Commission may, by order, specify from time to time. 19.6 Members of the Forum, the Secretary and the staff thereof, the Electricity Ombudsman and the staff thereof, when purporting to Act under any provision of the Electricity Act, 2003 or under any provision of these regulations or directions or orders issued thereunder, shall be

The U.P. Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2007 deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 and Section 2 of the Prevention of Corruption Act, 1988.

20. Procedure and Compliance with principles of natural justice:

- Subject to provisions of these regulations, the Forum and the Electricity Ombudsman shall be guided by the principles of natural justice and shall have powers to regulate their own procedure not inconsistent with these regulations.

21. Power to amend:

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

22. Treatment of Expenses:

- All reasonable costs incurred by the Distribution Licensee on the establishment and running of the Forum, shall be a pass through in the Annual Revenue Requirements filed by the Distribution Licensee after deducting the amount of fees collected by the Distribution Licensee under these regulations

23. Repeal:

- The UPERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2003 shall stand repealed with effect from the appointed date.