

Andhra Pradesh Electricity Regulatory Commission (Establishment of Forum and Ombudsman for Redressal of Grievances of the Consumers) Regulations, 2003

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-ELECTRICITY-REGULATORY-COMMISSION-ESTABLISHMENT-OF-FORUM-AND-OMBUDSMAN-FOR-REDRRESSAL-OF-GRIEVANCES-OF-THE-CONSUMERS-REGULATIONS-2003

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Andhra Pradesh Electricity Regulatory Commission (Establishment of Forum and Ombudsman for Redressal of Grievances of the Consumers) Regulations, 2003Published vide Notification Lr. No. APERC/Secy/F/D. No. 2801/2003, dated 29.11.2003Last Updated 12th August, 2019RS. to Part-n (Extraordinary) A.P. Gazette dated 29-11-2003.Lr. No. APERC/Secy/F/D. No. 2801/2003. - In exercise of the powers under Sub-sections (5)(6) and (7) of Section 42 read with clauses (r) and (s) of Sub-section (2) of Section 181 of the Electricity Act 2003 (36 of 2003) and, all powers enabling it in that behalf, Andhra Pradesh Electricity Regulatory Commission hereby makes the following Regulations providing for guidelines to the licensees in the State of Andhra Pradesh for setting up the Forum for Redressal of Grievances of the Consumers, for the appointment of Ombudsman by the Commission, for the representation to Ombudsman against non redressal of grievances of the Consumers and the time and manner of settlement of grievances by Ombudsman and for matters incidental and ancillary thereto: -

Chapter 1 Preliminary

1. Short Title, Commencement and Interpretation.

(1) These Regulations may be called the Andhra Pradesh Electricity Regulatory Commission (Establishment of Forum and Ombudsman for redressal of grievances of the consumers) Regulations, 2003. (2) These Regulations extend to the whole of the State of Andhra Pradesh. (3) These Regulations shall be applicable to the licensees in the territory of Andhra Pradesh in their respective licensed areas. (4) These shall come into force on the date of their final publication in the Gazette. (5) The Andhra Pradesh General Clauses Act, 1891 shall apply to the interpretation of these Regulations.

2. Definitions.

- In these Regulations, unless the context otherwise requires: - (a) "Act" means the Electricity Act, 2003; (b) "Appointed Date" means 10th June 2003; (c) "Commission" means the Andhra Pradesh Electricity Regulatory Commission. (d) "Complainant" shall include - (i) A consumer as defined under clause (15) of Section 2 of the Act; (ii) An applicant for new connections; (iii) Any registered consumer society; (iv) Any unregistered association of consumers, where the consumers have similar interest; (e) "Complaint" means the letter of application filed with the Forum seeking redressal of grievances concerning the supply of electricity or the services rendered by the licensee. (f) "Forum" means Forum for redressal of grievances of the consumers to be constituted by licensee in terms of sub-section (5) of Section 42 of the Act read with these Regulations; (g) "Grievance" means a complaint filed by the affected consumer; (h) "Licensee" means a Distribution Licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in the concerned area of supply; (i) "Ombudsman" means an authority designated by the Commission, under sub-section (6) of Section 42 of the Act read with these Regulations; (j) Words and expressions used and not defined in this regulation but defined in the Electricity Act, 2003 (36 of 2003) shall have the meanings assigned to them in the said Act.

Chapter 2

Forum for Redressal of Grievances of the Consumers

3. Constitution of the Forum for Redressal of Grievances of the Consumers.

(1) Every Licensee, shall, not later than the six months from the appointed date or grant of license, whichever is later, establish a Forum for redressal of grievances of the consumers in accordance with these regulations. (2) The Forum shall consist of three members including the Chairperson of the Forum. Licensee shall appoint the Chairperson and members of the Forum with the following composition. (i) Chairperson of the Forum shall be a serving officer of the licensee or a retired person possessing degree in electrical engineering and having at least 20 years of experience in the distribution of electricity and not below the rank of Superintending Engineer. Provided when the Chairperson of the Forum is unable to discharge the functions owing to absence, illness or any other cause, the member indicated in sub-clause (2)(ii) of Clause 3 shall discharge the functions of the Chairperson, until the day on which the Chairperson assumes office. (ii) One member who is a

serving officer of the licensee or a retired person having at least 10 years of experience in Accounting out of which at least 5 years in revenue matters and not below the rank of Senior Accounts Officer.(iii)One member who is a serving officer of the licensee or a retired person having at least 5 years of experience in legal matters and not below the rank of Assistant Secretary.(3)The members of the Forum shall hold office for a period of three years from the date of appointment and they shall not be eligible for re-appointment at any time after the expiry of their term of appointment provided that no person shall be appointed as member after he attains the age of 62 years.(4)The Licensee shall associate a representative out of registered consumer organisations as a co-opted member of the Forum with access to all the complaints and with the right to participate in the deliberations, meetings and proceedings of the Forum that may be held to deal with the Complaint.(5)The Co-opted Member of the Forum under sub-clause (4) shall hold office for a period of three years from the date of his co-option.

4. Removal of Members.

(1)The licensee may remove from office any member of the Forum including the co-opted member who(i)has been adjudged as undischarged insolvent; or(ii)has been convicted of an offence involving moral turpitude; or(iii)has become physically or mentally incapable of acting as such member; or(iv)has without reasonable cause refused or failed to discharge his functions for a period of at least three months; or(v)ceases to fulfil any of the conditions of his appointment as member; or(vi)has acquired such financial or other interest that can affect prejudicially his functions as a member; or(vii)has conducted himself in a manner or has so abused his position as to render his continuance in office prejudicial to the public interest or to the objects and purpose of the Act.(2)No member of the Forum shall be removed from his office on the grounds specified in sub clauses (i), (iii), (iv), (v),(vi)and (vii) of clause 4, until the person appointed by the licensee has carried out an enquiry and has forwarded a report to the licensee.(3)The licensee shall act in accordance with the recommendation made in the final report under sub-clause (7) and the licensee shall communicate its decision to the member concerned within a period of two months of the receipt of such report.

5. Functions of the Forum.

(1)All decision of the Forum shall be on the basis of majority of the members present and voting provided that the co-opted member shall not have any right to vote.(2)The quorum for the Forum meeting shall be two and each member shall have one vote and in case of equality of votes on any issue or resolution, the Chairperson shall have a casting vote.(3)The Chairperson shall have the general powers of superintendence and control over the Forum.(4)The Forum shall duly comply with such directions as the Commission may issue from time to time.(5)On occurrence of any vacancy in the forum for any reason, the licensee shall take action to fill up the vacancy within two months from the date of occurrence of the vacancy. No act of proceeding of the Forum shall be deemed invalid by reason only of some defect in the constitution of the Forum or by reason of the existence of a vacancy among its members.(6)The Forum shall maintain a regular office at the principal place of business of the Licensee where the Forum shall receive the Complaints. The Forum shall have sittings at such Principal Office and also at any other place in the area of supply of the Licensee as may be decided by the Forum from time to time considering the number of

complaints received, the place from where the Complaint is received and the proximity to the principal place of business of the licensees and other relevant factors. Provided that a licensee may establish more than one forum so as to ensue that the Forum decides every complaint within a maximum period of 45 days from the date of receipt of complaint by it. The licensee shall clearly specify the location and the jurisdiction of each Forum in case of more than one Forum. (7) The Forum shall receive the complaint of the consumer forwarded to or filed with the Forum so long as such complaint is in writing and the Forum shall not insist or prescribe any format for filing of the complaint or for entertaining it. (8) The office of the Forum shall issue due acknowledgement of the receipt of the Complaint to the Complainant. (9) The Forum shall maintain true and correct records of all Complaints received by the Forum from time to time. (10) The Form shall duly comply with any consumer complaint handling procedure, which the Commission may specify from time to time. (11) The Forum shall decide the Complaint expeditiously and shall communicate its decision to the Complainant within a period not exceeding 45 days of the receipt of the Complaint. The Forum shall give the reasons in support of its decisions. The views, if any, expressed by the Co-opted Member shall also be communicated to the Complaint. (12) The Licensee shall from time to time give publicity of the constitution and existence of the Forum including in the bills raised for the supply of electricity to the consumers and in such other manner as the Commission may from time to time notify. The names/designation of the Members and the concerned officers of the Forum, the address, e-mail, facsimile and phone numbers of the Forum shall be displayed at all the offices of the Licensee and shall also be duly publicised, if considered appropriate including on the bills raised on the Consumers. (13) The licensee shall provide required supporting staff and appropriate office accommodation for functioning of the Forum. (14) The Licensee shall meet all the costs and expenses of the Forum including the establishment and staff required to assist the Forum in the discharge of the functions under these Regulations and also the cost and expenses of the Co-opted Member. (15) The office expenditure of the Forum will be considered in the revenue requirement of the licensee and will be allowed as a pass-through expense.

6. Appeal.

- If the complaint is aggrieved by the order or non-redressal of the grievance by the Forum within the period specified, he may make a representation to the Ombudsman appointed/designated by the Commission within a period of 30 days from the date of the final order or from the expiry of the period specified for redressal of the grievance by the Forum. Provided that the Ombudsman may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

Chapter 3 Ombudsman

7. Appointment of Ombudsman.

(1) The Commission may from time to time appoint or otherwise designate such person or persons as the Commission may consider appropriate as the Ombudsman to discharge the functions under

sub-section (7) of Section 42 of the Act.(2)The Commission may appoint or designate Ombudsman or Ombudsmen separately for each licensee or a Common Ombudsman or Ombudsmen for two or more distribution Licensees.(3)The Ombudsman shall be selected by the Commission from a wider circle including those who have experience and have exposure in the Legal Affairs, Engineering, Education, industry, civil service, administrative service, Consumer Affairs or amongst persons of eminence.(4)The mode of appointment and terms and conditions of service of the Ombudsman and the staff shall be as laid down in separate regulations specified by the Commission.

8. Functions of Ombudsman.

- The Ombudsman shall discharge the following functions:(1)The Ombudsman may receive and consider all representations filed by the Complainant for non-redressal of the grievance by the Forum under Sub-section (5) of Section 42 of the Act. Notwithstanding the above the Ombudsman shall not entertain any representation in regard to matter which are subject matters of existing or proposed proceedings before the Commission or before any other authority including under part X, XI, XII, XIV and XV of the Act.(2)The Ombudsman shall in the first instance act as counsellor and mediator in matters which are the subject matter of the representation filed.(3)The Ombudsman will draw up an annual budget for his office in consultation with the Commission and shall exercise the powers of expenditure within the approved budget. The Commission will indicate the respective share of expenditure, to be borne by each licensee and to be released quarterly in advance.(4)Other functions prescribed by the Commission(5)The Ombudsman shall exercise general powers of superintendence and control over his office and shall be responsible for the conduct of business of the office.

9. Representation to Ombudsman.

(1)Any complaint if aggrieved by the non-redressal of the grievance by the Forum, may make a representation to the Ombudsman within thirty days from the date of the receipt of the decision of the Forum or within thirty days from the date of the expiry of the period within which the Forum was required to take decision and communicate the same to the Complaint.Provided further that the Ombudsman may entertain an appeal after the expiry of the said period of thirty days if the Ombudsman is satisfied that there is sufficient cause for not filing it within that period.Provided that the 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, fifty percent of that amount or twenty-five thousand rupees whichever is less.(2)Subject to the provisions of the Act and these Regulations the Ombudsman's decision whether the complaint is fit and proper for being considered by it or not, shall be final.(3)The Ombudsman shall decide on the representation, after providing the Complainant and the licensee an opportunity of being heard.(4)For the purpose of carrying out the functions, the Ombudsman may require the licensee or any of the officials, representatives or agents of the licensee to furnish documents, books, information, data and details as may be required to decide the representation and the licensee shall duly comply with such requirements of the Ombudsman.(5)The Ombudsman shall decide the representation finally within three months from the date of the receipt of the Representation of the Complainant and in the event the Representation is not decided within three months the

Ombudsman shall record the reasons there for including the cost to be paid by the licensee in case the reasons for the delay is attributable to the licensee. In case the delay is for reasons attributable to the complainant the Ombudsman may reject the Representation.(6)The licensee shall duly comply with and implement the decision of the Ombudsman on the representation filed by the Complainant.

10. Ombudsman to Act Fairly and Equitably.

(1)Ombudsman may, adopt a procedure ensuring transparency and due compliance of the principles of natural justice and due process of law.(2)The Ombudsman shall dispose of a complaint fairly and equitably.

11. Promotion of Settlement by Agreement.

(1)As soon as it may practicable to do but not later than one week from the date of receipt of representation, the Ombudsman shall serve a notice to the concerned officer of the licensee named in the complaint along with a copy of the complaint and endeavour to promote a settlement of the complaint by agreement between the complainant and the licensee through conciliation or mediation.(2)For the purpose of facilitating settlement of the representation, the Ombudsman may follow such procedures, as he may consider appropriate.(3)When a complaint is settled, through mediation of the Ombudsman, the Ombudsman shall make a recommendation which he thinks fair in the circumstances of the case. The copies of the recommendation shall be sent to the Complainant and the licensee.(4)If the Complainant and the licensee accept the recommendation of the Ombudsman, they will send a communication in writing within 15 days of the date of receipt of the recommendation. They will confirm their acceptance to Ombudsman and state clearly that the settlement communicated is acceptable to them, in totality, in terms of recommendations made by the Ombudsman and are in full and final settlement of complaint.

12. Award.

(1)Where the representation is not settled by agreement within a period of 30 days from the date of receipt of complaint or such extended period of Ombudsman may deem fit duly considering the overall time limit specified, the Ombudsman may determine the place, the date and the time of the hearing of the matter as the Ombudsman considers appropriate.(2)Where the complaint is not settled by agreement, the Ombudsman shall pass a speaking award with detailed reasoning which he thinks fair in the facts and circumstances of a case.(3)The Ombudsman shall decide the matter on the pleadings of the parties, after providing them an opportunity of being heard.(4)An Award shall be in writing and shall state nature of the reliefs including monetary compensation, if any, the Complainant is entitled to as per the award.(5)A copy of the award shall be sent to the complaint and the licensee concerned.(6)The Complainant may furnish to the licensee within a period of one month from the date of receipt of the award or within such period of Ombudsman may allow for reasons to be recorded, a letter of acceptance that the award is in full and final settlement of his claim.(7)The licensee shall comply with the award within 15 days of the receipt of the acceptance letter under sub Clause (6) and it shall intimate the compliance to the Ombudsman.(8)If the

complaint does not intimate the acceptance under sub clause (6), the award shall not be required to be implemented by the licensee.

Chapter 4

General

13. 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 (68 of 1986).

14. 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, the Forum and the ombudsman to take suitable action, not being inconsistent with the Electricity Act, 2003, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties.

15. Power to Amend.

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

16. Submissions of Reports to the Commission.

(1)The Forum and the Ombudsman shall submit a quarterly report on the number of complaints received, redressed and pending within 15 days of the end of the quarter, to the Commission.(2)The Forum and the Ombudsman shall also furnish to the commission, by 31st May every year, a report containing a general review of the activities of their offices during the preceding financial year and shall also furnish such information as the Commission may require.