

ELECTRICITY SECTOR

1. How is this sector regulated in India?

The Central Electricity Authority of India oversees the electrical sector, governed by The Electricity Act, 2003. Because of the breadth of the industry, each state has its own grievance redressal procedure. There is an Appellate Tribunal for Electricity set up under section 110 of the [Electricity Act, 2003](#). The consumer redressal grievance method used in Karnataka is described in detail below.

2. What are the grounds for complaint available?

- Interruptions/Failure of power supply
- Voltage variations
- Load shedding/Scheduled outage
- Metering complaints
- Billing complaints
- Disconnection and reconnection complaints
- Additional load
- Safety issues
- TC failure complaints
- Theft
- Allegation on staff
- Phase conversion
- Transfer of ownership and conversion
- Refund/ issue of certificates

3. What are the modes or methods of complaint available?

Complaint Redressal Mechanism: The [Electricity Act, 2003](#), under section 82, provides for the establishment of an electricity ombudsman shall be appointed by the State Electricity Regulatory Commission in every state. The Karnataka Electricity Regulatory Commission (“KEREC”) came

up with the Karnataka Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004. This was recently [supplemented by a notification](#) which recognized the rights of the consumers.

4. What needs to be done to get redressal of complaint/grievance?

Before The Kerc Consumer Grievance Redressal Forum:

In the said regulations, the procedure for filing grievances by the consumers is given. Under this-

1. Before reaching out to the Commission shall have first reached out to the Licensee in accordance with the Licensee's approved grievance handling procedure. He should have exhausted the Licensee's grievance-handling process.

2. If the consumer is dissatisfied with the response of the Licensee or the Licensee has delayed in addressing the complaint of the consumer beyond three months, then the Commission can take cognizance of the grievance.

3. In cases where the consumer has not exhausted the remedies available at the level of the licensee, then the complaint shall be forwarded to the Licensee for appropriate actions. Moreover, the commission shall also give reasons to the consumer for denial of cognizance.

Now, if the above conditions are satisfied, then the consumers shall *follow the following procedures for filing grievances:*

(i) The complaint must be in writing to the Grievance Redressal Officer stating the name of the consumer, his address and telephone number.

The following form can be used by the consumer:

<https://bescom.karnataka.gov.in/storage/pdf-files/CGRF/CGRF%20Form%20A&%20B.pdf>

(ii) The name of the licensee.

(iii) Brief Description of the matter, including copies of relevant documents.

(iv) If known, then the consumer shall also present the laws, regulations, codes or standards which are violated.

(v) Proof that the consumer has exhausted the grievance procedure in submitting the grievance to the licensee.

(vi) The consumer should mention the relief sought, and shall also share an authenticated copy of the response from the licensee.

Post this, the *Grievance redressal officer* shall:

(i) Send an acknowledgement to the consumer within three days of the receipt of the complaint. A copy of the grievance shall also be forwarded to the licensee within 5 working days of the receipt of the complaint.

(ii) Within 14 days, the licensee has to submit parawise comments explaining their position, failing which it will be deemed that the licensee has no comments and a decision by the commission shall be taken unless the time for response is extended by the commission.

(iii) On receipt of the comments by the licensee, the complaint shall be processed within a period of 14 days.

(iv) The powers of the Commission under the Act and powers for investigation, inquiry, collection of information etc., under Chapter III of the Karnataka Electricity Regulatory Commission (General and Conduct of Proceedings) Regulations 2000 shall be applicable in dealing with the grievances.

(v) Following the above procedures, the grievance shall not be delayed beyond three months from the date of receipt in any event. The order shall be implemented within a period of 15 days from the receipt of the order, and failure to comply with the order makes the licensee liable.

The above information can also be accessed using:
<https://kerc.karnataka.gov.in/storage/pdf-files/Regulations/grievancepro.pdf>

Appealing To The Appellate Tribunal For Electricity (Atel):

Set up under section 110 of the Electricity Act, 2003, the appellate body hears the orders passed by the Central and State Electricity Regulatory Commissions.

(i) The appeal to ATEL is considered when the aggrieved party deposits the amount of penalty, if any, and unless such requirement is dispensed by ATEL on grounds of undue hardship to the aggrieved party.

(ii) Moreover, the appeal shall be filed within a period of 45 days from the date on which a copy of the order is received by the aggrieved party.

(iii) The ATEL shall endeavor to settle the dispute within a period of 180 days from the receipt of the appeal.

5. Where should the grievance redressal or complaint be filed?

The complainant is free to take the service provider to a court or any other suitable venue (judicial or quasi-judicial). The proceedings in consumer commissions are not mired by the niceties of procedure, allowing the complainant to file a complaint for himself. As a consumer, the aggrieved party can take the service provider to the appropriate consumer commission, based on the pecuniary and territorial jurisdiction. The jurisdictions of the various consumer commissions are as follows-

a) District Commission: The aggrieved consumer can reach out to the District Commission under section 34 of the CPA, 2019, which provides that the district commission shall entertain matters where the value of the goods or services paid as consideration does not exceed more than one crore rupees.

b) State Commission: In cases where the value of the goods or services paid as consideration is more than one crore, but less than 10 crores, the consumer can approach the State Commission. Moreover, in cases of unfair contracts, the State Commission has original jurisdiction and the consumer can be directly approached. An appeal against the order of the District Commission can also be made under section 47 of the CPA, 2019.

c) National Commission: The National Commission can entertain matters where the value of goods or services paid as consideration exceeds 10 crores. Section 58 also provides that complaints against unfair contracts can be entertained by NCDRC when the amount of value

paid exceeds 10 crores. The NCDRC also has appellate jurisdiction against the orders of any State Commission and Central Authority.

Moreover, it must also be kept in mind, that section 100 of the CPA, 2019 provides that the remedy under CPA is in addition and not in derogation of other available remedies.

Another remedy available to consumers is mediation. Chapter 5 of the Consumer Protection Act provides for establishing mediation cells and resolving consumer complaints using mediation.

6. What are the rights available to the consumer?

- *Central Consumer Protection Authority:* If the commission finds violations of rights of consumers or in notice of trade practices which is unfair it can inquire or cause an inquiry, either on receipt of complaint or suo moto or as directed by Central Government. If the commission finds, after preliminary inquiry, of an existence of a prima facie case of consumer rights violation or it is in notice of any unfair trade practice or any wrong or inaccurate advertisement which is prejudicial to public interest or to the interests of the consumers, it can order an investigation by the District Collector or by Director General.
- The consumer can complain to the District Collector of the respective district for investigation and subsequent proceedings by the CCPA. He/she/they can also submit a complaint via email, at com-ccpa@nic.in.

7. What are the regulatory bodies in this sector?

The regulatory body in the electricity sector is the Central Electricity Regulatory Commission (CERC), which is a statutory body functioning in a quasi-judicial manner under section 76 of the Electricity Act, 2003. The body works for rationalization of electricity tariffs, transparent electricity subsidy policies, promotion of efficient and environmentally sound policies, among others.

8. What are the rules, Acts, and Guidelines that govern this sector?

1. The Electricity Act, 2003

<https://cercind.gov.in/Act-with-amendment.pdf>

2. Karnataka Electricity Regulatory Commission Notification of 2022

https://kerc.karnataka.gov.in/uploads/media_to_upload1665989071.pdf

3. Karnataka Electricity Regulatory Commission, 2004

<https://kerc.karnataka.gov.in/storage/pdf-files/GRIEVANCE-REDRESSAL-COMMISSION.pdf>

9. What are the landmark judgements in this sector?

- ***Tukaram v. The Executive Engineer, Maharashtra State Electricity Distribution Company Limited and Ors.***

In the above case, it was held, by the NCDRC, that delay in granting electricity services amounts to deficiency in services.

- ***Bihar State Electricity Board and Ors. vs. Iceberg Industries Ltd. and Ors.***

In this case, it was held that not supplying electricity to industrial establishment or commercial entities is a deficiency in service under the CPA, 1986.

- ***Manager, CESU Angul Elect. Division and Ors. v. Gangadhar Das***

It was held in the present case that non-installation of Meter and charging extra electric dues amount to deficiency in service.

10. What is the format of the complaint to be made under this sector?

<https://cdrc.gujarat.gov.in/images/pdf/1-CC-Eng.pdf> - DCDRC format.

<https://cdrc.gujarat.gov.in/images/pdf/1-CC-Eng.pdf> - SCDRC format.

<https://ncdrc.nic.in/cc.html> - NCDRC filing.

11. What are the important links and resources?

- Contact Details of DISCOMs of various States:

<https://solarrooftop.gov.in/Report/DiscomList/details>