

**ORISSA ELECTRICITY REGULATORY COMMISSION
(GRIEVANCES REDRESSAL FORUM AND OMBUDSMAN)
REGULATIONS, 2004**

THE ORISSA GAZETTE

EXTRA ORDINARY

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ORISSA ELECTRICITY REGULATORY COMMISSION UNIT – VIII, BHUBANESWAR - 751012

NOTIFICATION

The 5th April, 2004

No.**Law/LD-Reg.-1/2004** - In exercise of 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, Orissa Electricity Regulatory Commission hereby makes the following Regulations providing for guidelines to the Licensees in the State for setting up the Forum for redressal of grievances of the Consumers and for the appointment of Electricity Ombudsman by the Commission, for making representation to Electricity Ombudsman against non redressal of grievances of Consumers and the time and manner of settlement of grievances by Electricity Ombudsman and for matters incidental and ancillary thereto:-

CHAPTER - I

PRELIMINARY

1. SHORT TITLE, COMMENCEMENT AND INTERPRETATION:-

- (1) These Regulations may be called the Orissa Electricity Regulatory Commission (Grievances Redressal Forum and Ombudsman) Regulations, 2004.
- (2) These Regulations shall be applicable to the Distribution Licensees in the State in their respective areas of supply.
- (3) These Regulations shall come into force from the date of its publication in the Official Gazette.
- (4) The Orissa General Clauses Act, 1937 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) “Commission” means the Orissa Electricity Regulatory Commission;
- (c) “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; and
 - (iv) Any unregistered association of consumers, where the consumers have similar interest;
- (d) “Complaint” means the letter or application filed with the Forum seeking redressal of grievances of any nature, whatsoever, including any defect or deficiency in the electricity service, subject to the provisions of the Act.
- (e) “Defect” means any fault, imperfection or shortcoming in the quality, quantity, purity or standard of service, including in the equipment or material which is required to be maintained by or under any law for the time being in force or under any contract, express or implied, or as is claimed by the distribution licensee in any manner whatsoever in relation to the electricity service;
- (f) “Deficiency” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by/ under any law for the time being in force or has been undertaken to be performed by distribution licensee in relation to electricity service or performance standard including Interruption or failure of Power Supply, Voltage complaints, Metering Problems including Meter shifting, Charges/ Payments (Billing Problems), Disconnection or Reconnection of Power supply, New Connections or Extensions in Load, Notice of supply interruptions, violations of Distribution (Conditions of Supply) Code, contravention of Act, Rules or Regulations made there under with regard to consumer interest;
- (g) “Electricity Service” shall include the services of supply, billing, metering and maintenance of electrical energy to the consumer and all other attendant sub-services;
- (h) “Forum” means Forum for redressal of grievances of the consumers to be constituted by the Distribution Licensee in terms of sub-section (5) of section 42 of the Act and these Regulations;
- (i) “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 and shall include the deemed Distribution Licensee under the provisos to Section 14 of the Act.
- (j) “Ombudsman” means an authority appointed or designated by the Commission, under sub-section (6) of Section 42 of the Act and these Regulations; and

- (k) Words and expressions used and not defined in these regulations but defined in the Electricity Act, 2003 (36 of 2003) shall have the meanings assigned to them in the said Act.

CHAPTER – II

FORUM FOR REDRESSAL OF GRIEVANCES OF THE CONSUMERS

3. CONSTITUTION OF THE FORUM FOR REDRESSAL OF GRIEVANCES OF THE CONSUMERS:-

- (1) Every existing Licensee, including the Deemed Licensee shall not later than two months from the date of publication of these Regulations and any new Licensee within six months from the grant of Distribution License, establish a Forum (GRF) for redressal of grievances of the consumers in accordance with these Regulations.
- (2) The Forum shall consist of two members (excluding co-opting member) to be appointed by the Distribution Licensee with the following composition.
 - (a) A serving officer of the Licensee or a retired person to be designated by the Licensee possessing a degree in electrical engineering and having at least 20 years experience in the distribution of electricity and having served not below the rank of Superintending Engineer; and
 - (b) A serving officer of the Licensee or a retired person to be designated by the Licensee possessing a degree in finance or accountancy or law and having at least 5 years of experience in the electricity sector and having served as an officer in an electricity utility.
- (3)
 - (a) The Members of the Forum shall be appointed for a period of three years.
 - (b) The senior most member shall act as the President of the Forum.
- (4) A Member (including a co-opted Member) of the Forum shall not be replaced by the Licensee during the tenure of three years, except with the prior approval of the Commission.
- (5) Notwithstanding anything contained in clauses (3) and (4) above, the Commission may at any time direct the Licensee to substitute a member (including co-opted Member) of the Forum with another person, as per the composition and qualification provided in clause (2) above, if in the opinion of the Commission such substitution is necessary for the proper discharge of the functions of the Forum.
- (6) The Licensee shall associate a representative from the members of the State Advisory Committee constituted under Section 87 or from the members of the District Committee constituted under Section 166(5) of the Act or from any consumer organisation duly recognised by the Commission, as a co-opted member of the Forum. The co-opted members shall have access to all the Complaints

received and the associated records and shall also have the right to participate in the deliberations, meetings and proceedings of the Forum that may be held to deal with the Complaint.

- (7) The Co-opted Member of the Forum under clause (6) shall ordinarily hold office for a period of three years from the date of his co-option. He shall not continue to be a member of the Forum when his membership in the State Advisory Committee/District Co-ordination Committee or the Organisation ceases.
- (8) On occurrence of any vacancy in the forum for any reason, the licensee shall take action to fill up the vacancy within 30 days from the date of occurrence of the vacancy. No act or 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.
- (9) The Licensee shall establish such number of forums so as to ensure 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 state the location and the jurisdiction of each Forum in case of more than one Forum.
- (10) The Forum may pass such interim orders on the request of the Complainant as the Forum considers appropriate pending the final decision on the complaint.
- (11) The Licensee shall duly implement the decisions and orders of the Forum made in favour of the complainant.

4. FUNCTIONS AND PROCEEDINGS OF THE FORUM:-

- (1) A complainant aggrieved by any action or lack of action by the engineer under the OERC Distribution (Condition of Supply) Code, 2004, may file a complaint before the Forum for the redressal of his grievances after expiring of 15 days from the time limit fixed by the licensees in their Complaint Handling Procedure. The said complaint shall be in writing and the Forum may not insist any format for such filing. After receiving the complaint, the Forum may seek additional information and details, as required, from the complainant.
- (2) The Forum shall duly comply with the procedure as laid down by the Commission from time to time.
- (3) 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 or as the Commission may direct 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.
- (4) The Distribution Licensee shall give publicity of the existence of the Forum by statement in the bills raised for the supply of electricity to the consumers and in

such other manner as the Commission may determine from time to time. The names and designation of the Members of the Forum 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, including in the bills raised on the Consumers.

- (5) The Forum shall maintain true and correct records of all complaints received by the Forum from time to time and make available such records for inspection by the Commission as the Commission may require. Such records shall also be open for inspection by the consumers and others who are complainants as defined in the Act. Wherever required by the complainants the Forum shall acknowledge in writing the pendency of the complaint before the Forum.
- (6) The Licensee shall meet 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. In case of any difference on the reimbursement of the costs and expenses of the Forum, the same shall be referred to the Commission and the decision of the Commission shall be final and binding.
- (7) 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 by the Forum. 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 Complainant
- (8) The Commission shall have the general powers of superintendence and control over the Forum and the Forum shall duly comply with such directions as the Commission may issue from time to time.

CHAPTER - III

OMBUDSMAN

5. 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 and under these Regulations.
- (2) The Commission may appoint or designate more than one Ombudsman for a Licensee or a common Ombudsman or Ombudsmen for two or more Distribution Licensees.
- (3) The Ombudsman shall be selected by the Commission from amongst persons who have experience and exposure in legal, engineering, economics, finance, industry, civil service, or consumer affairs or amongst persons of eminence.

(4) Selection Committee

The Selection Committee for Ombudsman shall consist of the Chairperson and Members of the Commission. The Chairperson of the Commission shall be the Chairperson of the Selection Committee and the Secretary of the Commission shall be the convenor of the Committee.

No appointment/designating of the Ombudsman shall be invalid merely by reason of any vacancy in the Selection Committee.

(5) Terms of Office

The Ombudsman shall be appointed for a term of three years or till he attain the age of 65 years, whichever is earlier, provided that no person shall be appointed as Ombudsman after he attains the age of 62 years. The Ombudsman shall not be eligible for reappointment.

Ombudsman may relinquish his office by giving in writing to the Commission a notice of not less than three months.

A person after ceasing to hold office of Ombudsman shall not accept any commercial employment or represent any person before the Commission or any Authority for a period of two years from the date he ceases to hold such office.

(6) Removal

Commission, may, by order, remove from office, the Ombudsman, if he –

- i. has been adjudged as insolvent;
- ii. has been convicted of an offence which, in the opinion of the Commission, involves moral turpitude;
- iii. has become physically or mentally incapable of acting as Ombudsman;
- iv. has acquired such financial or other interest as is likely to affect prejudicially his functions as Ombudsman;
- v. has so abused his position as to render his continuance in office prejudicial to the public interest;

Provided that the Ombudsman shall not be removed from office on any ground specified in sub-clauses (iv) and (v) unless on an inquiry, made in accordance with such procedure as may be laid down by the Commission, it is found that the Ombudsman should be removed on such ground or grounds.

(7) **Emoluments**

The Ombudsman shall receive a consolidated salary and such other allowances as determined by the Commission, by order, from time to time.

Provided that the Commission may, by general order, revise the salary and other allowances of the Ombudsman from time to time.

Provided further that salary, allowances and other terms and conditions of appointment of Ombudsman shall not be varied to his/their disadvantage after appointment.

(8) **Expenses of the Ombudsman**

The Commission may pass such direction/order, as it thinks appropriate, to meet the expenses of the Ombudsman and its staff.

(9) **Staff of the Ombudsman**

The number and nature of staff of the Ombudsman shall be as laid down in the **Appendix** of these Regulations.

The Ombudsman shall exercise administrative control over its staff and office expenditures.

6. FUNCTIONS OF OMBUDSMAN:-

(1) The Ombudsman shall discharge the following functions:

- (a) The Ombudsman shall receive and consider all representations filed by the Complainants 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 matters 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;
- (b) The Ombudsman may pass such interim orders, as may be considered appropriate, pending the decision and settlement of the representation;
- (c) The Ombudsman shall in the first instance act as a conciliator and mediator in matters which are the subject matter of the representation filed;
- (d) Such other functions as the Commission may, by order, decides/directs from time to time.

(2) The Ombudsman shall exercise general powers of superintendence and control over his office and shall be responsible for the conduct of business in the office of Ombudsman.

7. REPRESENTATION TO OMBUDSMAN:-

- (1) Any consumer 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 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 Complainant.

Provided that the Ombudsman may entertain consumer representations, after expiry of the said period of thirty days if the Ombudsman is satisfied that there was sufficient cause for not filing it within that period

- (2) The Ombudsman shall decide the representation, after providing the Complainant and the Licensee an opportunity of being heard.
- (3) The Ombudsman may require the Licensee or any of the officials, representatives or agents of the Licensee including the Forum to furnish documents, books, information, data and details as may be required to decide the representation. The Licensee and others mentioned above shall duly comply with such requirements of the Ombudsman.
- (4) The Ombudsman shall decide the representation generally within two months from the date of the receipt of the representation of the consumer. In the event the representation is not decided within two months, the Ombudsman shall record the reasons therefor including the cost to be paid by the Licensee if the inability to decide within the time is attributable to the Licensee. In case the delay is for reasons attributable to the consumer, the Ombudsman may reject the representation of the consumer.
- (5) The Distribution Licensee shall duly comply with and implement the decision of the Ombudsman on the representation of the consumer.

8. OMBUDSMAN TO ACT FAIRLY AND EQUITABLY:-

- (1) The 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.

9. PROMOTION OF SETTLEMENT BY AGREEMENT:-

- (1) As soon as it may be practicable to do but not later than one week from the date of the receipt of representation, the Ombudsman shall serve a notice to the concerned officer of the Licensee named in the representation along with a copy of the representation and endeavour to promote a settlement of the complaint by mutual agreement between the consumer and the Licensee.

- (2) For the purpose of facilitating settlement of the representation, the Ombudsman may follow such procedure 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 consumer and the Licensee.
- (4) If the Consumer 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. Each of them shall then confirm their acceptance to the Ombudsman and state clearly that the settlement communicated is acceptable to them in totality in terms of recommendations made by the Ombudsman and shall be in full and final settlement of complaint made.

10. AWARD:-

- (1) Where the representation is not settled by agreement within a period of 30 days from the date of receipt of representation or such extended period as the Ombudsman may deem fit, duly considering the overall time limit specified in clause 7(4) above, 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 Consumer representation is not settled by agreement, the Ombudsman shall decide the matter on the pleadings of the parties, after providing an opportunity of being heard to the parties.
- (3) The Ombudsman shall pass an award giving reasons for the decision made.
- (4) The award shall be in writing and shall state nature of the reliefs including monetary compensation, if any, the consumer is entitled to as per the award.
- (5) A copy of the award shall be sent to the consumer and the Licensee concerned.
- (6) The consumer may furnish to the Licensee, within a period of one month from the date of receipt of the award or within such period the 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 clause (6) and the Licensee shall intimate the compliance to the Ombudsman.
- (8) If the consumer does not intimate the acceptance under clause (6), the award shall not be required to be implemented by the licensee.

CHAPTER - IV
MISCELLANEOUS

11. 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).

12. 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 or the Ombudsman to take suitable action, not being inconsistent with the Act, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties.

13. POWER TO AMEND:-

Subject to the provisions of the Act, the Commission may, at any time vary, alter, modify or amend any provision of these regulations.

14. SUBMISSIONS OF REPORTS TO THE COMMISSION:-

- (1) The Forum and the Ombudsman shall submit a quarterly report on the number of complaints/representations received, redressed and pending, within 15 days of the end of the quarter, to the Commission.
- (2) The Forum and the Ombudsman shall furnish to the Commission, by 31st May every year, an annual 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.

15. ISSUE OF ORDERS/CIRCULARS

Subject to the provisions of the Act and these Regulations, Commission may from time to time, issue orders and circulars with regard to the implementation of these Regulations.

16. LANGUAGE OF THE FORUM AND OMBUDSMAN:-

The filing of complaint/representation and the proceeding of the Forum and of the Ombudsman shall be made in Oriya or in English.

17. IMPLEMENTATION OF ORDERS/AWARDS:-

Any order/award passed or direction issued by Ombudsman shall be implemented or complied with by the licensee or the person required by the order or direction to do so. Failure to implement or comply with such order or direction shall amount to contravention of these Regulations for the purpose of Section 142 of the Act.

18. WORKING DAYS AND HOURS:-

The working days and the working hours of the Forum shall be same as that of the Licensee and the working days and working hours of the Ombudsman shall be same as that of the Commission.

19. OFFICE SEAL:-

The Forum and Ombudsman shall have their official seal for authentication of the orders and documents required for the purpose of their functions.

20. CERTIFIED COPIES:-

Every party to a proceeding in the Forum or before the Ombudsman and any interested person may obtain certified copy of any order passed by the Forum or Ombudsman.

By order of the Commission

(M.R. Hazra)
SECRETARY

APPENDIX

(See Regn. 5(9))

Staff for Ombudsman

1. Engagement of Staff shall be made on contractual basis.
2. Each office of the Ombudsman shall have at least one Clerk-cum-Computer Operator and one attender having following qualification and experience.
 - (a) Clerk-cum-Computer Operator
 - (i) A graduate from recognised university.
 - (ii) Able to take shorthand and experience in typewriting.
 - (iii) Computer skill – Adequate exposure to Word processing, Spread sheet, Presentation, and e-mail and Internet.
 - (iv) Experience of at least two years in the relevant field.
 - (b) Attender
 - (i) Should have passed 10th Class or equivalent examination and having at least two years work experience.
3. Pay and Allowances
 - (a) The staff of the Ombudsman shall get such pay and other allowances as determined by the Commission from time to time.
 - (b) The Commission may, by general order, revise the pay structure and other allowances of the Staff of the Ombudsman.
4. Depending upon the requirement, the Commission may review by order, the number and nature of staff of the Ombudsman from time to time.
