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Haryana Electricity Regulatory Commission

Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman Regulation, 2004

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HARYANA ELECTRICITY REGULATORY COMMISSION

PANCHKULA

Notification

Dated 12.04.2004

Regulation No. HERC/ 02/2004

In exercise of the power conferred on it by Section 181 read with Sub-Section (5) to (8) of Section 42 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling in this behalf, the Haryana Electricity Regulatory Commission, to provide for a system of redressal of consumer grievances, makes the following Regulations.

PART- I GENERAL

1. Short title, Commencement and Interpretation

- i) These Regulations may be called the Haryana Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers) and (Electricity Ombudsman) Regulation, 2004.
- ii) These regulations shall be applicable to all distribution & retail supply Licensees in their respective licensed areas.
- iii) These regulations shall extend to the State of Haryana.
- iv) These regulations shall come into force on the date of its publication in the Haryana Government Gazette.
- v) The Punjab general clauses Act 1898(1 of 1898), as applicable to the state of Haryana shall apply to the interpretation of these regulations.

2. Definition

In these regulations, unless the context otherwise requires: -

- a) "Act" means the Electricity Act, 2003;
- b) "Applicable legal framework" means the provision of the Haryana Electricity Reform Act, 1997 (10 of 1998) to the extent not inconsistent with the provisions of the Electricity Act 2003 (36 of 2003) read with applicable provisions of the Electricity Act 2003;
- c) "Appointed date" means 10th day of December, 2003;
- d) "Area of supply" means the area within which a distribution Licensee is permitted by his Licence to supply electricity;
- e) "Chairperson" means the Chairperson of the Forum;
- f) "Commission" means the Haryana Electricity Regulatory Commission;
- g) "Complainant" means:
 - i) a consumer of electricity supplied by the Distribution licensee including applicants for new connections; or
 - ii) the representative of complainant, authorised in writing, supported by the affidavit on Non Judicial Stamp Paper of appropriate value, duly attested by the Oath Commissioner/ Notary Public to represent the complainant before the Forum / Ombudsman; or
 - iii) Any voluntary consumer association registered under any law for the time being in force; or
 - iv) The Central Government or State Government who or which makes the complaint; or
 - v) One or more consumers, where there are numerous consumers having similar interest; or
 - vi) In case of death of a consumer, his legal heirs or authorised representatives; - who makes the complaint;
- h) "Complaint" means any grievance in writing made by a complainant that: -
 - (i) there exists defect or deficiency in electricity service provided by the Distribution licensee;
 - (ii) an unfair or restrictive trade practice has been adopted by the distribution licensee in providing electricity services;
 - (iii) the distribution licensee has charged a rate in excess of that fixed by the Commission, for supply of electricity and related services;

- (iv) the distribution licensee has recovered expenses, in excess of charges approved by the Commission, in providing any electric line or electric plant or electric meter;
- (v) the electricity services provided by the distribution licensee, is unsafe or hazardous to public life and is in contravention to the provisions of any law in force;
- i) "Conduct of Business regulations" means "Conduct of Business regulations" as framed and published by the Commission under the applicable legal frame work;
- j) "consumer" means any person who is supplied with electricity for his own use by a distribution licensee or the Government or by any other person engaged in the business of supplying electricity to the public under the Applicable Legal Framework or any other law for the 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 distribution licensee, the Government or such other person, as the case may be;
- k) "Consumer dispute" means a dispute where the person against whom complaint has been made, denies or disputes the allegation contained in the complaint;
- l) "Distribution licensee" means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply and includes a deemed licensee;
- m) "defect" means any fault, imperfection or shortcoming in quality, quantity, standard of service, equipment or material which is required to be maintained by or under any law in force or under any contract, express or implied, or as is claimed by the distribution Licensee in any manner whatsoever in relation to electricity service;
- n) "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 in force or has been undertaken to be performed by distribution Licensee in pursuance of a contract agreement or otherwise in relation to electricity service or performance standard; violations of Electricity Supply Code, contraventions of Act, Rules or Regulations made there under with regard to consumer interest;
- o) "distribution system" means the system of wires and associated facilities between the delivery points on the transmission lines or the generating station connection and the point of connection to the installation of the consumers;
- p) "Electricity Ombudsman" means an authority to be appointed or designated by the Commission, under sub-section (6) of Section 42 of the Act, with whom a representation may be made by any consumer, who is aggrieved by non-redressal of his grievances by the Forum;

- q) "electricity service" means electricity supply, metering, billing, maintenance of distribution system and all other attendant sub services etc.;
- r) "Forum" means 'Forum for redressal of grievances of the consumers' to be constituted by each distribution Licensee;
- s) "Form" means form "appended to these regulations;
- t) "Member" means the member of the Forum and includes the Chairperson of the Forum;
- u) "Nodal Officer" means the convener designated by the distribution licensee who would coordinate with the Forum / Ombudsman / Commission;
- v) "restrictive trade practice" in respect of electricity supply means a trade practice which prevents, distorts or restricts competition in some manner "deemed to be prejudicial to consumer interest", if they raise cost unreasonably, or the prices and /or profit unreasonably, or if they lead to lowering of quality and shall include delay beyond the period agreed to by a distribution licensee in providing the electricity services ;
- w) "State Government" means the State Government of Haryana;
- x) "Licensee" means a person who has been granted a licence or is a deemed licensee under Section 14 of the Act;
- y) "unfair trade practice" means a trade practice which a distribution licensee, for the purpose of promoting sale, use or supply of electricity adopts any unfair method or discriminatory or deceptive practice of making any statement, whether orally or in writing or by visible representation which falsely represents that the services are of a particular standard and / or quality made by him;
- z) All other expressions used herein but not specifically defined herein but defined in the Act shall have the meaning assigned to them in the Act. The other expressions used herein but not specifically defined in these regulations or in the Act but defined under the Haryana Electricity Reform Act, 1997 shall have the meaning assigned to them under the said Act, provided that such definitions in the Haryana Electricity Reform Act, 1997 are not inconsistent with the provisions of the Electricity Act, 2003.

PART- II Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers


3. Constitution of forum(s)

- (1) Every distribution Licensee shall within six months from the appointed date or date of grant of licence, whichever is earlier, establish a Forum or Forums for Redressal of Grievances of the consumers in accordance with these regulations.

- (2) A distribution licensee may establish one or more than one forum. The concentration of the consumer in a particular area and the number of complaints expected to be received and the constraints of the forum in disposing of the complaint within a maximum period of three months from the date of receipt of Complaint by it may also be taken in to account while deciding the number of Forums and their locations.
- (3) The head office of the "Forum" shall be at such place(s) as each distribution Licensee may specify in accordance with the sub section (2)
- (4) The Forum shall consist of three members including the Chairperson, none from the licensee, to be appointed by the distribution licensee, out of the following persons namely:
 - (a) One member shall be possessing degree in Electrical/ Mechanical Engineering and having at least 20 years experience in the transmission, distribution and trading of electricity and who is or has been at least Superintending Engineer or at an equivalent post in an organization engaged in the business of transmission, distribution and trading of electricity.
 - (b) One member shall be possessing degree in law and having at least 10 years experience in legal/judicial profession; and
 - (c) One member shall be representative of a registered society of NGO / Consumer Organization or consumer activist engaged in protecting the interests of electricity consumers and shall be at least a Graduate with adequate experience and preferably from the geographical area of the concerned licensee.
- (5) The licensee shall designate one of the members to be the Chairperson of the Forum.
- (6) In the event the post of the Chairperson falls vacant, the senior most member will act as Chairperson till such time a regular incumbent is appointed.
- (7) The age of the person to be considered for appointment, as member shall be minimum 40 years and not more than 62 years. Every member of the Forum shall hold office for a term of three years and shall not be eligible for reappointment.

Provided that no Member of the Forum shall hold office as such after he has attained the age of sixty-five years.

- (8) The quorum of the forum shall be two members.
- (9) The office of the Chairperson/ Members shall not be kept vacant for more than two months.


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- (10) Any member may relinquish his office by giving in writing to the distribution licensee a notice of not less than one month or by paying one month's salary in lieu thereof.
 - (11) The Chairperson and the member of the Forum shall not hold any office of profit during their tenure in the Forum.
 - (12) The salary, honorarium, TA/DA and other allowances payable to the members, and their terms and conditions of service shall be such as may be determined by the distribution licensee and approved by the Commission:

Provided that the salary, allowances and other terms and conditions of service of the Members, shall not be varied to their disadvantage after appointment.
 - (13) The office, staff and other facilities required by members of the Forum for efficient functioning of Forum shall be provided by the distribution licensee. Out of such staff, one person not below the rank of Class-I officer shall be designated as full time Secretary of the Forum.
 - (14) The approved expenses of Forum including all salaries, honorarium and allowances payable to Members and staff of the Forum shall be allowed as pass through expense in the Annual Revenue Requirement of the distribution licensee.

4. Removal of Member

- (1) No member shall be removed from the office except in accordance with the provisions of this regulation.
- (2) The distribution licensee may by order remove from office any Member if he
 - (a) has been adjudicated insolvent;
 - (b) has been convicted of an offence which involves moral turpitude;
 - (c) has become physically or mentally incapable of acting as a Member.
 - (d) has acquired such financial or other interest as is likely to affect prejudicially his function as a Member.
 - (e) has so abused his position as to render his continuance in office prejudicial to the public interest;
 - (f) has been guilty of proven misbehaviour.

Provided that no Member shall be removed from his office on any ground specified in clauses (d), (e) and (f) unless the Chairperson of the Commission, on a reference being made to him in this behalf by the distribution licensee, has on an inquiry, held that the Member ought on such ground or grounds be removed.

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- (3) The distribution licensee may, in consultation with the Chairperson of the Commission, suspend any member of the Forum in respect of whom a reference has been made to the Chairperson of the Commission under, sub regulation (2) until the distribution licensee has passed an order on receipt of the finding of the Chairperson of the Commission, on such reference.
 - (4) A member who fails to attend three consecutive meetings of the Forum without any valid reasons and prior permission of the Chairperson shall forthwith cease to be a member of the Forum. If chairperson fails to attend three consecutive meetings of the Forum without any valid reasons and prior permission of his appointing authority shall forthwith cease to be the chairperson of the Forum

5. Jurisdiction of the forum

Subject to the other provisions of these regulations, the forum(s) shall have jurisdiction to entertain complaints within the entire/ specified (in case of more than one forum) area of the distribution Licensee.

Provided that each distribution licensee may establish more than one Forum so as to ensure that the Forum is able to dispose every complaint within a maximum period of three months from the date of receipt of complaint by it.

6. Duty of the Distribution licensee to notify

- (1) Every distribution licensee shall notify and bring to the notice of the consumers by whatever means deemed fit, the details of the Forum for Redressal of Grievances of the Consumers.
- (2) The distribution licensee shall make available copies of the procedure, written in English and Hindi, for lodging complaints to the consumers free of cost as and when required by the consumers.
- (3) The details such as Names of the Forum Members, its Secretary and their addresses, telephone numbers and other details shall be notified frequently by the distribution licensee in the media / press.
- (4) The bills issued by the distribution licensee to the consumers for the electricity supplied, shall contain the address and telephone numbers of the Forum for redressal of grievances of the consumers. The statement *'consumers whose grievance is not resolved by the distribution licensee can approach the Forum established for redressal of the grievance, only after complying with Complaint Handling Procedure of the licensee as approved by the Commission.'* shall also be printed on such bills.
- (5) These regulations shall be put on the website of distribution licensee, copies made available up to the level of J.E.s in-charge of sub-offices and Deputy Commissioners of all Districts and Sub Divisional Officer (Civil) in Haryana for further distribution up to Panchayat /Blocks Samitis and shall be given wide publicity through electronic/print media.

7. Complaint that can be taken up by the Forum

The forum shall take up any kind of grievances/complaints as defined in regulation 2(h) of these regulations except the complaint pertaining to-

- (i) Unauthorized use of electricity as defined under explanation to section 126 of the Act;
- (ii) Offences and penalties as specified u/s 135 to 139 of the Act;
- (iii) Accidents and inquiries as specified under section 161 of the Act unless prescribed by the state govt. by general/ special order.

8. Procedure to file the Complaint

- (1) Every complaint must be filed in writing in duplicate to the Chairperson of the Forum by the Complainant in Form-I.

Provided that

- i) the complaints relating to previous years pertaining to any grievance covered under regulation 7 can be filed with the forum within one year of its coming into existence.
 - ii) after one year of the establishment of the Forum, only those complaints filed within 1 year of its cause for action shall be entertained by the Forum.
 - iii) the complainant has exhausted the channel of redressal of grievances with the distribution licensee under the "Complaint Handling Procedure relating to Distribution & Retail Supply" as approved by the Commission at least up to XEN level.
 - iv) The Complaint does not pertain to the same subject matter for which any proceedings before any court is pending or a degree or award or a final order has already been passed by any competent court;
- (2) The Complaint can also be lodged through e-mail to the respective Forum's e-mail ID (which will be published by it widely). The hard copy of the complaint in duplicate should also be submitted within 7 days of sending the e-mail.

9. Manner in which the complaint shall be redressed

- (1) On receipt of the complaint from any complainant, the chairperson or a person authorised by the Chairperson shall make endorsement on the grievance subscribing his dated initial. Complaint received shall be registered and serially numbered for each year.
- (2) The Forum shall send an acknowledgement to the complainant within 7 days of receipt of complaint.

- (3) Registered Consumer organization and other Non-Governmental Organization (NGOs) can file complaint on behalf of the Consumers, provided the consumer has agreed to be represented by the organisation in writing. The consumer need not necessarily be a member of the consumer organization or NGO.
- (4) On receipt of a complaint made under sub-regulation 7, the Forum may, by order, allow the complaint to be proceeded with or rejected.

Provided that the complainant shall be informed in writing giving reasons if the complaint is rejected;

Provided further that a complaint shall not be rejected under this sub-regulation, unless an opportunity of being heard has been given to the complainant;

Provided further that the admissibility of the complaint shall ordinarily be decided within fifteen days from the date on which the complaint was received.

- (5) Where a complaint is allowed to be proceeded with, under sub-regulation 9(4), the Forum may proceed with the Complaint in the manner provided under these regulations.

10. Procedure to be followed by the Forum on admission of complaint

- (1) The Forum shall,--
 - a) refer a copy of such complaint to the nodal officer directing him to give his version of the case within a period of twenty days or such extended period not exceeding ten days as may be granted by the Forum.
 - b) Where nodal officer on receipt of a copy of the complaint, referred to him under clause (a) denies or disputes the allegation contained in the complaint, or omits or fails to take any action to represent his case within the time specified by the Forum, the Forum shall proceed to settle the consumer dispute,-
 - i) on the basis of evidence submitted by the complainant and the distribution licensee, where the distribution licensee denies or disputes the allegations contained in the complaint, or
 - ii) ex-parte on the basis of evidence brought to its notice by the complainant where the distribution licensee omits or fails to take any action to represent his case within the time given by the Forum; and
 - c) where the complainant fails to appear on the date of hearing before the Forum, the Forum may either dismiss the complaint for default or decide it on merit, if possible, or serve a notice to the complainant to

appear in person to explain the grievances within 15 days of the 1st hearing as decided by the Forum.

- (2) Every complaint shall be heard as expeditiously as possible and an appropriate order shall be passed within a maximum period of three months from the date of receipt of complaint by the Forum:

Provided that no adjournment shall ordinarily be granted by the Forum unless sufficient ground exist and the reasons for grant of adjournment have been recorded in writing by the Forum:


Provided further that the Forum shall make such orders as to the cost for the adjournment as may be considered appropriate by the Forum ;

Provided also that in the event of complaint being disposed off after the maximum period specified above, the Forum should record in writing, the reasons for the same at the time of disposing of the said complaint.

- (3) Where during the pendency of any proceedings before the Forum, it appears to it to be necessary, it may pass such interim order as is just and proper keeping in view the facts and circumstances of the case subject to the condition that the complaint shall be decided within the maximum time of three months as specified in sub-regulation 10 (2).
- (4) Proceedings of the Forum can be attended by any consumer:

11. Findings of the Forum

- (1) If, after the proceedings conducted under regulation 10, the Forum is satisfied that any of the allegations contained in the complaint, about the electrical services, are proved, it shall issue an order to the distribution licensee directing him to do one or more of the following acts, namely: -
- (a) to return to the complainant the undue charges paid by him;
 - (b) to remove the defects/deficiencies in the service in question;
 - (c) to discontinue the unfair trade practice or the restrictive trade practice and not to repeat them;
 - (d) not to offer the hazardous electrical services;
 - (e) to withdraw the hazardous electrical services from being offered; and
 - (f) to provide for adequate costs to parties.
- (2) Every proceedings referred to in sub-regulation 11(1) shall be conducted by the Chairperson of the Forum and all the Members thereof sitting together:



Provided that where a member, for any reason, is unable to conduct a proceeding till it is completed, the Chairperson and the other Member thereof sitting together shall proceed.

Provided further that in the absence of the Chairperson, the senior most member shall preside over the proceedings.

- (3) All decisions of the proceedings referred to in sub regulation 11(1) shall be taken by a majority of the Members present and in the event of equality of votes, the Chairperson shall have the second or casting vote.
- (4) Every order passed by the Forum under sub-regulation 11(1) shall be a speaking order signed by its Chairperson and the Members conducting the proceeding.
- (5) The proceeding and decision of the Forum along with the time frame for compliance shall be recorded and communicated to the complainant and the distribution licensee for compliance. The order of the Forum shall also be posted on the website of the Forum and / or Distribution licensee.
- (6) The distribution licensee/ complainant shall implement the decisions of the Forum within the time frame specified in the order and compliance reported to the Forum within seven days of the implementation of the order.

12. Appeal

Any consumer aggrieved by an order made by the Forum or non implementation of the order of the Forum by the licensee may prefer an appeal against such order to the Electricity Ombudsman within a period of thirty days from the date of the order, in such form and manner as may be laid down in the regulations made by the Commission:

Provided that the Electricity Ombudsman may entertain an appeal after the expiry of the said period of thirty days if he is satisfied that there was sufficient cause for not filing the appeal within that period;


Provided further that the Electricity Ombudsman shall entertain no appeal by any consumer, who is required to pay any amount in terms of an order of the Forum, unless the appellant has deposited in the prescribed manner, at least fifty percent of that amount.

13. Monitoring report

The forum shall submit a report to the Commission on the category-wise number of complaints received, redressed and pending for the every quarter of calendar year in the Form-II.

PART- III ELECTRICITY OMBUDSMAN

14. Appointment and tenure

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- (1) As per section 42 (6) of the Electricity Act 2003, the Commission shall appoint or designate an authority to be known as Electricity Ombudsman for settlement of consumer grievance concerning non-redressal of the consumer grievance by Forum established under clause 3 of this regulation under section 42(5) of the Act. As per section 42(7) of the Act, the Commission makes the following regulations regarding the time and manner in which the Ombudsman shall settle the grievance of the consumer.
 - (2) The Electricity Ombudsman appointed/ designated should be an Electrical / Mechanical Engineer with ability, integrity and standing, conversant with the working of the Electricity industry and enjoying a high reputation. The person should have a minimum of 25 years of experience and who is or has been at least Chief Engineer or at an equivalent post in a public / private utility dealing with transmission, distribution and trading of electricity; exposure to management, legal or finance curriculum / services is desirable but not essential.
 - (3) The minimum age of the person to be considered for appointment, as Electricity Ombudsman shall be 50 years and not more than 62 years.
 - (4) The appointment of Electricity Ombudsman under this Clause may be made for a period not exceeding three years. Provided that the tenure of an Electricity Ombudsman, may be extended by the commission for further period not exceeding one year subject to an age limit of 65 years.
 - (5) The remuneration and other perquisites payable to Electricity Ombudsman will be determined and borne by the Commission.
 - (6) The Electricity Ombudsman shall be provided with a Secretariat. The cost of the Secretariat will be borne by the Commission.
 - (7) Where the Commission is satisfied that in the public interest or for the reason of incapacity of the Electricity Ombudsman, it may for reasons to be recorded in writing and by giving him one month notice or by paying one month salary in lieu there of, remove any Electricity Ombudsman from his office.
 - (8) The Electricity Ombudsman may relinquish his office by giving in writing to the Commission a notice of not less than one month or by paying one month's salary in lieu there of.
 - (9) The Electricity Ombudsman shall not hold any office of profit during his tenure as Electricity Ombudsman.

15. Territorial jurisdiction

The territorial limits of Electricity Ombudsman extend to entire State of Haryana. If the Commission appoints more than one Ombudsman, the Commission shall specify the territorial limits.

16. Location of office and temporary headquarters

The office(s) of the Electricity Ombudsman(s) will be located at such place(s) as may be specified by the Commission. In order to expedite disposal of complaints, the Electricity Ombudsman may hold sittings at such places within his area of jurisdiction as may be considered necessary and proper by him in respect of a complaint or reference, as the case may be, before him.

17. Powers and duties of Electricity Ombudsman

The Electricity Ombudsman shall have the following powers and duties.

- (1) To receive the representation from consumer(s) who is (are) aggrieved by the non-redressal of their grievances by the Forum.
- (2) The Electricity Ombudsman shall exercise general powers of superintendence and control over his office and shall be responsible for the conduct of business of his office.
- (3) The Electricity Ombudsman shall have the powers to incur expenditure on behalf of the office. In order to exercise such power, the Electricity Ombudsman shall draw up an annual budget for his office in consultation with Commission and shall exercise the powers of expenditure within the approved budget.
- (4) The Electricity Ombudsman shall perform any other functions as may be specified from time to time by the Commission with regard to the consumer grievances.


18. Procedure for filing a representation

- (1) Any consumer, who is aggrieved on account of non-redressal of his grievances by forum constituted under section 42 (5) of the Act, may himself or through his representative, make a representation in writing in Form -III, duly signed by the complainant or his authorised representative to the Electricity Ombudsman.
- (2) The representation shall state clearly
 - a) the Name(s) of the consumer(s), or the organization, postal address, telephone number and email address, if any, of the complainant.
 - b) The consumer number, category, address of the location of the service connection, name of the local distribution licensees' office and address against which the complaint is made, the facts giving rise to complaint supported by documents, if any and relief sought from the Electricity Ombudsman.
 - c) The name of the Forum, if already adjudicated by it, date of order, decision of the Forum (a copy of the order of the Forum to be enclosed).
- (3) No complaint to the Electricity Ombudsman shall lie unless:

- a) The complainant had before making a representation to the Electricity Ombudsman made a written representation to the Forum of the Distribution licensee named in the complaint and either the Forum had rejected the complaint or the complainant had not received any reply within a period of three months from date of filing of the grievance or the complainant is not satisfied with the orders of the Forum;
 - b) The representation is made within one month from the date of receipt of the order of the Forum or such extended time as may be permitted by the Ombudsman;
 - c) The complaint is fresh and has not been decided by the Electrical Ombudsman in any previous proceedings.
 - d) The complaint does not pertain to the same subject matter for which any proceedings before any court is pending or a degree or award or a final order has already been passed by any competent court, and
 - e) The complaint is not frivolous or vexatious in nature.
- (4) After recording proper reason, the Electricity Ombudsman may register an appeal even after the expiry of the specified period, if it is satisfied that there exists sufficient cause for not filing it within that period.
- (5) After registering the representation of the consumer, the Ombudsman, within 7 days of registration, shall call for records relating to the representation from the concerned Forum. The concerned Forum shall send the entire records within 15 days from the date of issue of such notice, to the office of the Ombudsman.

19. Rejection of the complaint

- (1) The Electricity Ombudsman may reject the representation at any stage if it appears to him that the representation made is ;
- a) frivolous, vexatious, malafide; or
 - b) without any sufficient cause or;
 - c) that it is not pursued by the complainant with reasonable diligence or;
 - d) prima facie, there is no loss or damage or inconvenience caused to the complainant.
- (2) The Electricity Ombudsman may reject a complaint at any stage, if after consideration of the complaint and evidence produced before him the Electricity Ombudsman is of the opinion that the complicated nature of the complaint required consideration of elaborate documentary and oral evidence and the proceedings before the Electricity Ombudsman are not appropriate for adjudication of such complaint.

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- (3) The decision to reject the complaint shall be conveyed to the concerned by way of speaking order in writing.

20. Powers to call information

- (1) For the purpose of carrying out his duties, an Ombudsman may require the Distribution licensee named in the complaint or any of his officers to furnish certified copies of any document relating to the subject matter of the complaint, which is or is alleged to be in its possession, within 15 days.

Provided that in the event of failure of a Distribution licensee to comply with the requisition without any sufficient cause, the Electricity Ombudsman may, if he deems fit, draw adverse inference against the Distribution licensee and proceed to settle the case on the basis of material available on record.

- (2) The 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.

21. Settlement of complaint by agreement

- (1) As soon as it may be practicable to do, but not later than one week from the date of receipt of representation, the Electricity Ombudsman shall serve a notice to the nodal officer of the distribution licensee along with a copy of the complaint and endeavour to promote a settlement of the complaint by agreement between the complainant and the Distribution licensee named in the complaint through conciliation or mediation.
- (2) For the purpose of facilitating settlement of the representation, the Electricity Ombudsman may follow such procedures, as he/she may consider appropriate. The process of mediation should be completed within 30 days from the date of issue of such notice.
- (3) When a representation is reported settled through mutual agreement with both the parties in writing, the Electricity Ombudsman shall make a recommendation, in terms of the agreement. The copies of the case recommendation shall be sent to the complainant and the Distribution licensee concerned not later than 7 days from the date of recording / receipt of the mutual agreement.
- (4) If a complainant accepts the recommendation of the Electricity Ombudsman, he shall send a communication in writing within 15 days from the date of issue of the recommendation confirming his acceptance to Electricity

Ombudsman and state clearly that the settlement reached is in full and final settlement of complaint.

- (5) The Electricity Ombudsman shall send the acceptance letter received from the complainant to the Distribution licensee to comply with the terms of the recommendations immediately but not later than 21 days of the receipt of such recommendation and the Distribution licensee shall inform the Electricity Ombudsman of its compliance within 7 days of the implementation of such recommendation.

22. Hearing of the matter and award


- (1) Where the complaint is not settled by agreement under regulation 21, the Electricity Ombudsman may determine the manner, the place, the date and the time of the hearing of the matter as he considers appropriate.
- (2) The Electricity Ombudsman may hear the pleadings of the parties and direct the parties to submit written statement of submission in the matter.
- (3) The Electricity Ombudsman shall pass a speaking order giving reasons for his findings and award.
- (4) The Electricity Ombudsman shall pass an award within a period of three months from the date of receipt of the complaint and send a copy of the award to the complainant, distribution licensee and HERC within 7 days. The distribution licensee/ Complainant shall inform the Electricity ombudsman of its compliance within 7 days of the implementation of the award .

23. Appeal before the commission

- (1) A Distribution licensee/ consumer aggrieved with the Award may file an appeal before the Commission within one month from the date of receiving copy of the Award or within such further time as may be allowed by the Commission in special circumstances of the case where the Distribution licensee /Consumer justifies the reason for not being able to file the petition within the prescribed time.

Provided an appeal filed by a Distribution licensee shall lie only if the application has the approval of the Managing Director or the Chief Executive Officer or any other officer of equal rank, of the Distribution licensee, as the case may be.

- (2) The Commission shall not receive any such additional or new material from Distribution licensee, which was not produced before the Electricity Ombudsman.
- (3) The Commission on receiving such application shall serve a copy of the application as soon as possible, to the other party, requiring his reply to the appeal within a period of two weeks or such further time as the Commission may allow.

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- (4) The Commission may call for the comments of the Electricity Ombudsman in an appeal filed before the Commission provided the Commission is satisfied that such comments of the Electricity Ombudsman are necessary in the exigencies of the case.

24. Directions issued by the Commission

- (1) The Commission on consideration of the appeal and being satisfied that the Award requires review by the Electricity Ombudsman shall remand the matter to the Electricity Ombudsman for reviewing the Award in the light of observation made by the Commission within such period as specified by the Commission.
- (2) The remand of the matter as per sub-clause (1) by the Commission shall be made within a period of six weeks from the date of submission of the appeal or within such reasonable time as the Commission may consider necessary.
- (3) If on consideration of the appeal, the Commission is satisfied that there is no ground for review of the Award it shall issue an appropriate direction to the Distribution licensee/ Complainant for the implementation of the Award within six weeks from the date of submission of the appeal or within such reasonable time as the Commission may consider necessary.
- (4) If on the consideration of the appeal, the Commission is not satisfied with the award of the Ombudsman even after review by the Electricity Ombudsman as per sub regulation 24 (1), the Commission may take up the appeal to be dealt with under the Conduct of Business regulation of the Commission.

25. Report of Electricity Ombudsman


- (1) The Electricity Ombudsman shall send to the Commission, by 1st May every year, a report containing a general review of the activities of his office during the preceding financial year and shall furnish such information as the commission may direct. The quarterly status report of the complaint should also be submitted in the Form -IV
- (2) The Commission, if it considers necessary in the public interest, may publish the report and the intimation from the Electricity Ombudsman in such consolidated form or otherwise as it deems fit.

PART- IV Savings and Powers

26. Savings

Nothing contained in these regulations shall affect the rights and privileges of the consumers under any other law for the time being in force, including the Consumer Protection Act, 1986 (68 of 1986).

27. 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 Distribution licensee to take suitable action, not being inconsistent with the applicable legal frame work, which appears to it to be necessary or expedient for the purpose of removing difficulties.

The distribution licensee may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in the establishment of the Forum as per these regulations.

28. Issue of orders or directions

Subject to the provisions of the Act, the Commission may from time to time issue orders or directions in regard to the implementation of these regulations to be followed.

29. Power to amend

The Commission may, at any time add, modify, delete or amend any provision of these Regulations.

30. Affidavit in support

All complaint shall be verified by an affidavit as per Form –V.

By order of the Commission

Sd/-

Secretary

HERC