

“बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001.”



पंजीयन क्रमांक
“छत्तीसगढ़/दुर्ग/09/2010-2012.”

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 62]

रायपुर,, शुक्रवार, दिनांक 4 मार्च 2011 – फाल्गुन 13, शक 1932

**Chhattisgarh State Electricity Regulatory Commission
Irrigation Colony, Shanti Nagar, Raipur**

Raipur , Dated 4th March 2011

No.38/CSERC/2011 - In exercise of the powers vested in the Commission under the provisions of 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) (the Act), and in pursuance of the provisions of Electricity Rules, 2005, as amended, the Chhattisgarh State Electricity Regulatory Commission had notified the regulations namely Chhattisgarh State Electricity Regulatory Commission (Redressal of grievances of consumers) Regulations, 2007 on 22nd December, 2007. Forum of Regulators (FOR) constituted under section 166 (2) of the Act has now prepared and circulated draft of the model regulations for protection of consumer interest. Considering the difficulties experienced and the provisions made in the abovesaid draft of model regulations, for the purpose of bringing improvement in mechanism for redressal of grievances of consumers, the Commission hereby makes the following regulations providing for guidelines to the licensees in the State of Chhattisgarh for setting up a comprehensive system of redressal of consumers' grievances, including setting up of Forums for Redressal of Grievances, appointment of Electricity Ombudsman by the Commission, and the procedure to be followed for redressal of

grievances by the Forums and Electricity Ombudsman, and for matters incidental and ancillary thereto. These regulations shall supersede the earlier regulations on the subject notified by the Commission on 22nd December, 2007.

Chhattisgarh State Electricity Regulatory Commission (Redressal of grievances of consumers) Regulations, 2011

CHAPTER 1: SHORT TITLE AND COMMENCEMENT

Short Title and Commencement

1. These regulations shall be called the Chhattisgarh State Electricity Regulatory Commission (Redressal of grievances of consumers) Regulations, 2011.
2. These regulations shall be applicable to all distribution licensees in Chhattisgarh in their respective licensed areas.
3. These shall come into force from the date of their publication in Chhattisgarh Rajpatra.

Definition

- 4(1) In these regulations, unless the context otherwise requires:
- (a) "**Act**" means the Electricity Act, 2003 (No. 36 of 2003) and its amendments;
 - (b) "**Aggrieved person**" or "**complainant**" means and includes the following who have a grievance or a complaint as defined in (e) below:
 - (i) a consumer as defined under clause (15) of section 2 of the Act;
 - (ii) an applicant for a new electricity connection;
 - (iii) any association or group of consumers, where the consumers have common or similar interests; and
 - (iv) in case of death of a consumer, his legal heir(s) or representative(s).
 - (c) "**Chairperson**" means the Chairperson of the Forum;
 - (d) "**Commission**" means the Chhattisgarh State Electricity Regulatory Commission constituted under section 82 of the Act.
 - (e) "**Grievance**" or "**Complaint**" means a grievance or complaint regarding any of the following:
 - (i) Interruption in power supply;
 - (ii) voltage related complaints;
 - (iii) load shedding (unscheduled outage);
 - (iv) meter reading related complaints;
 - (v) electricity bill related complaints not relating to unauthorized use and theft of electricity covered under sections 126 and 135 of the Act;

- (vi) disconnection and reconnection of power supply;
 - (vii) delay in release of new connection;
 - (viii) non-achievement of standards of performance as laid down by the Commission for distribution licensees and payment of compensation there of; and
 - (ix) any other grievances relating to damage to consumer's equipment / network / premises; requests for reduction/ enhancement in load / demand; non-payment of interest on security deposit or recovery of excessive charges for any services; etc.
- (f) **"Forum"** means a forum for redressal of grievances of consumers', constituted by each licensee in terms of sub-section (5) of section 42 of the Act.
- (g) **"Licensee"** in these Regulations means a distribution licensee and shall include Chhattisgarh State Power Distribution Co. Ltd.
- (h) **"Ombudsman (Lokpal)"** means an authority appointed or designated by the Commission, under sub-section (6) of Section 42 of the Act.
- (i) **"Rules"** means the Electricity Rules, 2005 as amended from time to time.
- 4(2) Words and expressions used in these regulations but not defined above shall have the same meaning as in the Act or in the CSERC (Conduct of Business) Regulations, 2009.

CHAPTER 2: REDRESSAL OF CONSUMER GRIEVANCES: INSTITUTIONAL MECHANISM

CONSUMERS' RIGHTS AND GRIEVANCE REDRESSAL

5. Every consumer of the licensee is entitled to the most economic and efficient service confirming to the standards laid down by the Commission in CSERC (Standards of performance in distribution of electricity) Regulations, 2006 and as amended from time to time.
6. The licensee shall make effective use of Information Technology (IT) for redressal of consumer grievances. It shall also set up assistance / call centres at major consumer centres for centralised receipt and monitoring of redressal of consumer's complaints/ grievances and for general assistance to consumers, with the help of IT.
7. For expeditious resolutions of problems of complainant if any mechanism is existing within the licensee, other than Forum established under these regulations, may be retained.

Forum for Redressal of Consumers' Grievances (Forum)

8. Every licensee, shall within six months from the date of grant of distribution licence, establish, in terms of sub-section 5 of section 42 of the Act, one or more Forum(s) for redressal of grievances of consumers in accordance with these regulations, with the approval of the Commission.

9. The number of Forums, their locations and the area of their jurisdiction may be decided by the licensee, with the approval of the Commission.

Constitution of the Forum, appointment of members, tenure

10. The Forum shall consist of not more than three members of which two may be appointed by the licensee and one independent member may be nominated by the Commission. The members of Forum shall be persons of experience, ability, integrity and repute. The composition of the Forum shall be as following:
- (a) A maximum of two full-time members may be appointed by the licensee from out of the following:-
- (i) A Senior working / retired officer of the licensee who possess a degree in Electrical Engineering and have at least 20 years' experience in the field of distribution of electricity; and

- (ii) A working / retired officer of the licensee, having at least 15 years experience in finance/accounts/legal matters / engineering in the electricity sector.

The Commission shall verify to its satisfaction the eligibility criteria of the members mentioned (i) and (ii) above.

- (b) One independent member to be nominated by the Commission who may be a representative of consumer association/ Non-Govt. Organisation actively engaged in consumer advocacy, or a person familiar with consumer affairs. However, he should not have worked as employee/officer of the licensee concerned at least two years prior to his nomination.
- (c) The member at 10(a) (i) above shall be the chairperson of the Forum.

- 11.(a) The member(s) at 10(a)(i) and 10(a)(ii) above shall be appointed by the licensee for a period of 2 years which can be extended for the further period upto two years. These members shall not be replaced during this period, except with the prior approval of the Commission. However in case of regular employee of the licensee, he will demit office of Forum from the date of his superannuation from the service of licensee.

The age of any member at the time of appointment should not be more than 63 years, and can work up to the age of maximum 65 years. The member of Forum at 10(b) may be a part time member and shall be nominated by the Commission for a period of two years.

- (b) The members of the Forum appointed by the licensee shall not hold any other office, during their tenure in the Forum.
- (c) A member may be removed from his office by the appointing/nominating authority, if
- i. he is adjudged an insolvent; or
 - ii. he is convicted of an offence which involves moral turpitude; or
 - iii. he has become physically or mentally incapable of acting as member; or
 - iv. having acquired such financial or other interest which is likely to affect prejudicially his functioning as a member; or

- v. has abused his position so that his continuance in office is considered prejudicial to the public interest; or
- vi. has been guilty of misbehaviour, or
- vii. has been negligent to his duties and/or not attending to the work of the Forum, without any valid reason.

(d) No member of the Forum as at Regulation 10(a) and 10(b) shall be removed from his office on the grounds specified in (iv) to (vii) of sub clause (c) above, except on the recommendation of the Ombudsman on an enquiry conducted by him on the request of the licensee and/or on the direction of the Commission. In case of the member nominated by the Commission as at Regulation 10(b), the enquiry shall be conducted by the Ombudsman only on the direction of the Commission.

(e) Any member of the Forum (other than the regular employee of licensee) may relinquish office by giving in writing to its employer / nominating authority a notice of not less than one month.

12. On occurrence of any vacancy in the Forum for any reason, the licensee shall take action to fill up the vacancy within a month of the date of occurrence of the vacancy.

Procedure before the Forum

13. The quorum for meeting of the Forum shall be two, and each member shall have one vote and in case of equality of votes on any issue, the chairperson shall have a casting vote.
14. All decisions of the Forum shall, as far as possible, be unanimous or be on the basis of decision by majority of the members present.
15. No act or proceeding of the Forum shall be deemed to be 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.

Process for submission of grievance before Forum

16. Grievances/complaints may be submitted to the Forum by the aggrieved person(s) either in person or by post. The Forum shall maintain true and correct record of all complaints received by it.
17. To facilitate the consumers the licensee may establish a “**complaint receiving and redressal centre**” at O&M / city circle level, by nominating an officer as nodal officer. The complaint / grievances meant for Forum may also be collected at these centres, and acknowledgment issued to complainant. The complaints / grievances shall be forwarded by the nodal officer to the respective Forum at least once in a week i.e. within maximum period of seven days. In the mean time nodal officer also shall endeavour to resolve the grievance of the consumer by contacting the respective officer(s) of the utility. The complainant shall have right to approach Forum directly.
18. A complaint/grievance may be submitted to the Forum in writing in a plain paper containing the following informations: - (i) Name and full postal address, telephone / mobile number of aggrieved person, (ii) centre / office of licensee with which the grievance is related, (iii) type of electrical connection and connection number, (iv) details of grievance(s), (v) nature of relief sought (vi)

declaration that the complaint is not pending before any other Commission / other Forum, court, etc. and (vii) signature of the aggrieved person.

19. The office of the Forum /complaint receiving and redressal centre shall issue acknowledgment of the receipt of the grievance/complaint to the person presenting it in person at the time of presenting the grievance/complaint, or by post if complaint is received by post, indicating the receipt number and date of receipt. An acknowledgement sent by post, shall be sent within two working days.

Limitation / precondition for submission of grievances to Forum

20. In case of billing complaints the Forum may receive only such complaints, where the disputed amount is more than Rs.1,000/ (excluding cases where the disputed amount is due to arithmetical or clerical errors) in case of HT/LT industrial and non-domestic consumers, and where the disputed amount is more than Rs. 500/-, (excluding cases where the disputed amount is due to arithmetical or clerical errors) in case of domestic / agriculture and agriculture allied consumers.
21. The Forum shall take up all consumer grievances for redressal except those pertaining to:-
 - (i) Adjudication of the disputes between the licensees and generating companies.
 - (ii) unauthorised use of electricity as defined in section 126 and 127 of the Act;
 - (iii) offences and penalties under section 135 to 139 and 152 of the Act; and
 - (iv) accidents and inquiries as specified under section 161 of the Act unless authorised by the State Government by general/special order.

Explanation:

Filing of a grievance before a Forum shall not in any way prejudice the right of a consumer to seek relief/compensation under section 57 of the Act.

22. The Forum shall not take up cases where proceedings in respect of the same matter and between the same aggrieved person and the licensee, are pending before any court, tribunal, Commission, arbitrator or any other competent authority, or in respect of which a decree or award or a final order has already been passed by any such court, tribunal, Commission, arbitrator or authority.

Investigation and hearing process by Forum

23. (a) On receipt of a grievance the Forum should register it, allot and convey the registration number to the complainant within two working days of the receipt of the grievance. The Forum should first satisfy itself if a grievance is prima facie made out. If, it is found that there is a grievance, which needs to be redressed, it will not reject any application only on technical grounds. In case it is found that the complaint is frivolous or prima facie without substance, the Forum shall send a reply to the complainant indicating reasons for not considering the complaint / grievance within four working days from the date of receipt of the

complaint. The consumer may, however, be given an opportunity of being heard subsequently, if complainant so desires.

- (b) A notice along with a copy of complaint shall be issued by the Forum within three days of the receipt of the grievance to the concerned officer of the licensee, asking him to send his point wise reply by a day not later than fifteen working days from the date of issue of the notice, as to (i) whether the grievance can be redressed by him and (ii) if it can not be redressed, the reasons thereof.
- (c) The Forum can call the officer concerned of licensee for discussion in suitable case(s), in order to seek redressal of the grievance filed before it. In case the matter is settled in discussion, it may be recorded as a decision and conveyed to the complainant and the licensee.
- (d) In case the Forum comes to the conclusion that the complainant and the concerned officer of the licensee are required to be heard for redressal of the grievance, it shall call the complainant and the concerned officer with the details of the case and documents, if any, as may be necessary.
- (e)
 - (i) If the concerned officer of the licensee, on receipt of a copy of the complaint referred to him under Regulation 23 (b) above, fails to take any action or submit reply, within the time given by it, the Forum may proceed to settle the grievance ex-parte on the basis of evidence brought before it by the aggrieved person.
 - (ii) In case of default in attendance in course of the proceedings, the Forum may proceed to settle the grievance on the basis of evidence submitted to it by the aggrieved person and the concerned officer of the licensee up to that time.
- (f) No adjournment shall ordinarily be granted by the Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum; If the aggrieved person fails to appear on the date of hearing, the Forum may either dismiss the complaint in default or decide it on merits ex-parte. In case of non-appearance of representative/official of licensee on the date of hearing the Forum may decide it on merits ex-parte.
- (g) The Forum may allow any association of consumers to file complaints on behalf of the consumer(s).The Forum may permit a representative of any consumer association / NGO dealing with consumer issues to remain present during hearings of any complaint by a consumer.
- (h) It is not necessary for the aggrieved person/complainant to take assistance from an advocate. The complainant can plead its case itself or can take assistance of any person, which may include an advocate, or an association/society of which it is a member, or an NGO, for putting forth its case before the Forum. The complainant can take back its complaint at any stage of proceedings of case.
- (i) The time limit for disposal of a complaint/redressal of grievance shall be forty five days of its registration. The Forum shall ensure that the time limit for disposal of a complaint is adhered to. In case of delay in any case, the Electricity Ombudsman shall be informed by Forum giving the reasons in detail for the delay.
- (j) The Forum may call for any record from the respondent party or from the Complainant, as is relevant for examination and disposal of the

grievance and both the parties shall be under obligation to provide such information, document or record as the Forum may call for. Where a party fails to furnish such information, document or record and the Forum is satisfied that the party in possession of the record is withholding it deliberately, it may draw an adverse inference.

- (k) The Forum may ask the concerned officer of the licensee to undertake an inspection or engage a third party to undertake an inspection, as may be required, for expeditious redressal of the grievance. The Forum can also engage a third party (other than the licensee) at the instance and request of the aggrieved person, to undertake inspection and obtain an independent report. The Forum shall record the reasons for the need for such third party inspection, which should generally be resorted to rarely and keeping in view the special circumstances of a case. The expenses of such third party inspection, except expenses of inspection at the request of the aggrieved person, shall be borne by the licensee, and to the extent reasonable and justifiable such expenses shall be allowed in the determination of tariff in accordance with the relevant Regulations of the Commission. In case, inspection is taken up at the request of the aggrieved person, the expenses shall be deposited in advance by him, which may or may not be refunded by the Forum depending on the complaint being found to be of substance or not. If considered necessary, the Forum may inspect the electrical installation of consumer or licensee, and record the findings of such inspections.
 - (l) The language of the proceedings of the Forum shall normally be Hindi.
 - (m) The Forum shall not be bound to follow the procedure prescribed in the Civil Procedure Code, 1908 (Act 5 of 1908) or the Indian Evidence Act, 1872 (1 of 1872) in its proceedings. Subject to these Regulations the Forum may evolve procedures conforming to the principles of fair play and justice for efficient discharge of its functions.
24. The Forum may consult the higher authorities of the distribution licensee for settlement of any grievance, if required in any case.

Issue of order

25. The order of Forum should be consistent with provisions of the Act, Rules, Regulations and Codes notified by the Commission from time to time. It should be ensured that the orders issued by the Forum are clear, speaking, unambiguous and consistent with the provisions of the Act, Rules and Regulations and Codes issued by the Commission.
26. On receipt of the comments from the Licensee or otherwise and after conducting or having such inquiry or local inspection conducted as the Forum may consider necessary, and after according reasonable opportunity of hearing to the parties, the Forum shall take a decision by a majority of votes of the members of the Forum present, and in the event of equality of votes, the Chairperson shall have the second and casting vote.

If, after the completion of the proceedings, the Forum is satisfied after voting that any of the allegations contained in the grievance are correct, it shall issue an order to the Distribution Licensee directing it to do one or more of the following things in a time bound manner, namely -

- a) to remove the cause of grievance in question;
- b) to return to the Complainant the undue charges collected by the licensee. Forum may also direct licensee to pay the interest at the rate the licensee is required to pay interest to the consumers on the security deposited by the consumers with the licensee as per the relevant regulations of the Commission;
- c) any other order, deemed appropriate in the facts and circumstances of the case.

Every proceeding shall be recorded. Decision given by the Forum shall be a reasoned order and signed by the members conducting the proceedings. The order may specify the time period within which it is to be complied by the concerned officer of the licensee.

27. In case, Forum is convinced that the complainant is entitled for receipt of compensation related to non fulfillment of standards of performance by the licensee as per the CSERC (Standards of Performance in distribution of electricity) Regulations, 2006 and its amendment(s) / revision from time to time then on request of the complainant, the Forum in its order may ask the distribution licensee to pay suitable compensation to the complainant as per provision(s) in above Regulations.
28. The Forum shall send the copy of the order to the aggrieved person, to the concerned officer of the licensee and to the next higher authority of the officer concerned of the licensee for information.

Special provision, Interim order, Review of order

29. The Forum may also issue interim orders on the request of the aggrieved person, as it considers appropriate, pending final disposal of the complaint.
30. The Forum may review its order suo motu, at any time on account of mistake or error apparent on the face of the record and on the application of any of the parties to the original proceedings within 30 days of the order on the following grounds:
 - (i) Discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by it at the time the order was made; or
 - (ii) On account of improper interpretation of provisions of the Act/ Rules or Regulations / Codes notified by the Commission.
 - (iii) Any other sufficient reason.

Duty of licensee to ensure compliance of order(s) of the Forum

31. The concerned officer of the licensee shall comply with and implement the orders of the Forum within the period specified therein. In the absence of any such time limit, considering the nature of the case, compliance shall be ensured within the period of 30 days. In appropriate cases, considering the nature of case, the Forum, on the request of the aggrieved person/licensee may extend the period for compliance of its order up to a maximum period of 3 months. Non-compliance of the order of the Forum shall be treated as violation of Regulations of the Commission and shall be liable for action under section 142

of the Act. The Commission upon information received from Forum or any complaint regarding non compliance of order (s) of Forum filed by affected person may proceed under section 142 of the Act.

Reporting compliance of order

32. The concerned officer of the licensee shall furnish compliance report of the order of the Forum within seven days from the date of compliance, to the Forum, to the complainant and also to his next superior officer to whom copy of the order was endorsed by the Forum.
33. The Forum shall keep record of the compliance of its orders and review the same and shall submit report in this regard to Electricity Ombudsman every month. In case of non-compliance of its orders the Forum shall take up matter with the higher authorities of the licensee for compliance. If even after that the order is not complied with, the Forum shall inform the Commission regarding such non-compliance.
34. The Forum shall submit a quarterly report of disposal of grievances along with compliance of order to the licensee, the Ombudsman and the Commission, in the form as may be prescribed by the Commission. The report should be submitted within 15 days of the close of the quarter to which it relates. This report will be in addition to the report required to be sent by the Forum to the Ombudsman / Commission under Regulation 33.
35. The Forum shall also furnish a yearly report containing a general review of activities of the Forum during the calendar year to the licensee, Commission and Ombudsman. The report should be submitted within 30 days of close of the calendar year to which it relates.

General

36. The chairperson shall have the general powers of superintendence and control over the Forum.
37. The Forum shall comply with such general directions as the Commission may issue from time to time in the interest of more efficient and effective redressal of grievances. Forum can also approach Commission regarding interpretation of regulations / codes notified and applicability of tariff in tariff order(s) issued by the Commission.
38. The licensee shall from time to time give due publicity about the Forum and its charter through advertisement in widely circulated local newspapers and in such other manner as it considers appropriate and as the Commission may direct, from time to time. The names of the members of the Forum, their addresses and phone numbers shall be displayed prominently at all the offices of the licensee which has interface with consumers and shall also be duly published, including on the electricity bills raised on the consumers.
39. The Forum is an institutional mechanism created by the licensee for redressal of the grievances of its consumers. It is, therefore, the responsibility of the licensee to empower it and take necessary measures to make it effective in the interest of its consumers. The licensee shall ensure that necessary instructions are issued to all concerned officers sensitising them about the Forum and its functions, and about their duty to comply with its orders promptly.

40. The licensee shall provide required supporting staff and appropriate office accommodation to the Forum.
41. The salary or honorarium and other allowances payable to the members shall be charged to the licensee who shall be responsible for timely and regular payment.
42. The licensee shall meet all the costs and expenses of the Forum including the cost of establishment and staff required to assist the Forum in the discharge of its functions under these regulations.
43. The expenditure on the Forum(s) will be considered in the revenue requirement of the licensee and will be allowed as a pass through expense.

CHAPTER 3: OMBUDSMAN (LOKPAL)

Appointment, qualification, tenure of Ombudsman

44. The Commission may, from time to time, appoint or otherwise designate such person, as it considers appropriate, as Ombudsman under sub section (6) of Section 42 of the Act read with rule 7 of the Rules.
45. The Commission shall appoint or designate an Ombudsman for the State of Chhattisgarh.
46. The Ombudsman shall be a person of experience, ability, integrity and repute. The Ombudsman shall be selected from amongst persons who have experience and exposure in any of the fields, such as legal affairs, engineering, industry, administration, management, defence services and consumer affairs, of not less than 20 years. The age of the person to be appointed as Ombudsman should not exceed sixty-three years at the time of first appointment, and can work upto age of maximum 65 years.
47. The Commission shall invite applications through public advertisement for appointment of the Ombudsman. The Commission shall form a selection committee for selecting the Ombudsman from all the applications received.
48. The Ombudsman appointed shall remain in office for a period of two years from the date he assumes office. The period of appointment may be extended beyond two years for a period upto two years at the discretion of the Commission.
49. The Ombudsman may relinquish office by giving in writing to the Commission a notice of not less than one month.
50. The Ombudsman shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).
51. The Ombudsman may be paid fixed fees or honorarium as may be decided by the Commission from time to time.
52. Where the Commission is satisfied that in the public interest, it is necessary to remove a person from the post of Ombudsman, the Commission may by giving one month's notice or by paying one month's consolidated fees or honorarium in lieu thereof, remove such person, if such person:
 - (i) has been adjudged an insolvent; or

- (ii) has been convicted of an offence which involves moral turpitude; or
- (iii) has become physically or mentally incapable of acting as Ombudsman; or
- (iv) has acquired such financial or other interest as is likely to affect prejudicially his functioning as Ombudsman; or
- (v) has so abused his position as to render his continuance in office prejudicial to the public interest; or
- (vi) has been guilty of misbehaviour, or
- (vii) has been negligent to his duties and/or not been attending office, without furnishing any valid reason.

Provided that no person shall be removed from office on any ground specified in clauses (iv),(v),(vi) & (vii) above unless the Commission has, on an inquiry held by it, concluded that the person ought to be removed on such ground or grounds.

Representation / appeal to the Ombudsman

53. An aggrieved person other than licensee not satisfied with the order of the Forum may make a representation to the Ombudsman within a period of forty five days from the date of receipt of such order.

Provided that, the Ombudsman may entertain a representation after the expiry of the said period of forty five days if he is satisfied that there is sufficient cause for not filing it within that period.

54. The Ombudsman shall not admit for consideration any representation if the subject matter of the representation is under consideration in a proceeding before the Commission, Appellate Tribunal for Electricity established under section 110 of the Act, or any court of law.

55. If the representation to the Ombudsman concerns payment of any bill raised by the licensee, it shall not be accepted unless the person making the representation has deposited with the licensee at least one third of the amount required to be paid by him in terms of the order of Forum.

56. A representation made to the Ombudsman shall -

- (a) be in writing and signed by the person making it,
- (b) give the name and address of the aggrieved person, along with telephone / mobile no.,
- (c) contain the details of the complaint including copy of the order of the Forum, and,
- (d) contain a declaration to the effect that the subject matter of the representation is not under consideration in any proceeding before the Commission/Appellate Tribunal for Electricity or any court of law.

57. The office of the Ombudsman shall acknowledge receipt of the representation in the following manner:-

- i) If the representation is delivered personally, immediately on submission; and
- ii) If the representation is received through post or courier, within two working days.

58. (1) The Ombudsman may at any time ask an aggrieved person making a representation -
- (a) to provide further information or documents; or
 - (b) to verify all or any part of the representation on affidavit.

Provided further that the Ombudsman shall allow a reasonable period of time for compliance with the above requirements.

- (2) The Ombudsman may permit the aggrieved person to plead his case himself or take the assistance of any person which may include an advocate or an association/society of which he is a member, or an NGO for putting forth his case
59. An aggrieved person may withdraw his representation at any time by making an application to the Ombudsman in writing for such withdrawal. The withdrawal shall take effect only when the Ombudsman agrees to such withdrawal.

Promotion of settlement by agreement

60. As soon as practicable to do so, but not later than one week from the date of receipt of a representation, the Ombudsman shall serve a notice to the concerned officer of the licensee along with a copy of the representation.
61. In suitable cases, the Ombudsman may endeavour to promote a settlement of the grievance through conciliation or mediation and in doing so, the Ombudsman may follow such procedure, as he considers appropriate.

Hearing of representation by Ombudsman

62. After registering the representation, the Ombudsman, within seven days of registration, shall call for records relating to the representation from the concerned Forum. The concerned Forum shall send the entire records within 3 days from the date of receipt of such notice to the office of the Ombudsman.
63. No adjournment shall ordinarily be granted by the Ombudsman unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Ombudsman; provided further that the Ombudsman shall make such orders as to the cost occasioned by the adjournment to be paid by the defaulting party to the non-defaulting party.
64. Subject to the provisions of the Act and these Regulations, the Ombudsman's decision whether a representation is fit and proper for being considered by it or not shall be final.
65. The Ombudsman shall decide the representation, only after providing the parties an opportunity of being heard.
66. The Ombudsman may require the licensee / aggrieved person, to furnish such documents, books of accounts information, data and details as may be required to decide the representation and the licensee / aggrieved person shall duly comply with such requirements.

67. The Ombudsman may direct the licensee to undertake an inspection or engage a third party to undertake such inspection with regard to any grievance, as may be required, for expeditious redressal of the grievance. The Ombudsman can also engage a third party (other than the licensee) on the request of the aggrieved person, to undertake inspection with regard to the complaint and obtain an independent report. This power may be exercised by the Ombudsman only when the facts and circumstances of the case merit third party inspection. The Ombudsman shall record the reasons for the need for such third party inspection, which should generally be resorted to rarely and keeping in view the special circumstances of a case. The expenses of such third party inspection except expenses of inspection at the request of the aggrieved person, shall be borne by the licensee, and to the extent reasonable and justifiable such expenses shall be allowed in the determination of tariff in accordance with the relevant Regulations of the Commission. In case of inspections at the request of the aggrieved person, the expenses shall be deposited in advance by the person, which may or may not be refunded by the Ombudsman depending on the complaint being found to be of substance or not.
68. The Ombudsman shall decide the representation within three months from the date of its receipt. In the event the representation is not decided within three months, the Ombudsman shall record the reasons therefor.
69. The Ombudsman may reject the representation at any stage, if it appears to him that the representation is-
- (i) frivolous, vexatious, malafide;
 - (ii) without any sufficient cause; or
 - (iii) not being pursued by the person making the representation with reasonable diligence.
70. The language of the proceedings of the Ombudsman shall normally be Hindi.

Orders by the Ombudsman

71. In case an agreement is reached and the grievance is redressed by such agreement between the aggrieved person and the licensee, the Ombudsman shall make a record of such agreement in the case as his order(s) and thereafter close the case
72. Where the representation is not settled by mutual agreement between the person aggrieved and the licensee, the Ombudsman shall proceed to hear the case and decide the place, the date and the time of such hearing.
73. The Ombudsman shall decide the representations on the pleadings of the parties, after providing them an opportunity of being heard. He shall pass a speaking order, which he considers fair in the light of the facts and circumstances of the case and principle of natural justice. The order shall clearly state the nature of relief the complainant is entitled to as per rule including monetary compensation if any. The order may specify time period within which it should be complied.
74. The order of Ombudsman should be consistent with provisions of the Act, rules, regulations and the codes notified by the Commission from time to time and general orders or directions given by the Govt. of Chhattisgarh / this

Commission in this regard. It should be ensured that the order(s) issued by the Ombudsman are clear, speaking and unambiguous.

75. In case, Ombudsman is convinced that the complainant is entitled for receipt of compensation related to non fulfillment of standards of performance by the licensee as per the CSERC (Standards of Performance in distribution of electricity) Regulations, 2006 and its amendment(s)/revision from time to time then the Ombudsman in its order may direct the distribution licensee to pay suitable compensation to the complainant as per provision(s) in above Regulations.
76. A copy of the order shall be sent to the aggrieved person, concerned Forum, the concerned officer of licensee and its next higher authority.
77. The orders of the Ombudsman shall be final and binding on the parties. No party can file an appeal before the Commission against this order. However, the rights of complainant and licensee to file an appeal in front of the other judicial bodies (including but not limited to Appellate Tribunal for Electricity, Forums and Commissions established under the Consumer Protection Act, 1986, High Court, Supreme Court, etc.) shall remain protected.

Special Provision, interim order, review of order

78. On request of complainant, the Ombudsman may issue such interim order at any stage during disposal of representation as it may consider necessary.
79. The aggrieved person or the licensee may prefer an application for review of the order to the Ombudsman, within thirty (30) days from the date of receipt of the order.
80. The Ombudsman may review his order(s) Suo motu at any time on account of mistake or error apparent on the face of the record. The Ombudsman may also review his order(s) on the following grounds on application of any of the party to original proceedings:
 - (i) Discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by it at the time the order was made; or
 - (ii) On account of improper interpretation of provisions of the Act / Rules or Regulations / Codes notified by the Commission.
 - (iii) Any other sufficient reason.

Responsibility of licensee to ensure compliance with orders of Ombudsman:

81. The licensee shall comply with and implement the order of the Ombudsman within the period specified in the order or in the absence of any such time limit, within a period of 30 days. In appropriate cases, considering the nature of the case, the Ombudsman, on the request of the aggrieved person / licensee, can extend the period of compliance of order upto a maximum period of three months. The licensee shall report compliance to Ombudsman within seven days of the day the order of Ombudsman was complied with.

Ombudsman will review the compliance of his orders and compliance of orders of Forums every month and shall report non-compliance of his orders and orders of Forums, if any, to the Commission.

82. Non-compliance with the orders of the Ombudsman shall be treated as violation of the provisions of Regulations of the Commission. The Commission upon information received from the Ombudsman or any complaint regarding non-compliance of order(s) of Ombudsman filed by the affected person, may proceed under section 142 of the Act.

Submission of report

83. The Ombudsman shall submit to the Commission a quarterly report on disposal of cases by him. He shall also prepare a report on six monthly basis about the nature of the grievances of the consumers dealt by him, the response of the licensees in the redressal of the grievances and the opinion of the Ombudsman about the licensee's compliance or the standards of performance as specified by the Commission under Section 57 of the Act during preceding six months. This report shall be forwarded to the Commission and the State Government within 15 days of the end of every six months.
84. At the end of every calendar year the Ombudsman will also prepare a report bringing out the main features of the work done during the calendar year. The report shall be made available to the Commission within 30 days of completion of calendar year to which it pertains for inclusion in the annual report of the Commission prescribed under section 105 of the Act.

General

85. 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 and shall also perform other functions as may be specified by the Commission.
86. The expenditure on Ombudsman shall be borne by the licensees. The Commission will prepare every year the budget for the Ombudsman in consultation with him. The Commission will indicate the respective share of expenditure, to be borne by each licensee to be released quarterly in advance.
87. The Ombudsman can also approach Commission regarding interpretation of regulations/codes/notified, and applicability of tariff as per tariff order(s) issued by the Commission.

CHAPTER 4 : MISCELLANEOUS

Powers to remove difficulties

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

89. The licensee may seek guidance or clarification from the Commission for removal of any difficulties that may arise in the establishment / functioning of the Forum as per these Regulations.
90. Nothing in these Regulations shall bar the Commission from adopting, in conformity with the provisions of the Act, a procedure, which is at variance with any of the provisions of these regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, considers it necessary or expedient to do so.
91. Nothing in these Regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Act with regard to redressal of grievances of consumers for which no regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.
92. 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 under the Consumer Protection Act, 1986 (68 of 1986).

Power to Amend

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

Repeal and Savings

94. (i) CSERC (Redressal of Grievances of Consumers) Regulations, 2007 are hereby repealed and replaced by these Regulations.
- (ii) Notwithstanding such repeal, anything done or any action taken including any order passed or notice issued, any inspection done or any direction given under the repealed Regulations shall be deemed to have been done or taken under the corresponding provisions of these Regulations.

Note: In case of any difference in the interpretation or understanding of the provisions of the Hindi version of these Regulations with those of the English version and in case of any dispute in this regard, the decision of the Commission shall be final and binding.

By order of the Commission

(N.K. Rupwani)
Secretary