

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION, MUMBAI

Draft Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020

ELECTRICITY ACT, 2003

No. **MERC / LEGAL / ___ of 2020/ ___** - In exercise of the powers conferred on it by sub-sections (r) and (s) of Section 181 read with sub-sections (5) to (7) of Section 42 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, the Maharashtra Electricity Regulatory Commission hereby makes the following Regulations, providing guidelines to the Distribution Licensees in the State for establishing Forum(s) for redressal of Grievances of consumers and for the appointment of the Electricity Ombudsman by the Commission, for making representation against non-redressal of Grievances of consumers and the time and manner of settlement of Grievances by the Electricity Ombudsman and for matters incidental and ancillary thereto, and further to supersede the “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2006”.

Chapter I

General

1 Short Title, Commencement and Interpretation

- 1.1 These Regulations may be called the “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020”.
- 1.2 These Regulations extend to the whole of the State of Maharashtra.
- 1.3 These Regulations shall come into force from the date of its notification in the Official Gazette.
- 1.4 These Regulations shall be construed harmoniously with the Standards of Performance of Distribution Licensees and the Electricity Supply Code specified by the Commission under the provisions of clauses (x) and (za) of sub-section (2) of Section 181 of the Act:

Provided that in case of any inconsistency with these Regulations, the Standards of Performance of Distribution Licensees and the Electricity Supply Code shall prevail.

2 Definitions

2.1 In these Regulations, unless the context otherwise requires -

- (a) “**Act**” means the Electricity Act, 2003 (36 of 2003);
- (b) “**Commission**” means the Maharashtra Electricity Regulatory Commission;
- (c) “**Grievance**” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance, which has been undertaken to be performed by a Distribution Licensee in pursuance of a licence, contract, agreement or under the Electricity Supply Code or in relation to Standards of Performance of Distribution Licensees as specified by the Commission and includes *inter alia* Grievances in respect of non-compliance of any Order of the Commission or any action to be taken in pursuance thereof, which are within the jurisdiction of the Forum or Electricity Ombudsman, as the case may be;
- (d) “**Forum**” means the forum for redressal of Grievances of consumers required to be established by Distribution Licensees pursuant to sub-section (5) of Section 42 of the Act and these Regulations;
- (e) “**Electricity Ombudsman**” means an authority appointed or designated by the Commission, in pursuance of sub-section (6) of Section 42 of the Act and these Regulations, to whom any consumer, who is aggrieved by non-redressal of his Grievances by the Forum, may make a representation;
- (f) “**Nodal Officer**” shall mean an officer having knowledge and experience in distribution and supply of electricity and so designated by the Distribution Licensee to act as a nodal officer, who shall not be below the rank of an Executive Engineer or officer of equivalent rank of any Distribution Licensee;
- (g) “**Representation**” shall mean the representation made to the Electricity Ombudsman by the consumer in person or on behalf of such consumer who is aggrieved by non-redressal of his Grievances by the Forum (including dismissal order) within the specified time and in accordance with these Regulations.

2.2 Interpretations

Words and expressions used and not defined in these Regulations but defined in the Act shall have the meanings respectively assigned to them in the Act.

3 Basic Principles

3.1 Every Distribution Licensee shall, within six months from the Appointed Date or date of grant of licence or date of taking on record the Distribution Licensee status in case of Deemed Distribution Licensees, whichever is earlier, establish Fora in accordance with these Regulations.

3.2 Such Fora shall follow the principles of natural justice, including, *inter alia*, the following:

- (a) they shall protect the interest of consumers;
- (b) they shall inform consumers of their rights;
- (c) they shall facilitate and expedite the redressal of Grievances.

3.3 A Distribution Licensee shall generally establish one (1) Forum in each distribution Zone falling within its area of supply:

Provided that the Distribution Licensee shall be allowed to establish one (1) Forum for more than one (1) distribution Zone, depending on the number of cases and work load of the Forum:

Provided further that where the area of supply is the city of Greater Mumbai and adjoining areas, each Distribution Licensee shall have at least one (1) Forum for such area of supply:

Provided also that the area of jurisdiction of the Forum shall be decided by the Distribution Licensee subject to any guidelines or directions that may be issued by the Commission, from time to time.

Explanation – for the purpose of this Regulation 3.3, the term “distribution Zone” shall mean the geographical area falling within the jurisdiction of a zonal office of the successor entities of the Board as may be vested with the functions of distributing electricity pursuant to re-organisation of the Board.

3.4 The location of approved list of Fora of Distribution Licensees in the State of Maharashtra is given at Appendix 1:

Provided that the Commission may notify any change in the Appendix 1 through Order, as necessary from time to time, after due public consultations.

3.5 Every Distribution Licensee shall publish its rules and procedures for redressal of Grievances and make the same available to public in English and Marathi at all cash collection centres and offices of the Distribution Licensee, and inform consumers through the bills raised on them regarding the availability of such rules and procedures.

3.6 Such rules and procedures for redressal of Grievances published by the Distribution Licensee shall be in accordance with these Regulations.

3.7 The Distribution Licensee shall update and publish such rules and procedures referred to in Regulation 3.4 at regular intervals which shall, in particular, include—

- (i) the objects of these Regulations;
- (ii) the assistance available from the Forum;
- (iii) the manner of filing a representation before the Electricity Ombudsman;
- (iv) any additional rules, procedures or circulars made or issued by the Distribution Licensee in relation to these Regulations and in accordance with the Act.

3.8 The Distribution Licensees shall constantly endeavour to take steps in accordance with the requirements herein to provide as much information suo motu to the public at regular intervals through various means of communication, including internet, so that information is disseminated widely and in such form and manner that is easily accessible to the public.

Explanation.—For the purposes of Regulation 3.7, "disseminated" means making known or communicating the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means.

3.9 As part of the internal complaint redressal system of the Distribution Licensee, a web-based portal shall be created whereby consumers can register their complaints electronically/digitally through SMS, online registration, web-chat facility and mobile application (in person or through toll free telephone numbers), which shall be integrated with the complaint handling system through the Consumer Call Centres.

3.10 The complaints registered through the integrated portal under the internal complaint redressal system shall be addressed in the following manner:

- (a) The Complainant can create their own logins wherein they can lodge multiple complaints and keep a track of all individual complaints till the complaint is resolved;
- (b) All complaints received shall be automatically assigned/sent to the respective department/cell, for speedy redressal;
- (c) The respective department/cell is required to provide remedy on the complaint within a stipulated time from the date of registering the complaint;

- (d) The concerned officer shall take necessary action on the complaint and update and/or close the same on the portal;
- (e) The Distribution Licensee shall design its own escalation index for non-resolution/non-closure of complaint depending on the time elapsed from the date of registering the complaint;
- (f) Every Distribution Licensee shall have one officer in its area/district/zone, depending on the number of complaints received, assigned specifically for resolution of complaints, who shall be directly reporting to the Chief Engineer/Zonal Chief of that area;
- (g) The portal shall also have a feedback mechanism with a suggestion window wherein the consumers can register their feedback based on the service provided;
- (h) The Distribution Licensee shall provide quarterly update to the respective CGRF on the status of complaints, including summary of the feedback received from the consumers:
Provided that the same shall also be uploaded on the website in an easy to read format.

3.11 The Chairperson of the respective CGRF may give directions to the Distribution Licensee based on the reports received on number of complaints disposed of by the internal complaint redressal system in stipulated time and the feedback/suggestion provided by the consumers.

Chapter II

Forum for Redressal of Consumer Grievances

4 Constitution of Forum for Redressal of Consumer Grievances

- 4.1 Each Forum to be constituted by the Distribution Licensee shall consist of three members, who shall meet the following criteria:
- (a) The Chairperson of the Forum shall be a retired senior judicial officer; or a retired civil servant not below the rank of a Collector; or a retired Principal of a reputed Engineering college; or a retired Professor of the Electrical Engineering Department of a reputed institute; or a retired senior electrical engineer of the Government; or a retired engineer from a government Distribution Licensee not below the rank of Superintending Engineer or equivalent officer, and having at least thirty (30) years of experience, with adequate knowledge of power sector:
Provided that the Chairperson shall preferably have working knowledge

of the vernacular language of the State of Maharashtra:

Provided further that the Chairperson shall be nominated by the Commission after inviting applications from interested persons and selecting from shortlisted candidates:

Provided also that the Commission shall verify the integrity and background of such applicants;

- (b) One Member shall be a person not below the rank of Executive Engineer or a person of equivalent rank of any Distribution Licensee and having at least fifteen (15) years of experience:

Provided that the Distribution Licensee shall ensure that he/she is a person having knowledge and experience in distribution and supply of electricity and of high integrity and moral background;

- (c) One independent Member shall be nominated by the Commission, who shall have experience of working for at least ten (10) years on matters concerning consumer Grievances:

Provided that such Member shall not have been in the employment in any capacity under, or agency of, the Distribution Licensee or provided consultancy services to electricity consumers for a minimum period of three (3) years prior to being appointed as member of the Forum:

Provided further that the Commission shall invite applications from interested persons and select from shortlisted candidates:

Provided also that preference shall be given to a representative of a registered voluntary consumer protection organization or Industrial Association or Research Institute:

Provided also that preference shall be given to a person who resides in the same area:

Provided also that the Commission shall verify the integrity and background of such applicants.

4.2 In case the Distribution Licensee has less than one lakh fifty thousand (1,50,000) consumers in its area of supply in the State of Maharashtra, the Forum may consist of a single Member, who shall fulfil the eligibility criteria of sub-clause (a) of Regulation 4.1 above.

4.3 Where the Chairperson is absent or the post of Chairperson is vacant, the independent Member, who fulfils the eligibility criteria of sub-clause (c) of Regulation 4.1 above, shall act as the Chairperson, subject to concurrence of the Electricity Ombudsman.

4.4 The Distribution Licensee shall ensure that the post of a Member in the Forum

is not kept vacant for a period exceeding three (3) months:

Provided that the process of appointment or nomination of a Member shall commence within a period of three months before the superannuation or end of tenure of the Chairperson or Member:

Provided further that if the Forum is short of quorum during the period of vacancy, then the Distribution Licensee shall give additional charge to a Member of an adjacent Forum for meeting the quorum.

- 4.5 Every Member of the Forum shall hold office for a fixed term of three (3) years provided that the tenure of a Member referred to in Regulation 4.1 (b) may be extended once by the Distribution Licensee or in case of the Member referred to in Regulations 4.1 (a) or (c) by the Commission for a further period not exceeding two (2) years subject to an overall age limit of sixty-five (65) years:

Provided that a Member of the Forum who is in the employment of the Distribution Licensee shall cease to be member of the Forum upon his transfer, and the Distribution Licensee shall designate another officer as Member of the Forum who shall comply with the eligibility criteria set out in sub-clause (b) of Regulation 4.1:

Provided further that the extension of tenure of the Members by the Distribution Licensee shall be done only in consultation with the Commission:

Provided also that the age limit of 65 years shall be applicable for existing appointments also at the end of their fixed term or extended term, as applicable.

- 4.6 No person shall be appointed and/or be entitled to continue as a Chairperson or Member if he/she stands disqualified on account of his/her:

- (a) having been adjudged an insolvent;
- (b) having been convicted of an offence which, in the opinion of the Electricity Ombudsman, involves moral turpitude;
- (c) having become physically or mentally incapable of acting as such Chairperson or Member;
- (d) having acquired such financial or other interest as is likely to affect prejudicially his/her functions as a Chairperson or Member;
- (e) having so abused his/her position as to render his/her continuance in office prejudicial to public interest; or
- (f) having been guilty of proved misbehaviour;
- (g) having been found to have failed to deliver the functions assigned to them or exceeding their brief.

- 4.7 An existing Chairperson or independent Member or Technical Member shall be liable to be removed from his/her office forthwith on account of any of the aforesaid disqualifications arising or being discovered:

Provided that no Chairperson or independent Member shall be removed by the Commission from his/her office on any ground specified in the aforesaid clauses of Regulation 4.6 unless the Electricity Ombudsman, has, on an independent inquiry held by him/her, in accordance with such procedure as directed by the Commission, reported to the Commission that such Chairperson or independent Member ought, on such ground or grounds, to be removed:

Provided further that the provisions of Regulation 4.6 shall not be applicable to the Technical Member, who shall be governed by the service rules/regulations of the Distribution Licensee. In case of any Grievance filed by a Complainant with regard to implementation of Regulation 5.2 of the Maharashtra Electricity Regulatory Commission (Grid Interactive Rooftop Renewable Energy Generating Systems) Regulations, 2019, the concerned Forum may take assistance on technical matters from any Independent Advisor empanelled with the Maharashtra Energy Development Agency (MEDA):

Provided that a Forum may take assistance on specific technical matters for specific period from any Independent Advisor empanelled with the Central or State Government, in consultation with the Electricity Ombudsman.

- 4.8 The sitting fees, honorarium and/or other allowances (collectively “Remuneration”) payable to the Chairman and Members shall be such as may be decided by the Commission:

Provided that the Remuneration and the other terms of office of the Members shall not be changed/varied to the disadvantage of the Member after his/her appointment:

Provided further that the terms and conditions of service of a member of the Forum who is in the employment of the Distribution Licensee shall be governed by the terms and conditions of his employment with such Distribution Licensee.

- 4.9 The office space, secretarial support and other facilities required by Members of the Forum shall be provided by the Distribution Licensee including the numbers, nature and categories of staff as may be intimated by the Forum to the Distribution Licensee, for the efficient functioning of the Forum:

Provided that the office space of the Forum shall be separate from the premises of the Distribution Licensee, to the extent possible.

- 4.10 The salaries and allowances payable to, and other terms and conditions of service of the staff required to assist the Forum in the discharge of its functions shall be on the terms and conditions as may be determined by the Distribution Licensee: Provided that the Distribution Licensee shall ensure that the Fora are financially independent, by providing the appropriate annual budget and necessary quarterly funds foreach Financial Year, which shall be managed by the Fora, without having to request the Distribution Licensee for funds and without having to obtain the Distribution Licensee’s approval for the appropriate expenditure incurred using the available funds.

5 Quorum & Procedural Matters

- 5.1 The location and the timings of the office of the Forum shall be decided by the Distribution Licensee so as to provide convenient access to consumers.

- 5.2 In case of Grievances related to non-supply, connection or disconnection of supply, the Forum shall pass appropriate Order within fifteen (15) days of filing of the Grievance (for Grievance related to non-supply, connection or disconnection of supply) and within sixty (60) days of filing of the Grievance (for all other Grievances):

Provided that if the Order of the Forum is passed after the completion of the said period of 15 days or 60 days, as the case maybe, the Forum shall record the reasons for the same in writing at the time of disposing of the said Grievance and inform the Electricity Ombudsman:

Provided further that all cases where the Forum has passed the Order after the completion of the said period of 15 days or 60 days shall be highlighted by the Forum in the Quarterly Report to be submitted to the Commission under Regulation 26.2.

- 5.3 In order to expedite disposal of Grievances, the Forum may also hold sittings at such places within its area of jurisdiction as may be considered necessary and proper by the Forum:

Provided that if the area of jurisdiction of the Forum covers more than one (1) distribution Zone and there are pending grievances, then the Forum shall hold at least one sitting on a rotational basis in every distribution Zone.

- 5.4 The Forum shall hold such number of sittings in a month so as to complete the enquiry as expeditiously as possible and to pass appropriate order within the maximum period specified in Regulation 5.2:

Provided that the Forum shall hold at least one sitting every month, unless there are no pending cases:

Provided further that in case of more pending grievances from a particular district, the Forum may hold sittings on a rotational basis in such District Headquarter:

Provided also that in case there are priority cases as defined in Regulation 6.1 at more than one District Headquarter within the jurisdiction of any Forum, the Forum shall hear the cases at a common location convenient for all District Headquarters, for disposing such priority cases within the timelines specified in Regulation 5.2.

5.5 The quorum of the Forum shall be two Members, except where the Forum consists of a single Member.

5.6 In the event the quorum is not present; the Forum shall be adjourned to the next working day:

Provided that if at the adjourned meeting also, the quorum is not present, the Member present shall be the quorum.

5.7 On completion of the proceedings conducted under Regulation 8, except where the Forum consists of a single member, the Forum shall take a decision by a majority of votes of the members of the Forum and in the event of equality of votes, the Chairperson shall have the second and casting vote:

Provided that the acting Chairperson under Regulation 4.3 shall have the second and casting vote, in case the Chairperson is absent or the Chairperson's post is vacant.

5.8 The Chairperson shall have the general powers of superintendence and control over the Forum.

5.9 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.

5.10 The Forum shall comply with such general directions as the Commission may issue from time to time in the interest of efficient and effective redressal of Grievances in a timely and expeditious manner.

5.11 The Distribution Licensee shall give publicity regarding the existence of the Forum through statements in the bills raised for the supply of electricity to the consumers and the website of the Distribution Licensee, and in doing so, shall be guided by, any directions that the Commission may issue from time to time.

- 5.12 It shall be a constant endeavour of the Distribution Licensee to take steps in accordance with the requirements herein to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that information is disseminated widely and in such form and manner which is easily accessible to the public.
- 5.13 The address, email and phone numbers of the Fora shall be displayed at all cash collection centres and offices of the Distribution Licensee that have interface with the consumers, and shall also be duly publicized, including in the bills raised on the consumers, and the website of the Distribution Licensee.

6 Prioritization of Grievances

- 6.1 As far as is possible and practical, the Grievances shall be prioritized for redressal based on the following priority order:
- (a) Non-Supply;
 - (b) Disconnection of supply;
 - (c) New Connection;
 - (d) Meter-related issues;
 - (e) Billing-related issues;
 - (f) Other issues:

Provided that all Grievances are disposed of within the time limit specified under these Regulations.

7 Procedure for Submission and Acceptance of Grievance

- 7.1 The Complainant can submit his/her Grievance on the web portal or to the appropriate Forum under whose jurisdiction his/her connection exists or a connection has been applied for.
- 7.2 The Complainant can also submit his/her Grievance at the nearest complaint-receiving centre, already established by the Distribution Licensee.
- 7.3 Each Distribution Licensee shall create a web-based portal for submission of Grievances, within six (6) months of notification of these Regulations, in consultation with the Electricity Ombudsman and the Consumer Advocacy Cell established within the Commission.
- 7.4 The Grievance may be submitted either in person or through post, email or through the web-based portal.
- 7.5 All complaint-receiving centres shall accept the Grievances from Complainants

falling within the jurisdiction of the Forum:

Provided that the Grievance so received along with other supporting documents shall be forwarded to the relevant Forum within the next two working days.

7.6 The Grievance submitted through the web-based portal along with other supporting documents shall be automatically forwarded to the concerned Forum, and the contact details of the relevant Forum shall be intimated to the Complainant along with the acknowledgement of the receipt of the Grievance that shall be auto-generated with serial number and date at the time of submission.

7.7 The Complainant shall be issued acknowledgement of the receipt of Grievance by the complaint receiving centre bearing a serial number and date:

Provided that in case of submission of the Grievance in person, the acknowledgment shall be issued immediately:

Provided further that in case of receipt of Grievance by post, or email, the acknowledgment shall be despatched latest by the next working day:

Provided also that where the Grievance is submitted by email to the Forum, acknowledgment of the receipt of the Grievance shall be by return email as promptly as possible but not later than two (2) working days:

Provided also that in case of issuance of acknowledgment by a complaint-receiving centre, the contact details of the relevant Forum shall also be issued along with the acknowledgment.

7.8 The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.

7.9 The Forum shall reject the Grievance at any stage under the following circumstances:

- (a) In cases where proceedings in respect of the same matter and between the same Complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority;
- (b) In cases which fall under Sections 126, 127, 135 to 139, 152, and 161 of the Act;
- (c) In cases where the Grievance has been submitted two years after the date on which the cause of action has arisen; and
- (d) In the case of Grievances, which are:

- (i) frivolous, vexatious, malafide;
- (ii) without any sufficient cause; or
- (iii) where there is no prima facie loss or damage or inconvenience caused to the Complainant or the consumers who are represented by an association or group of consumers.

Provided that no Grievance shall be rejected unless the Complainant has been given an opportunity of being heard.

7.10 The Grievance shall be submitted as per the format specified in **Schedule A** of these Regulations:

Provided that the Forum shall take cognizance of any Grievance submitted based on the merit of the case and will not reject any Grievance for the sole reason of it not having been submitted in the format specified:

Provided further that the Distribution Licensee shall, in its website, upload the format set out in **Schedule A** to these Regulations in word form so as to enable consumers, at their option, to submit their Grievance in electronic form:

Provided also that all enclosures to such Grievance submitted in electronic form shall be submitted in scanned form:

Provided also that submission of Grievance in electronic form shall be as per the rules and procedures as may be laid down by the Commission from time to time.

8 Procedure for Grievance Redressal

8.1 The Forum shall forward a copy of the Grievance to the Nodal Officer designated by the Distribution Licensee, within 3 working days of receipt of the Grievance, for redressal or to file its reply to the Grievance.

8.2 The Nodal Officer shall act as the co-ordinator for filing of reply, making submissions, providing issue-wise comments on the Grievance, submitting compliance status/reports, etc., before the Forum and/or the Electricity Ombudsman, as the case may be.

8.3 The Nodal Officer shall furnish paragraph-wise comments to the Forum on the Grievance within five (5) days (for Grievance related to non-supply, connection or disconnection of supply) or fifteen (15) days (all other Grievances) of receipt of the copy of Grievance from the Forum or within such other time as it may direct, failing which the Forum shall proceed on the basis of the material available on record:

Provided that the Forum may grant extension of maximum seven (7) days to the

Licensee for submission of reply on case to case basis, except in case of Grievance related to non-supply, connection or disconnection of supply.

- 8.4 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:

Provided that 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.

- 8.5 The Forum may also direct the Distribution Licensee to undertake an inspection or engage a third-party to undertake such inspection with regard to the Grievance, as may be required for the expeditious redressal of the Grievance.

- 8.6 The Forum can also engage a third-party (other than the Licensee) at the instance and request of the Complainant, to undertake inspection and obtain an independent report:

Provided that 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:

Provided further that the expenses of such third-party inspection, except expenses of inspection at the request of the Complainant, shall be borne by the Licensee, and to the extent reasonable and justifiable, such expenses shall be allowed as pass through expense in the determination of tariff in accordance with the relevant Regulations of the Commission:

Provided also that in case inspection is taken up at the request of the Complainant, the expenses shall be deposited in advance by him, which may or may not be refunded by the Licensee depending on whether the Grievance is found to be of substance or not.

- 8.7 The Forum shall communicate the date of hearing of the Grievance in writing to the Distribution Licensee and the Complainant:

Provided that the hearing may also be held through video-conferencing or similar arrangements, as appropriate, provided both parties have access to such facilities.

- 8.8 A Complainant, Distribution Licensee or any other person who is a party to any proceedings before the Forum may either appear in person or authorise any person other than an Advocate (within the meaning of the Advocates Act, 1961) to present his case before the Forum and to do all or any of the acts for the

purpose:

Provided that Voluntary Consumer Organisations or Consumer Representatives or Consumer Advocacy Groups may be authorised to appear before the Forum on behalf of any party to the proceedings:

Provided further that such authorised persons may be debarred from appearing before a Forum if he is found guilty of misconduct or any other malpractice at any time.

- 8.9 Where the Complainant or the Licensee or their representative fails to appear before the Forum on the date fixed for hearing, the Forum may decide the Grievance ex-parte:

Provided that no adjournment shall ordinarily be granted by the Forum unless sufficient cause is shown and the reasons for the grant of adjournment have been recorded in writing by the Forum.

- 8.10 The Forum shall be guided by the principles of natural justice.

- 8.11 The Forum shall not be bound by the Code of Civil Procedure, 1908 (5 of 1908) or the Indian Evidence Act, 1872 (1 of 1872) as in force from time to time.

- 8.12 The Commission may direct the concerned Forum, in writing and with reasons, to take up any matter, provided that the same falls within the jurisdiction of the Forum.

- 8.13 The Forum may, at its discretion, designate any person whom the Forum considers appropriate to, -

- (i) present the case of a party which cannot afford to engage its representative, or
- (ii) act as *amicus curiae* to assist the Forum in its proceedings.

9 Findings of the Forum

- 9.1 After considering the Grievance submitted by the Complainant, issue-wise comments on the Grievance submitted by the Distribution Licensee and all other records available, and after affording reasonable opportunity of being heard to the parties, the Forum shall complete the inquiry and pass appropriate order for redressal of the Grievance within the time specified in Regulation 5.2.

- 9.2 If, after the completion of the proceedings, the Forum is satisfied after voting that any of the allegations contained in the Grievance is 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) remove the cause of Grievance in question;
- (b) return to the Complainant the undue charges paid by the Complainant along with interest, at the rate equal to 1-year Marginal Cost of Lending Rate of State Bank of India prevailing as on 1st of April of that year;
- (c) pay such amount as may be awarded by it as compensation to the Complainant as specified by the Commission in the standards of performance of Distribution Licensees:
Provided that in no case shall any Complainant be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity;
- (d) any other order, deemed appropriate in the facts and circumstances of the case:

Provided that the Forum may order partial relief to the Complainant under appropriate circumstances, duly recorded with proper justification.

- 9.3 Every Order made by the Forum shall be a reasoned Order either in Marathi or English and signed by the Members conducting the proceedings:

Provided that where the Members differ on any point or points, the opinion of the majority shall be the Order of the Forum:

Provided further that the opinion of the minority shall however, be recorded and form part of the Order, and shall be issued along with the Order passed by the majority.

- 9.4 The Forum shall ensure that all Orders are consistent with the Commission's Regulations and Orders:

Provided that the Order issued by the Forum shall specifically mention the applicable Regulations and Orders based on which its Order has been passed:

- 9.5 Provided further that the Forum on its own shall not interpret and rule beyond the applicable Regulations and Orders. In case any issue is not fully covered in the Commission's Regulations or Orders, the issue shall necessarily be referred to the Commission for its guidance:

Provided that the Distribution Licensee may also refer such an issue to the Commission under Regulation 31 of these Regulations.

- 9.6 A certified copy of the Order passed by the Forum shall be communicated to the parties within three days of such Order.

- 9.7 The Order passed or direction issued by the Forum shall be implemented or complied with by the Distribution Licensee or the person required by the order

or direction to do so within the time frame stipulated in the Order/directions:

Provided that intimation of such compliance shall be made to the Forum and the Complainant and shall also be updated on the web portal within seven days from the date of compliance.

9.8 Non-compliance of the Order of the Forum shall be treated as violation of the Regulations of the Commission and accordingly liable for action under Section 142 of the Act.

9.9 Notwithstanding the provisions of Regulation 9.2, the Forum may pass such interim Orders, pending the final decision on the Grievance, on the request of the Complainant:

Provided that the Forum shall have the powers to pass such interim Order in any proceeding, hearing or matter before it as it may consider appropriate, if the Complainant satisfies the Forum that prima facie, the Distribution Licensee has threatened or is likely to remove or disconnect the electricity connection, and has or is likely to contravene any of the provisions of the Act or any Rules and Regulations made thereunder or any Order of the Commission, provided that, the Forum has jurisdiction on such matters:

Provided further that such interim Order shall be issued within 10 days of receipt of Grievance:

Provided also that, except where it appears that the object of passing the interim Order would be defeated by delay, no such interim Order shall be passed unless the opposite party has been given an opportunity of being heard.

10 Review of Order of Forum

10.1 Any person aggrieved by an order of the Forum, including the Distribution Licensee, may apply for a review of such order within thirty (30) days of the date of the order to the same Forum, under the following circumstances:

- (a) Where no appeal has been preferred;
- (b) on account of some mistake or error apparent from the face of the record;
- (c) upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed.

10.2 An application for such review shall clearly state the matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or the mistake or error

apparent from the face of the record.

10.3 The review application shall be accompanied by such documents, supporting data and statements as the Forum may determine.

10.4 When it appears to the Forum that there is no sufficient ground for review, the Forum shall reject such review application:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

10.5 When the Forum is of the opinion that the review application should be granted, it shall grant the same:

Provided that the review shall be granted only after obtaining the permission of the Electricity Ombudsman:

Provided further that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the order, the review of which is applied for.

11 Inspection of records of the Forum and supply of certified copies

11.1 Any Person shall be entitled to a copy of the orders of the Forum or take extracts therefrom, subject to payment of a cost, which shall not be more than the cost of photocopying and complying with other terms, which the Forum may direct:

Provided that an applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

11.2 Notwithstanding anything contained in Regulation 11.1, there shall be no obligation to give to any Person,—

(a) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the Forum is satisfied that larger public interest warrants the disclosure of such information; or

(b) information which would impede the process of investigation or apprehension or prosecution of offenders.

12 General Superintendence over the Forum

12.1 The Forum shall comply with such general directions as the Commission may issue from time to time in the interest of efficient and effective redressal of

grievances in a timely and expeditious manner.

- 12.2 The Commission shall have the general powers of superintendence over the Forum and the Forum shall duly comply with such directions as the Commission may issue from time to time.

Chapter III

ELECTRICITY OMBUDSMAN

13 Constitution of Electricity Ombudsman

- 13.1 The Commission shall designate or appoint one or more persons to be the Electricity Ombudsman to exercise such powers and discharge such functions entrusted by or under the provisions of the Act and/or under these Regulations.

- 13.2 The appointment or designation of the person(s) as the Electricity Ombudsman shall be made for a fixed term of three (3) years:

Provided that the tenure of the Electricity Ombudsman may be extended by the Commission for a further period not exceeding two (2) years subject to an overall age limit of sixty-five (65) years:

Provided further that the age limit of 65 years shall be applicable for existing appointments also at the end of their fixed term or extended term, as applicable.

- 13.3 The Electricity Ombudsman may relinquish his office by giving in writing to the Commission a prior notice of not less than three (3) months.

- 13.4 Where the Commission is satisfied that in the public interest and for the reasons set out below, it is necessary to remove the person discharging the duties of an Electricity Ombudsman, the Commission may for reasons to be recorded in writing, remove the person discharging the duties of Electricity Ombudsman, if such person:

- (a) has been adjudged an insolvent;
- (b) has been convicted of an offence which, in the opinion of the Commission, involves moral turpitude;
- (c) has become physically or mentally incapable of acting as Electricity Ombudsman;
- (d) has acquired such financial or other interest as is likely to affect prejudicially his/her functions as Electricity Ombudsman;
- (e) has abused his/her position so as to render his/her continuance in office prejudicial to the public interest; or
- (f) has been guilty of proved misbehaviour;

- (g) has been found to have failed to deliver the functions assigned to him/her or exceeded his/her brief:

Provided that the Electricity Ombudsman shall not be removed from his/her office on any ground specified in the aforesaid clauses (d), (e), (f) and (g) unless the Commission, has, on an inquiry, concluded that the person ought, on such ground or grounds, to be removed.

14 Jurisdiction of the Electricity Ombudsman

The territorial jurisdiction of the Electricity Ombudsman shall extend to the whole or part of the State of Maharashtra:

Provided that the Commission may appoint or designate more than one Electricity Ombudsman with defined territorial jurisdiction:

Provided that if any Electricity Ombudsman post is vacant or if the Electricity Ombudsman is unable to discharge his/her duties, then the Commission may give additional charge to the other Electricity Ombudsman for addressing the representations pending before that Electricity Ombudsman.

15 Office of the Electricity Ombudsman

15.1 The office(s) of the Electricity Ombudsman(s) will be located at such place(s) as may be determined by the Commission.

15.2 In order to expedite disposal of Grievances, the Electricity Ombudsman may hold sittings at such places within his/her area of jurisdiction as may be considered necessary and proper by him/her in respect of a representation before him/her.

15.3 The Commission shall provide the Electricity Ombudsman with a Secretariat, with the staff strength of the Secretariat and terms and conditions of appointment of the staff being determined by the Commission from time to time.

15.4 All expenses of the Electricity Ombudsman's office including that of the Secretariat shall be paid out of the Fund constituted under Section 103 of the Act.

15.5 The post of Electricity Ombudsman shall be a full-time post.

15.6 The name, location, email address and telephone numbers of the Electricity Ombudsman shall be widely publicised through newspapers, radio and television, and displayed on the websites and the offices of the Licensees and the

Commission and intimated to consumers through electricity bills.

16 Qualification

16.1 The Electricity Ombudsman shall be constituted from amongst a retired judge of a District Court or High Court, a retired Secretary to the Government or equivalent officer, or retired Officer of the rank of Executive Director or equivalent or above of an electricity sector utility, or any other person of equivalent level, and having at least three (3) years of experience in the above-specified positions.

16.2 The Commission shall invite applications through public advertisement for the appointment of the Electricity Ombudsman.

16.3 The Electricity Ombudsman shall be a person of experience, ability, integrity and standing:

Provided that the Commission shall verify the integrity and background of the applicants for the post of Electricity Ombudsman.

17 Remuneration

17.1 The remuneration and other allowances payable to the Electricity Ombudsman will be determined by the Commission from time to time and shall be paid out of the Fund constituted under Section 103 of the Act:

Provided that the remuneration and the other terms of office of the Electricity Ombudsman shall not be changed/varied to the disadvantage of the Electricity Ombudsman after his/her appointment or re-appointment.

18 Powers and Duties of the Electricity Ombudsman

18.1 The Electricity Ombudsman shall have the following powers and duties:

- (a) to receive from Complainants, representations against Orders of the Forum and consider such representations and facilitate their satisfaction or settlement by agreement, through conciliation and mediation between the Distribution Licensee and the Complainant or by passing an Order in accordance with these Regulations;
- (b) to exercise general powers of superintendence and administrative control over his Secretariat/office, and be responsible for the conduct of business thereat;
- (c) to incur expenditure on behalf of the office:

Provided that in order to exercise such power, the Electricity

Ombudsman will draw up an annual budget for his office in consultation with the Commission and shall exercise the powers of expenditure within the approved budget;

- (d) to discharge such functions as the Commission, may by order, direct or assign, from time to time.

19 Proceedings before the Electricity Ombudsman

19.1 Any Complainant, who is aggrieved by the non-redressal of his Grievance by the Forum, may make a representation for redressal of his Grievance to the Electricity Ombudsman within sixty (60) days from the date of the Order of the Forum:

19.2 Provided that the Electricity Ombudsman may entertain a representation after the expiry of the said period of sixty (60) days if he/she is satisfied that there was sufficient cause for not filing it within the said period.

19.3 The representation may be submitted either in person or through post, email or fax.

19.4 The representation to be made before the Electricity Ombudsman shall be in writing in the form specified and set out in **Schedule B** of these Regulations and duly signed by the consumer and shall state/provide clearly the information required thereunder including *inter alia*

- (i) the name and address of the consumer;
- (ii) the facts giving rise to the representation supported by documents, if any, that are desired to be relied upon by the consumer, and
- (iii) the relief sought from the Electricity Ombudsman.

19.5 The Electricity Ombudsman shall send an acknowledgement of receipt of the representation to the consumer bearing a serial number and date:

Provided that in case of submission of the representation in person, the acknowledgment shall be issued immediately:

Provided further that in case of receipt of representation by post, email or fax, the acknowledgment shall be despatched latest by the next working day:

Provided also that where the representation is submitted by email to the Electricity Ombudsman, acknowledgement of the receipt of the representation shall be by return email as promptly as possible.

19.6 The fees as may be directed by the Commission from time to time, shall be payable along with such representation for redressal of Grievance.

- 19.7 After registering the representation, the Electricity Ombudsman, within three (3) days of registration, shall call for records relating to the representation from the concerned Forum.
- 19.8 The concerned Forum shall send the entire records within five (5) days from the date of receipt of such notice, to the office of the Electricity Ombudsman.
- 19.9 The Electricity Ombudsman may require the Licensee or any of the officials, representatives or agents of the Licensee to furnish documents, books, information, data and details as may be required to decide the representation and the Licensee shall duly comply with such requirements of the Ombudsman.
- 19.10 The Electricity Ombudsman may, in the first instance, endeavour to promote a settlement of the representation received through conciliation or mediation, by inviting the parties to do so, within fifteen (15) days from the date of receipt of the representation.
- 19.11 If both parties provide their consent to settle the representation through conciliation or mediation, the Electricity Ombudsman shall direct each party to submit to him a brief written statement describing the general nature of the dispute, the points at issue, the facts and grounds in support thereof, supplemented by any documents and other evidence that such party deems appropriate, with a copy to the other party.
- 19.12 The Electricity Ombudsman shall assist the parties in an independent and impartial manner in their attempt to reach an amicable settlement of their dispute.
- 19.13 The Electricity Ombudsman shall attempt to facilitate voluntary resolution of the dispute by the parties, and communicate the view of each party to the other, assist them in identifying issues, reducing misunderstandings, clarifying priorities, exploring areas of compromise and generating options in an attempt to solve the dispute, emphasizing that it is the responsibility of the parties to take decision which affect them.
- 19.14 When a representation is settled through conciliation or mediation of the Electricity Ombudsman, the Electricity Ombudsman shall send the copies of the recommendation, which he thinks fair in the circumstances of the case, to the Complainant and the Licensee:
- Provided that the parties may submit their observations on the recommendation for the consideration of the Electricity Ombudsman, and the Electricity Ombudsman may reformulate the terms of a possible settlement in the light of such observations.

19.15 If the Complainant and the Licensee accept the recommendation of the Electricity Ombudsman, they will send a communication in writing within fifteen (15) days of the date of receipt of the recommendation:

Provided that the Complainant and the Licensee will confirm their acceptance to the Electricity Ombudsman and state clearly that the settlement communicated is acceptable to them, in totality, in terms of the recommendations made by the Electricity Ombudsman, and are in full and final settlement of the representation.

19.16 The Electricity Ombudsman shall make a record of such an agreement as his/ her orders and thereafter close the case.

19.17 If either party does not give consent to settle the representation through conciliation or mediation or the representation is not settled by agreement, the Electricity Ombudsman may give an Order after affording the parties reasonable opportunity to present their case:

Provided that the Electricity Ombudsman shall notify the Distribution Licensee and the Complainant who has submitted the representation, regarding the date of hearing in writing, giving sufficient advance notice:

Provided further that the hearing may also be held through video-conferencing or similar arrangements, as appropriate, provided both parties have access to such facilities.

19.18 Any party to any proceedings before the Electricity Ombudsman may either appear in person or authorise any person other than an Advocate (within the meaning of the Advocates Act, 1961) to present his case before the Electricity Ombudsman and to do all or any of the acts for the purpose:

Provided that Voluntary Consumer Organisations or Consumer Representatives or Consumer Advocacy Groups may be authorised to appear before the Electricity Ombudsman on behalf of any party to the proceedings:

Provided further that such authorised person may be debarred from appearing before the Electricity Ombudsman if he is found guilty of misconduct or any other malpractice at any time.

19.19 Where any person who is a party to the proceedings before the Electricity Ombudsman fails to appear on the date of hearing as may be fixed in this behalf, the Electricity Ombudsman may decide the representation ex-parte:

Provided that no adjournment shall ordinarily be granted by the Electricity Ombudsman unless sufficient cause is shown and the reasons for the grant of adjournment have been recorded in writing by the Electricity Ombudsman.

19.20 A Complainant, Distribution Licensee or any other person who is a party to any proceedings before the Electricity Ombudsman may either appear in person or authorise any person other than an Advocate (within the meaning of the Advocates Act, 1961) to present his case before the Electricity Ombudsman and to do all or any of the acts for the purpose.

19.21 The Electricity Ombudsman shall entertain a representation only if all the following conditions are satisfied:

- (a) It has been filed by the Complainant being the aggrieved consumer or the Association representing the consumer/s;
Explanation: A Distribution Licensee is not allowed to file a representation before the Electricity Ombudsman against the order of the Forum.
- (b) The Complainant had, before making a representation to the Electricity Ombudsman, approached the Forum constituted under Section 42(5) of the Electricity Act, 2003 for redressal of his/her grievance;
- (c) The Complainant has submitted a written representation in the specified form, to the Electricity Ombudsman;
- (d) It has been shown to the Electricity Ombudsman that (i) the Forum has rejected the Grievance, or (ii) the Forum has not passed an order on the Grievance for its redressal within a maximum period of 15 days or 60 days, as applicable, from the date of receipt of the Grievance by the Forum, or (iii) there has been undue delay in the disposal of the Grievance by the Forum even after the period stated above;
- (e) The representation against an order of the Forum is made within the period set out in these Regulations;
- (f) The Electricity Ombudsman is satisfied that the representation is not in respect of the same subject matter that has been settled by him in any previous proceedings;
- (g) The representation by the Complainant, in respect of the same Grievance, is not pending in any proceedings before any court, tribunal or arbitrator or any other authority, or a decree or award or a final order has not already been passed by any such court, tribunal, arbitrator or authority;
- (h) The consumer has deposited in the stipulated manner, fifty percent of the amount, if any, that is required to be paid by him in terms of the order of the Forum or twenty-five thousand rupees, whichever is less.

19.22 The Commission may direct the Electricity Ombudsman, in writing and with

reasons, to take up any matter, provided that the same falls within the jurisdiction of the Electricity Ombudsman.

19.23 Subject to the provisions of the Act and this Regulation, the Electricity Ombudsman's decision on whether the representation is fit and proper for being considered by it or not, shall be final.

19.24 The Electricity Ombudsman may reject the representation at any stage, if it appears to him that the representation is:

- (a) frivolous, vexatious, malafide;
- (b) without any sufficient cause;
- (c) there is no prima facie loss or damage or inconvenience caused to the Complainant:

Provided that the decision of the Electricity Ombudsman in this regard shall be final and binding on the consumer and the Distribution Licensee:

Provided further that no representation shall be rejected in respect of sub-clauses (a), (b), (c) and (d) unless the Complainant has been given an opportunity of being heard.

20 Issue of Order by the Electricity Ombudsman

20.1 The Electricity Ombudsman shall complete the enquiry as expeditiously as possible and every endeavour shall be made to decide the representation within a period of fifteen (15) days of receipt of the representation (for representation related to non-supply, connection or disconnection of supply) and within sixty (60) days of receipt of the representation (for all other representations):

Provided that in the event of the representation being disposed of after the completion of the time period of 15 days or 60 days, as applicable, the Electricity Ombudsman shall record, in writing, the reasons for the same.

20.2 The Electricity Ombudsman shall pass a written Order giving reasons for all his/her findings, which shall state the nature of the reliefs to which the Complainant is entitled as per the Order.

20.3 The Electricity Ombudsman shall be guided by such factors, which in the opinion of the Electricity Ombudsman are necessary in the interest of justice and shall ensure transparency while exercising its powers and discharging its functions in compliance with the principles of natural justice:

Provided that the Electricity Ombudsman shall not be bound by the Code of Civil Procedure, 1908 (5 of 1908) or the Indian Evidence Act, 1872 (1 of 1872) as in

force from time to time.

20.4 The order passed by the Electricity Ombudsman shall set out -

- (a) issue-wise decisions;
- (b) reasons for passing the order; and
- (c) directions, if any, to the Distribution Licensee or Complainant or any other order, deemed appropriate in the facts and circumstances of the case; and / or
- (d) directions for adjustment or refund of amount or fees deposited in terms of Regulation 19.21(h); and/or
- (e) directions to pay such amount as may be awarded by it as compensation to the Complainant for any loss or damage suffered by the consumer:
Provided, however, that in no case shall any Complainant be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity.
- (f) directions to pay such amount as compensation as specified by the Commission in the Standards of Performance of Distribution Licensees.

20.5 The Electricity Ombudsman shall ensure that all Orders are consistent with the Commission's Regulations and Orders:

Provided that the Order issued by the Electricity Ombudsman shall be a reasoned and speaking Order and specifically mention the Regulations and Orders based on which its Order has been passed.

20.6 In case any issue is not fully covered in the Commission's Regulations or Orders, the issue shall necessarily be referred to the Commission for its guidance.

20.7 The Electricity Ombudsman may pass such interim orders, at any stage during the disposal of the representation, on the request of the Complainant:

Provided that the Electricity Ombudsman shall have the powers to pass such interim order in any proceeding, hearing or matter before it, as it may consider appropriate, if the Complainant satisfies the Electricity Ombudsman that *prima facie* the Distribution Licensee has threatened or is likely to remove or disconnect the electricity connection, and has or is likely to contravene any of the provisions of the Act or any rules and regulations made thereunder or any order of the Commission, *provided that*, the Electricity Ombudsman, has jurisdiction on such matters:

Provided further that, except where it appears that the object of passing the interim order would be defeated by delay, no such interim order shall be passed unless the opposite party has been given an opportunity of being heard.

20.8 A copy of the order shall be sent to the Complainant and the Distribution Licensee named in the representation, and a copy of the order shall also be sent to the concerned Forum for information.

20.9 An order passed or direction issued by the Electricity Ombudsman shall be binding on the parties so named in the order or direction and such order or direction shall be implemented or complied with by the Distribution Licensee or the person required by the order or direction to do so and within the time frame stipulated therein:

Provided that intimation of such compliance shall be made to the Electricity Ombudsman within the time frame stipulated in that regard therein.

20.10 Non-compliance of the Electricity Ombudsman's orders shall be deemed to be a violation of these Regulations and liable for appropriate action by the Commission under the provisions of the Electricity Act, 2003.

20.11 In the event of non-compliance / non-implementation by the Distribution Licensee of any Order passed by the Electricity Ombudsman, the Complainant may approach the Commission for the enforcement of the order within a period of 30 days of the passing of the order or from the expiry of the time granted for the implementation of the order by the Electricity Ombudsman, whichever is later:

Provided that the Commission may issue any order (including an order imposing fines and penalties on the Distribution Licensee, as provided for under the Act) or take any other steps, as it deems appropriate for the enforcement of the Order.

20.12 No party can file an appeal before the Commission against the order passed by the Electricity Ombudsman:

Provided that the Complainant and the Distribution Licensee are entitled to seek appropriate remedy against the order passed by the Electricity Ombudsman before appropriate bodies.

21 Power to remand matters to the Forum

21.1 Where the Forum has disposed of the Grievance and the order of the Forum is reversed or set aside in the proceedings before the Electricity Ombudsman, the Electricity Ombudsman may, if it thinks fit and necessary, by order remand the Grievance to the Forum.

21.2 The Electricity Ombudsman may further direct what issue or issues shall be decided in the Grievance so remanded, and shall send a copy of its order to the

Forum from whose order the representation has been preferred to Electricity Ombudsman, with such directions as may be necessary to consider the Grievance and pass orders accordingly.

22 Review of Order of Electricity Ombudsman

22.1 Any person aggrieved by an order of the Electricity Ombudsman, including the Distribution Licensee, may apply for a review of such order within thirty (30) days of the date of the order to the Electricity Ombudsman, under the following circumstances:

- (a) Where no appeal has been preferred;
- (b) on account of some mistake or error apparent from the face of the record;
- (c) upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed.

22.2 An application for such review shall clearly state the matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or the mistake or error apparent from the face of the record.

22.3 The review application shall be accompanied by such documents, supporting data and statements as the Electricity Ombudsman may determine.

22.4 When it appears to the Electricity Ombudsman that there is no sufficient ground for review, the Electricity Ombudsman shall reject such review application:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

22.5 When the Electricity Ombudsman is of the opinion that the review application should be granted, it shall grant the same provided that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the order, the review of which is applied for.

23 Power to call for Information

23.1 The Electricity Ombudsman may require the Distribution Licensee or any of its officials, representatives or agents and the Forum named in the representation to furnish any information or certified copies of any documents, books, data, and details relating to the subject matter of the representation, which is or is alleged to be in the knowledge or possession of the Distribution Licensee or any of its

officials, representatives or agents and the Forum:

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 deemed fit, proceed to settle the case on the basis of the records available with the Electricity Ombudsman.

23.2 The Electricity Ombudsman may also direct the Distribution Licensee to undertake an inspection.

23.3 Notwithstanding Regulation 23.2, the Electricity Ombudsman may engage a third-party to undertake such inspection, as may be required for the expeditious disposal of the representation and redressal of the Grievance:

Provided that the Electricity Ombudsman shall record the reasons in writing requiring the engagement of third party to undertake such inspection.

23.4 The expenses of such inspection to be undertaken by third-party as referred to in Regulation 23.3 shall be borne by the Distribution 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.

24 Inspection of records of the Electricity Ombudsman and supply of certified copies

24.1 Any Person shall be entitled to a copy of the orders of the Electricity Ombudsman or take extracts therefrom, subject to payment of a cost, which shall not be more than the cost of photocopying and complying with other terms, which the Electricity Ombudsman may direct:

Provided that an applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

24.2 Notwithstanding anything contained in Regulation 24.1, there shall be no obligation to give to any Person,—

- (a) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the Electricity Ombudsman is satisfied that larger public interest warrants the disclosure of such information; or
- (b) information which would impede the process of investigation or apprehension or prosecution of offenders.

Chapter IV
CONSUMER ADVOCACY

25 Supply of copies of these Regulations

25.1 Upon receiving a request, the Distribution Licensee shall ensure that copies of these Regulations are made available to the consumers on payment of a cost, which shall not be more than the cost of photocopying.

26 Submission of Report

26.1 The Fora and Electricity Ombudsman shall maintain true and correct records of all Grievances and representations received by them from time to time and make available such records for inspection by the Commission as the Commission may require.

26.2 The Fora and Electricity Ombudsman shall submit to the Commission, in the form as may be stipulated by the Commission, quarterly reports in respect of Grievances and representations filed, redressed and pending, within fifteen (15) days of the end of each quarterly period, with the following details:

- (a) Number of Cases disposed within specified time;
- (b) Compliance with requirement of number of sittings in each area;
- (c) Vacancies and duration of vacancies;
- (d) Number of Orders appealed against;
- (e) Number of Orders set aside by the Electricity Ombudsman;
- (f) Number of Cases where compliance of Order has been recorded;
- (g) Consumer advocacy workshops conducted by the Forum;
- (h) New local initiatives.

26.3 The quarterly Reports shall also be uploaded on the web-portal to be created by the Distribution Licensee, at the same time, the Reports are submitted to the Commission:

Provided that the features of the web portal shall be got approved from the Commission and shall be updated periodically as may be directed by the Commission.

26.4 The Forum shall also furnish a yearly report containing a general review of the activities of the Forum during the financial year to the Distribution Licensee, Commission and Electricity Ombudsman, within 45 days of the close of the financial year to which it relates.

26.5 It shall be the duty of every Distribution Licensee to furnish to the Commission such information relating to the composition of the Fora along with qualification of Members, vacancies arising therein and other statistics as it may require and at such times and in such form and manner as may be directed by the Commission.

Provided that the Distribution Licensee shall forthwith inform the Commission if the post of a Member in the Forum is vacant for a period exceeding three (3) months.

26.6 The Commission may take appropriate action against the CGRF including debarring the Members/Chairperson from their duty, in case of continued non-performance as assessed by the Consumer Advocacy Cell in accordance with clause (a) of Regulation 29.5:

Provided that non-submission of quarterly Reports on time and disposal of grievances beyond the time limit shall be viewed equally adversely, unless there are any extenuating circumstances, and the Commission may take appropriate action as specified above in such cases.

26.7 The Commission may take appropriate action against the Electricity Ombudsman including debarring the Electricity Ombudsman from his/her duty, in case of continued non-performance as assessed by the Commission in accordance with Regulation 29.6:

Provided that non-submission of quarterly Reports on time and disposal of grievances beyond the time limit shall be viewed equally adversely, unless there are any extenuating circumstances, and the Commission may take appropriate action as specified above in such cases.

27 Language of the Fora and Electricity Ombudsman

The filing of the Grievance/representation and the proceedings of the Fora and of the Electricity Ombudsman shall be in English or in Marathi.

28 Treatment of Expenses

All reasonable costs incurred by a Distribution Licensee on the establishment and running of the Forum, to the extent reasonable and justifiable, shall be allowed in the determination of tariff of the Distribution Licensee in accordance with the terms and conditions of tariff specified by the Commission.

29 Consumer Advocacy Cell

- 29.1 A Consumer Advocacy Cell may be instituted and funded by the Commission at each Electricity Ombudsman's office for capacity building of authorised Consumer Representatives and CGRF in conducting workshops, training, seminars and issue of quarterly magazines for enhancing consumer awareness.
- 29.2 The Consumer Advocacy Cell at each Electricity Ombudsman's office shall function under the supervision of the respective Electricity Ombudsman and overall supervision of the existing Consumer Advocacy Cell established within the Commission.
- 29.3 The Commission shall allocate an appropriate Budget for the Consumer Advocacy Cell at each Electricity Ombudsman's office in March month of each Year for the Financial Year commencing from April of that year.
- 29.4 Each Electricity Ombudsman shall provide the appropriate funds from within the allocated budget to each Forum within his jurisdiction for improving consumer awareness by inter-alia, conducting workshops, training, Seminars and issue of quarterly magazines.
- 29.5 The Consumer Advocacy Cell shall also perform the following additional functions:
- (a) Evaluate the performance of the various Fora on quarterly basis, in terms of details submitted in the quarterly Reports in accordance with Regulation 26.2;
 - (b) Half-yearly review of grievances, representations and reports submitted by the Fora and the Electricity Ombudsman in order to advise the Commission on improvements to be made in the Regulations;
 - (c) Analysis of reports submitted by the Distribution Licensee with regard to levels of performance achieved with respect to Standards of Performance of Distribution Licensees;
 - (d) Taking feedback of the consumers on the performance of the respective Forum.
- 29.6 The existing Consumer Advocacy Cell established within the Commission shall evaluate the performance of the Electricity Ombudsman on quarterly basis, in terms of details submitted in the quarterly Reports in accordance with Regulation 26.2.

Chapter V MISCELLANEOUS

30 Repeal and Savings

- 30.1 Save as otherwise provided in these Regulations, these regulations supersede the “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2006”.
- 30.2 Notwithstanding clause (1), the provisions of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2006” shall continue to apply to all proceedings pending under it as if the said regulations have not been superseded.
- 30.3 The provisions of these Regulations shall be without prejudice to the right, which the consumer may have, apart from the rights conferred upon him by these Regulations.

31 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, the Forum or the Electricity 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.

32 Issue of Order and Practice Directions

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

33 Power to Amend

The Commission may, at any time vary, alter, modify or amend by notification any provision of these Regulations.

(Abhijit Deshpande)

Secretary

Maharashtra Electricity Regulatory Commission

Place: Mumbai

Dated: ___ May, 2020

Schedule A

APPLICATION TO FORUM FOR REDRESSAL OF GRIEVANCE

Date _____

1. NAME OF THE CONSUMER _____

2. FULL ADDRESS OF THE CONSUMER _____

PIN CODE _____

PHONE/MOBILE NO. _____

FAX NO _____

EMAIL ID _____

3. PARTICULARS OF CONNECTION AND CONSUMER
NO. *(Please state nature of connection)*

4. NAME OF DISTRIBUTION LICENSEE _____

5. DETAILS OF THE GRIEVANCE, FACTS GIVING RISE TO THE
GRIEVANCE

(If space is not sufficient, please enclose separate sheet)

6. NATURE OF RELIEF SOUGHT FROM THE FORUM

(Please enclose any proof to support claim, if any)

7. LIST OF DOCUMENTS ENCLOSED

(Please enclose copies of any relevant documents which support the facts giving rise to the Grievance)

8. DECLARATION

- (a) I/ We, the consumer /s herein declare that:
 - (i) the information furnished herein above is true and correct; and
 - (ii) I/ We have not concealed or misrepresented any fact stated hereinabove and the documents submitted herewith.
- (b) The subject matter of the present Grievance has never been submitted to the Forum by me/ or by any one of us or by any of the parties concerned with the subject matter to the best of my/ our knowledge.
- (c) The subject matter of my / our Grievance has not been settled through the Forum in any previous proceedings.
- (d) The subject matter of my / our Grievance has not been decided by any competent authority/court/arbitrator, and is not pending before any such authority / court / arbitrator.

Yours faithfully

(Signature)

(Consumer's name in block letters)

NOMINATION – (If the consumer wants to nominate his representative to appear and make submissions on his behalf before the Forum, the following declaration should be submitted.)

I/We the above-named consumer hereby nominate Shri/Smt. , who is not an Advocate and whose address is

.....
.....as my/our REPRESENTATIVE in the proceedings and confirm that any statement, acceptance or rejection made by him/her shall be binding on me/us. He/She has signed below in my presence.

ACCEPTED

(Signature of Representative)

(Signature of Consumer)

Schedule B

REPRESENTATION BEFORE ELECTRICITY OMBUDSMAN

No. _____ of year _____

Date _____

(TO BE FILLED UP BY OFFICE)

To

The Electricity Ombudsman

(Address)

Dear Sir,

SUB: please make a mention of the order of the Forum from which a representation to the Electricity Ombudsman is being made

Details of the Grievance are as under:

1. NAME OF THE CONSUMER _____
2. FULL ADDRESS OF THE CONSUMER _____

PIN CODE _____

PHONE/MOBILE NO.

FAX NO _____

EMAIL ID _____

3. NAME AND FULL ADDRESS OF THE DISTRIBUTION LICENSEE,
PIN CODE, PHONE NO. / FAX
NO. _____

4. NAME AND FULL ADDRESS OF THE FORUM, PIN CODE, PHONE NO.
/ FAX NO. _____

5. PARTICULARS OF CONNECTION AND CONSUMER
NO. *(Please state nature of connection)*

6. DATE OF SUBMISSION OF GRIEVANCE BY THE CONSUMER TO
THE FORUM

(Please enclose three copies of the Grievance)

7. SUBJECT MATTER OF THE
REPRESENTATION _____

8. DETAILS OF THE REPRESENTATION, FACTS GIVING RISE TO THE
REPRESENTATION

(If space is not sufficient, please enclose separate sheet)

9. Whether the consumer has received the final decision of the Forum?

*(If yes, please enclose one copy of the Forum's order conveying its final
decision)*

10. NATURE OF RELIEF SOUGHT FROM THE ELECTRICITY
OMBUDSMAN

*(Please enclose three copies of documentary proof, if any, in support of your
claim)*

11. NATURE AND EXTENT OF MONETARY LOSS, IF ANY, CLAIMED BY THE CONSUMER (IF ANY) BY WAY OF COMPENSATION
Rs _____

(Please enclose documentary proof, if any, to show that such loss is actual loss caused as a direct consequence of alleged act, omission or commission of the Distribution Licensee)

12. LIST OF DOCUMENTS ENCLOSED

(Please enclose three copies of all the documents which support the facts giving rise to the Representation)

13. DECLARATION

(a) I/ We, the consumer /s herein declare that:

- (i) the information furnished herein above is true and correct; and
- (ii) I/ We have not concealed or misrepresented any fact stated in hereinabove and the documents submitted herewith.

(b) The subject matter of my / our representation has never been brought before the Office of the Electricity Ombudsman by me/ or by any one of us or by any of the parties concerned with the subject matter to the best of my/ our knowledge.

(c) The subject matter of my / our representation has not been settled through the Office of the Electricity Ombudsman in any previous proceedings.

(d) The subject matter of the present representation has not been decided by any competent authority/court/arbitrator, and is not pending before any such authority / court / arbitrator.

Yours faithfully

(Signature)

(Consumer's name in block letters)

NOMINATION – (If the consumer wants to nominate his representative to appear and make submissions on his behalf before the Electricity Ombudsman or to the Office of the Electricity Ombudsman, the following declaration should be submitted.)

I/We the above-named consumer hereby nominate Shri/Smt..... who is not an Advocate and whose address is
.....as my/our REPRESENTATIVE in the proceedings and confirm that any statement, acceptance or rejection made by him/her shall be binding on me/us. He/She has signed below in my presence.

ACCEPTED

(Signature of Representative)

(Signature of Consumer)

Appendix 1: Location of CGRF in the State of Maharashtra

| Sl. | Distribution Licensee | CGRF Location | Circles covered |
|------------|--|----------------------|--|
| 1 | Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) | Bhandup | Vashi, Bhiwandi, Thane |
| | | Kalyan-I | Kalyan-I, Kalyan-II, Pen |
| | | Vasai | Vasai, Palghar |
| | | Kolhapur | Kolhapur, Sangli, Ratnagiri, Sindhudurg |
| | | Nashik | Nashik, Nashik (U), Ahmednagar, Jalgaon, Nandurbar |
| | | Pune | Pune (R), Ganeshkhind, Rastapeth |
| | | Baramati | Baramati, Satara, Solapur |
| | | Amravati | Amravati, Yavatmal |
| | | Nagpur | Nagpur (R), Nagpur (U), SNDL, Wardha, Chandrapur, Gadchiroli, Gondia, Bhandara |
| | | Aurangabad | Jalna, Aurangabad (U), Aurangabad, Latur, Beed, Osmanabad, Hingoli, Parbhani, Nanded |
| | | Akola | Buldhana, Washim, Akola |
| 2 | Adani Electricity Mumbai Ltd. (AEML-D) | Mumbai | Licence area |
| 3 | Brihanmumbai Electric Supply & Transport Undertaking (BEST) | Mumbai | Licence area |
| 4 | The Tata Power Company (TPC-D) | Mumbai | Licence area |
| 5 | Mindspace Business Parks Pvt. Ltd. MBPPL | Airoli | Licence area |
| 6 | Gigaplex Estate Private Limited (GEPL) | Airoli | Licence area |
| 7 | KRC Infrastructure & Power Pvt. Ltd. (KRCIPPL) | Kharadi, Pune | Licence area |
| 8 | Nidar Utilities Panvel LLP (NUPLLP) | Panvel | Licence area |