

# **Draft Gujarat Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019**

Notification No.: .... of 2019

In exercise of the powers conferred on it by clauses (r) and (s) of Sub-section (2) 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 Gujarat Electricity Regulatory Commission (GERC) hereby makes the following Regulations, providing guidelines to the Distribution Licensees in the State for establishing Forum(s) for redressal of Grievances of Consumers, appointing Ombudsman / Ombudsmen by the Commission, making representation against non-redressal of Grievances of Consumers, time and manner of settlement of Grievances by the Ombudsman / Ombudsmen and matters incidental and ancillary thereto.

These Regulations shall supersede the earlier Gujarat Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2011, notified on 7<sup>th</sup> April, 2011 vide Notification No. 2 of 2011.

## **Chapter 1**

### **Short Title, Commencement, Definitions and Interpretations**

#### **Short Title and Commencement**

- 1.1 These Regulations may be called the Gujarat Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019.
- 1.2 These Regulations shall be applicable to all Distribution Licensees in Gujarat in their respective license areas.
- 1.3 These Regulations shall come into force from the date of their notification in the Official Gazette.
- 1.4 These Regulations shall be construed harmoniously with the Electricity Supply Code and Standards of Performance of Distribution Licensees specified by the Commission under the provisions of clause (x) and (za) of Sub-section (2) of Section 181 of the Electricity Act, 2003. In case of any inconsistency with these Regulations, the Standards of Performance of Distribution Licensees and the Electricity Supply Code shall prevail.
- 1.5 Definitions

In these Regulations, unless the context otherwise requires:

- a) “Act” means the Electricity Act, 2003 (36 of 2003) and its amendments.
- b) “Commission” means the Gujarat Electricity Regulatory Commission.

- c) “Complainant” means (a) any Consumer or Consumers including their legal heirs or successors, having a Complaint against a Licensee and lodging the same either directly or through their representatives; or (b) any voluntary consumer association or associations, registered under the law for the time being in force and making the Complaints in the larger interest of the Consumers; or (c) any Consumer(s)/voluntary consumer association(s) where the Licensee does not register or fails to register the Complaint of such Consumer(s)/voluntary consumer association(s); or (d) any person whose electricity connection is disconnected; or (e) an applicant for a new connection for the supply of electricity.
- d) “Complaint” means any complaint made by a Complainant, either in writing, including e-mail and facsimile modes, or verbally over phone if such numbers are specified by a Licensee for lodging complaints, or by visiting personally to such offices of the Licensee which are designated by the Licensee for registering the complaints, to a Licensee, which may, without limitation, include complaints relating to:
- i. any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by the Licensee in pursuance of a licence and/or any contract or agreement or under the Electricity Supply Code or in relation to Standards of Performance of Licensees, as specified by the Commission;
  - ii. any unfair trade practice or restrictive trade practice which has been adopted by the Licensee in providing Electricity Service; or
  - iii. Electricity Services which are being offered for use to the public in contravention of the provisions of any applicable law including safety code, rules and regulations, as prescribed by the competent authorities under the relevant laws or established through prudent industry practices, and as a result whereof the life and safety of the human beings, livestock or property is put at risk and endangered.
- e) “Electricity Service” includes supply, billing, metering and maintenance of electrical energy to the Consumer and all attendant sub-services and also any other service which a Licensee is required to provide pursuant to his licence or under any applicable law.
- f) “Forum” means the forum for redressal of Grievances of the Consumers to be constituted by the Licensee in terms of Sub-section (5) of Section 42 of the Act.
- g) “Fund” means the Gujarat Electricity Regulatory Commission Fund constituted under Section 103 of the Act.
- h) “Grievance” shall mean a grievance of the Consumer arising out of the failure of the Licensee to register or redress a Complaint, and shall include any dispute between the Consumer and the Licensee with regard to any Complaint or with regard to any action taken by the Licensee in relation to or pursuant to a Complaint.

- i) “Licensee” means a distribution licensee, as defined under the Act.
- j) “Ombudsman” means an authority appointed or designated by the Commission, under Regulation 3.1 pursuant to Sub-section (6) of Section 42 of the Act.
- k) “Regulations” shall mean the Gujarat Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019.
- l) “Representation” shall mean the representation made to the Ombudsman by a Complainant who is aggrieved by the order of the Forum (including the dismissal order), or non-redressal of his Grievances by the Forum within the specified time in accordance with the Regulations or non-implementation of Forum’s order by Licensee within the specified time.
- m) “State Act” shall mean the Gujarat Electricity Industry (Reorganisation and Regulation) Act, 2003.
- n) “Standards of Performance” means the standards of performance specified by the Commission under Sub-section (1) of Section 57 of the Act read with sub-section (1) (a) of Section 42 of the Gujarat Electricity Industry (Reorganisation and Regulation) Act, 2003.

Words and expressions used and not defined in the Regulations but defined in the Act or the State Act or the Rules framed thereunder shall have the meanings assigned to them in the Act or the State Act or such Rules. Expressions used herein but not specifically defined in the Regulations or in the Act or the State Act or the Rules framed thereunder but defined under any law passed by a competent legislature and applicable to the electricity industry in the State shall have the meaning assigned to them in such law. Subject to the above, expressions used herein but not specifically defined in these Regulations or in the Act or the State Act or the Rules framed thereunder or in any other law passed by a competent legislature shall have the meaning as is generally assigned in the electricity industry.

## 1.6 Interpretation

In the interpretation of these Regulations, unless the context otherwise requires:

- i. words in a singular or plural term, as the case may be, shall also be deemed to include plural or a singular term, respectively;
- ii. the terms “include” or “including” shall be deemed to be followed by “without limitation” or “but not limited to” regardless of whether such terms are followed by such phrases or words of like import;
- iii. references herein to the “Regulations” shall be construed as a reference to these Regulations as amended or modified by the Commission from time to time in accordance with the applicable laws in force;

- iv. the headings are inserted for convenience and may not be taken into account for the purpose of interpretation of these Regulations;
- v. references to various statutes, regulations or guidelines shall be construed as including all provisions consolidating, amending or replacing such statutes, regulations or guidelines, as the case may be, referred to.

## **Chapter 2**

### **Consumer Grievances Redressal Forum (CGRF)**

#### **Number, Locations and Sitzings**

- 2.1. In terms of Sub-section (5) of the Section 42 of the Act every Distribution Licensee shall, within six months of the Appointed Date or date of grant of licence, whichever is later establish Forum(s) to ensure prompt redressal of the Grievances of the Complainants within the time frame specified in these Regulations and in accordance with the guidelines laid under these Regulations.
- 2.2. The number of Forums, their locations and areas of jurisdiction may be decided by the Licensee. While deciding the number of Forums, the Licensee shall ensure that adequate number of Forums are established such that consumers under the jurisdiction of the respective Forum have an easy access to the Forum, Members of a Forum are able to conduct at least one sitting in each revenue district in a month and all Grievances are redressed within the time-limit specified under these Regulations.
- 2.3. In order to ensure that all Grievances are disposed within the specified time-limit, the Commission may, from time to time, require the Licensee to increase the number of Forums and also increase the reach of the Forums for the convenience of the consumers.

#### **Appointment of Members**

- 2.4. Each Forum shall consist of 3 (three) members: (i) Chairperson, (ii) Technical Member and (iii) Independent Member. The Chairperson and the Technical Member shall be appointed by the licensee; the Independent Member shall be nominated by the Commission.

The Forum shall inform the appointment of the Chairperson and the Technical Member to the Commission within a week of their appointments.

- 2.5. The members to be appointed / nominated shall meet the following criteria:
  1. The Chairperson of the Forum shall be (i) a retired district judge / a retired senior judicial officer, or (ii) a retired civil servant not below the rank of Collector, or (iii) a retired electrical engineer not below the rank of Superintending Engineer or equivalent and having at least Twenty (20) years of experience, with adequate knowledge of power sector. Experience related to consumer affairs will be preferred.
  2. The Licensee shall invite applications for the post of the Chairperson of the Forum through proper advertisement in the press and website, possessing qualification and experience as above. The Licensee shall submit a panel of two names found suitable for the selection of Chairperson of the Forum to the Commission for its consideration. The Commission shall approve one of the candidates from the said panel and send it to the Licensee. The Licensee shall appoint the said candidate as

Chairperson and forward it to the Forum.

3. The Technical Member shall be appointed by the concerned licensee from amongst the serving officers of the company not below the rank of Executive Engineer having experience not less than 15 years and shall be posted at the Forum headquarter.
4. The Independent Member shall be a person of stature and repute having sufficient exposure to and experience of consumer affairs. Person possessing degree in law from a recognized university and having at least ten (10) years of experience in handling legal matters shall have an added advantage.
5. The Independent Member shall be nominated by the Commission. The post of the Independent Member shall be advertised in the press and the website of the Commission and selection shall be done after conducting personal interaction with the candidate

Provided that the Members of the Forum shall preferably have working knowledge of the vernacular language of the State of Gujarat.

The Licensee shall ensure that the posts of members are not kept vacant for more than 30 days. Provided that in case the Licensee is unable to fill the vacant post within a period of 30 days, the Commission may, at the request of the Licensee, grant such additional time, as it deems fit, to the Licensee for the purposes of filling of such vacancy.

If the Licensee is unable to find a person of the background given above in spite of its best efforts, the Licensee may appoint a person with other qualifications, with the prior approval of the Commission.

- 2.6. No person shall be eligible to be appointed as Chairperson of the Forum if he has been in the service of the same Distribution Licensee at any time during preceding -Two (2) years from the date of occurrence of such vacancy for which appointment is to be made:

By virtue of an appointment as a Member of the CGRF of a Distribution Licensee, the person shall not claim to be a permanent employee of that Distribution Licensee.

- 2.7. In case of superannuation or end of tenure of the Chairperson or the Independent Member, applications shall be invited at least six (6) months prior to the date of superannuation or the end of tenure, as the case may be:

Provided also that in case of occurrence of any vacancy in the Forum for the post of Chairperson or the Independent Member, by reason of death, resignation or removal, the applications shall be invited, within one (1) month from the date of occurrence of such vacancy.

- 2.8. The Distribution Licensee shall appoint the Independent Member selected by the Commission with effect from the date to be indicated by the Commission.

## **Tenure, Remuneration and Other Expenses**

2.9. The Chairperson and Independent Member shall hold office for a term of three years from the date he enters upon his office:

Provided that subject to fulfillment of the conditions of eligibility the Chairperson or Independent Member of the Forum shall be eligible for reappointment for a second term upto two (2) years and no further:

Provided also that no Member or Chairperson shall hold office after attaining the age of sixty-five (65) years.

2.10. The salary, allowances and other terms and conditions of service of the Chairperson and Independent Member of the Forum shall be such as may be laid down by the concerned Distribution Licensee from time to time.

2.11. The terms and conditions of service of a member of the Forum who is in the employment of the Licensee shall be governed by the terms and conditions of his employment with such Licensee. The Technical Member shall continue to draw the same salary as he is entitled to, as a regular employee of the Licensee.

## **Resignation and Removal of the Members**

2.12. A member of the Forum who is in the employment of the Distribution Licensee shall cease to be member of the Forum on his transfer / resignation / superannuation, and the Distribution Licensee shall appoint another officer, meeting the eligibility criteria set out in the clause (3) of Regulation 2.5, as member of the Forum.

2.13. The Chairperson or Independent Member of the Forum may tender his resignation, by giving not less than three (3) months notice in writing to the Appointing Authority.

The Appointing Authority may relax the specified period of notice considering the request.

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

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

- vi. having been guilty of proved misbehaviour.

Provided that no member shall be removed from his office on any ground as specified above, unless the licensee has, on an independent inquiry held by it, in accordance with such procedure as may be prescribed by the Commission, reported to the Commission that such member ought, on such ground or grounds, to be removed.

### **Convener and Staff of the Forum**

2.15. The headquarters of the Forum shall be at the principal place of business/headquarters of the Distribution Licensee or at any other place as may be decided by the Distribution Licensee. The office space, secretarial support and other facilities required for smooth functioning of the Forum shall be provided by the Licensee. The Licensee shall appoint/designate one of its officers as full-time Secretary/Convener to the Forum and shall also provide required supporting staff on a full-time basis as required by the Forum for efficient functioning of the Forum. The staff of the Forums shall:

- i. receive Grievances and Complaints;
- ii. receive any other documents which may be required to be filed with the Forum;
- iii. maintain records of proceedings;
- iv. circulate matters to members of the Forum for directions and proper orders;
- v. do all other acts and deeds in compliance with orders issued by the Forum; and
- vi. do all other acts and things required for the functioning and the proceedings of the Forum.

The office of the Forum shall remain open on all working days of the Licensee during working hours.

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

2.17. The name, address, e-mail, facsimile and telephone numbers of the Forums shall be widely publicised through newspapers and also displayed on the websites and at all the offices of the Licensee and shall be intimated to the Consumers through their electricity bills. The electricity bills shall also contain a statement to the effect that a Complainant whose Complaint/Grievance is not resolved by the Licensee may file a Complaint before the Forum. The above mentioned details may also be publicised through electronic media.

2.18. Every Licensee shall, as soon as is practicable but in any event within six months from, (i) the date of issuance of the licence, or (ii) the coming into force of these Regulations, whichever is later, provide information about the Forum on its website through which Consumers may retrieve information such as the contact details of the Forum, the orders and directions (if any) issued by the Forum and the date of the next hearing.

2.19. In addition to Licensee's own/existing complaint receiving centres, the Licensee shall

establish one or more consumer contact centres of the Forum(s) at a location convenient for the Consumers to submit their Complaints. While establishing the consumer contact centres of the Forums, the Licensee shall take into account the concentration of the Consumers in a particular area and the number of Complaints expected to be received. The Licensee may designate its complaint registering offices as consumer contact centres. Each contact centre shall be manned by staff of the Licensee.

- 2.20. All consumer contact centres shall accept Complaints/Grievances from the Consumers/Complainants falling within the jurisdiction of the Forum. The Complainants shall be issued acknowledgement of the receipt of Complaints/Grievances by such consumer contact centres. The consumer contact centres shall forward the Complaints/Grievances to the office of the Forum of that jurisdiction by the next working day, failing which the Licensee shall be liable to a fine as found appropriate by the Forum.
- 2.21. 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.

#### **Jurisdiction of the Forum**

- 2.22. The Forum shall have the jurisdiction to entertain the Complaints/Grievances within the area of supply as specified in the licence of the Licensee:

Provided, however, in the event a Licensee establishes more than one Forum, each of such Forum shall have the jurisdiction as specified by the Licensee out of its total area of supply. The Licensee shall ensure that no area out of its area of supply is left without being under the jurisdiction of a Forum.

#### **Procedural Matters**

- 2.23. Forum(s) while dealing with the Complaints/Grievances shall follow the principles of natural justice, including, *inter alia*, the following:
- i. it shall protect the interest of the Consumers;
  - ii. it shall inform the Consumers of their rights;
  - iii. it shall facilitate and expedite the redressal of Complaints/Grievances;
  - iv. it shall ensure that the Consumers can also have a remedy in the event of failure or delay on the part of the Distribution Licensee in redressing their Complaints/Grievances.
- 2.24. The Forum shall conduct its business and hold the hearings at its Head Office and also at District level. In order to expedite disposal of the Complaints/Grievances and to provide convenient access to the Consumers:

- i. The Forum shall hold at least one sitting in a week on a specific day at Forum headquarter. At least one sitting in a month shall be held at the headquarters of the districts within its jurisdiction.
- 2.25. The quorum for any sitting of the Forum shall be two (2), out of which one (1) should be the Independent Member. Each member shall have one vote. In case of tie on any issue, the Chairperson shall have a casting vote.
- 2.26. 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. If a member hearing the matter does not agree with the decision taken by other members, he may record his note of dissent with reasons but the decision taken by majority of members hearing the case will prevail.
- 2.27. 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.
- 2.28. All decisions of the Forum shall strictly be in accordance with the provisions of the Act, Rules and Regulations framed thereunder and orders and directions issued by the Commission from time to time.
- 2.29. For expeditious resolution of grievance of a Complainant, any mechanisms existing within the Licensee, other than the Forum established under these Regulations, may be retained:

Provided that the Complainant shall have the right to approach the Forum directly in respect of matters falling under jurisdiction of the Forum.

### **Rights of Consumers to Approach the Forum**

- 2.30. A Complainant can approach the Forum in the following events:
  - i. If the Licensee fails to register a Complaint; or
  - ii. If the Licensee fails to resolve a Complaint in accordance with the Standards of Performance specified by the Commission; or
  - iii. If the Consumer/Complainant is not satisfied with the Redressal of the Complaint (including dismissal) even after taking up the issue at the level of division head/circle head, as provided for in the Standards of Performance.
- 2.31. The Consumer may directly approach the Forum with a Complaint/Grievance at the office of the Forum, which the Forum may forward to the Licensee for the necessary action. In case of urgency of the issue involved, the Forum may initiate the procedure of addressing the Complaint/Grievance at its level.

### **Limitations / Pre-conditions for Submission of Grievances**

- 2.32. A Complainant shall not be entitled to approach the Forum in any of the following

cases:

- i. 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;
- ii. In cases which fall under Sections 126, 127, 135 to 139, 152 and 161 of the Act;
- iii. In cases where the Complaint/Grievance has been registered two years after the date on which the cause of action has arisen
- iv. Complaints/Grievances which are:
  - 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 no Complaint/Grievance shall be rejected unless the Complainant has been given an opportunity of being heard.

#### **Procedure for Complaint/Grievance Redressal**

2.33. The Forums shall receive the Complaint/Grievance in writing including through email and facsimile mode. The Complaint/Grievance may be submitted in the format given in Annexure I. However, no Complaint/Grievance shall be rejected by the Forum merely on the ground that it is not in the prescribed format.

2.34. The office of the Forum shall issue acknowledgment of the receipt of the Complaint/Grievance to the Consumer/Complainant showing clearly the serial number and date of receipt of the Complaint/Grievance with an acknowledged copy of the Complaint/Grievance in the following manner:

- i. shall issue and deliver forthwith upon submission if the Complaint/Grievance is delivered personally;
- ii. shall despatch/email/fax within two working days of receipt of the Complaint/Grievance if sent by post or courier or through email or fax; or
- iii. shall despatch within two working days of receipt of the Complaint/Grievance if received by the consumer contact centres.

No Complaint shall be returned to the Complainant without issuing acknowledgement of its receipt and the same shall be disposed of according to the Regulations.

2.35. The Forums shall maintain true and correct records of all the Complaints/Grievances received by them from time to time and make available such records for inspection as and when the Commission may require.

- 2.36. The Forum shall forward a copy of the Complaint to the officer concerned of the Licensee or the employee/employees/department named in the Complaint (“respondent party”).
- 2.37. The respondent party shall furnish parawise comments to the Forum on the Complaint within 15 days of its receipt, failing which the Forum shall proceed on the basis of the material available on record.
- 2.38. The Forum may call for any record from the respondent party or from the Complainant, as is relevant for examination and disposal of the Complaint/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 appropriate inference.
- 2.39. The Forum may also direct the Licensee to undertake an inspection or engage a third party to undertake such inspection with regard to the Complaint/Grievance, as may be required for its expeditious redressal. 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. The Forum shall record the reasons for the need of 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 Complainant, 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 Complainant, 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.
- 2.40. The Forum can call the officer concerned of the Licensee for discussion in suitable cases, in order to seek redressal of the Grievance filed before it. In case the matter is settled through discussion, it may be recorded as a decision and conveyed to the Complainant and the Licensee.
- 2.41. In case the Forum comes to the conclusion that the Complainant and the officer concerned of the Licensee are required to be heard for redressal of the Grievance, the Forum shall call the Complainant and the officer with the details of the case and documents, if any, as may be necessary.
- 2.42. 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.
- 2.43. Where the Complainant or the Licensee or their representative fails to appear before the Forum on the date fixed for hearing on more than two occasions, the Forum may decide the Grievance ex-parte.

- 2.44. 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. The Forum may make an order as to the cost occasioned by the adjournment to be paid by the defaulting party to the non-defaulting party and/or to the Forum.
- 2.45. The Forum shall not be bound to follow the procedure prescribed in the Civil Procedure Code, 1908 (5 of 1908) or the Indian Evidence Act, 1872 (1 of 1872) in its proceedings.

### **Issue of Order**

- 2.46. After considering the Complaint/Grievance submitted by the Consumer, issue-wise comments on the Complaint/Grievance submitted by the Distribution Licensee, all other records available, the Forum shall complete the enquiry as expeditiously as possible and every endeavour shall be made by the Forum to pass appropriate order, on the Complaint/Grievance for its redressal within a maximum period of 30 days from the date of receipt of the Grievance by the Forum.
- 2.47. As far as is possible and practical, the Complaints/Grievances shall be prioritized for redressal based on the following priority order:
- i. Disconnection of supply
  - ii. Meter related issues
  - iii. Billing related issues
  - iv. Other issues

In case of Complaints/Grievances related to disconnection of supply, the Forum shall pass the order within 7 days of filing of the Complaint/Grievance and in case of other Complaints/Grievances, the order shall be passed within 30 days of filing of the Complaint/Grievance:

Provided also that in the event of Complaint/Grievance being disposed of after the maximum period specified above, the Forum should record in writing, the reasons for the same at the time of disposing of the said Complaint/Grievance and inform the Ombudsman.

- 2.48. After the completion of the proceedings, the Forum shall issue an order to the Distribution Licensee directing it to do one or more of the following in a time bound manner, namely:
- i. to remove the cause of Complaint/Grievance in question;
  - ii. to return to the Consumer(s) the undue charges paid by the Consumer(s);
  - iii. to pay such compensation, to the person affected, as determined by the Commission under the Gujarat Electricity Regulatory Commission (Standard of Performance of Distribution Licensee) Regulations, 2005, in case the Licensee fails to meet the standards of performance as specified by the Commission;
  - iv. to remove the defects/deficiencies in the services in question;

- v. to discontinue the unfair trade practice or the restrictive trade practice or not to repeat them;
  - vi. not to offer and/or to withdraw hazardous electricity services;
  - vii. any other order, deemed appropriate in the facts and circumstances of the case.
- 2.49. The proceedings and decisions of the Forum shall be recorded and shall be supported by reasons. The order shall be a reasoned order either in Gujarati or English and signed by the members conducting the proceedings. Where the members differ on any point or points, the opinion of the majority shall be the order of the Forum. The opinion of the minority shall, however, be recorded and form part of the order.
- 2.50. The order of the Forum shall invariably mention the contact details of the Electricity Ombudsman appointed or designated by the Commission under these Regulations.
- 2.51. The order of the Forum shall be communicated to the Complainant and the Licensee in writing within 7 days. A certified copy of every order passed by the Forum shall be delivered to the parties in the manner prescribed under Section 171 of the EA 2003.
- 2.52. The Licensee shall comply with the order within the time limit specified by the Forum. In appropriate cases, considering the nature of the case, the Forum, on the request of the Licensee, may extend the period for compliance of its order up to a maximum period of 3 months.
- 2.53. The officer concerned of the Licensee shall furnish a compliance report on the order of the Forum within 7 days from the date of compliance, to the Forum and to the Complainant. The Forum shall keep record of the compliance of its orders and review the same every month. In case of non-compliance of its orders, the Forum shall take up the 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 Ombudsman regarding such non-compliance.
- 2.54. In case of non-implementation of the Forum's order, the Complainant may represent to the Ombudsman to direct the Licensee to implement the Forum's order. Non-implementation of the Forum's order by the Licensee shall be deemed to be a violation of the Regulations and shall be liable for appropriate remedial action.

### **Reporting Requirements**

- 2.55. The Forum shall submit a quarterly report on disposal of Complaints/Grievances to the Licensee, Commission and Ombudsman. The report should be submitted within 15 days of close of the quarter to which it relates.
- 2.56. The quarterly report should be submitted in accordance with the format as specified in Annexure II.
- 2.57. The Forum shall also furnish a yearly report containing a general review of activities of

the Forum during the financial year to the Licensee, Commission and Ombudsman. The report should be submitted within 45 days of close of the financial year to which it relates.

### **Temporary Injunctions**

2.58. Cases in which temporary injunctions may be granted:

Where in respect of any Complaint/Grievance it is affirmed on affidavit or otherwise on prima facie plausible grounds:

- i. that if the temporary injunction is not granted, the purpose for which the Complaint/Grievance is filed would be defeated for delay, or
- ii. that the Licensee threatens or intends to remove or disconnect the electricity connection, or
- iii. that the Licensee is not following the provisions of the Electricity Act, 2003, the State Act or any applicable Rules and Regulations.

The Forum may by order grant a temporary injunction to stay or prevent or restrain such act, or make such other order, as the Forum thinks fit, until the disposal of Complaint application or until further orders.

2.59. Before granting injunction, Forum to give notice:

The Forum shall except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice for the same to be given to the opposite party:

Provided that, where it is proposed to grant an injunction without giving notice of the Complaint/Grievance and any application to the opposite party, the Forum shall record the reasons for its opinion that the object of granting the injunction would be defeated by delay, and require the applicant:

- i. to deliver to the opposite party, or to send him by registered post, immediately after the order granting the injunction has been made, a copy of the application for injunction together with:
  - a) a copy of the affidavit filed in support of the application;
  - b) a copy of the application;
  - c) copies of documents on which the Complainant relies;
- ii. to file, on the day on which such injunction is granted or on the day immediately following that day, an affidavit stating that the copies aforesaid have been so delivered or sent.

2.60. Forum to dispose of application for injunction within 15 days:

Where an injunction has been granted without giving notice to the opposite party, the Forum shall finally dispose of the application within 15 days from the date on which the injunction was granted; and where it is unable to do so, it shall record the reasons for such inability.

2.61. Order for injunction may be discharged, varied or set aside:

Any order for an injunction may be discharged, varied or set aside by the Forum, on an application made by any party dissatisfied with such order:

Provided that if in an application for temporary injunction or in any affidavit supporting such application, a party has knowingly made a false or misleading statement in relation to a material particular and the injunction was granted without giving notice to the opposite party, the Forum shall vacate the injunction unless for reasons to be recorded, it considers that it is not necessary to do so in the interests of justice:

Provided further that where an order for injunction has been passed after giving to a party an opportunity of being heard, the order shall not be discharged, varied or set aside on the application of that party except where such discharge, variation or setting aside has been necessitated by the change in the circumstances, or unless the Forum is satisfied that the order has caused undue hardship to that party.

2.62. Injunction to Licensee binding on its officers:

An injunction directed to a Licensee is binding not only on the Licensee itself, but also on all members and officers of the Licensee whose actions it seeks to restrain.

**Review of Order**

2.63. Any person may file an application for review of order before the Forum, on ground of 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 or on account of some mistake or error apparent on the face of the record, within thirty (30) days of the date of the order, as the case may be.

2.64. The applicant shall in the application for such review 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 on the face of the record. The application shall be accompanied by such documents, supporting data and statements to substantiate such review.

2.65. 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.

2.66. When the Forum 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.

### **Representation before the Ombudsman**

- 2.67. Any Complainant may prefer a representation before the Ombudsman appointed/designated by the Commission under the following circumstances:
- i. If the Complainant is aggrieved by the non-redressal of the Grievance by the Forum within the period specified;
  - ii. If the Complainant is aggrieved with the order passed by the Forum;
  - iii. Non-implementation of Forum's order in specified time limit.
- 2.68. Such a representation may be made within a period of 30 days after issue of order by the Forum or expiration of 30 days after the deadline specified for issue of the order, or within 30 days after the deadline specified for implementation of order, whichever is applicable.
- 2.69. The Forum may settle any Complaint/Grievance in terms of an agreement reached between the parties at any stage of the proceedings before it and there shall be no right of representation before the Ombudsman against such order.

## **Chapter 3**

### **Ombudsman**

#### **Appointment of Ombudsman**

- 3.1. In accordance with Sub-section (6) of Section 42 of the Act, the Commission may, from time to time, appoint or designate a person as Ombudsman to discharge the functions in accordance with Sub-section (7) of Section 42 of the Act.
- 3.2. The Commission may appoint or designate more than one Ombudsman for a Licensee or a common Ombudsman or Ombudsmen for two or more Licensees considering factors such as number of representations received, disposal of representations within the specified time limit, ease of access for the Consumer, etc.
- 3.3. The Commission shall invite applications through public advertisement for appointment of the Ombudsman. The Commission shall form a selection committee for selecting the Ombudsman.

Provided that in case of superannuation or end of tenure of the Electricity Ombudsman, applications shall be invited at least six (6) months prior to the date of superannuation or the end of tenure, as the case may be:

Provided also that in case of occurrence of vacancy for the post of Electricity Ombudsman, by reason of death, resignation or removal, the applications shall be invited, within one (1) month from the date of occurrence of such vacancy.

- 3.4. The Ombudsman shall be a person of experience, ability, integrity and standing.
- 3.5. The following category of persons shall be eligible to be appointed as Ombudsman:
  - i. A retired district judge; or
  - ii. A retired secretary to State Government; or
  - iii. Any person who has held the position of member or chairperson of any statutory quasi-judicial body at the state level for at least 3 years; or
  - iv. A retired chief electrical inspector / chief engineer having experience in electricity industry preferably distribution business.
  - v. Any person who has worked in the power sector/ power utilities for at least thirty (30) years in Technical/Commercial field and having at least three (3) years of experience of working in the State or Central Electricity Regulatory Commissions.

Provided that the Electricity Ombudsman shall preferably have working knowledge of the vernacular language of the State of Gujarat.

#### **Designating any person to officiate as Ombudsman in certain circumstances**

- 3.6. In the event of Ombudsman being unable to discharge his functions owing to absence, illness or in case of sudden demise of the Ombudsman or any other cause, the Commission may designate any person from the staff of the Commission not below the rank of Joint Director to officiate as Ombudsman for the interim period, till the day the Ombudsman resumes his duties, or a new Ombudsman assumes his duties as the case may be.

### **Term of Office and Condition of Service**

- 3.7. The Electricity Ombudsman shall hold office for a term of three years from the date he enters upon his office:

Provided that subject to fulfilment of the conditions of eligibility the Ombudsman shall be eligible for reappointment for a second term up to two (2) years and no further:

Provided also that Ombudsman shall not hold office after attaining the age of sixty-five (65) years.

- 3.8. The salary, allowances and other terms and conditions of service of the Ombudsman shall be such as may be laid down by the Commission from time to time:

Provided that the salary, allowances and other terms and conditions of the Ombudsman shall not be varied to their disadvantage after appointment or reappointment.

- 3.9. Ombudsman shall, before entering upon his office, make and subscribe to an oath in such manner and before such authority as the Commission may direct.

- 3.10. The post of Ombudsman being a full time post, he shall devote his whole time to the affairs of the Office of the Ombudsman, and shall not hold any office of profit during his tenure.

### **Resignation and Removal of the Members**

- 3.11. The Ombudsman may, by giving not less than three (3) months notice in writing under his hand addressed to the Chairperson of the Commission, resign his office:

Provided that the Commission may relax the specified period of notice.

- 3.12. The Commission shall have the powers to remove the Ombudsman from office only if he:

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

- v. has abused his position so as to render his continuance in office prejudicial to public interest; or
- vi. has been guilty of proven misbehaviour.

Provided that the Ombudsman shall not be removed from his office on any ground specified above unless an inquiry held in accordance with such procedures as may be prescribed by the Commission.

### **Office of the Ombudsman**

- 3.13. The Ombudsman's office/offices shall be preferably located at the capital city of the State or any district headquarters as may be specified by the Commission. However, the Ombudsman may hold hearings or proceedings at various places within the State in order to expedite disposal of representations received by him.
- 3.14. The Commission shall provide the Ombudsman a secretariat. The staff strength of the said secretariat and terms and conditions of appointment of the staff shall be determined by the Commission from time to time.
- 3.15. All expenses of the Ombudsman's office including that of the secretariat shall be borne by the Commission
- 3.16. The name, location, email address and telephone numbers of the Ombudsmen shall be widely publicised through newspapers, and displayed on the websites and the offices of the Licensees and the Commission and shall be intimated to the Consumers through electricity bills. They may also be publicised through electronic media.

### **Jurisdiction**

- 3.17. The territorial jurisdiction of the Ombudsman shall extend to the whole or part of the State of Gujarat. Provided that where the Commission, by order, appoints or designates more than one Ombudsman under Regulation 3.1, it shall define the territorial jurisdiction of each Ombudsman in such order.

### **Powers and Functions of the Ombudsman**

- 3.18. The Ombudsman shall have the following powers and duties:
  - i. To receive Representations, consider such Representations and facilitate settlement by agreement, through conciliation and mediation between the Licensee and Complainant, and pass an order in accordance with these Regulations where such conciliation is not reached.
  - ii. On receipt of information from the Forum regarding non-compliance of the Forum's order by Distribution Licensee, the Ombudsman shall initiate proceedings for implementation of Forum's order by the Licensee.
  - iii. The Ombudsman shall in the first instance act as counsellor and mediator in matters which are the subject matter of the Representation.

- iv. The Ombudsman shall exercise general powers of superintendence and control over its office and shall be responsible for the conduct of business thereat.
- v. The Ombudsman shall have the powers to incur expenditure on behalf of the office. In order to exercise such power, the Ombudsman shall draw up an annual budget for its office in consultation with the Commission and shall exercise its powers of expenditure within such approved budget. The budget shall have the provisions for the administrative expenditure of the Ombudsman. The Commission shall sanction the required amount out of the Fund. The Commission shall, however, supervise the utilization of such amount and shall issue such instructions, from time to time, as it may deem reasonable and necessary.

### **Pre-conditions/ Limitations for Entertaining Complainant's Representation**

3.19. A Representation may be entertained by the Ombudsman only if all of the following conditions are satisfied:

- i. It has been filed by the Complainant (aggrieved Consumer). For avoidance of doubt, a Licensee is not allowed to file a Representation before the Ombudsman against the order of the Forum.
- ii. The Complainant had, before making a Representation to the Ombudsman, approached the Forum constituted under Sub-section (5) of Section 42 of the Act for redressal of his Complaint/Grievance.
- iii. The Representation by the Complainant, in respect of the same Complaint/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 been passed by such authorities.
- iv. The Complainant is not satisfied with the redressal of his Complaint/Grievance by the Forum or the Forum has rejected the Complaint/Grievance or has not passed the order within the time limit specified or Distribution Licensee has not implemented Forum's order within specified time limit.
- v. The Complainant has filed the Representation before the Ombudsman within 30 days from the date of receipt of the order of the Forum or date of expiry of the period within which the Forum was required to issue the order, or date of expiry of the period within which Distribution Licensee has to implement Forum's order, whichever is applicable:

Provided that the Ombudsman may entertain an appeal after the expiry of the said period of 30 days if the Ombudsman is satisfied that there is sufficient cause for not filing it within that period.

- vi. The Representation does not fall under Sections 126, 127, 135 to 139, 152 and 161 of the Act.
- vii. The Complainant who claims compensation from the Distribution Licensee has

paid such fees as may be stipulated by the Commission from time to time.

viii. The Complainant has deposited one third amount in terms of Forum's order, if required, with the Licensee and submitted proof of payment made.

3.20. Subject to the provisions of the Act and these Regulations, the Ombudsman's decision on whether the Representation is fit and proper for being considered by it or not, shall be final.

3.21. 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;
- iii. there is no prima facie loss or damage or inconvenience caused to the Complainant; or
- iv. complicated in nature such that the Representation requires consideration of elaborate documentary and oral evidence and the proceedings before the Ombudsman are not appropriate for adjudication of such Representations.

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

Provided further that no Representation shall be rejected in respect of clauses (i), (ii), (iii) and (iv) above, unless the Complainant has been given an opportunity of being heard.

### **Procedure to be followed by the Ombudsman**

3.22. The Representation shall be in writing, duly signed by the Complainant or his authorized representative, including facsimile or email mode, and shall contain the name and address of the Complainant, the facts giving rise to the Grievance supported by documents, if any, and may specify the relief sought from the Ombudsman.

3.23. The Ombudsman shall receive a Representation in writing including through email and facsimile mode. A Representation may be submitted in the format given in Annexure III. However, no Representation shall be rejected by the Ombudsman merely on the ground that it is not in the prescribed format.

3.24. The Representation shall contain a statement, duly signed by the Complainant, to the effect that the conditions stipulated in Regulation 3.19 above have been fulfilled, and that there is nothing, in the knowledge of the Complainant, which would bar the Ombudsman from considering the Representation, facilitating the settlement thereof, or passing an order in respect of the subject matter of the Representation, or otherwise dealing with the Representation in accordance with the provisions of these Regulations.

3.25. The Ombudsman shall issue due acknowledgment of the receipt of the Representation

to the Consumer with an acknowledged copy of the Representation in the following manner:

- i. Forthwith upon submission if the Representation is delivered personally; or
- ii. Post / email / fax within two working days of receipt of the Representation if the same is received through post / courier / email / fax.

The Ombudsman, while issuing acknowledgement, shall assign a unique case number and date to each Representation accepted by it.

3.26. The Ombudsman shall maintain true and correct records of all Representations received from time to time.

### **Promotion of Settlement by Conciliation**

3.27. As soon as it may be practicable to do but not later than one week from the date of receipt of Representation, the Ombudsman shall serve a notice to the officer concerned of the Licensee named in the Representation along with a copy of the Representation and endeavour to promote a settlement of the Complaint by mutual agreement between the Complainant and the Licensee through conciliation or mediation.

3.28. The notice to the Licensee served under Regulation 3.27 above shall specify the time period within which the Licensee is required to respond to the Representation, and this time period shall be such as to allow the Ombudsman to settle the matter by conciliation or mediation within 30 days from the date of receipt of the Representation.

3.29. For the purpose of facilitating settlement of the Representation, the Ombudsman may follow such procedures, as he may consider appropriate or as may be prescribed by the Commission.

3.30. When a Complaint/Grievance is settled through conciliation or mediation by the Ombudsman, the Ombudsman shall make a recommendation which he thinks fair in the circumstances of the case. The copies of the recommendation shall be sent to the Complainant and the Licensee.

3.31. If the Complainant and the Licensee accept the recommendation of the Ombudsman, they will send a communication in writing within 15 days of the date of receipt of the recommendation. They will confirm their acceptance to the Ombudsman and state clearly that the settlement communicated is acceptable to them, in totality, in terms of recommendations made by the Ombudsman and are in full and final settlement of Complaint/Grievance.

3.32. The Ombudsman shall make a record of such agreement in the case as his orders and thereafter close the case.

### **Hearing of Representations**

3.33. After registering the Representation, the Ombudsman, shall within 7 days of registration, call for records relating to the Representation from the Forum concerned.

The Forum shall send the entire records within 7 days from the date of receipt of such notice to the office of the Ombudsman.

- 3.34. Where the Representation is not settled by agreement within a period of 30 days from the date of receipt of Complaint or such extended period the Ombudsman may deem fit duly considering the overall time limit specified, the Ombudsman may determine the manner, the place, the date and the time of the hearing of the matter as he considers appropriate:

Provided, however, that the Ombudsman shall hold the hearing within 45 days from the date of receipt of Representation, or 15 days from the expiry of such extended period as has been specified by the Ombudsman for settlement by agreement among the parties:

Provided further that where the Ombudsman is unable to hold the hearing within such period as specified above, he may hold the hearing at a later date with the Commission's permission.

- 3.35. The Ombudsman may hear the parties and may direct them to submit written statements of submissions in the matter.
- 3.36. A Complainant, Distribution Licensee or any other person who is a party to any proceedings before the Ombudsman may either appear in person or authorise any person to present his case before the Ombudsman and to do all or any of the acts for the purpose.
- 3.37. Where the Complainant or the Licensee or their representative fails to appear before the Ombudsman on the date fixed for hearing on more than two occasions, the Ombudsman may decide the Representation ex-parte.
- 3.38. 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 may make such orders as to the cost occasioned by the adjournment to be paid by the defaulting party to the non-defaulting party and/or to the Ombudsman.

### **Issue of Order**

- 3.39. The Ombudsman shall decide the matter on the submissions of the parties, after providing them an opportunity of being heard. The Ombudsman shall pass a speaking order with detailed reasoning either in Gujarati or English. While making an order, the Ombudsman shall be guided by the evidence adduced by the parties, the principles of applicable laws including Rules and Regulations issued under the relevant laws, guidelines, directions and instructions of a general nature, issued by the Commission from time to time, prudent industry practices and such other factors which in its opinion are necessary in the interest of justice.
- 3.40. The Ombudsman shall pass an order as early as possible but in any case, within 45 days

from the date of receipt of the Representation. Where there is delay in disposal of a Representation within the said period, the Ombudsman shall record the reasons for such delay.

- 3.41. The order passed by the Ombudsman shall set out:
- i. issues arising from the proceedings before it;
  - ii. issue-wise decision;
  - iii. reasons for passing the order;
  - iv. directions, if any, to the Distribution Licensee or Complainant or any other order, deemed appropriate in the facts and circumstances of the case.
- 3.42. The Ombudsman shall have the power to impose costs upon either of the parties, as it may deem appropriate in the circumstances before it.
- 3.43. A copy of the order shall be sent to the Complainant and the Licensee concerned.
- 3.44. The Licensee shall duly comply with and implement the decision of the Ombudsman within 30 days of issue of the Order.
- 3.45. Non-compliance of Ombudsman's Orders shall be in violation of these Regulations and shall be liable for appropriate action by the Commission under Sections 142 and 146 read with Section 149 of the Act.
- 3.46. The orders of the Ombudsman shall be final and binding on the parties. No party can file an appeal before the Commission against the order. However, the rights of Complainant and Licensee to file an appeal before the judicial bodies (including but not limited to the Appellate Tribunal for Electricity, Forums and Commissions established under the Consumer Protection Act, 1986, High Court, Supreme Court, etc.) shall remain protected.
- 3.47. The Ombudsman may review its order either on its motion, at any time, or 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 him at the time the order was made; or
  - ii. Mistake or error apparent on the face of the record; or
  - iii. Any other sufficient reason.
- 3.48. Except in cases where a review application has been moved under the Regulation 3.47 above by either of the parties, in the event of non-compliance / non-implementation of any order passed by the Ombudsman by either of the parties, the consumer 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 Ombudsman, whichever is later. The Commission may issue any order (including an order imposing fines and penalties on the Licensees, as provided for under the Act) or take any other steps, as it deems appropriate for the enforcement of the order.

3.49. The Ombudsman shall be guided by such factors which in the opinion of the 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 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.

### **Reporting Requirements**

3.50. The Ombudsman shall submit to the Commission and the State Government a half-yearly report on all the Representations filed before it during the period. The report should be submitted within 45 days of close of the period to which it relates.

3.51. The report shall cover:

- i. facts of each Representation;
- ii. response of the Licensees in redressal of the Grievances;
- iii. opinion of the Ombudsman on compliance of Standards of Performance by the Licensee;
- iv. key directions issued to the Licensee and/or the Consumer in the order;
- v. compliance of order by the Licensee and/or the Consumer.

3.52. The Ombudsman shall also furnish a quarterly report to the Commission as per Annexure IV of these Regulations.

3.53. The Ombudsman shall also furnish a yearly report containing a general review of activities of the Ombudsman's office during the financial year to the Commission. The report should be submitted within 45 days of close of the financial year to which it relates.

### **Temporary Injunctions**

3.54. Cases in which temporary injunctions may be granted:

where in respect of any Complaint it is affirmed on affidavit or otherwise on prima facie plausible grounds:

- i. that if the temporary injunction is not granted, the purpose for which Complaint is filed would be defeated for delay, or
- ii. that the Licensee threatens or intends to remove or disconnect the electricity

connection, or

- iii. that the Licensee is not following the provisions of the Electricity Act, 2003, the State Act or any applicable Rules and Regulations, the Ombudsman may by order grant a temporary injunction to stay or prevent or restrain such act, or make such other order, as he thinks fit, until the disposal of Complaint application or until further orders. The Ombudsman may grant such relief at any stage during the disposal of a Complaint.

3.55. Before granting injunction, Ombudsman to give notice:

The Ombudsman shall except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice for the same to be given to the opposite party:

Provided that, where it is proposed to grant an injunction without giving notice of the Complaint and any application to the opposite party, the Ombudsman shall record the reasons for its opinion that the object of granting the injunction would be defeated by delay, and require the applicant:

- i. to deliver to the opposite party, or to send him by registered post, immediately after the order granting the injunction has been made, a copy of the application for injunction together with:
  - a) a copy of the affidavit filed in support of the application;
  - b) a copy of the application; and
  - c) copies of documents on which the Complainant relies, and
- ii. to file, on the day on which such injunction is granted or on the day immediately following that day, an affidavit stating that the copies aforesaid have been so delivered or sent.

3.56. Ombudsman to dispose off application for injunction within 30 days:

Where an injunction has been granted without giving notice to the opposite party, the Ombudsman shall make an endeavour to finally dispose off the application within 30 days from the date on which the injunction was granted; and where it is unable so to do; it shall record the reasons for such inability.

3.57. Order for injunction may be discharged, varied or set aside:

Any order for an injunction may be discharged, varied or set aside by the Ombudsman, on an application made by any party dissatisfied with such order:

Provided that if in an application for temporary injunction or in any affidavit supporting such application, a party has knowingly made a false or misleading statement in relation to a material particular and the injunction was granted without giving notice to

the opposite party, the Ombudsman shall vacate the injunction unless for reasons to be recorded, it considers that it is not necessary to do so in the interests of justice:

Provided further that where an order for injunction has been passed after giving to a party an opportunity of being heard, the order shall not be discharged, varied or set aside on the application of that party except where such discharge, variation or setting aside has been necessitated by the change in the circumstances, or unless the Ombudsman is satisfied that the order has caused undue hardship to that party.

3.58. Injunction to Licensee binding on its officers:

An injunction directed to a Licensee is binding not only on the Licensee itself, but also on all the members and officers of the Licensee whose actions it seeks to restrain.

**Inspection of Records and Supply of Certified Copies**

3.59. The Complainant and the Licensee shall be entitled to obtain certified copies of the orders, decisions, directions and reasons in support thereof given by the Ombudsman in respect of the Representation.

3.60. Any person/Consumer shall be entitled to a copy of the orders of the Ombudsman subject to the payment of reasonable cost and compliance with other terms, as the Ombudsman may direct.

**Information on Website**

3.61. As soon as it is practicable, the Commission would make an arrangement for dedicated space for the Ombudsman on its website so as to enable the Ombudsman to upload information such as contact details of the Ombudsman, the dates of the next hearings and subject to confidentiality, the orders passed by it for the Consumers/Complainants. The Complainants may retrieve any of the aforesaid information.

**Power to Call for Information**

3.62. For the purpose of carrying out its duties, an Ombudsman may require either party to furnish any information or certified copies of any document relating to the subject matter of the Representation, which is or is alleged to be in the knowledge or possession of such party, within 15 days of such request:

Provided that in the event of failure of a Licensee to comply with the requisition without any sufficient cause, the Ombudsman may, if he deems fit, proceed to settle the case on the basis of available records.

3.63. The Ombudsman shall maintain confidentiality of any information or document coming into his knowledge or possession in the course of discharging his duties and shall not disclose such information or document to any person except with the consent of the person disclosing and providing such information or document:

Provided that nothing in this clause shall prevent the Ombudsman from disclosing information or documents furnished by a party in a dispute before it to the other party or parties, to the extent considered by him to be reasonably required to comply with the principles of natural justice. The Ombudsman may also disclose any such information to the Commission, if required.

3.64. The Ombudsman may also direct the Licensee to undertake an inspection or engage a third party to undertake such inspection, as may be required for expeditious disposal of the Representation and redressal of the Grievance.

3.65. *Suo Motu* Powers of the Commission:

- i. The Commission shall have the power to take *suo motu* cognizance of any matter that is pending before or has been disposed of by the Ombudsman, where it deems fit to do so. The Commission may, where it exercises its powers under this Regulation, pass orders reversing the orders of the Ombudsman:

Provided that the Commission shall not reverse the orders of the Ombudsman or take cognizance of a dispute pending before the Ombudsman unless it makes a reasoned order in writing to that effect.

- ii. Where the Commission takes cognizance of a dispute pending before the Ombudsman under clause (i) above, the Ombudsman shall not pass any further orders in regard to the matter, and the matter shall be decided finally by the Commission.
- iii. The Commission shall have the same powers and functions as the Ombudsman under these Regulations in relation to any matter over which it takes *suo motu* cognizance.

Provided, however, that the Commission may by order confer upon itself additional powers as may be necessary for it to effectively decide any matter of which it has taken *suo motu* cognizance under this Regulation.

## **Chapter 4**

### **Miscellaneous**

#### **Interpretation**

- 4.1 The provisions under these Regulations shall be read and construed as being subject in all respects to the provisions of the Electricity Act, 2003 and the Rules made there under, besides any restrictions and control orders that may be in force. Nothing herein above contained in these Regulations shall abridge or prejudice the rights or remedies of the Distribution Licensee and the Consumer under any Act or Laws in force.
- 4.2 Words in the singular or plural term, pronouns in masculine or feminine gender, as the case may be, shall also be deemed to include the plural or the singular term and pronouns as feminine or masculine gender, respectively.

#### **Savings**

- 4.3 The redressal or settlement of pending grievances and representations, respectively, and the appointments of Member and Chairperson of the Forums and the Ombudsman made before coming into force the Gujarat Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019 shall continue to be governed by the provisions of the earlier Regulations namely (1) Gujarat Electricity Regulatory Commission (Establishment of Ombudsman) Regulations, 2004, (2) Gujarat Electricity Regulatory Commission (Establishment of Forum for Redressal of Grievances of the Consumers) Regulations 2004, notified on 25th August, 2004 and (3) Gujarat Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2011 notified on 7<sup>th</sup> April, 2011.

#### **Powers to Remove Difficulties**

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

#### **Amendment**

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

Sd/-  
(Roopwant Singh, IAS)  
Secretary  
Gujarat Electricity Regulatory Commission  
Gandhinagar

**GANDHINAGAR**  
Date: 17/06/2019

## ANNEXURE I

### APPLICATION TO FORUM FOR REDRESSAL OF GRIEVANCE

Date: \_\_\_\_\_

1. Name of the Complainant: \_\_\_\_\_

2. Full address of the Complainant: \_\_\_\_\_

Pin Code: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

Email id: \_\_\_\_\_

3. Nature of Connection and Consumer No. (*in case of having applied for a connection, state the application number*):

\_\_\_\_\_

4. Distribution Licensee: \_\_\_\_\_

5. Name of the complaint receiving centre: \_\_\_\_\_

6. Category of grievance (*please tick the relevant box/ boxes*):

a. Wrong billing \_\_\_ b. Recovery of arrears \_\_\_ c. Faulty Meter \_\_\_ d. Burnt meter

\_\_\_ d. Supply interruption \_\_\_ e. Harmonics in supply \_\_\_ f. Supply voltage

related \_\_\_ g. Deficient service \_\_\_ h. Delay in providing new connection \_\_\_

i. Reconnection \_\_\_ j. Change in connected load \_\_\_ k. Transfer of connection \_\_\_

l. Others (*please specify*) \_\_\_\_\_

7. Name of the employee / employees (specify employee ID or department) or department against whom grievance has been filed (if any):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Details of the complaint, facts giving rise to the grievance (If space is not sufficient please attach separate sheet)

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9. Nature of relief sought from the Forum

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10. List of documents enclosed (Please enclose copies of any relevant documents which support the facts giving rise to the grievance)

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11. Declaration

(a) I/ We, the Complainant /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 herein above and the documents submitted herewith.

(b) The subject matter of the present Grievance has never been submitted to the Forum by me/ or by anyone 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)

(Complainant's name in block letters)

NOMINATION – (If the Complainant 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. ....  
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/ our presence.

ACCEPTED

(Signature of Representative)

(Signature of Complainant)

**ANNEXURE II**

**QUARTERLY REPORT BY FORUM**

Name of the Forum: \_\_\_\_\_

Quarter: \_\_\_\_\_ Financial Year: \_\_\_\_\_

**Format I**

Sr. No	Parameters	Delay in Restoring Supply	Quality of Supply	Meter Problems	Billing Problems	Quality of Service	Others	Total
1	Grievances pending at the end of previous quarter							
2	Grievances received during the quarter							
3	Total grievances (1+2)							
4	Grievances redressed during the quarter							
5	Balance grievances to be attended (3-4)							
6	Grievances successfully redressed during the quarter	Within 30 days						
		After 30 days along with reasons in brief						
		Total						
7	Grievances in the process of redressal							
8	Grievances pending for more than 30 days along with reasons in brief							
9	Number of Cases redressed in favour of the Licensee							
10	Number of Cases redressed in favour of the Consumers							

11	Others							
12	No. of sittings in the quarter							
13	No. of sitting attended by the Chairperson							
14	No. of sitting attended by the Technical Member							
15	No. of sitting attended by the Independent Member							

**Format II****Status of implementation of order of CGRF issued in favour of consumers (during the current quarter)**

<b>Sr. No.</b>	<b>Case No.</b>	<b>Name of Applicant</b>	<b>Subject of the case in brief</b>	<b>CGRF Judgment No. and Date</b>	<b>Order of CGRF in brief</b>	<b>Time period given in order for implementation</b>	<b>Whether consumer approached the Ombudsman? Yes/No</b>	<b>Status of CGRF order/ implementation (Provide date of compliance in case order is implemented)</b>

**Status of pending implementation of order of CGRF issued in favour of consumers (during the previous quarters)**

<b>Sr. No.</b>	<b>Case No.</b>	<b>Name of Applicant</b>	<b>Subject of the case in brief</b>	<b>CGRF Judgment No. and Date</b>	<b>Order of CGRF in brief</b>	<b>Time period given in order for implementation</b>	<b>Whether consumer approached the Ombudsman? Yes/No</b>	<b>Status of compliance on CGRF order (Provide date of compliance in case order is implemented)</b>

### ANNEXURE III

#### REPRESENTATION BEFORE THE OMBUDSMAN

Date: \_\_\_\_\_

To  
The Ombudsman  
(specify full address)

Dear Sir / Madam

SUB: (please make a mention of the order of the Forum against which a representation to the Ombudsman is being made)

Details of the grievance are as under:

1. Name of the Complainant: \_\_\_\_\_

2. Full address of the Complainant: \_\_\_\_\_

Pin Code: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

Email id: \_\_\_\_\_

3. Nature of Connection and Consumer No. (in case of having applied for a connection, state the application number):  
\_\_\_\_\_

4. Distribution Licensee: \_\_\_\_\_

5. Name and Address of the Forum: \_\_\_\_\_

6. Date of submission of grievance by the Complainant to the Forum (please enclose a copy of the complaint/grievance): \_\_\_\_\_

7. Details of the representation, facts giving rise to the representation (If space is not sufficient please attach separate sheet)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Whether the consumer has received the final decision of the Forum? *(If yes, please enclose copy of the Forum's order conveying its final decision)*

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9. Nature of relief sought from the Ombudsman

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10. List of documents enclosed *(Please enclose three copies of all relevant documents which support the facts giving rise to the representation)*

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11. Declaration

(a) I/ We, the Complainant /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 representation has never been brought before the Office of the 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 Ombudsman in any previous proceedings.
- (e) 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)  
(Complainant's name in block letters)

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

I/We the above named consumer hereby nominate Shri/Smt. ....  
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/ our  
presence.

ACCEPTED

(Signature of Representative)

(Signature of Complainant)

**ANNEXURE IV**

**QUARTERLY REPORT BY OMBUDSMAN**

Sr. No.	CGRF	Representations			Representations disposed of				Pending at the end of the quarter	Representations disposed of within 45 days	Representation disposed of after 45 days along with reasons in brief	Number of sitting in a quarter
		Pending at the start of the quarter	Received during the quarter	Total	In favour of Appellant	In favour of Licensee	Others	Total				