

UP Electricity Regulatory Commission, Lucknow

No. U.P.E.R.C.-A.O.-Printing/03-2917

Dated : December 9, 2003

UPERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2003.

In exercise of the power conferred on it by Section 181 read with sub-sections (5) to (8) of Section 42 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling in this behalf, the Uttar Pradesh Electricity Regulatory Commission hereby make the following Regulations, namely: -

1. Short Title, Commencement and Interpretation.

- 1.1 These Regulations may be called the “UPERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2003”.
- 1.2 These extend to the whole of the State of Uttar Pradesh concurrent with the jurisdiction for the supply of electricity by the distribution licensees.
- 1.3 These shall come into force from the date of its publication in the Uttar Pradesh Rajpatra.
- 1.4 These Regulations must be read along with relevant provisions of applicable legal framework and the relevant provisions of the Electricity Supply Code.
- 1.5 The Uttar Pradesh General Clauses Act, 1904 shall apply to the interpretation of these Regulations.
- 1.6 The original regulations shall be in English and they shall be translated in Hindi. In case of any dispute the English version shall prevail.

2. Definitions

- 2.1 In these Regulations, unless the context otherwise requires -
 - (a) “**Applicable Legal Framework**” means the provisions of Uttar Pradesh Electricity Reforms Act, 1999 to the extent not in-consistent with the provisions of the Electricity Act, 2003, read with the applicable provisions of the Electricity Act, 2003.
 - (b) “**Appointed Date**” means 10th day of June, 2003
 - (c) “**Commission**” means the Uttar Pradesh State Electricity Regulatory Commission.
 - (d) “**Complainant**” means -
 - (i) one or more consumers (or representative of such consumer/s) having shared interest in the grievance; or
 - (ii) any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or under any other law for the time being in force.
 - (e) “**Complaint**” means any allegation in writing made by a Complainant regarding any consumer grievances, being:-
 - (i) any defect or deficiency in electricity supply or service by a licensee, including non-conformity with the applicable performance standards;
 - (ii) a licensee has charged for the electricity services mentioned in the complaint, a price in

excess of the price fixed by the Commission; and

- (iii) electricity services which will be hazardous to life and safety when availed, are being offered for use to the public in contravention of the provisions of any law.

Provided that no complaint in respect of matters covered by section 126 and from section 135 to 139 of the Electricity Act 2003 shall lie before the forum.

- (f) "**Consumer**" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under the Applicable Legal Framework, and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of such licensee, Government or other person, as the case may be;
- (g) "**Distribution Licensee**" means a licensee authorized to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply;
- (h) "**Defect**" means any fault, imperfection or shortcoming in the quality, quantity or standard of service, equipment or material which is required to be maintained by or under any law for the time being in force or under any contract, express or implied, or as is claimed by the distribution licensee in any manner whatsoever in relation to electricity service;
- (i) "**Deficiency**" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by distribution licensee in pursuance of a contract agreement or under the Electricity Supply Code or otherwise in relation to electricity service or performance standard as specified by the Commission; viz Interruption/ failure of Power Supply, Voltage complaints, Metering Problems including Meter shifting, Charges/ Payments (Billing Problems), Disconnection/Reconnection of Power supply to the Consumer, New Connections/Extensions in Load, Notice of supply interruptions, contraventions of Act, Rules or Regulations made there under with regard to consumer interest.
- (j) "**Electricity Service**" means supply, billing, metering & maintenance of electrical energy to the consumer and all other attendant sub-services .
- (k) "**Electricity Supply Code**" means the Electricity Supply Code as approved or specified by the Commission from time to time.
- (l) "**Forum**" means 'Consumer Grievance Redressal Forum to be constituted by each Distribution Licensee pursuant to Section 42(5) of the Electricity Act, 2003 and these Regulations.
- (m) "**Grievance**" Consumer can have a grievance if the distribution licensee fails to provide the specified or agreed electricity service.
- (n) "**Electricity Ombudsman**" means an authority to be appointed or designated by the Commission, under sub-section (6) of Section 42 of the Electricity Act, 2003 and these Regulations.

2.2 Words and expression used and not defined in these Regulations but defined in the applicable legal

framework or the Consumer Protection Act, 1986 shall have the meanings respectively assigned to them in the said enactment.

3. Constitution of Forum For Redressal of Consumer Grievances

3.1 Every Distribution Licensee shall, within six months from the appointed date or grant of licence, whichever is earlier, establish and operationalise in each distribution circle a Forum in accordance with these Regulations. Provided that wherever necessary to ensure disposal of all Complaints within 3 months of the filings, a licensee may establish more than one bench of the Forum.

Provided where there is more than one circle in a district, the licensee may decide to have one forum in any of the circle, which will address the grievances arising out of other circles as well.

3.2 Each Forum shall consist of two members, being:-

- (i) The Deputy General Manager/Superintending Engineer in-charge of the circle or his nominee, not being below the rank of Executive Engineer.
- (ii) Retired district judge/retired additional district judge or a person possessing a degree of law and having at least 20 years of experience in legal profession to be nominated by the concerned General Manager of the licensee,

3.3 The Deputy General Manager/Superintending Engineer or his nominee shall function as the Presiding Officer of the Forum.

3.4 Every member of the Forum shall hold office for a term of three years provided that a member shall retire from office upon attaining the age of 65 years and shall not be eligible for reappointment as such. If the period of stay of Deputy GM/SE or the Ex. Engineer nominated for the forum is more than 3 yrs, the GM of the zone shall nominate another DGM/SE/Ex. Engineer of the circle for the forum.

3.5 The licensee shall ensure that no post of member/presiding officer of the forum shall remain vacant for more than 30 days.

3.6 The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the members shall be such as may be prescribed by the distribution licensee. The serving Dy. GM/SE/EE shall not be paid any extra honorarium.

3.7 The funds, secretarial support and other facilities required for efficient functioning of the Forum shall be provided by the distribution licensee concerned.

4. Procedure & other Matters.

4.1 The Forum shall have a notified premises as its office. The office shall be manned by permanent staff who shall deal with consumers/complainants during 10 a.m. and 5 p.m. every working day.

4.2 The members of the Forum shall be available at the premises at least once every fortnight – on first and third Saturdays between 10 a.m. and 1 p.m.

4.3 The staff of the Forum shall -

- (i) receive Complaints & other documents filed and issue acknowledgement to the complainant,
- (ii) maintain records of such pleadings,
- (iii) post the matter/complaint for hearing,
- (iv) circulate matters to members of the Forum for directions/proper orders, and
- (v) do any other acts/deeds in compliance with orders issued by the Forum.

5. Jurisdiction of the Forum

5.1 Subject to the other provisions of these Regulations, the Forum shall have jurisdiction to entertain the complaints related to the circle concerned serviced by the Distribution Licensee.

6. Procedure before the Forum

6.1 A complaint in relation to any consumer grievance may be filed by a Complainant with the Forum. Before approaching the Forum, a Complainant shall first apprise the licensee regarding his grievance.

6.2 On receipt of a Complaint, the Forum shall determine the admissibility of the Complaint within 15 working days from the date on which the Complaint was received. Provided that a Complaint shall not be rejected unless an opportunity of being heard has been given to the Complainant.

6.3 Where a Complaint is found admissible, the Forum shall proceed to adjudicate upon the Complaint in the manner provided under these Regulations.

6.4 The Forum shall forward a copy of such Complaint to the concerned Distribution Licensee directing it to submit in writing its response within fourteen days or such extended period not exceeding one week as may be granted by the Forum.

6.5 In the event that the Distribution Licensee fails to represent its case within the time given by the Forum, the Forum shall proceed to dispose of the consumer grievance on the basis of the documents on record.

6.6 In the event that the Complainant fails to appear on the date of hearing before the Forum, the Forum may proceed to dispose of the Complaint based on documents on record.

6.7 Every Complaint shall be heard as expeditiously as possible. The Forum shall endeavour to adjudicate upon a Complaint within two months from the date of receipt of complaint by the Forum. Provided that in the event of Complaint being not disposed of after completion of the two month period, the Forum shall record in writing reasons for the same.

6.8 The Forum shall ordinarily grant no adjournment unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum.

7. Findings of the Forum

7.1 If, after the proceedings conducted under Regulation 6, the Forum finds that any of the allegations contained in the Complaint are correct, it shall issue an order to the distribution licensee directing it to do one or more of the following things, namely-

- (i) to return to the complainant the undue charges paid by the Consumer;
- (ii) to remove the defects/deficiencies in the services in question;
- (iii) not to offer and/or withdraw hazardous electrical services ; and
- (iv) Any other order, deemed appropriate in the facts and circumstances of the case.

7.2 In case the members differ on any point or points, each member shall record their opinion and matter shall be referred to the Electricity Ombudsman.

8. Representation before Electricity Ombudsman

8.1 Any person aggrieved by an order made by the Forum may prefer a representation against such order, or, in cases where the Forum had failed to redress the grievance within the specified period to the 'Electricity Ombudsman', in such form and manner as may be specified.

8.2 A representation may be preferred against an order of the Forum within a period of thirty days from the date of the order.

8.3 'Electricity Ombudsman' may entertain an appeal after the expiry of the specified period if it is satisfied that there was sufficient cause for not filing it within that period. The Electricity Ombudsman shall record the reason in writing.

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

9. Proceedings before an Electricity Ombudsman

(a) Any consumer, who is aggrieved by non-redressal of his grievances by the Forum, set up by the Distribution Licensee may himself or through his authorised representative make a representation for the redressal of the grievance to the Electricity Ombudsman exercising jurisdiction over the Distribution Licensee.

(b) The representation shall be in writing in the form specified and duly signed by the Consumer or his authorised representative and shall state clearly the name and address of the Consumer, the facts giving rise to the representation supported by documents, if any, and the relief sought from the Electricity Ombudsman

(c) No representation to the Electricity Ombudsman shall lie unless:

- (i) The Consumer had made a written representation in the prescribed form, to the Forum,
- (ii) The Distribution Licensee is aggrieved by the decision of the Forum.
- (iii) The representation against an order of the Forum was made within the period set out in Regulation 8 and is not in respect of the same subject matter that has been settled by the Electricity Ombudsman in any previous proceedings,
- (iv) The representation does not pertain to the same subject matter, for which any proceedings before any court, tribunal or arbitrator or any other forum is pending, or a decree or Award

or a final order has already been passed by any such competent court, tribunal, arbitrator or forum

- (d) The Electricity 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) Not being pursued by the consumer with reasonable diligence;
 - (iv) Complicated in nature such that the complaint requires consideration of elaborate documentary and oral evidence and the proceedings before the Electricity Ombudsman are not appropriate for adjudication of such representations. The Electricity Ombudsman shall refer such cases to the Commission.
- (e) The decision of the Electricity Ombudsman with regard to Regulation 9(d) shall be final and binding on the Consumer and the Distribution Licensee, with a right to appeal before the Commission.
- (f) As soon as it may be practicable to do, the Electricity Ombudsman shall cause a notice of the receipt of any representation along with a copy of the representation to the office of the Distribution Licensee and endeavor to promote a settlement of the representation/complaint received through conciliation or mediation. To promote such a settlement, the Electricity Ombudsman may follow such procedures as he may consider appropriate and he shall not be bound by any legal rule of evidence. For the purpose of carrying out his duties an Electricity Ombudsman may require the licensee named in the complaint to furnish certified copies of any document relating to the subject matter of the complaint, which is or is alleged to be in its possession, within fifteen days.
- (g) If a representation is not settled by agreement within a period of one month from the date of its receipt or such further period as the Electricity Ombudsman may consider necessary, he may pass an Award after affording the parties reasonable opportunity to present their case. He shall be guided by the evidence placed before him by the parties, the principles of applicable law and practice, directions, instructions, guidelines and regulations issued by the Commission from time to time and such other factors which in his opinion are necessary in the interest of justice.
- (h) The Award issued by the Electricity Ombudsman shall set out -

- (i) issue wise decision;
 - (ii) reasons for passing the Award; and
 - (iii) direction/s, if any, to the Distribution Licensee/Consumer.
- (i) The Electricity Ombudsman may, while issuing the Award, direct the consumer to furnish an indemnity or security as deemed fit.
 - (j) A copy of the Award shall be sent to the Consumer and the Distribution Licensee named in the representation.
 - (k) The Distribution Licensee and Consumer may, within one month from the date of receipt of the award, -
 - (i) either comply with the Award and intimate the compliance to the Electricity Ombudsman, or
 - (ii) in case aggrieved by the Award, prefer an appeal against it to the Commission.
 - (l) Commission shall while hearing appeals from orders of the Electricity Ombudsman, follow procedure and process set out in its Conduct of Business Regulations.

10. **Duty of the Distribution Licensee to Notify**

Every distribution licensee shall notify and bring to the notice of the consumers by whatever means deemed fit, the details (Name of the Forum members, address of the Forum, etc) of the Forum.

11. **Savings**

Nothing contained in these Regulations shall affect the rights and privileges of the consumer under any other law for the time being in force, including the Consumer Protection Act, 1986.

12. **Powers to remove difficulties**

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, direct the licensee to take suitable action, not being inconsistent with the applicable legal framework, which appears to it to be necessary or expedient for the purpose of removing difficulties.

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

13. **Issue of Order and Practice Directions**

Subject to the provision of the Electricity Act, 2003, the Commission may from time to time issue orders and practice directions in regards to the implementation of these Regulations to be followed.

14. Power to Amend

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

15. Maintenance of Annual Report

The Forum shall submit to the Electricity Ombudsman quarterly reports in respect of consumer grievance filings and redressal within 15 days of end of a calendar quarter. The Electricity Ombudsman shall submit to the Commission, for total area of the distribution licensee, quarterly reports in respect of consumer grievance filings and redressal within 30 days of end of a calendar quarter.

16. Treatment of Expenses

All reasonable costs incurred by the Distribution Licensee on the establishment and running of the Forum, to the extent reasonable and justifiable shall be a pass through in the Annual Revenue Requirements filed by the Distribution Licensee, as allowed by the Commission.

Note: These regulations refer to the existing names of the offices/designation of officers of the subsidiary companies of UPPCL. In case of other licensees they shall refer to the appropriate office/designation of officer to be notified by them with the approval of the Commission

By the Order of the Commission
SANGEETA VERMA,
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