



CONSUMER GUIDE TO GRIEVANCE REDRESSAL FORUM AND OMBUDSMAN

The Electricity Act 2003 has come into effect from 10th June 2003. In exercise of powers conferred on the Commission by Section 181 read with sub-section 5, 6, and 7 of Section 42 of the Electricity Act, the Regulations relating to Consumer Grievance Redressal Forum (Forum in short) and Ombudsman has been issued. This Guide is prepared in FAQ format to help you understand its contents.

What are the issues covered in the Regulations?

The Regulations covers matters relating to the following:

- *Establishment and composition of the Forum*
- *Jurisdiction of the Forum*
- *The Obligation of the Licensee (Electricity supply company)*
- *Procedure for lodging complaints*
- *Procedure followed in the Forum for disposing off complaints*
- *Provisions relating to Ombudsman*
- *Procedure for lodging complaint with Ombudsman*
- *Powers of the Ombudsman*

What is the purpose of this Regulation?

The objective of this Regulation is to protect the interests of electricity consumers and to give them an additional forum to bring their complaints and grievances before the Forum and Ombudsman for quick redressal.

Does it cost the consumer to use this facility?

NO. The consumer need not pay any amount to file complaints in the Forum or make a representation before the Ombudsman.

Should the consumer engage an Advocate or Lawyer?

NO. There is no necessity for the consumer to engage the services of advocates or lawyers. Consumer can appear on his/her own. However a consumer may nominate his/her representative in the Forum and before the Ombudsman.

Who can File a complaint?

A complaint can be filed by the following:

A consumer of electricity supplied by the licensee
Any registered consumer association
A representative duly authorized by the consumer

Who is a Consumer under these Regulations?

For the purposes of this Regulation a consumer means any person who is supplied with electricity for his own use by a licensee under the Electricity Act 2003 or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of the licensee.

Can all complaints relating to electricity be filed in the Forum?

No. There are certain issues on which the Consumer Grievance Redressal Forum cannot entertain complaints from the consumers. The following are excluded from the purview of the Forum:

- (a) Unauthorized use of electricity as provided under Section 126 of The Electricity Act 2003
- (b) Offences and penalties as provided under Section 135 to 139 of The Electricity Act 2003
- (c) Accident in the distribution, supply or use of electricity as provided Under Section 161 of the Electricity Act

How many Forums will be established?

Every Licensee should establish one Consumer Grievance Redressal Forum having jurisdiction over its area of supply. The Forum shall have sittings at the Head Quarters and/or at any other place in the Licensees' area as may be decided by the Chairperson depending upon the number of grievances and area of operation.

When does the Forum Meet?

The Forum shall meet at least once in a fortnight.

What is the composition of the Forum?

The Consumer Grievance Redressal Forum will have **THREE** members. The Chairperson will be a person of ability, integrity and standing who has adequate knowledge of, and have shown capacity in dealing with problems of electrical engineering in power sector, finance, law and administration.

One member shall be an employee of the Distribution Licensee, not below the rank of Superintending Engineer. He shall cease to be a member of the Forum on his super-annuation

One member to represent the consumers shall nominated by the Karnataka Electricity Regulatory Commission

What is the term of the Membership?

Every member of the Forum shall hold office for a maximum period of **THREE** years and is not eligible for reappointment. They shall serve part-time for heading and disposal of the complaints filed before the Forum

How to get information about the Forum and its working?

It is the obligation of the Licensee to notify details of the Forum members, its officials, address, telephone numbers etc. often in the media. The Licensee shall also make available copies of the procedure for lodging complaints to the complainants **free of cost**.

The Bills issued by the Licensee shall carry the statement 'Complainants whose grievance is not redressed by the officials of the Licensee may approach the Consumer Grievance Redressal Forum and Ombudsman thereafter'

How to lodge complaints in the Forum?

As a first step consumers have to approach the officials of the Licensee and try to get their grievance redressed as per the Complaints Handling Procedure (Refer Consumer Information Sheet 6)

If there is no response or in case of inadequate response, consumers can lodge the complaint in the Consumer Grievance Redressal Forum.

The Complaint should be in writing and be in Form A (available with the Licensee. It can also be downloaded from website www.kerc.org)

In case the Forum needs any additional information or documents, the consumer has to furnish the same.

Should consumers hire the services of an advocate?

It is not necessary for the consumer to hire the services of an advocate. However he can nominate his/her representative to appear before the Forum. In such a case the consumer has to furnish an authorization to the Forum

Should the consumer pay any fee to file the complaint?

NO. There is no such condition.

What does the Forum do with the complaint?

The Forum sends a copy of the complaint to the Licensee for its comments. The Licensee should give its comments within 15 days of intimation from the Forum. If no reply is received from the Licensee the Forum shall proceed on the basis of the material available on record.

The Forum will intimate in writing the date of hearing to all the parties

The Forum will pass orders within a maximum period of *SIXTY* days from the date of admission

The decision of the Forum shall be recorded in writing and communicated to the complainant and the licensee for compliance.

Is the decision of the Forum final?

YES. The decision of the Forum is final as far as the Licensee is concerned. However the complainant may make a representation against the order of the Forum to the 'Ombudsman'.

What is the time limit to make a representation to the Ombudsman?

The complainant should make a representation to the Ombudsman within THIRTY days of the receipt of the order of the Forum. However the Ombudsman may grant extension.

What is Ombudsman?

The Commission shall establish an authority to be called as Ombudsman to deal with complaints relating to electricity matters. There will be one ombudsman to the whole State of Karnataka

What are the qualifications of an Ombudsman?

The Ombudsman shall be a person of ability, integrity and standing who has adequate knowledge of problems of electrical engineering in power sector, finance, law and administration. The Ombudsman should also have working knowledge of Kannada

Who appoints the Ombudsman?

The Karnataka Electricity Regulatory Commission appoints the Ombudsman. The appointment shall be for a period of three years. But may be extended by the Commission for a further period not exceeding two years subject to an overall age limit of 65 years.

What are the powers and duties of the Ombudsman?

The Ombudsman will receive the representations against the order of the Forum and try to settle the grievance by agreement through conciliation and mediation.

The Ombudsman shall complete the enquiry as expeditiously as possible and every endeavor shall be made to pass orders within a period of TWO months from the date of receipt of the representation.

Every order made by the Ombudsman shall be a speaking order

The Ombudsman shall arrange to send a copy of the order to the Complainant and the Licensee

Are the orders of the Ombudsman binding on the Licensee?

YES. The Licensee shall comply with the orders of the Ombudsman.

What are the grounds on which the Ombudsman can reject a representation?

The Ombudsman may reject the representation:

If it is frivolous, vexatious and malafide

If the representation is without any sufficient cause

If it is not being pursued by the Complainant with reasonable diligence

If there is no prima facie loss or damage or inconvenience caused to the complainant

Is there a time limit for the Ombudsman to pass Orders?

YES. The Ombudsman shall complete the enquiry as expeditiously as possible and every endeavor shall be made to pass appropriate order within a period of TWO (2) months from the date of receipt of the representation.

In case there is delay in disposing of the complaint within TWO months, the Ombudsman shall record in writing, the reasons for the same.

Are the Orders of the Ombudsman binding?

YES. The Distribution Licensee shall, comply with the orders of the Ombudsman. A copy of the order shall be sent to the Complainant and the Licensee.

Is there a format for making a representation to the Ombudsman?

If you want to make a representation to the Ombudsman, you have to fill up Form 'B' which is available with the Licensee (Electricity company). It is also available in the KERC website.
