

Consumers' Corner

Enactment of the Electricity Act, 2003 provides clear impetus to the issues concerning consumer welfare. The preamble of the Act makes a specific mention of protecting the interest of consumers.

In fulfilment of this objective, the Act provided under Sub-section (5) of Section 42 for establishment of Forum for Redressal of Grievances of Consumers by every distribution licensee, in accordance with the guidelines as may be specified by the State Commission. Further, Sub-section (6) of Section 42 of the Act, provided for establishment of an authority known as Ombudsman to be appointed or designated by the State Commission. Any consumer of electricity who is aggrieved by non-redressal of his grievance under Sub-section (5) can make a representation for redressal of his grievance to the Ombudsman.

The Joint Electricity Regulatory Commission (JERC) for Goa and UTs, has notified the regulations known as "JERC (Establishment of Forum for Redressal of Grievances of Consumers) Regulations, 2009" and "JERC (Appointment and Functioning of Ombudsman) Regulations, 2009". These are applicable in the State of Goa and UTs of A&N Islands, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep and Puducherry. They provide the procedures and guidelines to be followed in redressal of consumers' grievances.

These Regulations may be referred to on this website under the subject column "Regulations".

CGRFs

Any Consumer not satisfied with the response of Distribution licensee/ Electricity Department to his/her complaint or grievance, can file a complaint with the Consumer Grievance Redressal Forum (CGRF).

CGRF established by Distribution Licensees/ Electricity Departments in the State of Goa and UTs i.e. the entities regulated by JERC are functional, to redress the grievances of electricity consumers.

Details of each of these CGRFs with names of the Chairperson and Members with office address, contact number and E-mail ID, are as under:

S. No.	Name of the CGRF	Name of Member	Designation	Office address	Contact No.	E-mail
1	Goa	1. Sh. V.K.Jha, 2. Sh. Nelson Iype P.	Chairperson Member	Electricity Department, 4 th Floor, Vidhyut Bhavan, Vasco- Goa	9881102937/ 0832-2501836 7588459505	Vkija57@yahoo.com Nelson1950@rediffmail.com
2	Andaman & Nicobar Islands	1. Sh. Manohar Singh 2. Sh. P.K.Kapoor 3. Sh. Sujit Thankachen	Chairperson Member Nominated Member	Office of the CGRF, Horticulture Road, Haddo, Port Blair.	09434280409 09933249595 09734482000 03192-244822 (O)	Cgrf.and@nic.in
3	Chandigarh	1. Sh. R.L.Kalsia 2.. Sh. Sunil Kumar Madan 3. Sh. Ram lakshman Mittal	Chairperson Member Nominated Member	Room No. 531, 5 th Floor, UT. Secretariat, Deluxe Building, Section-9D, Chandigarh. Room No. 530, 5 th Floor, UT. Secretariat, Deluxe Building, Section-9D, Chandigarh.	08146590077 0172-2745531 0172-2745531 0172-2745531	Chairmancgrf@gmail.com

4	Daman & Diu	1. Sh. S.N.Saundankar 2. Sh. S.Subramanian 3. Sh. RamaKant Mishra	Chairperson Member Nominated Member	Department of Electricity, Power House Building, Sea Facing road, Nani, Daman- 396210	09421573988 0260- 2992330	eddaman@rediffmail.com
5	Dadra & Nagar Haveli	1. Sh. Lal Singh 2. Sh. T.D.Davda 3. Sh. Chandarkant M. Parek	Chairperson Member Nominated Member	Electricity Department, Dadra & Nagar Haveli, 66 KV substation, Aml Road, Silvassa-396230	09910384617 0260-2642926 Fax. No.- 0260- 2642338	Chairperson_cgrf@rediffmail.com
6	Lakshadweep	1. Sh. B.Amanulla 2. Sh. Misbah Ashioda	Chairperson Nominated Member	Executive Engineer (Electricity), Electricity Division Office, UT of Lakshadweep, Kavaratti- 682 555	9496427878 04896-262127 04896-262616	Lk-ktelect@nic.in
7	Puducherry	1. Sh. O.M.Chandrasekhar 2. Sh. D. Gunasekaran 3. Sh. G. Venkateshan	Chairperson Member Nominated Member	No. 4, 3 rd Cross Street, Sathya Nagar, New Saram, Puducherry- 605013	0413-2243151- Fax 0413-2243251	Cgrfpd.pon@nic.in

Each CGRF has the jurisdiction to entertain the complaints/ grievances of consumers with respect to electricity services provided by its Distribution licensee/ Electricity Department.

‘Electricity Service’ means supply, billing, metering and maintenance of electrical energy to the consumers and all other attendant sub- services etc which include ‘any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which are undertaken to be performed by the distribution utility in pursuance of a license, contract, agreement or under the Electricity Supply Code in relation to standard of performance of the distribution licensee as specified by JERC.

CGRF entertains any kind of complaint or grievance concerning with electricity supply to the consumers except those arising under Section 126 and 127 (unauthorised use of electricity), Section 135 to 139 (theft of electricity and offences and penalties thereof), and Section 161 (notice of accident etc) under the Electricity Act, 2003.

CGRF does not entertain complaints or grievances if they pertain to the same subject matter for which any proceedings before any court of law or authority (except those under the control of distribution licensee) or the Forum is pending or a decree, award or a final order has already been passed.

CGRF also does not entertain any complaint in regard to recovery of arrears where the billed amount is not disputed.

CGRF may reject the complaint/ grievance at any stage if it appears to it that the same is frivolous, vexatious, malafide or without any sufficient cause or there is no prima facie loss or damage or inconvenience caused to the consumer. However, CGRF provides an opportunity of being heard before rejecting the complaints of consumers on this account.

Detailed procedures for filing the complaints by consumers are available in the offices of CGRFs at the places cited above.

Electricity Ombudsman for JERC

An appeal or a representation against the CGRF order can be filed with the Electricity Ombudsman.

Electricity Ombudsman is statutory authority appointed by JERC for the State of Goa and UTs. Any consumer affected by deficiency in electricity related service can approach the Ombudsman for redressal of disputes/ grievances. However, before approaching the Ombudsman, the consumer has to ensure that other remedies available are exhausted.

Any consumer aggrieved by non- redressal of his complaint or grievance under CGRF has the option to make an appeal or a representation for redressal of his/ her grievance or dispute to the Ombudsman. In other words, the Electricity Ombudsman is an appellate authority.

The Ombudsman has been entrusted with a task of settling the grievances or disputes of consumers as per the provisions of “JERC (Appointment and Functioning of Ombudsman) Regulations, 2009.

**Shri R. K. Kaul is currently functioning as Ombudsman for JERC for the State of Goa and UTs. His office is located at:
“Vanijya Nikunj”, (HSIIDC Office Complex),
2nd Floor, Udyog Vihar, Phase-V,
Gurgaon-122016**

Contact No. : 0124-2875303

Mobile No.– 9871588333

E-mail: ravinkaul@gmail.com

The Ombudsman, in the first instance, endeavours to settle the dispute by mutual agreement between the complainant and the licensee through conciliation or mediation and pass an award giving reasons for the decision made. Failing settlement through agreement, the Ombudsman decides the matter in the dispute on the pleadings of the parties concerned i.e., the consumer and the licensee department.

Detailed Procedures for submitting an appeal or a representation to the Ombudsman are given in attached.

PROCEDURE FOR SUBMITTING REPRESENTATION TO OMBUDSMAN

- Representation to the Ombudsman is required to be submitted in the prescribed Form (as annexed) or on a plain paper.
- Either way, the representation should contain the following documents –
 - (a) Statement of facts or narration of the case
 - (b) Copy of the petition submitted to CGRF with all documents
 - (c) Copy of the order of CGRF
- The relief sought for should be clear and specific
- The address should be clear and complete with Pin Code. It is advisable to give the phone number of the complainant.
- The declaration given in the representation shall need to be signed by the complainant.

- Stamp paper or revenue/judicial stamps are not necessary. No fee is required to be paid.
- The nature of relief sought should be clearly stated and copies of all relevant documents should be attached.
- The representation to the ombudsman shall be considered only if the Petitioner had submitted a complaint to the CGRF and the remedy is exhausted.
- The appeal shall not be admitted unless the Petitioner is aggrieved on account of his complaint being not redressed to his satisfaction by CGRF within the period and manner specified in the Regulations.
- The appeal against the order of CGRF shall be made by the Petitioner within 30 days from the date of the receipt of the decision of CGRF or within 30 days from the date of expiry of the period within which the CGRF should have taken decision and communicated to the complainant. (period allowed to CGRF is 45 days from the date of receipt of the complaint.)
- The appeal shall not be in respect of the same subject matter of dispute that has been settled by the Ombudsman in the past.
- The representation shall not be admitted by the Ombudsman if the same grievance by the complainant is pending in any proceedings before any Court, Tribunal or 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.
- On receipt and admission of the representation, the Ombudsman shall call for remarks/counter-statement of the licensee company on the matter.
- The licensee company shall furnish para-wise comments on the grievance within the period as may be specified by the Ombudsman, failing which the Ombudsman may proceed on the basis of material available on record.
- Ombudsman's attempt in the first instance shall be to promote a settlement of the complaint or the dispute by mutual agreement between the complainant and the licensee through conciliation or mediation.
- In case the representation is not settled by agreement within 30 days from its receipt or such other extended period which the Ombudsman may deem fit (considering the overall time period of three months from the date of receipt of the representation of appeal within which he is required to settle finally the grievance or dispute), the Ombudsman shall conduct hearing on the matter.
- The Ombudsman shall then notify in writing the parties about the date, time and venue of the hearing, giving sufficient advance notice.
- The consumer shall not necessarily engage Advocates to argue the case. The consumer can himself appear or nominate any person to present his case.
- In case anybody is engaged for presenting the case, the nomination form should be filled up and submitted along with the representation.
- The Ombudsman shall be guided by the factors which are necessary in the interest of justice and shall adopt procedures ensuring transparency. While exercising its powers and discharging its functions he shall follow the rules of natural justice and dispose off the representation and settle the dispute fairly and equitably.
- The Ombudsman shall pass speaking order with detail reasoning on each of the matter of the dispute which he thinks fair under the fact and circumstances of the case. The award shall contain in brief (1) the facts and circumstances of the complaint; (2) the pleading of the parties; (3) the reasoning leading to the award as arrived at; (4) the relief including monetary compensation, if any, the complainant is entitled to; and (5) the directions if any to the licensee or to the complainant or any other person.
- The order in writing shall state the full details of the award to the complainant and the licensee.

- A copy of the award shall be sent to both the complainant and licensee named in the representation.
- The complainant may furnish to the licensee within a period of one month from the receipt of the award, a letter of acceptance that the award is in full and final settlement of his claim.
- The distribution licensee shall comply with the order of the Ombudsman within 15 days of receipt of the acceptance letter (as stated above) and shall intimate the compliance to the Ombudsman.
- Non-compliance shall constitute violation of the notified regulations and may attract remedial action by JERC under Sections 142 and 146 read with Section 149 of the Act.
- In case the complainant does not intimate the acceptance as mentioned in the proceeding paragraphs, the award may not be required to be implemented by the licensee.
- Nothing contained in the procedures outlined above shall affect the rights and privileges of a consumer under any other law for the time being enforce, including the Consumer Protection Act, 1986 (68 of 1986).
- Nothing in these regulations shall be deemed to limit or otherwise affect the powers of JERC to make such orders or to issue such directions, not inconsistent with the provisions of the Act, as may be considered necessary to meet the ends of justice.
- The aggrieved consumer and the distribution licensee shall be entitled to obtain certified copies of the orders, decisions, directions, the award and the reasons in support thereof given by the Ombudsman.
- Any person shall be entitled to a copy of the documents or orders of the Ombudsman subject to payment of fee and complying with other terms, which the Ombudsman may direct.

Form of Application for filing the representation/ appeal to the Ombudsman is also attached.

FORMAT

REPRESENTATION BEFORE ELECTRICITY OMBUDSMAN

No. _____ of year _____

Date _____

(To Be Filled Up By Office)

To

**The Electricity Ombudsman for JERC
For the State of Goa & UTs,
Vanijya Nikunj (HSIIDC Office Complex),
2nd Floor, Udyog Vihar, Phase-V,
Gurgaon- 122016**

Dear Sir,

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

Details of the Grievance are as under:

1. Name of the Consumer _____

2. Full Address of the Consumer _____

_____ **Pin Code** _____

Phone No. _____ **Fax No.** _____

Email ID _____

3. Name and Full Address of the Distribution Licensee _____

_____ **Pin Code** _____

4. **Name and Full Address of the Forum** _____

_____ **Pin Code** _____
Phone No. _____ **Fax No.** _____

5. **Particulars of Connection And Consumer No.**
(Please state nature of connection)

6. **Date of Submission of Grievance by the Consumer to the Forum**

(Please enclose three copies of the Grievance)

7. **Subject Matter of the Representation** _____

8. **Details of the Representation, Facts giving rise to the Representation**
(If space is not sufficient, please enclose separate sheet)

9. **Whether the Consumer has received the final decision of the Forum?**
(If yes, please enclose 'three copies' of the Forum's order conveying its final decision)

10. Nature of Relief Sought From The Electricity Ombudsman

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

11. Nature and Extent of Monetary Loss, if any, claimed by the Consumer (if any) by way of Compensation Rs. _____

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

12. List of Documents Enclosed

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

13. Declaration

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

Yours faithfully

(Signature)
(Consumer's name in block letter)

Nomination- (If the consumer wants to nominate his representative to appear and make submission on his behalf before the Electricity Ombudsman or to the Office of the Electricity Ombudsman, the following declaration should be submitted)

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

ACCEPTED
(Signature of Representative)

(Signature of Consumer)