

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

No. 1316/ Con.Engg/2023/KSERC

Dated 17.05.2023

NOTICE

In exercise of the powers conferred under sub-section (1) and clauses (r), (s) and (zp) of sub-section (2) of section 181 and sub-sections (5),(6) and (7) of section 42 of the Electricity Act, 2003 (Central Act 36 of 2003), the Kerala State Electricity Regulatory Commission hereby publishes the following draft Regulations namely, the '**Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2023**', for the information of the stakeholders and the persons likely to be affected thereby. Any objections or suggestions thereon may be forwarded to the Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, C.V.Raman Pillai Road, Vellayambalam, Thiruvananthapuram-10 within one month from the date of publication of this notice. Objections and suggestions received on or before the said date shall be considered by the Commission before finalization of these draft regulations. A public hearing on the same will be conducted and its date and venue shall be intimated separately.

S/d

Secretary

(DRAFT)

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
(CONSUMER GRIEVANCE REDRESSAL FORUM AND
ELECTRICITY OMBUDSMAN) REGULATIONS, 2023**

CHAPTER I

GENERAL

1. Short title, application and commencement. - (1) These Regulations may be called the "Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2023".

(2) These Regulations shall be applicable to the whole of the State of Kerala.

(3) These Regulations shall come into force from the date of its publication in the official gazette.

(4) These Regulations shall be construed harmoniously with the Kerala Electricity Supply Code, 2014 and the Kerala State Electricity Regulatory Commission (Standards of Performance of Distribution Licensees) Regulations, 2015, specified by the Commission under the provisions of clauses (x) and (za) of sub-section (2) of section 181 of the Act:

Provided that, in case of any inconsistency with these Regulations, the Kerala Electricity Supply Code, 2014 and the Kerala State Electricity Regulatory Commission (Standards of Performance of Distribution Licensees) Regulations, 2015 shall prevail.

2. Definitions. -In these regulations, unless the context otherwise requires,-

(1) "**Act**" means the Electricity Act, 2003 (Central Act 36 of 2003);

(2) "**Area of supply**" means the area within which a distribution licensee is authorized by his licence to supply electricity;

(3) "**bank rate**" means the standard rate notified by the Reserve Bank of India as per section 49 of the Reserve Bank of India Act, 1934 (Central Act 2 of 1934), at which it is prepared to buy or re-discount bills of exchange or other commercial paper eligible for purchase thereunder;

(4) "**Chairperson**" means the Chairperson of the Consumer Grievance

Redressal Forum;

(5) “**Commission**” means the Kerala State Electricity Regulatory Commission;

(6) “**Complainant**” means any person who submits the complaint or grievance or representation as defined in these regulations against the distribution licensee and include the following:

(i) any consumer of electricity supplied by the licensee as defined under clause (15) of section 2 of the Act, including applicants for new connections; or

(ii) a voluntary electricity consumer association/ forum or other body corporate or group of electricity consumers; or

(iii) the Central Government or State Government - who or which makes the complaint; or

(iv) in the case of death of a consumer, his legal heirs or representatives;

(7) “**Complaint**” means any submission made by or on behalf of a complainant in writing including via e-mail, online or verbally over phone, if such phone 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 within the Licensee, seeking redressal including but not limited to the following:

(i) defect or deficiency in the electricity service provided by the licensee;

(ii) unfair or restrictive trade practices of the licensee in providing electricity services;

(iii) charging of a price in excess of the price fixed by the Commission for supply of electricity and allied services;

(iv) errors in billing;

(v) erroneous disconnection of supply;

(vi) electricity services which are unsafe or hazardous to public life in contravention of the provisions of any law for the time being in force; or

(vii) any other allegations connected with the supply of electricity by the licensee, except those related to the following: -

(a) unauthorized use of electricity as provided under section 126 of the Act;

(b) offences and penalties as provided under sections 135 to 139 of the Act; and

(c) accident in the distribution, supply or use of electricity under section 161 of the Act;

(8) “**Consumer**” means any person who is supplied with electricity for his own use by a licensee and includes any person whose premises are connected for the purpose of receiving electricity with the works of a licensee or a person whose electricity supply is disconnected by a licensee or the person who has applied for connection for receiving electricity from a licensee, as the case may be;

(9) “**Consumer Grievance Redressal Forum**” or “**CGRF**” or “**Forum**” means the forum for redressal of grievances of consumers, established by a distribution licensee pursuant to sub-section (5) of section 42 of the Act and these Regulations;

(10) “**Defect**” means any fault, imperfection or shortcoming in the quality, quantity, purity 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;

(11) “**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 the distribution licensee in pursuance of a contract agreement or otherwise in relation to the electricity service or standards of performance, violation of the Kerala Electricity Supply Code, 2014, contraventions of the Act, Rules or Regulations made thereunder with regard to the consumer interest;

(12) “**Distribution Licensee**” means a licensee authorized to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply;

(13) “**Distribution system**” means the system of wires and associated facilities between the delivery points on the transmission system or the generating station terminal in the absence of transmission system and the point of connection to the installation of the consumers;

(14) “**Electricity Ombudsman**” means an authority appointed or designated by the Commission, under sub-section (6) of section 42 of the Act, to whom any consumer, who is aggrieved by non-redressal of his grievances by the Forum may make a representation for the redressal of his grievance;

(15) “**Electricity Service**” means in particular and without prejudice to the generality of the term, electricity supply, include metering, billing, maintenance of

supply, maintenance of distribution system and all other attendant subservices etc., which a licensee is required to provide pursuant to his licence or under any other law for the time being in force;

(16) “**Grievance**” means a grievance of the complainant arising out of the failure of the licensee to register or redress a complaint, and include any dispute between the complainant 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;

(17) “**Internal Grievance Redressal Cell**” or “**IGR Cell**” means such first authority to be contacted by the complainant for redressal of his complaint/ grievance, as notified by the distribution licensee at the Sub-divisional or Circle level, as the case may be;

(18) “**Licensee**” means a person who has been granted a licence under Section 14(b) of the Act;

(19) “**Prosumer**” means a captive consumer, having a renewable energy system installed at the same premise of the consumer, who generates and consumes the electricity generated from such renewable energy system and who can also inject the surplus power from the renewable energy system into the grid using the same network;

(20) “**Representation**” means the representation made to the Electricity Ombudsman by or on behalf of a complainant who is aggrieved in any manner by the non-redressal of his grievance by the Forum within the specified time and in accordance with these Regulations.

3. Interpretations, - (1) Words and expressions used and not defined in these Regulations, but defined in the Act and the Rules and Regulations made thereunder by the Central Government, Government of Kerala, Central Electricity Authority, Central Electricity Regulatory Commission and the Commission shall have the meanings respectively assigned to them in the said Act, Rules and Regulations. Expressions used herein but not specifically defined in these Regulations or in the Act, but defined under any law passed by the competent legislature and applicable to the electricity industry in the State shall have the same 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 any law passed by a competent legislature, shall have the same meaning as is generally assigned in the electricity industry.

(2) In the interpretation of these Regulations, unless the context otherwise requires, -

(i) words in the singular or plural term, as the case may be, shall also be deemed to include the plural or the singular term, respectively;

(ii) 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 these 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 law for the time being in force;

(iv) Reference to any Statutes, Rules, Regulations or Guidelines shall be construed as including all statutory provisions consolidating, amending or replacing such Statutes, Rules, Regulations or Guidelines, referred to, as the case may be;

(v) If a question arises relating to the interpretation of any of the provisions of these Regulations, the decision of the Commission shall be final.

CHAPTER II

INTERNAL GRIEVANCE REDRESSAL CELL (IGRC)

4. Basic Principles. - (1) The distribution licensee shall identify, appoint and publish the operational level officer/person/ registration center for the complainant to approach at the first instance for resolution of complaint. Appropriate action shall be taken to resolve the complaints at this stage itself.

(2) If the complaint is not resolved by the distribution licensee as specified under regulation 4(1) within the period specified in the Kerala Electricity Supply Code, 2014/ Standards of Performance of Distribution Licensees Regulations, 2015, the consumer may file a grievance with IGRC.

(3) The licensee shall formulate a scheme for setting up a two level IGRC in accordance with sub regulations (6), (7) and (10) hereunder, to effectively resolve the grievance of the consumers, within 6 months of notification of these regulations and apprise the Commission of its functioning.

(4) The distribution licensee shall give wide publicity of the name, designation, address and telephone number of the Officials-in-Charge at different stages of redressal for information of the consumer. This information is to be regularly updated in the website of the distribution licensee. The distribution licensee shall also introduce provisions of e-mail, mobile-app and website link for lodging complaints / grievance by the consumers.

(5) The complaint / grievance may be made by e-mail or online or telephone or in person and the concerned officer of the distribution licensee shall ensure prompt response and action. The licensee shall on receiving the complaint / grievance, register it immediately and issue a Complaint Number.

(6) The rights of the consumer under these Regulations shall be without prejudice to his other rights.

(7) Every distribution licensee shall have an Internal Grievance Redressal Cell (IGRC) to record and redress the grievances of the consumer in a timely manner in accordance with the guidelines contained in these regulations. The IGR Cell of the distribution licensee shall have office(s) at Sub-division, Circle and Company level:

Provided that for the distribution licensees in the State other than KSEBL, having very limited area of distribution, need to establish a single IGRC.

(8) The IGRC shall have officers from the technical and accounts wing and one officer from the Section where the complaint pertains.

(9) The IGR Cell shall follow the principles of natural justice, including, inter alia, the following:

- (i) It shall provide an opportunity of hearing to the complainant;
- (ii) it shall protect the interest of the consumers;
- (iii) it shall inform the consumers of their rights;
- (iv) it shall facilitate and expedite the redressal of grievances;
- (v) it shall ensure that the consumers have an effective remedy in the event of failure or delay on the part of the distribution licensee in redressing their complaints.

(10) The IGR Cell shall address the billing related complaints and general grievances such as quality of supply, defects in service and deficiencies in the Standard of Performance by the licensee:

Provided that the IGR Cell at the Sub-divisional level shall have jurisdiction on the grievances related to the failure or disturbance of LT supply to the consumers of the Section/ Subdivision;

Provided further that the IGR Cell at the Circle level- shall have jurisdiction on the grievance related to HT supply to the consumers of the Circle.

(11) The distribution licensee shall appoint or designate and notify:

- (i) the appropriate level of officer who is authorised to refund the excess amount of electricity bill as decided by IGRC;
- (ii) the appropriate level of officer who is authorised for the recovery of arrears of electricity bill;
- (iii) the appropriate level of IGC who is authorised to deal with the grievances related to the demand for payment raised by the licensee except the cases covered under sections 126 and 135 to 152 of the Act.
- (iv) the distribution licensee shall notify the monetary limit of the grievances related to the electricity bill to be dealt with by each level of IGC.

(12) The distribution licensee shall ensure that the officers at the appropriate level shall dispose / resolve the complaints within seven days

5. Classification of Grievance. - The grievances may be classified into the following categories for the convenience of handling, namely: -

- (i) Interruption in power supply;
- (ii) Voltage and power quality related complaints;
- (iii) Load shedding / scheduled outage;

- (iv) Meter related complaints;
- (v) Complaints related to billing, collection etc.;
- (vi) Change in billing category;
- (vii) Disconnection and reconnection of power supply;
- (viii) New service connection and modification of service connection;
- (ix) Reduction or increase of connected load/ contract demand;

(x) Any other grievance under the Kerala Electricity Supply Code, 2014 and the Kerala State Electricity Regulatory Commission (Standards for Performance of Distribution Licensees) Regulations, 2015 which are not covered under the items specified above.

6. Procedure for lodging and registering complaint/ grievance. - (1) The LT and HT consumers shall register the complaint with the Call Center / Central Complaint Center / Offices of the Distribution Licensee as specified by the licensee. The complaint shall contain the name, address, consumer number and a brief description of the complaint. If this complaint is not resolved by the licensee timely, the complainant can file a grievance before the IGRC.

(2) The officers/ persons to be contacted by the consumer in the first stage for the redressal of the grievances shall be notified by the distribution licensee. Grievances not redressed at the first level of redressal shall be taken up at the concerned Circle level IGR Cell. This gives an opportunity to the distribution licensee to satisfactorily settle the grievances of the consumer without the need for the consumer to approach the CGRF. If the grievance is not satisfactorily redressed at this level, the complainant shall have the option to approach the CGRF.

(3) The grievance shall be registered under the appropriate categories immediately on receipt of the same. Sub divisional and Circle level of the complaint/ grievance handling mechanism shall maintain records /registers of the grievance received, action taken and shall prepare quarterly reports at each level.

7. Procedure for grievance redressal in IGRC. - (1) The procedure for grievance redressal in the IGRC shall have a two-level grievance handling process.

(2) On receipt of the grievance in the first level, the sub divisional level IGRC shall contact the concerned operational level officers and their immediate superior officers to settle the issues that may arise on a day-to-day basis.

(3) If there is no settlement within the stipulated time, the matters shall automatically be referred to the second level, i.e., the Circle level IGRC.

(4) The concerned officers of the distribution licensee shall deal with the complaint/grievance in accordance with the procedure detailed in these

Regulations and the scheme formulated by the licensee under sub regulation (3) of Regulation 4.

(5) If the grievance of the consumer is not redressed satisfactorily at the first level of IGRC, within the period stipulated in the scheme under sub regulation (3) of Regulation 4 and/ or the complainant does not accept resolution of the grievance, the officer concerned shall within two days forward the complaint together with his comments to the next level of IGR Cell for redressal.

(6) The distribution licensee must strive hard to ensure quality power and good service. The responsibility of timely and satisfactory resolution of complaints lies with the distribution licensee.

(7) The distribution licensee and its officers, agents and representatives, in dealing with the complaints/ grievance, shall be guided by the following:

(i) the provisions of the Electricity Act, 2003, the Electricity (Rights of Consumer) Rules, 2020 and other relevant rules and regulations made thereunder;

(ii) the Standards of Performance of Distribution Licensees Regulations, 2015, the Kerala Electricity Supply Code, complaint handling procedures, the Licensing Regulations and any other order or directions, of the Commission;

(iii) the resolution of the complaint / grievance shall be done promptly as per these Regulations;

(iv) the resolution of the complaint shall satisfactorily protect and enhance the relationship between the licensee and the consumer;

(v) the intention should be to encourage amicable resolution of disputes without formal legal representation or reliance on legal procedures;

(vi) the complaints / grievances are to be taken up and decided on first come first served basis without showing undue preference to any person; and

(vii) proper and accurate records of the complaints / grievances received, action taken and the satisfaction level of the consumer concerned shall be duly maintained.

(8) The distribution licensee shall declare one day of a week as "Consumer grievance redressal day" and shall give wide publicity of the same so that the aggrieved complainants may discuss their complaints / grievance with the concerned officers of the distribution licensee on that day and may get the complaints / grievance redressed as far as possible. The distribution licensee shall give wide publicity to the consumer grievance redressal day through print and electronic media and shall also be made available in their websites. Any modifications shall also be published similarly.

(9) The consumer shall also be made aware of his rights and duties from

time to time. All necessary Forms / Regulations related to complaints / grievances / representations shall be made available in the website by the distribution licensee.

(10) The distribution licensee shall set up a mechanism for monitoring the performance of the IGR Cell and the grievance redressal system:

Provided that sub divisional cells shall submit reports to respective divisions and shall be reviewed by the Division officers in the monthly conferences.

(11) The IGRC cell at Circle level shall send consolidated quarterly reports to the corporate level IGR Cell, showing the details of consumer grievances and the period within which the grievances are redressed. The Company level IGRC shall review the functioning of the two levels of IGRCs and may initiate suo-motu proceedings/ directions to redress any recurring nature of complaints across the license area.

(12) The performance of IGR Cell shall be monitored by the Board of Directors/ CEO of the licensee, based on consolidated quarterly reports furnished by Company level IGRC.

(13) The time limit for resolution of complaints / grievance shall be subject to the provisions of the Standards of Performance of distribution licensees Regulations notified by the Commission. The distribution licensee shall adhere to the time limits for rendering various services:

Provided that the adherence of time limit shall be subjected to the condition that the distribution licensee shall be exempted from the liability to do so due to extraordinary situations like cyclone, flood, storm or any such occurrences not attributable to the licensee.

8. Reasons for Non-redressal of Complaints. - If the designated / notified officer fails to resolve the complaint/ grievance to the satisfaction of the consumer within the specified time limit, he shall report the reasons for the failure to the next level officer on a monthly basis.

9. Power Outages. - The distribution licensee shall inform the consumer in advance the details of scheduled power outages. In the case of unplanned outage or fault, immediate intimation shall be given to the consumers through SMS or by any other electronic mode along with the estimated time for restoration. This information shall also be available in the call center of the distribution licensee.

CHAPTER III

CONSUMER GRIEVANCE REDRESSAL FORUM (CGRF)

10. Establishment and composition of the Forum. - (1) Every distribution licensee shall establish a Forum or Fora for Redressal of grievances of the consumers in accordance with these Regulations.

(2) A licensee may establish the required number of Fora so as to ensure that any consumer in the area of supply of the licensee shall not have to travel more than about 100 km to submit his complaint / grievance with the Forum for redressal. The concentration of the consumer in a particular area and the number of complaints likely to be received and the constraints of the Forum in disposing of the complaints, within the stipulated time frame may also be taken into account, while fixing the location of the CGRF.

(3) Each Forum shall consists of four Members including the Chairperson, who shall have the following qualifications, namely: -

(i) Chairperson:

The Chairperson of the Forum shall be:

(a) appointed by the licensee from among its senior officers having not less than 15 years experience in the distribution/ transmission of electricity or related consumer affairs;

(b) having a Bachelor's degree in Electrical Engineering/ Law/ Finance/ Management from a recognized university;

(c) person of ability, integrity and standing, and have adequate knowledge and experience in dealing with problems relating to electrical engineering, finance, law or administration in power utility sector.

(ii) Member (Licensee):

The Member (Licensee) of the Forum shall be:

(a) appointed by the licensee from among its employees having adequate knowledge and not less than 10 years experience in the electricity distribution sector;

(b) person of ability, integrity and standing, having adequate knowledge and experience in dealing with problems relating to electrical engineering, finance, law or administration in power utility sector.

(iii) Member (Law):

The Member (Law) of the Forum shall be nominated by the

Commission for a period of three years from among persons having, -

(a) a bachelor's degree in Law from a recognized University and approved by the Bar Council of India;

(b) not less than three years of experience as an Advocate practicing before the Courts/ Forums/ Tribunals in the State of Kerala;

(c) proven ability, integrity, standing and shall have knowledge preferably in electricity related issues and familiarity with consumer affairs and shall be a resident within the area of jurisdiction of the Forum:

Provided that no person who is or has been an employee of the distribution licensee shall be nominated by the Commission as Member (Law) of the Forum;

(iv) Member (Consumer/ Prosumer):

The Member (Consumer/ Prosumer) of the Forum shall be nominated by the licensee with the concurrence of the Commission for a period of three years from among persons having, -

(a) a Bachelor's degree in any discipline, proven ability, integrity and familiarity with consumer affairs;

(b) above 40 years of age and shall be a consumer/ prosumer of the licensee within the area of jurisdiction of the Forum:

Provided that no person who is or has been an employee of the distribution licensee shall be nominated by the licensee as Member (Consumer/ Prosumer) of the Forum;

(4) The Chairperson and Members of the Forum shall have working knowledge of Malayalam.

(5) Members other than officials of the licensee shall not hold the office as such after he/she has attained the age of sixty-five years.

(6) For the nomination of Member (Consumer/ Prosumer), the licensee shall forward a panel of three persons each for every forum to the Commission and the Commission shall select and nominate one person from the panel, for the appointment by the licensee.

(7) The Members nominated by the Commission / licensee may be removed from the Forum, after issuance of a notice period of one month at any time, if the Commission finds dissatisfaction with the performance of the Member.

11. Expenditure of the Forum. - (1) The distribution licensee shall meet all the costs and expenses of the Forum including the remuneration and fees to the

Members, salaries and allowances of other members of the staff, establishment charges and office expenses.

(2) The Members nominated by the Commission shall be entitled for sitting fee as decided by the Commission from time to time and travelling allowance eligible for Class 1 Officers of the Government of Kerala.

(3) The expenditure of the Forum will be considered by the Commission in the Aggregate Revenue Requirement of the licensee and will be allowed as a pass through expense.

12. Obligations of Licensee. - (1) The Licensee shall provide a link on its web portal and Mobile App for registration of grievance in CGRF and institute an online tracking system of grievances for the consumer within 6 months of publication of these Regulations

(2) The address, email and phone numbers of the CGRF and Electricity Ombudsman, the time line for filing the complaint, grievance, representation, review etc. shall be displayed at all the cash collection centres and offices of the Distribution Licensee that have interface with the consumers, and shall also be duly publicized, including in the bills raised on the consumers, and the website of the Distribution Licensee. The licensee shall follow the directions, if any, issued by the Commission, from time to time, in this regard.

(3) The statement "Complainants whose grievance is not redressed by the officials of the licensee/ IGRC may approach the Consumer Grievance Redressal Forum and Electricity Ombudsman" shall be printed on the electricity bills.

(4) It shall be a constant endeavour of the Distribution Licensee to take steps in accordance with the requirements herein to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that information is disseminated widely and, in such form and manner which is easily accessible to the public.

(5) Forms for lodging grievance, shall be made available in the website by the distribution licensee.

13. Forum's office and working. - (1) The office space, secretarial assistance and other facilities required by the Forum for efficient functioning of the Forum shall be provided by the distribution licensee.

(2) The office of the Forum shall remain open on all working days and shall observe the working hours of the licensee.

(3) The Chairperson of the Forum shall exercise general powers of

superintendence and administrative control over his office including Members/ Secretary/ Staff and shall be responsible for the conduct of business of the office.

14. Functions of the staff of the Forum. - The staff of the Forum shall:

- (a) receive the grievances;
- (b) receive any other documents which may be required to be filed with the Forum;
- (c) maintain record of the proceedings;
- (d) circulate matters to Members of the Forum for directions and proper orders;
- (e) do all other activities in compliance with the orders issued by the Forum;
- (f) do all other activities required for the functioning and the proceedings of the Forum;

15. Jurisdiction of the Forum. – (1) The headquarters of the Forum(s) shall be at such place(s) as the distribution licensee may specify in accordance with the provisions of Regulation 10(2).

(2) The Forum shall have sitting at the headquarters and / or at any other place in the licensee's area, as may be decided by the Chairperson depending upon the number of grievances and area of operation.

(3) Forum having jurisdiction extending to more than one district shall conduct at least one sitting in a month, in each of the district under its jurisdiction, based on the pendency of the petitions from the district/.

(4) The forum shall meet at least once in a month.

(5) The Forum shall have jurisdiction to deal with any kind of grievances within the entire area of the distribution licensee subject to other provisions of these regulations. If there is more than one Forum in the same licensee area, then the area of jurisdiction may be decided by the licensee in accordance with the provisions of Regulation 10(2).

16. Proceedings of the Forum. - (1) The Proceedings of the Forum shall be conducted in public by the Chairperson of the Forum in the presence of the Members.

(2) The quorum for the sitting shall be three with at least one Member each from the Licensee and from non-official members. In the absence of the Chairperson for any reason, the Member representing the distribution licensee shall preside over the Forum.

(3) In the event the quorum is not present, the sitting shall be adjourned to the next working day:

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

(4) No act or proceedings of the Forum shall be deemed to be invalid by reason only of some defect in the constitution of the Forum or by reason of the existence of a vacancy among its Members.

(5) The location of the office of the Forum shall be decided by the distribution licensee so as to provide convenient access to the consumers:

Provided that when hearings are held by the Forum at different locations, the Forum shall decide on local office timings and ensure sufficient publicity for the same.

(6) The Forum shall pass appropriate order within fifteen working days of filing of the grievance (for grievance related to non-supply, connection, reconnection or disconnection of supply) and within sixty days of filing of the grievance (for all other grievances):

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

Provided further that all cases where the Forum has passed the order after the completion of the said period of 15 working days or 60 days shall be highlighted by the Forum in the quarterly report to be submitted to the Commission under Regulation 25(3).

(7) In order to expedite disposal of grievances, the Forum may also hold sittings at such places within its area of jurisdiction as may be considered necessary and proper by the Forum.

(8) The Forum shall hold such number of sittings in a month so as to complete the enquiry as expeditiously as possible and to pass appropriate order within the maximum period specified in Regulation 16(6):

Provided also that where there is priority at more than one District within the jurisdiction of any Forum, the Forum shall hear the cases at a common location convenient for all the districts, for disposing such priority cases within the time limit specified in Regulation 16(6).

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

17. Procedure for lodging the Grievance. - (1) A Complainant may approach the appropriate Forum in the following events:-

- (i) If the Licensee/IGR Cell fails to register a complaint; or
- (ii) If the Licensee fails to resolve a grievance/ complaint through their Internal Grievance Redressal Mechanism in accordance with the Standards of Performance specified by the Commission; or
- (iii) If the Consumer/Complainant is aggrieved in any manner by the decision on the complaint at the operational level or appropriate IGR Cell.

(2) The Consumer may directly approach the Forum with a grievance at the office of the Forum, even if no grievance has been registered on the web portal or IGRC.

(3) The matters referred by the Circle level IGRC of the licensee as per Regulation 7(1) shall also be dealt with by the CGRF.

(4) The grievance may be submitted either in person or through post/ courier or through e-mail or through the web based portal or mobile app. Every grievance lodged with the Forum shall be in writing in English / Malayalam in the format given in **Form A** attached to these Regulations:

Provided that no complaint/grievance shall be rejected by the Forum merely on the ground that it is not in the specified format.

18. Action on admission of Grievance. - (1) On receipt of the grievance, the Secretary or any other person, as may be authorized by the Forum, shall make an endorsement on the grievance subscribing his dated initial and shall send an acknowledgement to the complainant immediately on receipt of the grievance:

Provided that for the grievances registered through the web portal or mobile app, there shall be automatic generation of acknowledgement and registration number.

(2) Grievances received shall be registered and serially numbered for each year.

19. Procedure for Grievance Redressal.- (1) The Forum shall not be bound to follow the procedure prescribed in the Code of Civil Procedure 1908 (5 of 1908) and subject to these Regulations, the Forum may evolve procedure conforming to the principles of fair play and natural justice for efficient discharge of its functions.

(2) Where the complainant directly approaches the Forum, it may forward a copy of the grievance to the licensee for necessary action. In case of urgency of the issue involved, the Forum may initiate the procedure of redressing the grievance at its level.

(3) A copy of the grievance shall be forwarded within three (3) days of receipt, to the designated division/ circle wise authorised officer of the licensee to file its reply in writing.

(4) The distribution licensee shall, within ten days of intimation from the Forum or within such other period as may be specified, furnish its para-wise comments on the grievance, to the Forum with a copy to the complainant, failing which the Forum may proceed on the basis of the material available on record.

(5) The Forum shall notify in writing the parties of the proceedings the date of hearing of the grievance, giving sufficient advance notice, of not less than five days. Such information shall also be displayed on the website of the licensee. The Forum wise link should be made available on the website of the licensee.

(6) The 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 to present his case before the Forum and to do all or any of the acts for the purpose.

(7) Where any person who has been a party to the proceedings before the Forum fails to appear, on the date of hearing as may be fixed, on more than two consecutive occasions, in this behalf, the Forum may decide the grievance ex-parte:

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

(8) The Forum may call any officer/ any record or information of the distribution licensee or from the complainant, relevant for examination and disposal of the grievance, and the parties shall be under obligation to provide such information, document or record as the Forum may call for. The Forum may undertake site inspection or direct the licensee for the same, if necessary, in the interest of grievance Redressal:

Provided that if a party fails to furnish such information, document or record without sufficient cause and the Forum is satisfied that the party in possession of the record is withholding it deliberately, it may draw an adverse inference.

(9) The proceedings and decision(s) of the Forum shall be recorded and shall be supported by reasons.

(10) Forum shall issue speaking order and ensure that the grievances are redressed in accordance with the provisions of applicable Regulations and the orders of the Commission.

(11) The Forum may settle any grievance in terms of an agreement reached between the parties at any stage of the proceedings before it.

(12) Every order made by the Forum shall be a reasoned order and signed by its Chairperson and the Members conducting the proceedings:

Provided that in case of difference of opinion among the Members on any point or points, the decision of the majority shall prevail. In the event of equality of votes, the Chairperson / Presiding Member(Licensee) shall have a second (casting) vote:

Provided further that the acting Chairperson shall have the second (casting) vote in case the Chairperson is absent or the Chairperson's post is vacant:

Provided also that the opinion of the minority shall be recorded and form part of the order and shall be issued along with the order passed by the majority.

(13) The Forum shall ensure that all orders are consistent with the Commission's Regulations and orders:

Provided that the order issued by the Forum shall specifically mention the applicable Regulations and orders based on which its order has been passed;

Provided further that the Forum on its own shall not interpret and rule beyond the applicable Regulations and orders.

(14) In case any issue is not fully covered in the Commission's Regulations or orders, the issue shall necessarily be referred to the Commission for its guidance by the Forum/ Licensee.

(15) The order of the Forum shall invariably mention the contact details of the Electricity Ombudsman appointed or designated by the Commission and the period within which representation, if any, to be made to the Electricity Ombudsman against such orders of the Forum under these Regulations.

20. Interim Orders. - (1) Notwithstanding the provisions of Regulation 21(2), the Forum may pass such interim orders, as the Forum considers to be necessary and just in the interest of justice pending the final decision on the grievance, on the request of the Complainant:

(2) The Forum may order partial relief to the complainant under appropriate circumstances, duly recorded with proper justification.

(3) The Forum shall have the powers to pass such interim order in any proceeding, hearing or matter before it, as it may consider appropriate, if the complainant satisfies the Forum that prima facie, the distribution licensee has threatened or is likely to remove or disconnect the electricity connection, and has or is likely to contravene any of the provisions of the Act or any Rules or

Regulations made thereunder or any order of the Commission, if, the Forum has jurisdiction on such matters:

Provided further that such interim order shall be issued within 10 days of receipt of grievance:

Provided also that in the case of disconnection related to billing dispute, the Forum may provide interim relief to the consumer by directing the distribution licensee not to disconnect the supply, if the consumer deposits 50 percent of the disputed amount:

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

21. Findings of the Forum.- (1) After considering the grievance submitted by the complainant, para-wise comments on the grievance submitted by the distribution licensee and all other records available, and after conducting or having such inquiry or local inspection as the Forum may consider necessary, and after affording reasonable opportunity of being heard to the parties, the Forum shall complete the proceedings and pass appropriate order for redressal of the grievance within the time specified in Regulation 16(6).

(2) If, after the completion of the proceedings, the Forum is satisfied after voting that any of the allegations contained in the grievance is correct, it shall issue an order to the distribution licensee directing it to do one or more of the following things in a time bound manner, namely, -

- (i) remove the cause of grievance in question;
- (ii) return to the complainant the undue charges paid by the complainant along with interest at the bank rate;
- (iii) pay such amount as may be awarded by it as compensation to the complainant as specified by the Commission in the Standards for Performance Regulations applicable to the distribution licensee:

Provided that in no case shall any complainant be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity;

(iv) any other order, deemed appropriate in the facts and circumstances of the case:

22. Power to Review by the Forum: – (1) The Forum may either, on its own motion or on an application of any person aggrieved by an order, review its order on the following grounds, namely: -

- (i) on the discovery of a new and important matter or evidence which,

after the exercise of due diligence, was not with in his knowledge or could not be produced by him;

(ii) mistake or error apparent on the face of the record.

(2) An application under clause (1) shall be filed within a period of fifteen days from the date of receipt of the Order:

Provided that the Forum may entertain an application after the expiry of the said period of fifteen days, if it is satisfied that the applicant had sufficient cause for not preferring the review within such period.

(3) On a preliminary examination of the application, if the Forum found that there is no sufficient ground for review, it shall reject the application after affording an opportunity of being heard to the applicant.

(4) In cases where the review petition is admitted, the Forum shall dispose of it within a period of 30 days from the date of admission after affording sufficient opportunity to the parties to the application.

23. Period for filing Representation.- Any Complainant aggrieved by the order made by the Forum may make a representation against such order to the 'Electricity Ombudsman', within a period of thirty days from the date of receipt of the Order.

24. Compliance of the order.- (1) A certified copy of the order passed by the Forum shall be delivered to the parties within three days from the date of the order. Such order shall be displayed on the website of the licensee.

(2) The order passed or direction issued by the Forum shall be implemented or complied with by the distribution licensee or the person required by the order or direction to do so, within the time frame stipulated in the order/directions.

(3) The designated officer concerned of the licensee shall furnish a compliance report on the order of the Forum within seven days from the date of compliance, to the Forum and to the complainant.

(4) Such compliance shall also be updated on the web portal within seven working days from the date of compliance.

(5) Non-compliance of the orders of the Forum shall be considered as violation of these Regulations and shall be liable for appropriate action by the Commission under sections 142 and 146 of the Act.

25. Monitoring by the Forum.- (1) The distribution licensee shall set up a mechanism for monitoring the grievance redressal.

(2) The Forum shall maintain a record of the complaints/grievances reported

to it and the results thereof.

(3) The Forum shall furnish a quarterly report within one month of the end of the quarter showing the number of grievances received, redressed, pending, to the distribution licensee. A copy of the report shall be forwarded to the Ombudsman and the Commission.

(4) The grievances which has been disposed by the Forum after the time limit specified in Regulation 16 shall be highlighted in the quarterly report to the Commission as stipulated in regulation 16(6).

(5) The Commission may publish the report in such form and manner as it may deem fit.

CHAPTER IV

ELECTRICITY OMBUDSMAN

26. Establishment of the Office of Ombudsman. - (1) The Commission shall establish an authority to be called Electricity Ombudsman as stipulated under sub section (6) of section 42 of the Act for the whole of the State of Kerala, in the manner specified under these Regulations.

(2) The Commission shall be the appointing authority of the Electricity Ombudsman;

(3) The working days and working hours of the office of the Electricity Ombudsman shall be the same as those of the Commission as specified in the Kerala State Electricity Regulatory Commission (Conduct of Business) Regulations, 2003.

27. Location of the Office and Jurisdiction. - (1) The Head Quarters of the Electricity Ombudsman shall be in **Ernakulam district**.

(2) The jurisdiction of the Electricity Ombudsman shall extend to the whole of the State of Kerala.

(3) The Electricity Ombudsman may hold sittings at places other than headquarters, wherever necessary.

28. Secretariat of the Electricity Ombudsman.- (1) The Electricity Ombudsman shall be provided with a Secretariat.

(2) The expenses of such secretariat shall be paid out of the Fund constituted by the Commission under section 103 of the Act:

29. Qualifications and tenure of appointment. - (1) The Electricity Ombudsman shall be a person having,-

- (i) a Bachelor's Degree in Electrical Engineering;
- (ii) ability, integrity and standing and experience of not less than 20 years in the power utility sector;
- (iii) a minimum of 10 years experience in resolving technical and commercial issues relating to electricity distribution utility;
- (iv) additional qualification in management, finance or law is desirable;
- (v) working knowledge of Malayalam.

(2) The appointment of the Electricity Ombudsman shall be made for a period not exceeding three years:

Provided that the tenure of the Electricity Ombudsman may be

extended by the Commission for a further period not exceeding two years subject to the upper age limit of sixty five years.

(3) The person appointed as Electricity Ombudsman shall not hold any other office during the tenure of his appointment and he shall not be eligible for reappointment after the extended period.

30. Selection of Electricity Ombudsman.-

(1) There shall be a Committee consisting of the Chairperson and Members of the Commission for the selection of Electricity Ombudsman.

(2) The Chairperson of the Commission shall be the Chairperson of the Selection Committee.

(3) The Commission may include external expert or experts in the Selection Committee.

(4) The Selection Committee shall invite applications from the eligible candidates with specified qualifications and experience by giving wide publicity through media and website of the Commission.

(5) The Selection Committee shall prepare a short list of the applicants eligible for the post. The Committee shall, after conducting personal interview with the candidates in the short list, finalize the selection and select one among them for appointment as Electricity Ombudsman.

(6) The Commission shall take necessary steps in advance for the selection and appointment of Electricity Ombudsman so that there is no undue delay in the appointment after the post falls vacant.

(7) The Commission shall normally complete the process of selection and appointment, within two months from the date of occurrence of vacancy by reason of death, resignation or removal of the Electricity Ombudsman:

Provided that no appointment of Electricity Ombudsman shall be invalid merely by reason of not completing the process of selection and appointment within the said two months.

31. Pay and Allowances of Electricity Ombudsman. - (1) The Electricity Ombudsman shall be entitled to have the pay and allowances applicable to the Chief Electrical Inspector in Government of Kerala subject to sub-regulation (3).

(2) The Electricity Ombudsman shall be entitled to the revised pay scale as and when the pay scale applicable to the Chief Electrical Inspector is revised by Government of Kerala.

(3) If the person appointed as Electricity Ombudsman is a retired officer

receiving pension from Government or any other institution, the pay and allowances admissible to such person shall be reduced by the gross amount of pension including dearness relief and such other allowances, if any, received by him.

(4) The pay and allowances of Electricity Ombudsman shall be met from the Kerala State Electricity Regulatory Commission Fund constituted under section 103 of the Act;

32. Leave and encashment of leave. - The Electricity Ombudsman shall be eligible for the leave and for the encashment of earned leave as are admissible to the officers of the Government of Kerala under the provisions of the Kerala Service Rules and the orders issued by the Government from time to time in this regard.

33. Travelling allowance. - The Electricity Ombudsman shall be eligible for travelling allowance as are applicable to the Class-1 officers in Government of Kerala under the provisions of the Kerala Service Rules and the orders issued by the Government from time to time in this regard.

34. Medical reimbursement. - The Electricity Ombudsman shall be eligible for reimbursement of his medical expenses as admissible in accordance with the terms and conditions of the medical insurance scheme introduced by the Commission.

35. Removal of Electricity Ombudsman. – (1) No person shall be appointed and / or be entitled to continue as Electricity Ombudsman, if he / she stands disqualified on account of his / her:

- (i) having been adjudged as insolvent;
- (ii) having been convicted of an offence involving moral turpitude;
- (iii) having become physically or mentally or otherwise incapable of acting as an Electricity Ombudsman;
- (iv) having acquired such financial or other interest as is likely to affect prejudicially his function as an Electricity Ombudsman;
- (v) having abused his position as to render his continuance in office prejudicial to the public interest;
- (vi) having been guilty of proved misbehaviour;
- (vii) having become a member of a political party.

(2) The Commission shall decide on the disqualification and take action for removal, if required.

36. Powers and duties of Electricity Ombudsman.- The Electricity Ombudsman shall have the following powers and duties:

(1) To receive representations against the orders of the CGRF, consider such representations and facilitate settlement by agreement, through conciliation and mediation between the licensee and complainant, or pass an order in accordance with these Regulations where such settlement is not reached.

(2) To act as a counsellor and mediator in the first instance in the subject matter of the representation to promote settlement.

(3) To exercise general powers of superintendence and control over its office and shall be responsible for the conduct of business thereat.

(4) To incur expenditure on behalf of the office. In order to exercise such power, the Electricity Ombudsman will draw up an annual budget for his office in consultation with the Commission and shall exercise the powers of expenditure within the approved budget.

(5) To maintain register of representation, reviews and the decisions thereon.

(6) To maintain a web portal indicating the details of the representations received, hearings, disposal of orders/ awards, compliance by the licensee, quarterly reports etc.

37. Procedure for lodging representation. - (1) Any complainant, who is aggrieved by the non-redressal of his grievances by the Forum may himself or through his representative make a representation to the Electricity Ombudsman within thirty days from the date of the receipt of the order of the Forum:

Provided that the Electricity Ombudsman may entertain a representation after the expiry of the said period of thirty days, if he is satisfied that there was sufficient cause for not filing it within the said period.

(2) The representation shall be in writing duly signed by the complainant, as per **Form-B** attached to these Regulations.

38. Maintainability of the representation. - (1) No representation to the Electricity Ombudsman shall be sustainable:

(i) unless the complainant has made a written representation in the specified form, to the Electricity Ombudsman;

(ii) unless the complainant is aggrieved on account of his complaint being not redressed by the Forum within the period and manner specified in these Regulations;

(iii) unless the representation against an order of the Forum was

made within the period specified in these Regulations and is not in respect of the same subject matter that has been settled by the Electricity Ombudsman in any previous proceedings;

(iv) in cases where a representation for 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.

(2) 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 complainant with reasonable diligence;
- (iv) on account of no prima facie loss or damage or inconvenience, caused to the complainant.

39. Disposal of representation by Ombudsman. - (1) The representation admitted by the Electricity Ombudsman shall be disposed of within a period of three months from the date of receipt of the representation:

Provided that in the event of the representation being disposed of after the completion of the said period of three months, the Electricity Ombudsman shall record, in writing, the reasons for the same.

(2) The representation shall be disposed of either through settlement by agreement or through proceedings held by the Electricity Ombudsman after hearing the parties.

(1) The Electricity Ombudsman shall be guided by such factors, which in the opinion of the Electricity Ombudsman are necessary in the interest of justice, and shall ensure transparency while exercising its powers and discharging its functions.

(2) Subject to the foregoing provisions and the need to observe the rules of natural justice, the Electricity Ombudsman may specify its own procedures.

40. Power to call for information.- (1) For the purpose of carrying out his duties, the Electricity Ombudsman may require the licensee named in the representation or any of his officers to furnish certified copies of any document relating to the subject matter of the representation, which is or is alleged to be in his possession, within 15 days:

Provided that in the event of failure of a licensee to comply with the

requisition without any sufficient cause, the Electricity Ombudsman may, if he deems fit, draw the inference that the information, if provided or copies if furnished, would be unfavorable to the licensee and may proceed to settle the case on the basis of material available on record.

(2) The Electricity Ombudsman shall maintain confidentiality of any information or document coming to 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 furnishing such information or document:

Provided that nothing in this clause shall prevent the Electricity Ombudsman from disclosing information or document furnished by a party in a representation to other party or parties, to the extent considered by him to be reasonably required to comply with the principles of natural justice and fair play in the proceedings.

41. Settlement of representation by agreement. - (1) The Electricity Ombudsman shall settle the representation of the complainant within such time and in such manner as specified in these Regulations.

(2) 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 concerned office of the licensee named in their presentation and endeavor to promote a settlement of the representation by agreement between the complainant and the licensee named in the representation through conciliation or mediation.

(3) For the purpose of facilitating settlement of the representation, the Electricity Ombudsman may follow such procedures, as he may consider appropriate.

(4) When a representation is settled through mediation of the Electricity Ombudsman undertaken by him in pursuance of request made in writing by complainant and licensee through mutual agreement, the Electricity 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 concerned. Such recommendation shall be made not later than one month from the date of receipt of the representation.

(5) The Electricity Ombudsman shall send to the licensee a copy of the recommendation along with the acceptance letter received from the complainant. The licensee thereupon comply with the terms of the recommendations immediately not later than 21 days of the receipt of such recommendation and the licensee shall inform the Electricity Ombudsman of its compliance.

42. Proceedings to hear the parties. - (1) Where the representation is not settled by agreement under Regulation 41, the Electricity Ombudsman may determine the stage, the manner, the place, the date and the time of the hearing of the matter as he considers appropriate.

(2) The Electricity Ombudsman may decide the matter on the pleadings of the parties and direct the parties to furnish written note of arguments or submission in the matter.

(3) The Electricity Ombudsman shall be entitled to call for any information, particulars or take evidence either oral or documentary from the licensee or the complainant.

43. Interim Orders. - (1) The Electricity Ombudsman may on the request of the complainant, issue interim orders at any stage during the disposal of the representation as it may consider necessary.

(2) The Electricity Ombudsman shall have the powers to pass such an interim order in any proceeding, hearing or in any matter before it, as it may consider appropriate, if the complainant satisfies the Electricity Ombudsman that prima facie the distribution licensee has threatened or is likely to remove or disconnect the electricity connection, and has contravened or is likely to contravene any of the provisions of the Act or any rules or regulations made thereunder or any order of the Commission, if, the Electricity Ombudsman has jurisdiction on such matters:

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

(3) Electricity Ombudsman may having regard to the necessity for immediate relief to the petitioner, to carry out provisions of the Act, Rules or Regulations made thereunder, to prevent the inability to restore status quo ante or to prevent the defeat of law, pass an interim order after recording the reasons:

Provided that any licensee or consumer affected by the interim order and who was not given the opportunity of being heard may file objections, or reply and seek modification of such order on sufficient grounds within thirty days of receipt of the order.

44. Award. - (1) Where the representation is not settled by agreement under Regulation 41, the Electricity Ombudsman shall pass a speaking order with detailed reasoning that he thinks fair under the facts and circumstances of the representation.

(2) The order shall be in writing and shall state the full details of the award related to the complainant and licensee.

(3) A copy of the award shall be sent to the complainant and the licensee named in the representation.

45. Compliance of the orders. - (1) The distribution licensee shall comply with the orders of the Ombudsman.

(2) The distribution licensee or concerned official named in the representation of the complainant/ award of the Electricity Ombudsman shall submit a report on compliance of the order/ award to the Electricity Ombudsman within three months or within the time specified in the order/ award whichever is earlier:

Provided that the Electricity Ombudsman shall have the power to extend the period of three months or the time specified as above on being satisfied that such extension of time is reasonable and in the interest of justice.

(3) Non compliance of awards/ orders/ directions of the Consumer Grievance Redressal Forum and the Electricity Ombudsman by the distribution licensee shall be considered as noncompliance of the provisions of the Act, and the regulations made thereunder and the Commission shall proceed accordingly.

46. Power to Review by the Electricity Ombudsman: - (1) The Electricity Ombudsman may, either on its own motion or on an application of any person aggrieved by an order, review its order on the following grounds, namely:-

(i) on the discovery of a 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.

(ii) mistake or error apparent on the face of the record.

(2) An application under clause (1) shall be filed within a period of fifteen days from the date of receipt of the order:

Provided that the Electricity Ombudsman may entertain an application after the expiry of the said period of fifteen days, if it is satisfied that the applicant had sufficient cause for not preferring the review within such period.

(3) If on preliminary examination of the application, if the Electricity Ombudsman found that there is no sufficient ground for review, it shall reject the application after giving an opportunity of being heard to the applicant.

(4) In cases where the Review Petition is admitted, the Electricity Ombudsman shall dispose of it within a period of 30 days from the date of admission after giving an opportunity of being heard to the parties of the application.

47. Report of Electricity Ombudsman. - (1) The Electricity Ombudsman

shall prepare a report on quarterly basis giving details of the nature of the grievances of the complainant dealt by the Electricity Ombudsman, the response of the Licensees and the final decision taken by the Electricity Ombudsman.

(2) The quarterly report shall be provided to the Commission and the licensee.

(3) The Commission may publish the report in such form and manner as it may deem fit.

CHAPTER V

CONSUMER ADVOCACY CELL (CAC)

48. General. - (1) A Consumer Advocacy Cell (CAC) may be established and funded by the Commission for creating awareness among the consumers about the power sector and thereby ensuring consumer participations by eliciting comments / proposals / suggestions for framing the regulations.

(2) The Consumer Advocacy Cell may conduct workshops, training, seminars and issue awareness leaflets for enhancing consumer awareness for capacity building of consumer representatives and CGRF.

(3) The Consumer Advocacy Cell shall function under the supervision and guidance of the Compliance Examiner or any other officer appointed / designated by the Commission, from time to time.

(4) The Commission shall allocate an appropriate Budget for the Consumer Advocacy Cell.

(5) The Secretary of the Commission shall provide appropriate funds from within the allocated budget to the Consumer Advocacy Cell for improving consumer awareness inter-alia, by conducting workshops, training, seminars and issue of print/ visual awareness leaflets/ advertisements.

49. Objectives of the Consumer Advocacy Cell.- The objectives of the Consumer Advocacy Cell are the following:

(i) to promote consumer education and empower them to participate effectively for framing regulations by providing comments/ proposals/ suggestions.

(ii) to act as a source of information to consumers and provide them with the necessary guidance on various electricity related issues.

(iii) to arrange workshops and training programs for unorganized consumer groups.

(iv) to publish newsletters, pamphlets, fact sheets and other informative materials to enhance awareness among the public on the activities of the Commission and other related issues in the power sector.

(v) to recommend to the Commission on matters relating to consumer protection.

(vi) to enlighten the consumers about framing of the regulations and their role in the functions of the Electricity Regulatory Commission, by inviting

applications through advertisements in media, from Voluntary Organizations, NGOs, Residents' Associations and other consumer groups.

(vii) to educate the Consumer Forums about framing of the regulations and enable them, to empower the consumers in their area through classes and distribution of pamphlets to respond and to take part effectively in the regulatory process.

(viii) to distribute pamphlets on Standards of performance, Consumer Grievance Redressal Forum, Electricity Ombudsman, tips on energy saving, fees and charges payable by the consumers for various services from the licensee etc.

(ix) to invite selected representatives from among those who attended the meetings for one day workshops', to equip them to represent the common consumers in the public hearings on the ARR & ERC of the licensee.

(x) to conduct awareness classes by the officers and consultants from the Commission by inviting the officers and staff from the licensee.

50. Functions of Consumer Advocacy Cell.-

The Consumer Advocacy Cell established within the Commission shall perform the following functions: -

(1) Evaluate the performance of the various Fora and Electricity Ombudsman on the basis of the details in the quarterly reports submitted by these entities and provide reports to the Commission.

(2) Advise the distribution licensee on the consumer survey to be undertaken by the licensees at such periods as decided by the Commission.

(3) Make recommendations to the Commission on improvements to be made in the Regulations based on the review of the reports submitted by the Fora and Electricity Ombudsman and the results of the consumer survey conducted periodically by the distribution licensees.

(4) Analysis of reports submitted by the distribution licensee with regard to the levels of performance achieved with respect to the Standards of Performance Regulations as amended from time to time.

(5) Taking feedback of the consumers on the performance of the respective Forums / Distribution Companies (DISCOMS).

(6) Advise the distribution licensee on the improvement of web-based portal for submission of applications/ grievances etc.

(7) Conduct workshop/ seminar etc. at such intervals as decided by the Commission from time to time, in each of the Distribution Circles/ areas, for enhancing consumer awareness.

(8) Provide necessary assistance to the aggrieved consumers, to approach different Fora to resolve the grievances.

(9) The licensee shall provide access to its MIS system to the Commission to analyse the relevant reports relating to the standards of performance of the licensee, compliance of the CGRF orders, Ombudsman awards by the licensee etc.

CHAPTER VI

MISCELLANEOUS

51. Repeal and Savings,- (1) Save as otherwise provided in these Regulations, the Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2005 and its amendments are hereby repealed.

(2) Notwithstanding such repeal,-

(a) anything done or any action taken under the said Regulation shall be deemed to have been done or taken under the corresponding provisions of these Regulations.

(b) the proceedings initiated before coming into force of the Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2023, shall continue to be governed by the provisions of the repealed Regulations.

52. Power to relax.- The Commission may by general or special order, for reasons to be recorded in writing, and after giving an opportunity of being heard to the parties likely to be affected, relax any of the provisions of these Regulations on its own motion or on an application made before it by an interested person.

53. 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 inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose of removing difficulties.

54. Power to amend.- The Commission may, by notification in the Gazette, at any time add, modify, delete or amend any provision of these Regulations subject to the provisions of the Act.

By Order of the Commission

S/d

Secretary

FORM A**FORMAT FOR FILING THE GRIEVANCE
TO THE CONSUMER GRIEVANCE REDRESSAL FORUM**

[See Regulation 17 (4)]

- i. Name of the complainant :
- ii. Full address of the complainant
with contact number/e-mail]
- iii. Consumer Number :
- iv. Name of the Licensee :
- v. Office of the licensee to which
the complaint pertains:]
- vi. Details of complaint/grievance:
- vii. Details of intimation of grievance
by the consumer to the Licensee]
- viii. Whether any reply has been
received from the Licensee
(If yes, a copy of the reply to be
attached)]
- ix. Nature of relief sought :
- x. List of documents enclosed :

Declaration

I/We, the complainant/s herein declare that:

(a) the information furnished herein above is true to the best of my/our knowledge, information and belief.

(b) I/We have not concealed or misrepresented any fact stated above and the documents submitted herewith

(c) I/We have not brought the subject matter of the present complaint before this Forum earlier

(d) the subject matter of the present complaint has not been decided by any Forum/Court/Arbitrator or any other authority.

Signature of the complainant

Place:

Date:

NOMINATION

(If the Consumer wants to nominate his/her representative to appear and make submissions on his/her behalf before the Forum, 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 presence.

(Signature of Representative)

Signature of Consumer

FORM B

**FORMAT FOR FILING THE REPRESENTATION TO THE
ELECTRICITY OMBUDSMAN**

[See Regulation 37(2)]

Sir,

Sub: Representation on.....

Being aggrieved, the complainant named herein had submitted a complaint with the Consumer Grievance Redressal Forum established by (Name of the Licensee). The details of the complaint are as under:

1. Name of the complainant :
2. Full address of the complainant
with contact number/e-mail]
3. Details of grievance submitted
to the Consumer Grievance
Redressal Forum (A copy of the
grievance and the Order issued
by the CGRF, if any, should
be attached)]
4. Whether any order has been
Received from the CGRF?
(If yes, a copy of the order to be
attached)]
5. Nature of relief sought from the
Ombudsman (Documentary
Evidence to be attached)]

Declaration:

I/We, the complainant /s herein declare that:

- (a) the information furnished herein above is true and correct; and
- (b) I/We have not concealed or misrepresented any fact stated in aforesaid columns and the documents submitted herewith.
- (c) The undersigned or any of us or any of the parties concerned has not brought the subject matter of the present representation before the Ombudsman to the best of my / our knowledge and belief
- (d) The subject matter of the present representation is not in respect of the same, which was settled by the Ombudsman in any previous proceedings
- (e) The subject matter of the present representation has not been pending / decided by any Forum/Court/Arbitrator/any other authority

Yours Sincerely,

(Name and Signature of the Complainant)

Place:

Date:

NOMINATION OF REPRESENTATIVE

(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 complainant/s hereby nominate Shri/ Smt whose address is..... as my/our representative in all proceedings of this complaint 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.

Signature of representative

Signature of complainant

Place:

Date:

Explanatory Note on the proposed Draft Regulations

(This does not form part of the notification, but is intended to indicate its general purport.)

Sub-section (5) of section 42 of the Electricity Act, 2003 (Central Act 36 of 2003) provides for the establishment of a forum for redressal of grievances of the consumers by every distribution licensee in accordance with the guidelines as may be specified by the State Commission. Sub section (6) of Section 42 of the Act provides for appointment of an Ombudsman by the State Commission for dealing with the representation on non-redressal of grievances by the Forum and sub-section (7) of Section 42 provides that the time and manner of disposal of the grievances by the Ombudsman may be specified by the State Commission. Accordingly, the Commission had notified the Consumer Grievance Redressal Forum and Electricity Ombudsman Regulations, 2005 specifying the guidelines for the establishment of CGRF by the licensees and for appointment of Electricity Ombudsman by the Commission. In pursuance of the above regulations KSEB Ltd has established three regional CGRF and other licensees one each with one Chairperson and two Members.

The Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2005 has been amended in 2005, 2007, 2008, 2010, 2011, 2014, 2016 and 2020.

Thereafter, Government of India had notified the Electricity (Rights of Consumers) Rules, 2020, on 31.12.2020. As per Rule 15(1) of the Electricity (Rights to Consumers) Rules, 2020, the distribution licensee shall establish Consumer Grievance Redressal Forum (CGRF) under sub-section (5) of section 42 of the Act at different levels to cater the needs of the sub- division, division, circle, zone and company level.

At present the distribution licensee, the KSEB Ltd has only three CGRF for the 14 districts in Kerala. In the meeting held on 07.10.2022 with the Members of Forum of Regulators, the Central Government have directed the States which has not established CGRF as per the Electricity (Right of Consumers) Rules, 2020 to complete the same by 31st December, 2022. KSEB Ltd has also suggested a proposal, to form a company level Consumer Grievance Redressal Forum (CGRF) as an in-house appellate body for the three prevailing CGRF with one Chief Engineer as its head.

The Electricity (Rights of Consumers) Rules, 2020, provides for the establishment of CGRF with the representatives of Consumer/ Prosumer also. Hence, it is proposed to revise the structure of the CGRF with 4 Members including the Chairperson, in the place of the 3 Member fora functioning now. Further, the existing regulations provide for the establishment of CGRF within a distance of 200 km. In view

of the provisions in the Electricity (Right of Consumers) Rules, 2020, it is proposed to establish CGRF within a distance of 100 km and also the CGRF having jurisdiction on multiple districts to conduct sitting in all the districts under its jurisdiction. It is also proposed to specify the qualifications and selection process of the Members of the CGRF and Electricity Ombudsman.

The draft regulation includes a chapter, detailing the structure and process of establishing IGRC for the licensee (KSEBL), at the sub division, circle and corporate level, enabling the consumers to get their complaints resolved in a time bound manner, within the licensee itself.

Further a chapter is included in the draft for the establishment of a Consumer Advocacy Cell under the Commission, for creating awareness among the consumers about the power sector and to ensure the participation of the consumers with proposals, suggestion and comments during the framing of regulations and determination of tariff by the Commission.

These draft regulations are prepared, for incorporating the above objectives.