

ANNEXURE - I

List of stakeholders who have responded
in writing to the KERC (Consumer Grievance Redressal Forum and Ombudsman)
Regulations 2004

No.	Name of the person/Organisation
1	Public Affairs Centre, Bangalore
2	Karnataka Power Corporation Limited, Bangalore
3	Central Electricity Authority, GOI, New Delhi
4	Mangalore Electricity Supply Company, Mangalore
5	Bangalore Electricity Supply Company, Bangalore
6	Hubli Electricity Supply Company, Hubli
7	Bantwal Taluk Vidyut Balakedarara Hithrakshana Samithi, Bantwal
8	Government of Karnataka, Bangalore
9	Karnataka State Federation of Consumer Organisations, Mysore
10	Bharatiya Kissan Sangha, Puttur
11	KIADB Industrial Area Manufacturers' Association, Mysore
12	Consumer Care Society, Bangalore
13	Bhoruka Power Corporation Limited, Bangalore
14	Balakedarara Hitharakshana Vedike, Puttur
15	Consumer Education Research Society, Ahmedabad
16	Central Power Research Institute, Bangalore
17	Balakedarara Hithrakshaka Sangha, Sirsi
18	Prayas Energy Group, Pune
19	Mysore Grahakara Parishat
20	Karnataka Licensed Electrical Contractors Association, Bangalore
21	Tata Energy Research Institute, New Delhi
22	Karnataka Electricity Board Engineers' Association, Bangalore
23	Karnataka Power Transmission Corporation Limited, Bangalore
24	Mrs.G.Sumithra, Bangalore
25	Shri.T.R.Satish Chandran, Bangalore
26	Shri.Raghavendra Raju, Bangalore
27	Shri.T.L.Sankar, ASCI, Hyderabad
28	Shri.D.S.Bhat, Bantwal
29	Shri.M.G.Prabhakar

List of participants in the meeting held on 6th February 2004, organised by the Office of Consumer Advocacy, KERC

1	G.G.Hegde Kadekodi, Balakedarara Hithrakshaka Sangha, Sirsi
2	Shivanand Jenny, Consumers' Forum, Sagar
3	M.I.Balabatti, Electricity Consumers Association, Bagalkot
4	S.Krishnamurthy, Ahkila Bharatiya Grahak Panchayat, Bangalore
5	Y.V.Ashwathnarayana, Consumer Care Society, Bangalore
6	K.M.S.Chandrashekariah, Consumers' Forum, Shimoga
7	B.V.Gopalakrishna, Consumers' Forum, Shimoga
8	G.C.Byyareddy, Karnataka Prantha Raitha Sangha, Bangalore
9	S.Munegowda, Member KERC Advisory Committee
10	Raghavendra Raju, Member KERC Advisory Committee
11	C.R.Aswathanarayana, Karnataka State Federation of Consumer Organisations
12	V.K.Somasekhar, Grahak Shakti, Bangalore
13	K.N.Venkatgirirao, Member, KERC Advisory Committee
14	M.M.Jayaswamy, Consumers' Forum, Shiralakoppa

REGULATIONS RELATING TO CONSUMER GRIEVANCE REDRESSAL FORUM AND OMBUDSMAN

KARNATAKA ELECTRICITY REGULATORY COMMISSION
BANGALORE - 560 001

Notification No.D/02/03 dated 12.05.2004
(Notified in Karnataka Gazette on 10.06.2004, page nos.1037 - 1044)

In exercise of powers conferred on the Commission by Section 181 read with sub-section (5), (6) and (7) of Section 42 of the Electricity Act, 2003 (Act No.36 of 2003) and all powers enabling the Commission in that behalf the Karnataka Electricity Regulatory Commission hereby makes the following Regulations, namely

PART - I

Karnataka Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004

1. Short title, Commencement and Application

- (a) These Regulations may be called the Karnataka Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004
- (b) These Regulations shall be applicable to all Distribution Licensees in the state of Karnataka
- (c) They shall come into force from such date as may be notified by the Commission in the Gazette.

2. Definitions

In these regulations, unless the context otherwise requires:

- (a) 'Act' means the Electricity Act 2003
- (b) 'Appointed date' means 10th June 2003
- (c) 'Area of Supply' means the area within which a distribution licensee is authorized by license to supply electricity
- (d) 'Chairperson' means the Chairperson of the Forum
- (e) 'Commission' means the Karnataka Electricity Regulatory Commission
- (f) 'Complainant' means:
 - (i) a consumer of electricity supplied by the licensee
 - (ii) any consumer association registered under the Companies Act, 1956 or under the Societies Registration Act or any other law for the time being in force and authorized by the Complainant

- (iii) a representative duly authorised by the Complainant in writing supported by an affidavit.
- (g) 'Complaint' means any grievance made by a consumer with regard to supply of electricity by the licensee, provided that grievance falling within the purview of any of the following provisions of the Act are excluded from the jurisdiction of the Forum:
 - (1) unauthorised use of electricity as provided under section 126 of the Act
 - (2) offences and penalties as provided under section 135 to 139 of the Act
 - (3) accident in the distribution, supply or use of electricity as provided under section 161 of the Act, and
- (h) 'Consumer' means any person who is supplied with electricity for his own use by a licensee under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee.
- (i) 'Forum' means 'Forum for redressal of grievances of Complainants' established by each distribution licensee
- (j) 'Licensee' means a person who has been granted a distribution license under Section 14 of the Act
- (k) 'Ombudsman' means the authority appointed or designated by the Commission

Unless the context otherwise requires, words or expressions found in these Regulations, not defined above, shall have the same meaning as in the Electricity Act, 2003, or in the Karnataka Electricity Reforms Act, 1999. In case of any inconsistency the Electricity Act 2003 shall prevail.

3. Establishment, Composition of the Forum and terms and conditions

- 3.1. Every Distribution Licensee shall establish a Forum to be called as 'Consumer Grievance Redressal Forum' (referred to as Forum in this regulation) in the manner specified by these Regulations having jurisdiction over its area of supply
- 3.2. The Forum shall consist of the following members appointed by the licensee.

- a. The Chairperson shall be a person of ability, integrity and standing who has adequate knowledge of, and have shown capacity in dealing with problems of electrical engineering in power sector, finance law, administration.
 - b. One member shall be an employee of the Distribution Licensee, not below the rank of Superintending Engineer. He shall cease to be a member of the Forum on his superannuation.
 - c. One member shall be a representative of a registered voluntary consumer protection organization of the area working for at least five (5) years on matters concerning Complainant grievances.
 - d. The Chairman and members of the Forum shall have working knowledge of Kannada.
- 3.3. Every Member of the Forum shall hold office for a maximum period of THREE years and is not eligible for reappointment.
- 3.4 The Members shall serve part-time for the hearing and disposal of the Appeals filed before the Forum.
- 3.5 Members shall be paid such remuneration for their services as may be specified in the notification relating to their appointment issued by the Licensee.
- 3.6. No person shall be appointed and/or be entitled to continue as a member if he stands disqualified on account of his:
- (i) having been adjudged an insolvent
 - (ii) having been convicted of an offence involving moral turpitude
 - (iii) having become physically or mentally or otherwise incapable of acting as such member
 - (iv) having acquired such financial or other interest as is likely to affect prejudicially his function as a member
 - (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
- 3.7. An existing member shall be liable to be removed from his office forthwith in the event of any of the disqualifications provided above arising or being discovered

Provided that no member shall be removed from his office on any ground specified in the aforesaid clauses (iv), (v) and (vi) of Regulation 3.6 unless the licensee has, on an inquiry held by it, conclude that such member on such ground or grounds be removed.

4 Jurisdiction of the Forum

- 4.1. The head quarters of the Forum shall be as specified by the Licensee.
- 4.2. The Forum shall have sittings at the head quarters and/ or at any other place in the licensees' area as may be decided by the Chairperson depending upon the number of grievances and area of operation.
- 4.3. The Forum shall meet at least once in a fortnight.

5. The Licensee's obligations.

- 5.1. The Licensee shall notify details such as Names of the Forum Members, its officials, their address, telephone numbers etc. often in the media.
- 5.2. The Licensee shall make available copies of the procedure for lodging complaints to the Complainants free of cost
- 5.3. The bills issued by the Licensee to the consumers shall contain the address of the Consumer Grievance Redressal Forum. The statement 'Complainants whose grievance is not redressed by the official of the Licensee may approach the Consumer Grievance Redressal Forum, and Ombudsman thereafter' shall be printed on the Bills.
- 5.4. The Licensee shall necessarily obtain a Post Box Number to facilitate easy registration of grievances by Complainants.

6. Procedure for Grievance Redressal and lodging complaints

- 6.1. In the event of a complaint not being redressed satisfactorily as provided in the Complaints Handling and Redressal Standards Relating to Distribution and Supply (Standards of Performance) of Power issued by the Commission, shall submit his grievance to the Forum not later than ONE (1) month from the date of lodging of the grievance with the licensee.
- 6.2. Every grievance lodged with the Forum shall be in writing and shall be in **Form A** enclosed to this Regulation.

- 6.3. The Forum, if necessary, may call for any other additional information/documents from the complainant and or licensee so as to enable early disposal of the complaint.
- 6.4. The Forum can pass such interim orders, pending final disposal of the case, as may appear to it to be necessary and just in the interest of justice.
- 6.5. Subject to the foregoing provisions and the need to observe the rules of natural justice the Forum may specify its own procedures.

7. Procedure on admission of complaint

- 7.1. A copy of the complaint shall be forwarded by the Forum to the licensee within three working days so as to facilitate for the response of the licensee to the grievance.
- 7.2. The Licensee shall furnish Para-wise comments on the grievance within fifteen (15) days of intimation from the Forum, failing which the Forum shall proceed on the basis of the material available on record.
- 7.3. The Forum shall notify in writing the parties of the date of hearing of the grievance, giving sufficient advance notice.
- 7.4. Upon admission of the complaint, the Forum shall cause a notice of hearing after the registration of the complaint, and pass orders within a maximum period of SIXTY days from the date of admission.
- 7.5. If the event of default in appearance of the parties the Forum shall pass an order on the basis of the material available on record.
- 7.6. The Forum shall be entitled to call for any information, call for any particulars or take evidence either oral or documentary from the Licensee or the Consumer.
- 7.7. The decision of the forum shall be recorded in writing and communicated to the complainant and the licensee for compliance.

8. Proceedings of the Forum

- 8.1. The Proceedings of the Forum shall be conducted in public.
- 8.2. The Proceeding of the Forum shall be conducted by the Chairperson of the Forum in the presence of the members, the Quorum being Two. In the absence of the Chairperson for any reason the member representing the Licensee shall preside over the Forum

- 8.3. Every order made by the Forum shall be signed by its Chairperson and the Members conducting the proceeding. Provided that in case of difference of opinion among the members on any point or points, the decision of the majority shall prevail.

9. Findings of the Forum

- 9.1. If after the completion of the proceedings, the Forum is satisfied that any of the allegations contained in the complaint is true, it shall issue an order to the licensee directing it:
- (a) redress the grievance of the complainant, and
 - (b) to pay such amount as may be awarded as costs to the consumer.
- 9.2. A certified copy of every order rendered by the Forum shall be delivered to the parties
- 9.3. Any Complainant aggrieved by the order made by the Forum may make a representation against such order to the 'Ombudsman', within a period of **THIRTY days from the date of receipt of the order**

10. Monitoring by the Forum

- 10.1. The Forum shall maintain a record of Complainant grievances reported to it and the results thereof.
- 10.2. The Forum shall furnish a quarterly report on the number of complaints received, redressed and pending, to the Licensee within one month of the end of the quarter. A copy of the report shall be forwarded to the Ombudsman and the Commission.
- 10.3. The Commission may publish the report in such form and manner as it may deem fit.

14. Powers to remove difficulties

- 14.1. If any difficulty arises in giving effect to any of the provisions of these Regulations, on being brought to the notice of the Commission, the Commission may, by general or special order, direct the Licensee or the Forum to take suitable action that appears to it to be necessary or expedient for the purpose of removing the difficulties not being inconsistent with the provisions of the Act.

PART - II

Provisions relating to Ombudsman

15. Establishment of the Office of Ombudsman.

The Commission shall establish an authority to be called as Ombudsman for the whole of the State of Karnataka in the manner prescribed under these Regulations.

16. Qualification, term and jurisdiction

- 16.1. The Ombudsman shall be a person of ability, integrity and standing who has adequate knowledge of, and have shown capacity in dealing with problems of electrical engineering in power sector, finance, law, and administration, and having working knowledge of Kannada
- 16.2. The appointment or designation of the person(s) as the Ombudsman shall be made for a period not exceeding three (3) years. Provided that the tenure of the Ombudsman may be extended by the Commission for a further period not exceeding two (2) years subject to an overall age limit of Sixty five (65) years
- 16.3. The jurisdiction of the Ombudsman shall extend to the whole of the State of Karnataka

17. Location of Office

The Head Quarters of the Ombudsman shall be Bangalore.

18. Remuneration

The remuneration and other allowances payable to the Ombudsman will be determined by the Commission from time to time and shall be paid out of the fund constituted under Section 103 of the Act. Provided however, till the time such Fund is constituted the remuneration and other allowances payable to the Ombudsman shall be borne by the Commission

19. Secretariat

- 19.1. The Ombudsman shall be provided with a secretariat.
- 19.2. The expenses of such secretariat shall be paid out of the Fund constituted under Section 103 of the Act. Provided however, till the time such Fund is constituted the expenses of the secretariat shall be borne by the Commission.

20. Powers and Duties of the Ombudsman

The ombudsman shall have the following powers and duties:

- (1) to receive the representations against the order of the Forum and consider such representation and facilitate their satisfaction or settlement by agreement through conciliation and mediation between the licensee and Complainant or by passing an award in accordance with these Regulations
- (2) to exercise general powers of superintendence and control over his office and shall be responsible for the conduct of business thereat
- (3) to incur expenditure on behalf of the office, provided however, in order to exercise such power, the ombudsman will draw up an annual budget for his office in consultation of the Commission and shall exercise the powers of expenditure within the approved budget

20. Removal of Ombudsman

No person shall be appointed and/or be entitled to continue as Ombudsman if he stands disqualified on account of his:

- (i) having been adjudged an insolvent
- (ii) having been convicted of an offence involving moral turpitude
- (iii) having become physically or mentally or otherwise incapable of acting as such member
- (iv) having acquired such financial or other interest as is likely to affect prejudicially his function as a 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

21. Procedure for Redressal of Grievance

21.1. The Ombudsman shall settle the complaint of the Complainant within such time and in such manner as specified in the following Regulations.

21.2. 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 Ombudsman exercising jurisdiction over the licensee within Thirty (30) days from the date of the receipt of the order of the Forum.

Provided that the Ombudsman may entertain a representation after the expiry of the said period of Thirty (30) days if he is satisfied that there was sufficient cause for not filing it within the said period.

21.3. The complaint shall be in writing duly signed by the complainant in a form specified in **Form B** of the Regulation.

22. Maintainability of the Complaint:

22.1. No representation to the ombudsman shall lie:

- (a) unless the Complainant had made a written representation in the prescribed form, to the Forum
- (b) 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.
- (c) 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 Ombudsman in any previous proceedings
- (d) 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.??

22.2. The Ombudsman may reject the representation at any stage if it appears to him that the representation is:

- (i) frivolous, vexatious, malafide
- (ii) without any sufficient cause
- (iii) not being pursued by the Complainant with reasonable diligence
- (iv) there is no prima facie loss or damage or inconvenience caused to the Complainant

22.3. The Ombudsman shall complete the enquiry as expeditiously as possible and every endeavor shall be made to pass appropriate order on the representation within a period of TWO (2) months from the date of receipt of the representation by the Ombudsman. Provided that in the event of the representation being disposed of after the completion of the said period of two (2) months, the Ombudsman shall record, in writing, the reasons for the same.

- 22.4. The Ombudsman shall be guided by such factors which in the opinion of the Ombudsman are necessary in the interest of justice and shall ensure transparency while exercising its powers and discharging its functions.
- 22.5. Subject to the foregoing provisions and the need to observe the rules of natural justice the Ombudsman may specify its own procedures.
- 22.6. Every order made by the Ombudsman shall be a speaking order.
- 22.7. A copy of the order shall be sent to the Complainant and the Licensee
- 22.8. The Distribution Licensee shall, comply with the orders of the Ombudsman

23. Power to call for information

- 23.1 For the purpose of carrying out his duties. the Ombudsman may require the licensee named in the complaint or any of his officers to furnish certified copies of any document relating to the subject matter of the complaint 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 unfavourable to the licensee and proceed to settle the case on the basis of material available on record

- 23.2 The Electricity Ombudsman shall maintain confidentiality of any information or document coming into his knowledge or possession in the course of discharging his duties and shall not disclose such information or document to any person except with the consent of the person 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 complaint 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

24. Power 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, take such action which appears to it be necessary or expedient for the purpose of removing the difficulties not being inconsistent with the provisions of the Act.

25. **Furnishing Reports**

The Forum and Ombudsman shall furnish to the Commission, within fifteen days at the end of every quarter of the year, the information with respect to the complaints received and disposed off by it in the form prescribed by the Commission. Thereafter, the Commission shall arrange for publication of the information in such form and in such manner, as it considers appropriate.

26. Licensee to give publicity

The Licensee shall ensure that copies of these Regulations are made available to the consumers on payment of a sum which shall not be more than the cost of printing or taking photocopies.

By the Order of the Commission
Secretary

Annexure:

Form A - Format for filing complaint with the Forum

Form B- Format for filing complaint with the Ombudsman

FORM A
APPLICATION FOR FILING COMPLAINT
WITH THE CONSUMER GRIEVANCE REDRESSAL FORUM
[See Regulation 6.2.]

Name of the complainant:

Full address of the complainant:

RR Number

Name of the Licensee

Details of complaint/grievance

Details of intimation of grievance by the consumer to the Licensee

Whether any reply has been received from the Licensee

(If yes, a copy of the reply to be attached)

Nature of relief sought

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.
- (a) I/We have not concealed or misrepresented any fact stated in aforesaid columns 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.

ACCEPTED

(Signature of Representative)

Signature of Consumer

FORM - B
APPLICATION FOR FILING COMPLAINT WITH THE OMBUDSMAN
[See Regulation 21.3]

The Ombudsman

.....
Sir,

Sub: Representation

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:

Name of the complainant:

Full address of the complainant:

Details of complaint submitted to the Consumer Grievance Redressal Authority/Forum

(A copy of the complaint and the Order should be attached)

Details of the complaint

Whether any reply has been received from the ESCOM?

(If yes, a copy of the reply to be attached)

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

The complaint is filed before the expiry of one year reckoned in accordance with the provisions of Clause 11.3 (a) and (b) of the Ombudsman Regulation

The undersigned or any of us or by any of the parties concerned has not brought the subject matter of the present complaint before the Ombudsman to the best of my knowledge and belief

The subject matter of the present complaint is not in respect of the same, which was settled through the Ombudsman in any previous proceedings

The subject matter of the present complaint has not been decided by any forum/court/arbitrator/any other authority

Yours Sincerely

(Name and Signature of the Complainant)

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.

Accepted

Signature of representative

Signature of complainant