

Haryana Electricity Regulatory Commission

Notification

The 29th July, 2016

Regulation No. HERC/37/2016.-In exercise of the powers conferred on it by Section 181 read with sub-sections (5) to (8) of Section 42 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, the Haryana Electricity Regulatory Commission hereby makes the following Regulations.

CHAPTER 1: SHORT TITLE, COMMENCEMENT, DEFINITIONS AND INTERPRETATIONS

Short Title and Commencement

- 1.1 These Regulations may be called the Haryana Electricity Regulatory Commission (Guidelines for establishment of Forum for Redressal of Grievances of the Consumers, Electricity Ombudsman and Consumer Advocacy) Regulations, 2016.
- 1.2 These Regulations shall be applicable to all the Distribution & Retail Supply licensees in the State of Haryana in their respective licensed areas.
- 1.3 These Regulations shall come into force from the date of their notification in the Official Gazette of Haryana.
- 1.4 These Regulations shall be construed harmoniously with the standards of performance of the distribution licensees and the Electricity Supply Code specified by the Commission under the provisions of Clauses (x) and (za) of sub-section (2) of Section 181 of the Act. In case of any inconsistency with these Regulations, the standards of performance of the distribution licensees and the Electricity Supply Code shall prevail.
- 1.5 The Punjab General Clauses Act, 1898 (1 of 1898), as applicable to the State of Haryana shall apply to the interpretation of these Regulations.

Definitions

- 1.6 In these Regulations, unless the context otherwise requires:
 - a) "**Act**" means the Electricity Act, 2003 (No. 36 of 2003) and its amendments;
 - b) "**Applicable legal framework**" means the provision of the Haryana Electricity Reform Act, 1997 (10 of 1998) to the extent not inconsistent with the provisions of the Electricity Act, 2003 (36 of 2003) read with applicable provisions of the Electricity Act, 2003;

- c) **“Area of Supply”** means the area within which a distribution Licensee is permitted by his Licence to supply electricity;
- d) **“Chairperson”** means the Chairperson of the Forum;
- e) **“Member”** means the member of the Forum and includes the Chairperson of the Forum;
- f) **“Nodal Officer”** means the convener designate by the Distribution Licensee who would coordinate with the Forum/Ombudsman/Commission;
- g) **“Commission”** means the Haryana Electricity Regulatory Commission;
- h) **“State Government”** means the State Government of Haryana;
- i) **“Complainant”** means and includes the following who have a grievance as defined in these Regulations:
 - (i) A consumer as defined under Clause (15) of Section 2 of the Act;

Provided that a member of the Group Housing Society having ‘Single Point Connection’ from the licensee” is also a deemed consumer for the purpose of this Regulation
 - (ii) A disconnected Consumer
 - (iii) An applicant for a new electricity connection/modification in existing connection;
 - (iv) Any registered consumer association having ‘Single Point Connection’;
 - (v) Any unregistered association or group of consumers, where the consumers have common or similar interests; and
 - (vi) In the case of the death of a consumer, his legal heir(s) or representative(s).
- j) **"Electricity Ombudsman"** means an authority appointed or designated by the Commission, under sub-section (6) of Section 42 of the Act.
- k) **“Electricity Service”** means the electricity supply, metering, billing, maintenance of distribution system and all other attendant sub services etc.;
- l) **“Grievance”** means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a distribution licensee in pursuance of a licence, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of distribution licensees as specified

by the Commission and includes billing disputes of any nature and matters related to safety of the distribution system having potential of endangering of life or property.

- m) **“Forum”** means the Forum for redressal of grievances of the consumers required to be established by distribution licensees, pursuant to sub-section (5) of Section 42 of the Act and these Regulations.
- n) **“Form”** means form appended to these regulations;
- o) **“Licensee”** means a Distribution & Retail Supply licensee and shall include (1) Dakshin Haryana Bijli Vitran Nigam Ltd and (2) Uttar Haryana Bijli Vitran Nigam Ltd.
- p) **“Representation”** shall mean the representation made to the Ombudsman by the complainant in person or on behalf of such a complainant who is aggrieved by the outcome of the Forum’s proceedings in respect of his/her grievance (including not issuing the order within the specified time-limit, dissatisfaction with the order issued, partial or full dismissal of the grievance).

Note: - Any reference to Regulations without any qualification shall be construed as reference to these Regulations.

Interpretations

- 1.7 In interpretation of these Regulations, unless the context otherwise requires:
- (1) 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;
 - (2) References to any statutes, regulations or guidelines shall be construed as including all their amendments as affected from time to time and statutory re-enactments thereof;
 - (3) 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.
 - (4) Words and expressions used and not defined in these Regulations but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER 2: CONSUMER GRIEVANCES REDRESSAL FORUM (CGRF)

Number, Locations and Sittings

- 2.1 In terms of subsection (5) of Section 42 of the Act, every distribution licensee shall, within six months from the appointed date or date of grant of license, whichever is earlier, establish one or more forum(s) for redressal of grievances of Consumers in accordance with these regulations.
- 2.2 The number of forums, their locations and areas of jurisdiction may be decided by the licensee.
- 2.3 While deciding the number of Forums, the licensee shall ensure that adequate 'number of Forums' are established such that Members of a Forum are able to conduct at least one sitting each week and all grievances are redressed within the time-limit specified under these Regulations. The Forum shall ensure that it considers all matters especially with respect to grievances related to non-supply, connection and disconnection even if it receives them through letters. The Forum shall also decide the location for the hearings when there is a single Forum for two or more revenue Districts. This shall ensure the timely settlement of the grievances related to non-supply, connection and disconnection.
- 2.4 In order to ensure that all grievances are disposed of within the specified time limit, the Commission may, from time to time, require the licensee to increase the number of Forums.

Appointment and Removal of Members

- 2.5 Each forum shall consist of one Chairperson and two Members. The Chairperson would be a technical person, one Member would be a person from finance/accounts, and another would be an independent Member. The Chairperson and Member shall be appointed by the licensee while the independent Member shall be appointed by the Commission.
- 2.6 The Licensee shall provide details regarding appointment of the Chairperson and Members to the Commission within one week of appointing them.
- 2.7 The Chairperson/ Members shall be a person of ability, integrity and standing and has to be selected meeting the following criteria:
 - (a) Chairperson: The person shall be an officer of the licensee possessing a degree in Electrical/Mechanical Engineering with Ist Division and having at least 15 years experience in distribution and is of the rank of at least Superintending Engineer and above.

- (b) Member: The person shall be an officer of the licensee possessing post Graduate degree with Ist Division in Commerce/Chartered Accountant/ICWA/MBA (Finance)/LL.B. with at least 15 years of experience in licensee's Accounts or Finance or Audit Wing or Legal Wing and holding a post equivalent to Superintending Engineer.
- (c) Independent Member: The person shall be a person of ability, integrity and standing with degree in Law with first Division or LLB (Hons) with 2nd Division, Income Tax payer for last five years and having 7 years Advocate experience out of which adequate number of cases that prove his knowledge of 'Advocacy of Electricity matters/Consumer Affairs". The condition of 'First Division' can be relaxed for candidates having 20 years' or more experience. In addition, he should have studied upto 10+2 level any of the subjects out of Commerce/Economics/Science.

Or

The person shall be a person of ability, integrity and standing having graduated with Ist Division and a representative of a registered society/NGO/consumer organization having one of the objectives as consumer protection with atleast 10 years of standing or alternatively the representing member should have 15 years experience in consumer related matters. In addition, he should have studied upto 10+2 level any of the subjects out of Commerce/ Economics/Science.

Provided that, a person applying for the post of Independent Member of the Forum shall not have been in the employment in any capacity under, or agency of, the Distribution Licensee for a minimum period of three years prior to being appointed Independent Member of the Forum.

- 2.8 The Independent Member shall be selected through proper advertisement in the press and website by the Commission. The age of the person to be considered for appointment shall not be more than 62 years. Their tenure of three years, which may be extended by the Commission, for a further period not exceeding one year. Provided that he shall not hold office after he has attained the age of sixty five years.

Undertaking: The person appointed as Independent Member shall furnish an undertaking before joining to the effect that:-

- (i) No criminal case is pending against him;
- (ii) No charge sheet has been filed against him in any competent court relating to any crime.
- (iii) He has not been convicted for any such offence by any competent court.

Medical Examination: The selected person shall have to get his Medical Examination conducted from Civil Surgeon concerned before joining the duties.

- 2.9 The Chairperson/Member of the forum to be appointed by the Licensee, shall hold office for a fixed term of three years which may be extended for a further period not exceeding one year. Provided that he shall not hold office after he has attained the age of superannuation.
- 2.10 The Chairperson and Member should be selected by the Licensee by inviting applications through an internal circular and on its website.
- 2.11 A selection committee headed by Managing Director, Distribution Company and its two Directors shall select the person.
- 2.12 No person shall be eligible for re-appointment as Chairperson or Member.
- 2.13 All three members shall work full-time.
- 2.14 No person shall be appointed and/or be entitled to continue as a Chairperson/ Member if he/ she stands disqualified on account of his/ her:
 - a) Having been adjudged an insolvent;
 - b) Having been convicted of an offence which, in the opinion of the licensee, involves moral turpitude;
 - c) Having become physically or mentally incapable of acting as such a member;
 - d) Having acquired such financial or other interest as is likely to affect prejudicially his/ her functions as a member;
 - e) Having so abused his/ her position as to render his/ her continuance in office prejudicial to public interest; or
 - f) Having been guilty of proven misbehavior.
 - g) Having joined or accepted any other gainful post/position.
- 2.15 An existing Chairperson/ Member shall be liable to be removed from his office forthwith on account of any of the aforesaid disqualifications arising or being discovered.

Provided that no Chairperson/ Member shall be removed from his/ her office on any ground specified in the aforesaid sub-clauses unless the licensee has held an independent inquiry.

- 2.16 The licensee/ Commission on their respective part shall ensure that no post of a Chairperson/ Member in the Forum remains vacant for a period exceeding thirty days.
- 2.17 The appropriate authority shall, within one month from the date of occurrence of any vacancy by reason of death, resignation or removal of the Chairperson or a Member and six months before the superannuation or end of the tenure of the Chairperson or Member, initiate the action for filling up of the vacancy.

Remuneration and other expenses

- 2.18 The terms and conditions of service of a Chairperson/ Member of the forum, who is in the employment of the licensee, shall be governed by the terms and conditions of his/her employment with such a licensee. Thus, the Chairperson/ Member shall continue to draw the same salary as he/ she is entitled to as a regular employee of the licensee.
- 2.19 The remuneration of the Independent Member shall be as decided by the Commission before advertisement of the post and shall be increased at the rate of 10% per annum during the tenure.
- 2.20 The office space, secretarial support, and other facilities required for smooth functioning of the Forum shall be provided by the licensee.
- 2.21 The licensee shall meet all the costs and expenses of the forum including the cost of establishment and staff required to assist the Forum in the discharge of its functions under these Regulations. The expenditure on the Forum(s) will be considered in the revenue requirement of the licensee and will be allowed as a pass-through expense.

Procedural matters

- 2.22 The quorum for any meeting or proceedings of the forum shall be two and each member shall have one vote. In case of equality of votes on any issue, the Chairperson, or in his absence the person presiding, shall have second or casting vote. Provided further that the critical issues may be dealt by the Forum with all Members present.
- 2.23 The Chairperson shall have the general powers of superintendence and control over the Forum.
- 2.24 All decisions of the Forum shall, as far as possible, be unanimous or on the basis of decision taken by the majority of Members present.
- 2.25 No act or proceeding 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.

- 2.26 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.
- 2.27 The licensee shall from time to time give due publicity about the Forum and its charter through advertisement in widely circulated local newspapers and in such other manner as it considers appropriate and as the Commission may direct, from time to time. The names of the Chairperson/ Members of the Forum, their addresses and phone numbers shall be displayed prominently at all the offices of the licensee which has interface with consumers and shall also be duly published on the electricity bills of the consumers.

Reporting Requirements

- 2.28 The Forum shall submit a quarterly report on disposal of grievances to the licensee, the Commission, and Ombudsman. The report shall be submitted within 15 days of the close of the quarter to which it relates.

The report shall be followed with a meeting between the Ombudsman and the Forum, within ten days of the submission of the report, on a date to be decided by the Ombudsman.

- 2.29 The quarterly report shall be submitted in accordance with the format as specified in Annexure-6.
- 2.30 The Forum shall also furnish a yearly report containing a general review of the activities of the Forum during the financial year to the licensee, Commission and Ombudsman. The report should be submitted within 45 days of the close of the financial year to which it relates.
- 2.31 The Forum shall attend the half-yearly meeting between the Commission and the Ombudsman, to be held within twenty days of the quarterly meeting between the Ombudsman and the Forum, on a date to be decided by the Commission. Provided further that the Forum shall put the grievance related information in the public domain from time to time if so desired by the Commission to monitor the functioning of CGRF.

Presence of grievance handling mechanisms preceding the Forum

- 2.32 For expeditious resolution of the complaints of a Complainant, any mechanism existing within the licensee, other than the Forum established under these Regulations, may be retained. The creation of the Forum shall not debar a Complainant from settling his/ her complaints through such

internal mechanisms.

Provided that the Complainant shall have the right to approach the Forum directly in respect of matters falling under the jurisdiction of the Forum.

Classification of grievances

2.33 As far as is possible and practical, the grievance shall be prioritized for redressal based on the following priority order:-

- a) Non-Supply
- b) Connection – Release of new Connection or modification in existing connection
- c) Disconnection of supply/ Re-connection of supply after Disconnection
- d) Meter related issues
- e) Billing and related issues
- f) Other issues

Provided that it should be ensured that all grievances are disposed of within the time limit specified under these Regulations.

Process for submission of grievance

2.34 The Complainant can submit his/ her grievance to the appropriate Forum under whose jurisdiction his/ her connection exists or a connection has been applied for. The Complainant can also submit his/ her grievance at the nearest complaint-receiving centre, already established by the licensee. The grievance may be submitted either in person or through post, or email or fax.

2.35 All complaint-receiving centers shall accept the grievances from Complainants falling within the jurisdiction of the Forum. The grievance so received along with other supporting documents shall be forwarded to the Forum within the next two working days.

2.36 The grievance shall be submitted as per the format specified in Annexure-1 and Annexure-2 respectively for Dakshin Haryana Bijli Vitran Nigam Ltd and Uttar Haryana Bijli Vitran Nigam Ltd. The Complainant can nominate any person (not necessarily to be an Advocate) to present his case on the prescribed format which is at Annexure-3. Nomination can be filed at any time before or on the date of hearing.

Provided that the Forum shall take cognizance of any grievance submitted based on the merit of the case and will not reject any grievance for the sole reason of it not having been submitted in the format specified.

2.37 The Complainant shall be issued acknowledgement of the receipt of grievance by the complaint-receiving centre. In case of submission of the grievance in person, the acknowledgment shall be issued immediately. In case of receipt of

grievance by post, email or fax, the acknowledgement shall be despatched latest by the next working day. In case of issuance of acknowledgment by a complaint-receiving centre, the contact details of the relevant Forum shall also be issued along with the acknowledgement.

Limitations/ pre-conditions for submission of grievance

2.38 On receipt of a complaint, the Forum may by order allow the complaint to be proceeded with or rejected:

Provided that the complainant shall be informed in writing giving reasons if the complaint is rejected.

Provided further that a complaint shall not be rejected unless an opportunity of being heard has been given to the complaint.

Provided further that the admissibility of the complaint shall ordinarily be decided within fifteen days from the date on which the complaint was received.

2.39 The Forum may reject the grievance at any stage under the following circumstances:

a) In cases where proceedings in respect of the same matter and between the same Complainant and the Licensee are pending before any court, tribunal, 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;

b) In cases which fall under Sections 126, 127, 135 to 139, 152, and 161 of the Act;

c) In cases where the grievance has been submitted one year after the date on which the cause of action has arisen; and

d) In the case of grievances which are:

(i) frivolous, vexatious, malafide;

(ii) without any sufficient cause; or

(iii) where there is no prima facie loss or damage or inconvenience caused to the Complainant or the consumers who are represented by an association or group of consumers.

Provided that no grievance shall be rejected unless the Complainant has been given an opportunity of being heard.

e) The grievance pertaining to other Forum of Haryana shall be sent to the Appropriate Forum under intimation to the complainant.

2.40 Where a complaint is allowed to be proceeded with, under Regulation 2.35, the Forum may proceed with the complaint in the manner provided under these regulations.

Process

2.41 The Forum shall forward a copy of the grievance to the concerned officer of the licensee or the employee/employees/department named in the grievance (“respondent party”).

2.42 The respondent party shall, if possible resolve the grievance to the extent it can and then furnish ‘Action Taken Report’ and/or paragraph-wise comments to the Forum on the grievance within five days (grievance related to non-supply, connection or disconnection of supply) or 15 days (all other grievances) of the receipt of the grievance copy, failing which the Forum shall proceed on the basis of the material available on record.

2.43 The Forum may call for any record from the respondent party or from the Complainant as is relevant for examination and disposal of the grievance, and both the parties shall be under obligation to provide such information, document or record as the Forum may call for. Where a party fails to furnish such information, document or record and the Forum is satisfied that the party in possession of the record is withholding it deliberately, it may draw an inference adverse to that party.

2.44 The Forum may also direct the Licensee to undertake an inspection or engage a third party to undertake such inspection with regard to the Grievance, as may be required for expeditious redressal of the grievance. The Forum can also engage a third party (other than the licensee) at the instance and request of the Complainant, to undertake inspection and obtain an independent report. The Forum shall record the reasons for the need for such third-party inspection, which should generally be resorted to rarely and keeping in view the special circumstances of a case. The expenses of such third-party inspection, except expenses of inspection at the request of the Complainant, shall be borne by the licensee, and to the extent reasonable and justifiable. Such expenses shall be allowed as pass through expense in the determination of tariff in accordance with the relevant Regulations of the Commission. In case inspection is taken up at the request of the Complainant, the expenses shall be deposited in advance by him, which may or may not be refunded by the Forum depending on whether the grievance is found to be of substance or not.

2.45 The Forum may call the concerned officer of the Licensee for discussion in suitable cases, in order to seek redressal of the grievance filed before it. In

case the matter is settled in discussion, it may be recorded as a decision and conveyed to the Complainant and the Licensee by order of the Forum.

- 2.46 In case the Forum comes to the conclusion that the Complainant and the concerned officer of the Licensee are required to be heard for redressal of the grievance, the Forum shall call the Complainant and the concerned officer with the details of the case and documents, if any, as may be necessary.
- 2.47 A 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 not necessarily an Advocate (within the meaning of the Advocates Act, 1961) to present his/ her case before the Forum and to do all or any of the acts for the purpose.
- 2.48 Where the Complainant or the Licensee or their representative fails to appear before the Forum on the date fixed for hearing on more than two occasions, the Forum may decide the grievance ex-parte.
- 2.49 No adjournment shall ordinarily be granted by the Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum.
- 2.50 The Forum shall be guided by the principles of natural justice, and subject to the other provisions of these Regulations, the Forum shall have powers to regulate its own procedure.

Issue of Order

- 2.51 On receipt of the comments from the Licensee or otherwise and after conducting or having such inquiry or local inspection conducted as the Forum may consider necessary, and after affording reasonable opportunity of being heard to the parties, the Forum shall take a decision by a majority of votes of the members of the Forum present and in the event of equality of votes, the chairperson, or in his absence the person presiding, shall have a second or casting vote.
- 2.52 If, after the completion of the proceedings, the Forum is satisfied after voting that any of the allegations contained in the grievance are 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:
- a) Remove the cause of grievance in question;
 - b) Return to the Complainant the undue charges paid by the Complainant along with the interest. The interest rate may be fixed as the rate paid by

the State Bank of India for a fixed deposit of duration nearest to the period for which the undue charges were withheld by the licensee; and

c) Any other order deemed appropriate in the facts and circumstances of the case.

2.53 The proceedings and decisions of the Forum shall be recorded and shall be supported by reasons. Every order passed by the Forum shall be a speaking order signed by its Chairperson and the Members conducting the proceeding. Where the members differ on any point or points, the opinion of the majority shall be the Order of the Forum. The opinion of the minority shall however, be recorded and form part of the Order. Even the rejection of the complaint should be through order of the Forum.

2.54 In case of grievances related to non-supply, connection or disconnection of supply, the Forum shall pass the order within 30 days of filing of the grievance and in case of other grievances, the order shall be passed within 90 days of filing of the grievance:

Provided that each order shall specify the period in which the grievance has to be addressed by the Respondent.

Provided also that in the event of grievance being disposed of after the maximum period specified above, the Forum should record in writing, the reasons for the same at the time of disposing the said grievance and inform the Ombudsman.

2.55 The order of the Forum shall be communicated to the complainant and licensee in writing within three days of the final hearing. A certified copy of every order passed by the forum shall be delivered to the parties.

2.56 The Licensee shall comply with the order of the Forum within 21 days from the date of receipt of the order. In appropriate cases, considering the nature of the case, the Forum, upon the request of the Licensee, may extend the period for compliance of its order up to a maximum of three months. Non-compliance of the order of the Forum shall be treated as violation of the Regulations of the Commission and Distribution Utilities may be penalized in case of any deviations observed from the regulations and accordingly liable for action under Section 142 of the Act.

2.57 The concerned officer of the Licensee shall furnish a compliance report of the order of the Forum within seven days from the date of compliance, to the Forum and to the Complainant. The Forum shall keep a record of the compliance of its orders and review the same every month. In case of non-compliance of its orders, the Forum shall take up the matter with the higher authorities of the licensee for compliance. If even after that the order is not

complied with, the Forum shall inform the Commission regarding such non-compliance.

Special provisions: Interim Order and Escalation mechanism

2.58 Upon request of the Complainant, the Forum may issue such interim orders pending final disposal of the grievance as it may consider necessary.

Provided that the Forum shall have the powers to pass such an 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 and regulations made thereunder or any order of the Commission, provided that the Forum has jurisdiction on such matters.

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

2.59 A Complainant may prefer a representation before the Ombudsman appointed/ designated by the Commission under the following two circumstances:

- a) If the Complainant is aggrieved by the non-redressal of the grievance by the Forum within the period specified, and
- b) If the Complainant is aggrieved with the order passed by the Forum.

2.60 Such a representation may be made within a period of 30 days after grant of order by the Forum or expiration of 30 days after the time limit specified for issuance of the order, whichever is applicable.

2.61 The Forum may settle any grievance in terms of an agreement reached between the parties at any stage of the proceedings before it and there shall be no right of representation before the Ombudsman against such an order.

CHAPTER 3: ELECTRICITY OMBUDSMAN

Qualifications, terms of appointment and removal of Ombudsman

- 3.1. In accordance with subsection (6) of Section 42 of the Act, the Commission may, from time to time, appoint or designate a person as the Ombudsman to discharge the functions in accordance with subsection (7) of Section 42 of the Act.
- 3.2. The Commission may appoint or designate more than one Ombudsman for a licensee or a common Ombudsman or Ombudsmen for two or more licensees considering factors such as the number of representations received, disposal of representations within the specified time limit, ease of access for the consumer and the geographical area.
- 3.3. The Commission shall invite applications through public advertisement for the appointment of the Ombudsman. The Commission may form a Search Committee for recommending names for the appointment of the Ombudsman by the Commission.
- 3.4. Qualifications for the Electricity Ombudsman.
 - 3.4.1 The Electricity Ombudsman appointed/designated should be an Electrical/Mechanical Engineer with ability, integrity and standing, conversant with the working of the Power Utility/State Electricity Regulatory Commission and enjoying a high reputation and that;
 - (a) Retired District Judge; or
 - (b) Retired Secretary to the State Government with minimum 3 years experience in power sector; or
 - (c) Any person who has held the position of a member or chairperson of any statutory quasi-judicial body including CGRF(Electricity Sector) at the State level for at least three years; or
 - (d) Any person who has held the position of a Chief Engineer and above in the Power Utility of the State having 15 years experience in the Power Sector; or
 - (e) Any person who has held the position of Director or equivalent in the State Electricity Regulatory Commissions and is having 15 years of experience in the Power Sector;

Provided that the Commission may appoint any person as the Chairperson from amongst person who is or has been a District Judge of the Haryana. Provided that no appointment under this Section shall be made except after consultation with the Chairman of the Commission.

- 3.4.2 The maximum age of the person to be considered for appointment, as Electricity Ombudsman shall be not more than 62 years at the time of appointment.
- 3.4.3 The appointment of Electricity Ombudsman under this clause may be made for a period not exceeding three years subject to an age limit of 65 years.
- 3.5 The number of post of the Electricity Ombudsman, officers and staff of the office of Electricity Ombudsman, their qualifying requirements, pay scales and terms and conditions of service shall be as specified under Regulations called as the Haryana Electricity Regulatory Commission (Terms and Conditions of Service of the Electricity Ombudsman and the officers and the staff of the office of the Electricity Ombudsman) Regulations, 2004 including its amendments or its re-enactment.
- 3.6. The Commission shall have the powers to remove the Ombudsman from office only if he /she has:
- a) Been adjudged an insolvent;
 - b) Been convicted of an offence which, in the opinion of the Commission, involves moral turpitude;
 - c) Become physically or mentally incapable of acting as an Ombudsman;
 - d) Acquired such financial or other interest as is likely to affect prejudicially his/ her functions as an Ombudsman;
 - e) Abused his/ her position so as to render his/ her continuance in office prejudicial to public interest; or
 - f) Been guilty of proven misbehaviour

Provided that the Ombudsman shall not be removed from his/ her office on any ground specified in the aforesaid sub-clauses unless the Commission has, on an inquiry, concluded that the person ought, on such ground or grounds, be removed.

Undertaking: The person appointed as Ombudsman shall furnish an undertaking before joining to the effect that:-

- (i) No criminal case is pending against him;
- (ii) No charge-sheet has been filed against him in any competent court relating to any crime.
- (iii) He has not been convicted for any such offence by any competent court.

Medical Examination: The selected person shall have to get his Medical Examination conducted from Civil Surgeon, concerned before joining the duties.

Office of the Ombudsman

- 3.7 The Ombudsman's office/ offices shall be preferably located in the capital city of the state or any district headquarters as the case may be. However, the Ombudsman may hold hearings or proceedings at various places within the state in order to expedite the disposal of representations received before him/ her.
- 3.8 The post of Ombudsman shall be a full-time post.
- 3.9 The Commission shall provide the Ombudsman with a Secretariat. The staff strength of the said Secretariat and terms and conditions of appointment of the staff shall be determined by the Commission from time to time.
- 3.10. All expenses of the Ombudsman's office including that of the Secretariat shall be borne by the Commission.
- 3.11. The name, location, email address and telephone numbers of the Ombudsmen shall be widely publicized through newspapers, and displayed on the websites and the offices of the licensees and the Commission and intimated to consumers through electricity bills by the licensee. They may also be publicized through radio and television.

Reporting Requirements

- 3.12 The Ombudsman shall submit to the Commission a half-yearly report on all the representations filed before it during the period. The report should be submitted within 30 days of the close of the period to which it relates. The report shall be submitted in accordance with the format as specified in Annexure-7.

The report shall be followed with a meeting between the Ombudsman and the Commission, within thirty days of the submission of the report, on a date to be decided by the Commission. The meeting shall also be attended by the Forum.

- 3.13 The report shall cover:
- (a) Facts of the representation,
 - (b) Responses of parties in brief,
 - (c) Opinion of the Ombudsman on the compliance of standards of performance by the licensee,
 - (d) Key directions issued to licensee and/ or consumer in the order,
 - (e) Compliance of order by licensee and/ or consumer.

- 3.14 The Ombudsman shall also furnish a yearly report containing a general review of the activities of the Ombudsman's office during the financial year to the State Commission and the State Government. The report should be submitted within 45 days of the close of the financial year to which it relates.
- 3.15 The Ombudsman, as a special invitee, shall also attend each meeting of the State Advisory Committee constituted by the Commission.
- 3.16 Pre-conditions/Limitations for entertaining Complainant's representation.

The representation may be entertained by the Ombudsman only if all of the following conditions are satisfied:

- a) It has been filed by the Complainant being the aggrieved consumer or the association representing the consumers. For avoidance of doubt, a licensee is not allowed to file a representation before the Ombudsman against the order of the Forum.
- b) The Complainant had, before making a representation to the Ombudsman, approached the Forum constituted under Section 42(5) of the Electricity Act, 2003 for redressal of his/ her grievance.
- c) The representation by the Complainant, in respect of the same grievance, is not pending in any proceedings before any court, tribunal or arbitrator or any other authority; a decree or award or a final order has not been passed by any such court, tribunal, arbitrator or authority.
- d) The representation is not in respect of the same cause of action which was settled or dealt with on merits by the Ombudsman in any previous proceedings whether or not received from the same complainant or along with one or more complainants or one or more of the parties concerned with the cause of action.
- e) The Complainant is not satisfied with the redressal of his/ her grievance by the Forum or the Forum has rejected the grievance or has not passed the order within the time-limit specified.

The Complainant has filed the representation before the Ombudsman within 30 days from the date of receipt of the decision of the Forum or date of expiry of the period within which the Forum was required to take the decision, whichever is earlier.

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

- 3.17 Subject to the provisions of the Act and this Regulation, the Ombudsman's decision on whether the representation is fit and proper for being considered by it or not, shall be final.
- 3.18 The Ombudsman may reject the representation at any stage if it appears to him that the representation is:
- a) Frivolous, vexatious, malafide;
 - b) Without any sufficient cause;
 - c) There is no prima facie loss or damage or inconvenience caused to the Complainant

Provided that the decision of the Ombudsman in this regard shall be final and binding on the Complainant.

Provided further that no representation shall be rejected in respect of sub-clauses (a), (b) and (c) unless the Complainant has been given an opportunity of being heard.

Format for submission of representation

- 3.19 The Representation before the Ombudsman shall be submitted as per the format specified in Annexure-4 and the Complainant can nominate any person (not necessarily to be an Advocate) to present his case on the prescribed format Annexure 5. Nomination can be filed at any time before or on the date of hearing:

Provided that the Ombudsman shall take cognizance of any grievance submitted based on the merit of the case and will not reject any grievance for the sole reason of it not having been submitted in the format specified.

Promotion of settlement by conciliation

- 3.20 As soon as it may be practicable to do but not later than one week from the date of receipt of the representation, the Ombudsman shall serve a notice to the concerned officer of the Licensee named in the representation along with a copy of the representation and endeavour to promote a settlement of the representation by mutual agreement between the Complainant and the Licensee through conciliation or mediation.
- 3.21 For the purpose of facilitating settlement of the representation, the Ombudsman may follow such procedures, as he may consider appropriate.
- 3.22 When a representation is settled through mediation of the Ombudsman, the 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.

- 3.23. If the Complainant and the Licensee accept the recommendation of the Ombudsman, they will send a communication in writing within 15 days of the date of receipt of the recommendation. They will confirm their acceptance to the Ombudsman and state clearly that the settlement communicated is acceptable to them, in totality, in terms of the recommendations made by the Ombudsman, and are in full and final settlement of the representation.
- 3.24. The Ombudsman shall make a record of such an agreement as his/ her orders and thereafter close the case.

Hearing of representations

- 3.25. After registering the representation, the Ombudsman, within seven days of registration, shall call for records relating to the representation from the concerned Forum. The concerned Forum shall send the entire records within seven days from the date of receipt of such notice, to the office of the Ombudsman.
- 3.26. The Ombudsman may require the Licensee or any of the officials, representatives or agents of the Licensee to furnish documents, books, information, data and details as may be required to decide the representation and the Licensee shall duly comply with such requirements of the Ombudsman.
- 3.27. Where the representation is not settled by agreement within a period of 30 days from the date of receipt of the representation or such extended period the Ombudsman may deem fit duly considering the overall time limit specified, the Ombudsman may determine the manner, the place, the date and the time of the hearing of the matter as he considers appropriate.
- 3.28. The Ombudsman may hear the parties and may direct the parties to submit written statements of submissions in the matter.
- 3.29. A Complainant, Distribution Licensee or any other person who is a party to any proceedings before the Ombudsman may either appear in person or authorise any person to present his/ her case before the Ombudsman and to do all or any of the acts for the purpose.
- 3.30. Where the Complainant or the Licensee or their representative fails to appear before the Ombudsman on the date fixed for hearing on more than two occasions, the Ombudsman may decide the representation ex-parte.
- 3.31. No adjournment shall ordinarily be granted by the Ombudsman unless sufficient cause is shown and the reasons for grant of adjournment have been

recorded in writing by the Ombudsman.

Issue of Order

- 3.32. The Ombudsman shall pass a written order giving reasons for all his/her findings. The order shall state the nature of the reliefs to which the Complainant is entitled as per the order. A copy of the order shall be sent to the parties and also to the concerned Forum for information.
- 3.33. The Ombudsman shall pass an order as early as possible, but in any case, within 90 days from the date of receipt of the representation. Where there is delay in the disposal of a representation within the said period, the Ombudsman shall record the reasons for such delay.
- 3.34. The order passed by the Ombudsman shall set out:
 - a) Issue-wise decisions;
 - b) Reasons for passing the order; and
 - c) Directions, if any, to the Distribution Licensee or Complainant, or any other order, deemed appropriate in the facts and circumstances of the case.
- 3.35. The Licensee shall duly comply with and implement the decision of the Ombudsman on the representation filed by the Complainant within 15 days of the issue of the Order.
- 3.36. Non-compliance of the Ombudsman's orders shall be deemed to be a violation of these Regulations and liable for appropriate action by the Commission under the provisions of the Electricity Act, 2003.
- 3.37. No party can file an appeal before the Commission against the order passed by the Ombudsman. However, this is without prejudice to the rights of the complainant and the licensee to seek appropriate remedy against the order passed by the Ombudsman before appropriate bodies.
- 3.38. Upon request of the Complainant, the Ombudsman may issue such interim orders at any stage during the disposal of the representation as it may consider necessary.

Provided that the Ombudsman shall have the powers to pass such an interim order in any proceeding, hearing or matter before it, as it may consider appropriate if the Complainant satisfies the Ombudsman 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 and regulations made thereunder or

any order of the Commission, provided that, the Ombudsman has jurisdiction on such matters.

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

- 3.39 The Ombudsman shall be guided by the principles of natural justice, and subject to the other provisions of these regulations, the Ombudsman shall have powers to regulate its own procedure.

CHAPTER 4: CONSUMER ADVOCACY

- 4.1 A Consumer Advocacy Cell may be instituted by the Commission to provide the required legal advice, support, and assistance to Complainants for representing their case before the Ombudsman.
- 4.2 Such a Cell shall be funded by the Commission.
- 4.3 The Cell may also perform additional functions as specified below:
 - a) Half-yearly review of grievances, representations and reports submitted by the Forum and the Ombudsman in order to advise the Commission on improvements to be made in the Regulations.
 - b) Analysis of reports submitted by the licensee with regards to levels of performance achieved on performance standards specified under Section 57 of the Act.
 - c) Facilitate capacity building of consumer groups and ensure their effective representation for enhancing the efficacy of regulatory processes.

CHAPTER 5: MISCELLANEOUS

5.1 POWER TO GIVE DIRECTIONS

The Commission may from time to time issue such directions and orders as considered appropriate for implementation of these Regulations.

5.2 REMOVAL OF DIFFICULTIES

If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by an order, make such provision, not inconsistent to the provisions of the Act and these Regulations, as may appear to be necessary for removing the difficulty.

5.3 POWER TO RELAX

The Commission may by general or special order, for reasons to be recorded in writing and after giving an opportunity of hearing to the parties likely to be affected, may relax any of the provisions of these Regulations.

5.4 POWER TO AMEND

The Commission may from time to time add, vary, alter, suspend, modify, amend or repeal any provisions of these Regulations after following the due process.

5.5 REPEAL

The Haryana Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulations, 2004 issued vide Regulation No. HERC/02/2004 and notified on 12th April, 2004, including its amendments issued subsequently, are hereby repealed.

Enclosure:- Annexures – 1 to 7

By the order of the Commission

Secretary
Haryana Electricity Regulatory Commission

GRIEVANCE SUBMISSION BEFORE FORUM

Forum For Redressal of Consumer Grievances Dakshin Haryana Bijli Vitran Nigam Ltd Block_D, Ground Floor, Vidyut Sadan, Vidyut Nagar, HISSAR-125005 Date/Month/Year: / / ____				
1. Name of the Complainant		Copy Attached: Yes/ No		
Attach Copy of the latest Bill :				
2. Address for Communication		PIN CODE :		
Phone no.: _____		Fax no.: _____		Email id: _____
3. Consumer no.				
5. Grievance and its Category (please tick the relevant box/boxes):				
a. Wrong billing	b. Recovery of arrears	c. Faulty Meter	d. Burnt meter	Reconnection
d. Supply interruption	e. Harmonics in supply	f. Deficient service	g. Transfer of connection	
h. Delay in providing new connection		i. Change in connected load	j. Others	
Explanation of grievance (ticked category) Please write in Detail (attached separate sheet, if required) and enclose relevant documents in support of grievance and list them:				
6. Against whom grievance is filed.		Name of the employee/office _____	Name of Department _____	
7. Relief sought from the Forum:				
8. Declaration: I /We, the Complainant/s herein declare that				
(a) the information furnished herein above is true and correct and I /We have not concealed or misrepresented any fact stated hereinabove and the documents submitted herewith. (b) The subject matter of the present Grievance has never been submitted to the Forum by me/or by any one of us or by any of the parties concerned with the subject matter to the best of my/our knowledge. (c) The subject matter of my/our Grievance has not been settled through the Forum in any previous proceedings. (d) The subject matter of my/our Grievance has not been decided by any competent authority/court/arbitrator, and is not pending before any such authority/court/arbitrator.				
_____ Signature of Complainant			_____ Name of Complainant	
Fill Annexure 3: If consumer wants third Party (need not be an Advocate) to appear and/or present his case before the Forum (for nomination of by Consumer)				

GRIEVANCE SUBMISSION BEFORE FORUM

Forum For Redressal of Consumer Grievances Uttar Haryana Bijli Vitran Nigam Ltd Shakti Bhavan, 2nd Floor, Room No. 317, Sector-6, PANCHKULA					Date/Month/Year: / / ____				
1. Name of the Complainant Attach Copy of the latest Bill :			Copy Attached: Yes/ No						
2. Address for Communication			PIN CODE :						
Phone no. _____			Fax no.: _____			Email id: _____			
3. Consumer no.									
5. Grievance and its Category (please tick the relevant box/boxes):									
a. Wrong billing		b. Recovery of arrears		c. Faulty Meter		d. Burnt meter		Reconnection	
d. Supply interruption		e. Harmonics in supply		f. Deficient service		g. Transfer of connection			
h. Delay in providing new connection			i. Change in connected load			j. Others			
Explanation of grievance (ticked category) Please write in Detail (attached separate sheet, if required) and enclose relevant documents in support of grievance and list them:									
6. Against whom grievance is filed.			Name of the employee/office _____			Name of Department _____			
7. Relief sought from the Forum:									
8. Declaration: I /We, the Complainant/s herein declare that (a) the information furnished herein above is true and correct and I /We have not concealed or misrepresented any fact stated hereinabove and the documents submitted herewith. (b) The subject matter of the present Grievance has never been submitted to the Forum by me/or by any one of us or by any of the parties concerned with the subject matter to the best of my/our knowledge. (c) The subject matter of my/our Grievance has not been settled through the Forum in any previous proceedings. (d) The subject matter of my/our Grievance has not been decided by any competent authority/court/arbitrator, and is not pending before any such authority/court/arbitrator.									
_____ Signature of Complainant					_____ Name of Complainant				
Fill Annexure 3: If consumer wants third Party (need not be an Advocate) to appear and/or present his case before the Forum (for nomination of by Consumer)									

SUBMISSION BEFORE FORUM – Form for Nomination of third Party by the consumer	
NOMINATION OF THIRD PARTY TO FORUM FOR REDRESSAL OF GRIEVANCE	
Date of Hearing : DD/MM/YYYY	Case No. _____
1. Name of the Complainant :	
NOMINATION- I/We the above named consumer hereby nominate Shri/Smt. _____, whose address is _____ _____ as my/or 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 Nominee: _____ attested Signature of Applicant: _____ Date: DD/MM/YYYY	
ACCEPTANCE BY THE NOMINEE – I/We the above named nominee accept the above nomination _____ Signature of Nominee: Date DD/MM/YYYY	
(For Official use by the FORUM)	
Note: The nomination has to be submitted to the Forum on or before the date of hearing. Also, the Consumer has the option to change his nomination on or before the date of hearing.	

REPRESENTATION BEFORE OMBUDSMAN

Date/Month/Year: / / _____			
The Ombudsman Bays No. 33-36, Sector 4 Panchkula, HARYANA – 134112 Subject Representation against: Forum of Dakshin/Uttar Haryana Bijli Vitran Nigam Ltd (Mention Forum Order Number and Date) _____			
The details of the grievance are as under:		1. Consumer no.	
2. Name of the Complainant			
3. Address for Communication"		PIN CODE :	
Phone no.*: _____	Fax No.: _____	Email id: _____	
4. Date of Submission of the grievance by the Complainant to the Forum DD/MM/YYYY			
5. Details of the Representation, facts giving rise to the representation (if needed, attaché separate sheet):			
8. Whether the Complainant has received the final decision of the Forum ?		Yes	No
9. What amount is assessed payable by Consumer (as per decision):		Rs. _____	Nil Not Applicable
9. Nature of Relief Sought:			
10. List of documents enclosed (Enclose three (3) copies of each Document in support of the facts)		1. Copy of Grievance to Forum* 2. Copy of Order of the Forum 3. Copy of Electricity Bill* 4. Form of Nomination (Annex)	5. _____ 6. _____ 7. _____ 8. _____
11. Declaration			
(a) I/We, the Complainants/s herein declare that:			
(i) The information furnished herein above is true and correct; and			
(ii) I/We have not concealed or misrepresented any fact stated hereinabove and the documents submitted herewith.			
(b) The subject matter of the present representation has never been brought before the Office of the Ombudsman by me/or by any one of us by any of the parties concerned with the subject matter to the best of my/our knowledge.			
(c) The subject matter of my/our representation has not been settled through the Office of the Ombudsman in any previous proceedings.			
(d) The subject matter of the present representation has not been decided by any competent authority/court/arbitrator, and is not pending before any such authority/court/arbitrator.			
_____ Person making Representation		_____ Signature	
		_____ Name	

SUBMISSION BEFORE FORUM – Form for Nomination of third Party by the consumer NOMINATION OF THIRD PARTY TO FORUM FOR REDRESSAL OF GRIEVANCE	
Date of Hearing : DD/MM/YYYY	Case No. _____
1. Name of the Complainant :	
NOMINATION- I/We the above named consumer hereby nominate Shri/Smt. _____, whose address is _____ _____ as my/or 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 Nominee: _____ attested Signature of Applicant: _____ Date: DD/MM/YYYY	
ACCEPTANCE BY THE NOMINEE – I/We the above named nominee accept the above nomination _____ Signature of Nominee: Date Date: DD/MM/YYYY	
(For Official use by the FORUM)	
Note: The nomination has to be submitted to the Forum on or before the date of hearing. Also, the Consumer has the option to change his nomination on or before the date of hearing.	

QUARTERLY REPORTING BY FORUM

Quarter: ____ Financial Year ____

1. Status of Grievances for Redressal

Name of the licensee:

Name of the forum:

S. N	Nature of Complaints	Complaint Status						
		Complaints pending at the end of the last quarter	Complaints received during the quarter	Total complaints	Complaints attended during the quarter	Balance Complaints to be attended	Complaints pending for more than 3 months but less than 6 months	Complaints pending for more than 6 months
		(1)	(2)	(3=1+2)	(4)	(5=3-4)		
1	Quality of supply							
2	Safety							
3	Reliability							
4	Release of new connection or modification in existing connection							
5	Non compliance of HERC order							
6	Interruption/failure of power supply							
7	Voltage complaints							
8	Metering issues							
9	Billing issues							
10	Disconnection & Reconnection of power supply							
11	Others							

2. Status of Compliance by the Licensee

a. Out of the number of grievances successfully redressed during the quarter, state the number of grievances in which the Order specified directions to the licensee: _____

b. Describe the status of the licensee’s compliance against each grievance: _____

The Electricity Ombudsman

Half-yearly report for the period _____

1. Status of complaints redressal

S. N	Nature of Complaints	Complaint Status									
		Complaints pending at the end of the last quarter	Complaints received during the quarter	Total complaints	Complaints attended during the quarter				Balance Complaints to be attended	Complaints pending for more than 3 months but less than 6 months	Complaints pending for more than 6 months
		(1)	(2)	(3=1+2)	(4)				(5=3-4)		
					Complaints non maintainable	Settled by agreement	by order	Total			
1	Quality of supply										
2	Safety										
3	Reliability										
4	Release of new connection or modification in existing connection										
5	Non compliance of HERC order										
6	Interruption/failure of power supply										
7	Voltage complaints										
8	Metering issues										
9	Billing issues										
10	Disconnection & Reconnection of power supply										
11	Others										

2. The report shall also cover the following :-

- (a) Facts of the representation

- (b) Responses of parties in brief
- (c) Opinion of the Ombudsman on the compliance of standards of performance by the licensee
- (d) Key directions issued to licensee and/ or consumer in the order
- (e) Compliance of order by licensee and/ or consumer