

Dated: 20th August, 2009

No.1776/MPERC/2009. In exercise of the powers under clauses {r},{s} and {zp} of Sub-section (2) of Section 181 read with Sub-sections (5) (6) and (7) of Section 42 of the Electricity Act 2003 (36 of 2003) and all powers enabling it in that behalf and also in compliance of the notification dated 8th June 2005 issued by the Ministry of Power, Government of India vide number G.S.R.379(E) making rules at point number 7 regarding "Consumer Redressal Forum & Ombudsman," Madhya Pradesh Electricity Regulatory Commission hereby revises the existing Regulations, namely MPERC (Establishment of Forum and Electricity Ombudsman for redressal of grievances of the consumers) Regulations, 2004 notified on 30.04.2004.

MPERC (Establishment of Forum and Electricity Ombudsman for redressal of grievances of the consumers) (Revision-I) Regulations, 2009

CHAPTER 1: INTRODUCTION

The MPERC recognizes that need has arisen to revise the existing Regulations to ensure further improvement in consumer services as also to provide for timely and satisfactory resolution of consumer's grievances.

CHAPTER 2: SHORT TITLE, COMMENCEMENT AND DEFINITIONS

Short Title and Commencement: 2.1 These Regulations may be called the **Madhya Pradesh Electricity Regulatory Commission (Establishment of Forum and Electricity Ombudsman for Redressal of Grievances of the Consumers) (Revision-I) Regulations, 2009 {RG-3(I) of 2009}**.

2.2 These Regulations shall be applicable to the Licensees/Franchisees operating in the State of Madhya Pradesh in their respective licensed areas except in the jurisdiction of Rural Electricity Cooperative Societies.

2.3 These Regulations shall come into force from the date of their publication in the official Gazette of the Government of Madhya Pradesh.

Definitions:

2.4 In these Regulations, unless the context otherwise requires:

- (a) "Act" means the Electricity Act, 2003 (No.36 of 2003);
- (b) "Chairperson" means the Chairperson of the Forum;
- (c) "Commission" means the Madhya Pradesh Electricity Regulatory Commission.
- (d) "Complainant" means—

- (i) a consumer as defined under clause (15) of Section 2 of the Act; or
 - (ii) an applicant for new connection; or
 - (iii) any registered consumer association; or
 - (iv) any unregistered association of consumers, where the consumers have similar interest; or
 - (v) in case of death of a consumer, his legal heirs or representatives;
- (e) “Complaint” means any representation in writing made by a Complainant regarding redressal of Grievance.**Error! Reference source not found.**
- (f) “Consumer Dispute” means a dispute where the Licensee or its representative against whom a complaint has been made, denies or disputes the allegations contained in the complaint;
- (g) "Distribution Licensee " means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in its licensed area of supply;
- (h) “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, 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;
- (i) “Electricity Service” in particular and without prejudice to the generality of the term means supply, billing, metering & maintenance of quality and supply of electrical energy to the consumer and all other related services, etc;
- (j) “Electricity Ombudsman” means an authority appointed or designated by the Commission, under Sub-section (6) of Section 42 of the Act, to whom a representation may be made by any consumer, who is aggrieved by non-redressal of his Grievance by the Forum.
- (k) “Forum” means ‘Electricity Consumers Grievances Redressal Forum’, constituted by each licensee in terms of Sub-section (5) of Section 42 of the Act;
- (l) “Franchisee” means a person authorised by a Distribution Licensee to distribute electricity on its behalf in a particular area within his area of supply;
- (m) “Grievance” shall mean a dissatisfaction of the Consumer arising out of the failure of the Licensee to register or redress a Complaint and shall include any dispute between the Consumer 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 filed by the affected person. However, the matters falling within the purview of any of the following provisions of the Act will not form a grievance under these Regulations:

- (i) Unauthorised use of electricity as provided under Section 126 of the Act;
 - (ii) Offences and penalties as provided under Sections 135 to 139 of the Act;
 - (iii) Compensation related to accident in the distribution, supply or use of electricity as provided under Section 161 of the Act; and
 - (iv) Recovery of arrears where the bill amount is not disputed.
- (n) “Licensee” means the Distribution Licensee.
- (o) “Member” means a Member of the Forum.
- (p) “Nodal Officer” means an Officer of the Distribution Licensee who shall serve as a mediator between the Distribution Licensee and the Forum for providing necessary staff/facilities for efficient working of the Forum.

2.5 All other expressions used herein but not specifically defined herein but defined in the Act shall have the meaning assigned to them in the Act. The other expressions used herein but not specifically defined in these Regulations or in the Act but defined under any law passed by the Parliament applicable to electricity industry in the State shall have the meaning assigned to them in such law. Subject to the above the expression used herein but not specifically defined in these Regulations or in the Act or any law passed by the Parliament shall have the meaning as is generally assigned to them in the electricity supply industry.

CHAPTER 3: GRIEVANCE REDRESSAL FORUM

Constitution of the Forum:

- 3.1 Every Distribution Licensee shall appoint one or more Forum(s), to be designated as ‘Electricity Consumers Grievances Redressal Forum’ for redressal of Grievances of the Consumers in accordance with these Regulations. These Forum(s) shall settle the Grievances of the consumers within a period of six weeks normally and not exceeding eight weeks in any case. At least one Forum shall be set up by each Distribution Licensee.
- 3.2 The Head Office of the Forum shall be at such a place as the Licensee may notify. The Forum may, however, conduct its sittings at such other places also besides its Head Office, in consonance with the overall objective of ensuring that Complaints / Grievances are heard and disposed off within the time limit specified at Regulation 3.1 above.

- 3.3 The Commission may direct the Licensee to establish additional Forum(s) if considered necessary so as to ensure that every Grievance is settled within the time limit prescribed in Regulation 3.1 above.
- 3.4 The Forum shall consist of three Members including the Chairperson of the Forum. One of the three Members shall be an independent Member who is familiar with the Consumer Affairs and having Degree in Engineering/Law with at least 20 years of professional experience and shall be nominated by the Commission and appointed by the Licensee as per guidelines of the Commission preferably from amongst the retired employees of State Government / State Government undertaking or a person of outstanding merit in Technical matters or Law. The other two Members of the Forum shall be appointed by the Licensee from amongst its serving Officers in consultation with the Commission. The Licensee after consultation with the Commission shall designate any of the three Members as Chairperson of the Forum. The Members and the Chairperson shall be persons of ability, integrity and standing who have adequate knowledge in their respective fields. The Members must possess the experience and qualifications as detailed below. However, the Commission may relax the norms of experience wherever considered necessary.
- (a) One Member, to be appointed by the Licensee from amongst its Officers, shall be a person possessing a Degree in Engineering and having at least Twenty (20) years of experience in the Distribution of Electricity and having at least one year experience on a post not below the rank equivalent to Superintending Engineer of the Licensee or having at least five years experience on a post not below the rank equivalent to Executive Engineer of the Licensee.
- (b) One Member, to be appointed by the Licensee from amongst its officers, shall be having at least fifteen (15) years of experience in Accounting and / or Revenue and/or Commercial matters and having at least one year experience of working on a post not below the rank of Joint Director / Superintending Engineer of the Licensee or having at least five years experience on a post not below the rank equivalent to Executive Engineer of the Licensee.
- 3.5 The Distribution Licensee shall submit to the Commission a panel containing names of at least three officers for each post of the two Members of the Forum. Details of the qualifications, experience and the background related to ability, integrity and standing shall be submitted in respect of each officer along with details of present pay drawn by them. The Commission shall consider the names proposed by the Licensee and after its approval the Licensee shall appoint the Members.
- 3.6 The suitability and capability of the Members and the panel of Members as stated in Regulation 3.4 shall be decided by a Committee duly authorised by the Licensee for this purpose.

Conditions of Service and Term of Office

- 3.7 The salary or honorarium and other allowances payable to, and the other terms and conditions of service in respect of the Member nominated by the Commission under Regulation 3.4 shall be such as may be approved by the Commission in consultation with the State Government and shall be charged to the Licensee who shall be responsible for timely and regular payment. The salary or honorarium and other allowances payable to, and the other terms and conditions of service in respect of the Members, who are Officers of the Distribution Licensee under Regulation 3.4, shall be such as may be prevailing for such officers in the Distribution Company.
- 3.8 The salary, allowances and other terms and conditions of service of the Members, shall not be varied to their disadvantage after appointment.
- 3.9 The Licensee shall meet all the costs and expenses of the Forum including the establishment and staff required to assist the Forum in the discharge of the functions under these Regulations.
- 3.10 The office expenditure of the Forum will be considered in the revenue requirement of the Licensee and will be allowed as a pass-through expense.
- 3.11 The Chairperson and Members of the Forum shall hold office for a period of two years from the date of appointment provided that no nominated Member shall hold Office as such after he has attained the age of sixty-five years. The Licensee should initiate process of identification of next Chairperson and Members well before the scheduled expiry of term of present incumbents. In case of unavoidable delay in appointment of Members and the Chairperson after expiry of the term of existing Forum, the existing Forum after completion of its term, subject to provisions in Regulation 3.4 shall continue to function for a period of maximum 3 months till the new Members and the Chairperson join their duties. The Licensee shall ensure that working of Forum is not disrupted on account of non-filling up of the posts and shall ensure that new Forum is made functional within the extended period. In case the nominated Member decides to relinquish the post, he may do so after giving a notice of two (2) months in writing to the Licensee or deposit two months' salary in lieu thereof.
- 3.12 The Officers of the Licensee appointed as per Regulation 3.4(a) & (b) shall maintain their lien on the post held by them with the Licensee.
- 3.13 The nominated Member shall be deemed to be Public servant within the meaning of Section 21 of the Indian Penal Code, 1860(No.45 of 1860).

Removal of Members of the Forum

- 3.14 Any member or the Chairperson of the Forum can be removed if he -
- (a) has been adjudged as insolvent; or
 - (b) has been convicted of an offence involving moral turpitude; or

- (c) has become physically or mentally incapable of acting as such member; or
- (d) has without reasonable cause refused or failed to discharge his functions for a period of at least three months; or
- (e) ceases to fulfil any of the conditions of his appointment as member; or
- (f) has acquired such financial or other interest that can prejudicially affect his functioning as a member; or
- (g) has conducted himself in a manner or has so abused his position as to render his continuance in office prejudicial to the public interest or to the objects and purposes of the Act.
- (h) Has been guilty of proved misbehaviour.

3.15 No Member of the Forum shall be removed from his office on the grounds specified in Regulation 3.14 (a), (c), (d), (e), (f), (g) and (h), until such Member is given an opportunity to defend himself before an Enquiry Officer appointed by the Commission on request of the Licensee and the report of the Enquiry Officer has been considered by the said Licensee and a copy of the report made available to the person proposed to be proceeded against. While appointing the Enquiry Officer, the Commission will also specify whether the concerned Member can or can't participate in proceedings of the Forum during the course of enquiry. After the report is presented by the Enquiry Officer, the Licensee shall obtain the approval of the Commission in writing before taking a final decision on the matter in case of the Members who are Officers of the Licensee. In case of the nominated Member, the final decision shall be taken by the Commission.

3.16 The Licensee / Commission shall communicate its decision taken under the provisions of the Regulation 3.15 to the Member/nominated Member concerned within a period of two months of the receipt of such report from the Enquiry Officer.

Procedure before the Forum

3.17 All decisions of the Forum shall be on the basis of voting by majority of the Members present. The Forum may register consumer organizations and allow them to remain present during hearings.

3.18 The quorum for the Forum meeting shall be two and each member shall have one vote and in case of equality of votes on any issue or resolution, the Chairperson shall have a casting vote.

3.19 In case the Chairperson is not present, the senior Member shall act as Chairperson and shall have a casting vote.

- 3.20 The Chairperson shall have the general powers of superintendence and control over the Forum.
- 3.21 On occurrence of any vacancy in the forum for any reason except retirement, the Licensee shall take action to fill up the vacancy within two months from the date of occurrence of the vacancy. However, in case of retirement of any Member, advance action shall be taken by the Licensee so that new Member/Chairperson may be appointed timely. No act or proceeding of the Forum shall be deemed invalid solely for the reason of some defect in the constitution of the Forum or due to existence of a vacancy among its members.
- 3.22 The Forum shall receive the complaint of the consumer forwarded to or filed with the Forum so long as such complaint is in writing in the prescribed format for filing of the complaint.

Guidelines to the Forum for redressal of grievances of consumers

- 3.23 A complaint may be filed by any consumer or the consumer organization which has registered itself with the Commission and/ or Forum, for redressal of his grievance in the format specified at Annexure-I in single copy. The Licensee shall make available Format for application in Hindi at each Distribution Centre.
- 3.24 The office of the Forum shall issue due acknowledgment of the receipt of the Complaint to the Complainant.
- 3.25(a) The Forum shall refer a copy of such Complaint to the concerned office of the Distribution Licensee directing it to give its version of the case within a period of fourteen days or such extended period not exceeding ten days, as may be granted by the Forum;
- (b) Where the concerned office of the Distribution Licensee, on receipt of a copy of the Complaint, referred to him under sub-clause (a) above, denies or disputes the allegations contained in the Complaint, or omits or fails to take any action to represent his case within the time given by the Forum, the Forum shall proceed to settle the Consumer Dispute –
- (i) on the basis of evidence brought to its notice by the Complainant and the Distribution Licensee, where the Distribution Licensee denies or disputes the allegations contained in the Complaint, or
- (ii) ex-parte on the basis of evidence brought to its notice by the Complainant where the Distribution Licensee omits or fails to take any action to represent his case within the time given by the Forum
- (c) Where the Complainant fails to appear on the date of hearing before the Forum, the Forum may either dismiss the complaint for default or decide it on merits.

- 3.26 The Forum shall maintain true and correct records of all Complaints received by the Forum from time to time.
- 3.27 The Forum shall duly comply with any consumer complaint handling procedure, which the Commission may specify from time to time.
- 3.28 The Forum shall communicate its decision to the Complainant through a speaking order.
- 3.29 The Forum being a statutory body operating within the parameters of the Electricity Act, 2003 and the Electricity Rules, 2005, shall consider the representations of the consumers consistent with the provisions of the Act, the Rules and Regulations, made hereunder or general orders or directions given by the Central/State Government or the Commission in this regard while settling the grievances.
- 3.30 The Licensee shall, from time to time, give publicity of the constitution and existence of the Forum including in the bills raised for the supply of electricity to the consumers in such manner as the Commission may from time to time notify. The names/ designation of the Members and the concerned Officers of the Forum, the address, e-mail, facsimile and phone numbers of the Forum shall be displayed at all the Offices of the Licensee and shall also be duly publicised, if considered appropriate, including on the bills raised on the consumers.
- 3.31 The Licensee shall provide required supporting staff and appropriate office accommodation for functioning of the Forum at a scale approved by the Commission.
- 3.32 The Licensee shall arrange to upload in its website all the judgements/orders issued by the Forum from time to time within seven days of the issue.
- 3.33 The Forum shall arrange Consumer Redressal Shivir at various District Head Quarters in consultation with the Nodal Officer of the Licensee. The Nodal Officer shall make proper publicity through newspapers. The concerned Officer of the Licensee shall also attend the shivir. The Forum shall take into cognizance the complaints received in the shivir and settle the grievances as per procedure.
- 3.34 The Members and the Chairperson of the Forum shall neither inspect the Offices of the Distribution Licensee nor issue any directions for physical inspection of any premises or any fresh enquiry except when specifically instructed by the Commission to do so in exceptional cases.
- 3.35 Notwithstanding the above, the Forum shall not entertain any representation in regard to the matters which are subject matters of existing or proposed proceedings before the Commission or before any other authority including those under part X, XI, XII, XIV, XV and XVI of the Act.

Representation to the Ombudsman

- 3.36 If the Complainant is aggrieved by the order of the Forum or non-redressal of the grievance by the Forum within the period specified, the Complainant may make a representation in the format specified at Annexure-I to the Electricity Ombudsman appointed/designated by the Commission within a period of sixty days from the date of receipt of the final order or from the expiry of the period specified for redressal of the grievance by the Forum.

Provided that the Electricity Ombudsman may entertain the representation within a further period not exceeding 60 days after the expiry of the period of sixty days if it is satisfied and records in writing the reasons that the aggrieved person had sufficient cause for not preferring the representation within the said period of sixty days.

- 3.37 No representation to the Electricity Ombudsman shall lie unless the consumer has deposited, in the prescribed manner, at least, half of the amount that is required to be paid by him either in terms of an order of the Forum or in case of non-redressal of the grievance by the Forum the amount payable as per bills issued by the Licensee and has also agreed to pay a surcharge on the balance amount in the event of his representation not being successful.

CHAPTER 4: ELECTRICITY OMBUDSMAN

Appointment/designation of Electricity Ombudsman

- 4.1 The Commission may from time to time appoint or otherwise designate such person or persons as the Commission may consider appropriate as the Electricity Ombudsman or Ombudsmen to discharge the functions under Sub-section (7) of Section 42 of the Act.
- 4.2 The Commission may appoint or designate Electricity Ombudsman or Ombudsmen separately for each Licensee or a Common Electricity Ombudsman or Ombudsmen for two or more Distribution Licensees.
- 4.3 The Electricity Ombudsman shall be selected from among those who have experience and knowledge in a specific field like Legal Affairs, Engineering, Industry, Finance, Administration, Management, Defence Services or Consumer Affairs. The aspirant person(s) should not have been associated with the activities of any of the Licensees for a period of preceding one year.
- 4.4 The Electricity Ombudsman appointed/ designated shall remain in office for a period of 2 years from the date he joins his office. The period of appointment may be extended beyond 2 years for another one year at the discretion of the Commission.

Provided that no Electricity Ombudsman appointed/designated shall hold Office as such after he has attained the age of sixty-five years.

- 4.5 The Electricity Ombudsman appointed may be paid a fixed fees or honorarium including other benefits as decided by the Commission in consultation with the State Government.
- 4.6 Before entering upon his office, the Electricity Ombudsman shall make and subscribe to an Oath of office and secrecy in the form as may be prescribed by the Commission. The Chairman of the Commission will administer the oath.
- 4.7 The Electricity Ombudsman may hold sittings at such other places within his area of jurisdiction as may be considered necessary and proper by him.
- 4.8 The Electricity Ombudsman shall be deemed to be Public servant within the meaning of Section 21 of the Indian Penal Code, 1860(No.45 of 1860).
- 4.9 The Electricity Ombudsman may relinquish his office by giving in writing to the Commission a notice of not less than three months. The Commission may at any time remove the Electricity Ombudsman from his office if he-
- (a) has been adjudged as insolvent; or
 - (b) has been convicted of an offence involving moral turpitude; or
 - (c) has become physically or mentally incapable of acting as such Ombudsman; or
 - (d) has without reasonable cause refused or failed to discharge his functions for a period of at least three months; or
 - (e) ceases to fulfil any of the conditions of his appointment as Ombudsman; or
 - (f) has acquired such financial or other interest that can prejudicially affect his functioning as Ombudsman; or
 - (g) has conducted himself in a manner or has so abused his position as to render his continuance in office prejudicial to the public interest or to the objects and purposes of the Act.
 - (h) Has been guilty of proven misbehaviour.

Provided that the Electricity Ombudsman shall not be removed from his office, unless the Commission, has, on an enquiry, held by the Commission concludes that the Electricity Ombudsman ought, on such ground or grounds, be removed.

- 4.10 The expenditure on the office of the Ombudsman shall be borne by the Commission.

Functions of the Ombudsman for redressal of grievances of consumers

- 4.11 The Electricity Ombudsman shall discharge the following functions:

- (a) May receive and consider all representations filed by the Complainant for non-redressal of the grievance by the Forum under Sub-section (5) of Section 42 of the Act. Notwithstanding the above the Ombudsman shall not entertain any representation in regard to the matters which are subject matters of existing or proposed proceedings before the Commission or before any other authority including those under part X, XI, XII, XIV, XV and XVI of the Act.
- (b) The Ombudsman shall exercise general powers of superintendence and control over his office and shall be responsible for the conduct of business of his office.
- (c) The Ombudsman being a statutory body operating within the parameters of the Electricity Act, 2003 and the Electricity Rules, 2005, shall in the first instance act as counsellor and mediator in matters, which are the subject matter of the representation filed and shall consider the representations of the consumers consistent with the provisions of the Act, the Rules and Regulations, made hereunder or general orders or directions given by the Central/State Government or the Commission in this regard before setting their grievances.

Representation to the Electricity Ombudsman

4.12 Subject to these Regulations, a representation to be made to the Electricity Ombudsman shall –

- (a) be in writing,
- (b) be signed by the consumer ,
- (c) disclose the name and address of the Consumer/ Licensee,
- (d) contain the details of the Grievance including the award of the Grievance Redressal Forum of the Licensee, and
- (e) contain details of Complaint/Grievance made to any other authority/ court of law.

4.13 The Electricity Ombudsman may accept a representation that does not comply with Regulation 4.12 at his discretion.

Requirement of additional information

4.14 The Electricity Ombudsman may, at any time, require a consumer making a representation –

- (a) to provide further information or documents; or
- (b) to verify all or any part of the representation on affidavit.

- 4.15 When preferring a requirement under clause 4.14, the Electricity Ombudsman must specify a reasonable period of time within which the requirement is to be satisfied.
- 4.16 The Electricity Ombudsman may extend the period specified under clause 4.15, either before or after its expiry.

Withdrawal of representation

- 4.17 A consumer may withdraw his representation at any time by notifying the Electricity Ombudsman in writing of the withdrawal.

Action by Electricity Ombudsman

- 4.18 Subject to the provisions of the Act and these Regulations, the Electricity Ombudsman's decision whether the Complaint is fit and proper for being considered by it or not, shall be final.
- 4.19 The Electricity Ombudsman shall decide on the representation, after providing both the parties an opportunity of being heard.
- 4.20 For the purpose of carrying out the functions, the Electricity 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 Electricity Ombudsman.
- 4.21 The Electricity Ombudsman shall neither inspect the offices of the Distribution Licensee nor issue any directions for physical inspection of any premises or any fresh enquiry except when specifically instructed by the Commission to do so in exceptional cases
- 4.22 If the Electricity Ombudsman has commenced an examination on receipt of a representation, the Licensee should not commence proceedings in any Court in respect of a matter raised in the representation or the examination before three months of receipt of representation.
- 4.23 The Electricity Ombudsman shall finally decide the representation within three months from the date of the receipt of the representation of the Complainant and in the event the representation is not decided within three months, the Electricity Ombudsman shall record the reasons there for including the cost to be paid by the Licensee in case the reasons for the delay are attributable to the Licensee. In case the delay is for reasons attributable to the complainant, the Electricity Ombudsman may on the basis of the merit of the case either decide to proceed with the case or reject the representation.

Electricity Ombudsman to act fairly and equitably

- 4.24 The Electricity Ombudsman may be adopt a procedure ensuring transparency and due compliance of the principles of natural justice and due process of law.
- 4.25 The Electricity Ombudsman shall dispose of a Complaint in a fair and equitable manner.
- 4.26 As soon as it may be practicable to do but not later than one week from the date of receipt of representation, the Electricity Ombudsman shall serve a notice to the other party along with a copy of the complaint.

Decision

- 4.27 The Electricity Ombudsman may determine the place, the date and the time of the hearing of the matter as the Electricity Ombudsman considers appropriate.
- 4.28 The Electricity Ombudsman shall decide the matter on the pleadings of the parties, after providing them an opportunity of being heard. The Electricity Ombudsman shall communicate the decision with detailed reasoning which he thinks fair in the facts and circumstances of a case. A copy of the communication shall be sent to the complainant and the Licensee concerned.

CHAPTER 5: MISCELLANEOUS

Powers to remove difficulties

- 5.1 If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may initiate suo motu and by general or special order, direct the Licensee to take suitable action, not being inconsistent with the Electricity Act, 2003, which appears to it to be necessary or expedient for the purpose of removing difficulties.
- 5.2 The Licensee may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in the establishment of the Forum as per these Regulations.
- 5.3 The Distribution Licensee or the Complainant may also make an application to the Commission within thirty days of receipt of order and seek suitable directions in case, in their opinion the Forum/Electricity Ombudsman has passed any order which is not consistent with the provisions in the Act/Rules/Regulations/Tariff orders/Codes/ directions issued from time to time by the Commission. Any directions issued by the Commission in such cases shall then be binding on the Forum/Ombudsman/ Licensees.

- 5.4 In case any complaint is filed before the Commission by any person including Licensee or if the Commission is satisfied that any person including Forum/Electricity Ombudsman has contravened wilfully or contumacious any direction issued by the Commission under Regulation 5.3 above, the Commission may after giving such person an opportunity of being heard in the matter, initiate action under Section 142 of the Electricity Act, 2003.

Power to Amend

- 5.5 The Commission may, at any time, vary, alter, modify or amend any provision of these Regulations.

Report to the Licensee and Commission

- 5.6 The Forum shall submit monthly report to the Licensee and the Commission in the prescribed form. The report should be submitted within fifteen days of the close of the month for which report is being prepared.
- 5.7 (a) Ombudsman shall prepare a report on a six monthly basis giving details of the nature of Grievances of the consumers dealt by the Ombudsman, the response of the Licensee in the redressal of the Grievances and the opinion of the Ombudsman on the Licensee's compliance of the Standards of Performance as specified by the Commission under Section 57 of the Act during the preceding six months.
- (b) The report under sub-clause (a) above shall be forwarded to the State Commission and the State Government within 45 days after end of relevant period of 6 months. The six monthly reports shall be for the period from April to September and October to March.
- 5.8 The Electricity Ombudsman will prepare annually a descriptive report bringing out the main features of his work accomplished during the year and this report shall be made available to the Commission for inclusion in the annual report of the Commission prescribed under Section 105 of the Act.

Infrastructure and Training

- 5.9 The Licensee shall ensure that all adequate infrastructures are put in place, including establishment of Central Complaint Centre, to handle the complaint redressal mechanism and to ensure that all time limits are adhered to. It shall be the responsibility of the Licensee to ensure that there are adequate phone lines to take all complaint calls, that the complaint desk is manned at all times, that adequate training on telephone and personal etiquette is undertaken, that all necessary forms / rules / procedures, etc. are available at all times and all other necessary steps are taken to ensure that consumers have a good experience in their interaction with the Officers / Staff.

- 5.10 The Licensees shall take all necessary steps to give wide publicity to these Regulations. These shall also be made available on their websites. Any changes/improvements will also be similarly publicized. The consumers shall also be made aware of their rights and duties from time to time. All necessary forms / rules related to complaints shall be stocked in sufficient quantities at all Offices of the Licensees and shall be made available to the consumers.

Repeal and Savings

- 5.11 Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary to meet the ends of justice or to prevent abuses of the process of the Commission.
- 5.12 Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Act a procedure, which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.
- 5.13 Nothing in these Regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.
- 5.14 Nothing contained in these Regulations shall affect the rights and privileges of the consumer under any other law for the time being in force, including under the Consumer Protection Act, 1986 (68 of 1986).
- 5.15 The Regulations namely “Madhya Pradesh Electricity Regulatory Commission (Establishment of Forum and Electricity Ombudsman for redressal of grievances of the consumers) Regulations, 2004 (G-3 of 2004)” published vide Notification No. 1003/MPERC/2004 in the Gazette dated 30.04.2004 and read with all amendments thereto, as applicable to the subject matter of these Regulations is hereby superceded.

By Order of the Commission

Commission Secretary

**FORM FOR REPRESENTATION BEFORE
FORUM/ELECTRICITY OMBUDSMAN***

No. of year

Date _____

(To be filled up by office)

To
The Chairperson/Electricity Ombudsman*
(Address of Forum/ Electricity Ombudsman*)

Dear Sir,

Sub:- Grievance Against
(Name of the Distribution Centre and Licensee)

Being aggrieved the consumer named herein had submitted a representation to the
_____ Forum/Ombudsman*. Details of the Grievance are as under:-

1. Name of the Consumer
2. Full Address of the Consumer
Pin Code
Phone No./Fax No.
3. Name and Full Address of the Distribution Centre and Licensee,
Pin Code, Phone No./Fax No.
4. Particulars of connection and Consumer Account No.
(Please state nature of connection)
.....
5. Date of representation by the Consumer to the Distribution Centre/Forum*
.....
(Please enclose three copies of the representation)
6. Subject matter of the representation
.....
7. Details of the representation
(If space is not sufficient, please enclose separate sheet)
.....
.....
.....

8. Whether the Consumer has received the decision of the Distribution Licensee/Forum*?

(If yes, please enclose 'three copies' of the Forum's order conveying its final decision)

9. Nature of relief sought from the Forum/Electricity Ombudsman*.
.....

10. Nature and extent of monetary loss, if any, claimed by the consumer (if any) by way of compensation Rs.

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

11. List of Documents enclosed.

(Please enclose 'three copies' of all the documents)

12. Declaration –

(a) I/We, the Consumer(s) herein declare that -

- (1) the information furnished herein above is true and correct; and
- (2) I/We have not concealed or misrepresented any fact stated in aforesaid columns and the documents submitted herewith.

(b) The subject matter of my/our representation has never been brought before the office of the Forum/Electricity Ombudsman* by me/or by any one of us or by any of the parties concerned with the subject matter to the best of my/our knowledge.

(c) The subject matter of my/our representation has not been settled through the office of the Forum/Electricity Ombudsman* in any previous proceedings.

(d) The subject matter of the present representation has not been decided by any authority/court/arbitrator.

OR

The subject matter of the present representation is pending since (Please mention the date when the matter was filed) Before (Please mention the name of the authority/court/arbitrator before whom the matter is pending) and the proceedings are likely to take time for being finally adjudicated.

Yours faithfully,

(Signature)

(Consumer's name in block letters)

Nomination - If the Consumer wants to nominate his representative to appear and make submissions on his behalf before the Forum/Electricity Ombudsman* , 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)

* Strike off whichever is not applicable.

Note : Affidavit is not required to be submitted.