

**DRAFT**

**TELANGANA STATE ELECTRICITY REGULATORY COMMISSION  
(ESTABLISHMENT OF FORUM AND VIDYUT OMBUDSMAN FOR REDRESSAL OF  
GRIEVANCES OF THE CONSUMERS) REGULATION, 2015  
(Regulation No.            of 2015)**

In exercise of the powers under sub-sections (5) and (7) of Section 42 read with clauses (r) and (s) of sub-section (2) of section 181 of the Electricity Act, 2003 (Central Act No.36 of 2003) and all powers enabling it in that behalf, the Telangana State Electricity Regulatory Commission hereby makes the following Regulations providing for guidelines to the Licensees in the state of Telangana for setting up the Forum for redressal of grievances of the consumers, for the appointment of Vidyut Ombudsman against non-redressal of grievances of the Consumers or Complainants and the time and manner of settlement of grievances by the Vidyut Ombudsman and for matters incidental and ancillary thereto: -

**CHAPTER - I**

**PRELIMINARY**

**1) SHORT, TITLE, COMMENCEMENT AND INTERPRETATION:**

- 1.1. These Regulations may be called the Telangana State Electricity Regulatory Commission (Establishment of Forum for consumer grievances and Vidyut Ombudsman for Redressal of Grievances of the Consumers) Regulations, 2015
- 1.2. These Regulations shall be applicable to the Distribution Licensees in the state of Telangana in their respective licensed areas.
- 1.3. These Regulations shall come into force from the date of their publication in the Official Gazette of the Government of Telangana.
- 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. DEFINITIONS:

In these Regulations, unless the context otherwise requires:

- a. **“Act”** means the Electricity Act, 2003 (Central Act No. 36 of 2003) along with the amendments made from time to time;
- b. **“Commission”** means the Telangana State Electricity Regulatory Commission.
- c. **“Complainant”** includes the following who have a grievance as defined in these Regulations
  - A consumer as defined under clause (15) of section 2 of the Act;
  - An applicant for new connection
  - Any registered consumer association;
  - Any unregistered association or group of consumers, where the consumers have common or similar interests; and
  - In the case of the death of a consumer, his legal heir(s) or representative(s).
- d. **“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.
- e. **“Forum”** means the forum for redressal of grievances of consumers required to be established by distribution Licensees, pursuant to sub-section (5) of Section 42 of the Act and these Regulations.

- f. **"Licensee"** means a distribution Licensee and shall include the Southern Power Distribution Company of Telangana Limited and the Northern Power Distribution Company of Telangana Limited within the state.
- g. **"Ombudsman"** means an authority appointed or designated by the Commission, under subsection (6) of Section 42 of the Act.
- h. **"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 which includes an Appeal by a consumer or a Licensee against the order of the Forum.

### **Interpretations**

- 1.6. 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.
- 1.7. Words and expressions used and not defined in the Regulations and the Act shall have the ordinary meanings as is generally assigned to them. Expressions used herein but not specifically defined in the Regulations or in the Act but defined under any law passed by a competent legislature and applicable to the electricity industry in the state shall have the meaning assigned to them in such law. Subject to the above, expressions used herein but not specifically defined in these Regulations or in the Act or any law passed by a competent legislature shall have the meaning as is generally assigned in the electricity industry

## **CHAPTER - II**

### **2) CONSUMER GRIEVANCES REDRESSAL FORUM (CGRF)**

- 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 distribution license or date of formation of distribution licensee pursuant to a transfer scheme for re-organisation of a state electricity board. Model Regulations whichever is applicable shall establish one or more Forum(s) for redressal of grievances of Complainants in accordance with these regulations.
- 2.2. Number of Forums, location and jurisdiction.
- 2.2.1. The Southern Power Distribution Company of Telangana Limited (TSSPDCL) shall establish two Forums for redressal of grievances of complainants in accordance with these Regulations. The Licensee may decide the locations and jurisdictions of the two Forums in its licensed area in the state of Telangana.
- 2.2.2. The Northern Power Distribution Company of Telangana Limited (TSNPDCL) shall establish two Forums for redressal of grievances of complainants in accordance with these Regulations. The Licensee may decide the locations and jurisdictions of the two Forums in its licensed area in the state of Telangana.
- 2.3. A Forum shall conduct at least one sitting each week in its jurisdiction 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, quality of supply as per Standards of Performance specified by the Commission even if it receives them through letters, e-mails or any other electronic form as recognised by the Information Technology Act, 2000. 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 a Chairperson, a Technical Member, a Finance Member and an Independent Member. The Chairperson, Technical and Finance Members shall be appointed by the Licensee after consultation with the Commission. The Independent Member shall be appointed by the Commission.

- 2.6. The members to be selected shall meet the following criteria:

**a) Chairperson:**

The person should be a retired Judicial Officer of the rank of District Judge or a retired Superintending Engineer of a Distribution Licensee, with a minimum 15 years of experience.

*Provided that, a Superintending Engineer of a Distribution Licensee applying for the post of Chairperson 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 (3) years prior to being appointed as Chairperson of the Forum.*

**b) Technical/Finance Member:**

The person should be a serving officer of the Licensee, not below the rank of a Superintending Engineer or equivalent, with at least 15 years of experience in electricity supply and distribution or accounts or finance.

**c) Independent Member:**

The person shall be a representative of a registered society or NGO or consumer organization having one of its main objectives as consumer protection with at least 5 years of standing or alternatively the representing member should have five years of experience in consumer-related matters.

*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 (3) years prior to being appointed Independent Member of the Forum.*

- 2.7. The members of the Forum shall be persons of experience, ability, integrity and standing.
- 2.8. All three members shall work full-time except Independent Member, who works on the days of sitting of the Forum.
- 2.9. The Licensee shall, for the purpose of selecting the Chairperson and the Members of Forum (CGRF) shall constitute a selection committee consisting of:
  - a) The Chairman & Managing Director of the Licensee Company - Chairperson.
  - b) A person who is nominated by the Principal Secretary or Secretary to the Government of Telangana - Member
  - c) The Director (HRD) of the Licensee Company - Member.
- 2.10. The Selection committee shall recommend a panel of two names for every vacancy referred to it. The two names as recommended by the selection committee shall also be forwarded to the Commission.
- 2.11. The Licensee shall appoint the Chairperson or Member(s) after consultation with the Commission.
- 2.12. Every member of the Forum shall hold office for a fixed term of three years. The tenure of a Member may be extended by the Licensee for a further period not exceeding two years in consultation with the Commission.
- 2.13. The age-limit for occupying the post of the Chairperson and Independent Member shall be 65 years.

- 2.14. No person shall be appointed and/or be entitled to continue as a Chairperson or 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 Chairperson or 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 proved misbehaviour.
- 2.15. An existing Chairperson or a Member shall be liable to be removed from his office forthwith on account of any of the aforesaid disqualifications arising or being discovered during the incumbent being in office.

*Provided that no Member shall be removed from his/ her office on any ground specified in Regulation No. 2.14 unless the Licensee has held an independent inquiry in accordance with such procedure as directed by the Commission.*

- 2.16. The Licensee shall ensure that no post of a Chairperson or a Member in the Forum remains vacant for a period exceeding thirty days.

#### **Remuneration and other expenses**

- 2.17. The sitting fee, salary, any other allowances or perquisites, if any, (collectively "Remuneration") payable to the Technical/Finance Member shall be decided by the Licensee. The remuneration for the Independent Member shall be decided by the Commission. The remuneration of the Chairperson shall be decided by the Licensee in consultation with the Commission.

- 2.18. The terms and conditions of service of a 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. The Technical/Finance Member shall continue to draw the same salary as he/she is entitled to as a regular employee of the Licensee.
- 2.19. The office space, secretarial support, and other facilities required for smooth functioning of the Forum shall be provided by the Licensee.
- 2.20. 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) shall be considered in the revenue requirement of the Licensee and shall be allowed as a pass-through expense.

#### **Procedural matters**

- 2.21. 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 the second or casting vote.
- 2.22. The Chairperson shall have the general powers of superintendence and control over the Forum.
- 2.23. In the event of one of the Members dissenting, the order passed by the majority along with the reasons given by the dissenting Member shall form part of the order of the Forum. Such dissenting order shall also be communicated to the parties concerned. The total order comprising of the majority decision as well as the dissenting view on the grievance of the consumer has to be treated as an order of 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 the 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 or Members of the Forum, their addresses and phone numbers shall be displayed prominently at all the offices of the Licensee which has interface with the consumers and shall also be duly published on the electricity bills of the consumers in Telugu, Urdu and English.

### **Reporting Requirements**

- 2.28. The Forum shall submit a quarterly report on disposal of grievances to the Licensee, Commission and Ombudsman. The report should be submitted within 15 days of the close of the quarter to which it relates to.
- 2.29. The quarterly report should be submitted in accordance with the format as specified in ANNEXURE III of APPENDIX I.
- 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 to.

### **Presence of grievance-handling mechanism preceding the Forum**

- 2.31. 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 or prioritization of grievances**

2.32. As far as is possible and practical, the grievances shall be prioritized for redressal based on the following priority order:

- a) Non-Supply;
- b) Connection;
- c) Disconnection of supply;
- d) Meter-related issues;
- e) Billing-related issues;
- f) Standards of Performance related issues;
- g) Other issues

*Provided that Forum should be ensure that all grievances are disposed of within the time limit specified under these Regulations.*

### **Process for submission of grievance**

2.33. 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, if already established by the Licensee. The grievance may be submitted either in person or through post, email or any other electronic form as recognised by the Information Technology Act, 2000.

2.34. All complaint-receiving centres 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 relevant Forum within the next working day.

- 2.35. The grievance shall be submitted as per the format specified in ANNEXURE I of APPENDIX I:

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

- 2.36. The Complainant shall be issued an 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 any other electronic form as recognised by the Information Technology Act, 2000, 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**

- 2.37. The Forum may reject the grievance at any stage under the following circumstances:

- a) Where proceedings in respect of the same matter or issue 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) Where cases fall under Sections 126, 127, 135 to 139, 152, and 161 of the Act;
- c) Where the grievance has been submitted two years after the date on which the cause of action arose; and
- d) In the cases where grievances are:
  - frivolous, vexatious, malafide;

- without any sufficient cause; or
- 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 or Association of persons has been given an opportunity of being heard.*

## **Process**

- 2.38. The Forum shall forward a copy of the grievance to the concerned officer of the Licensee or the employee or employees or department named in the grievance (“respondent party”).
- 2.39. The respondent party shall furnish 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 and pass the order as it deems fit.
- 2.40. 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 an obligation to provide or furnish such information, document or record as the Forum may call for. Where a party fails to provide or 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 adverse inference.
- 2.41. 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. Where an 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.

- 2.42. 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 communicate to the Complainant and the Licensee by an order of the Forum.
- 2.43. Where 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.
- 2.44. 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 other than 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.
- 2.45. Where the Complainant or the Licensee or their representatives fail(s) to appear before the Forum on the date fixed for hearing on more than two occasions, the Forum may decide the grievance ex-parte and may impose the costs as the forum may deem it appropriate.

2.46. 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.

*Provided further that no adjournment shall be granted after giving two opportunities to the Complainant and the Licensee.*

2.47. 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**

2.48. 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 or appropriate, and after affording a 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 and pass an order in writing as it deems fit. The views of the fourth member shall form part of the decision making process. However, he has no voting right in the decision making process.

2.49. Where after the completion of the proceedings, the Forum by majority is satisfied that any of the allegations contained in the grievance are correct, it shall issue an order in writing 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 at 9% per annum for the period for which the undue charges were withheld by the Licensee;

- c) May direct the Licensee to pay such amount as may be awarded by it as compensation to the Complainant for any loss or injury suffered by the Complainant due to the negligence of the Licensee. While awarding compensation, the Forum may consider the Standards of Performance notified by the Commission or may award such multiples of the said compensation as the Forum deem appropriate to the Complainant in the facts and circumstances of the case(s).
  - d) Recover the compensation as awarded in Regulation No.2.48(c) and pay to the Complainant and where the compensation awarded is attributable to the malafide action of the employee or employees resulting in loss or injury shall be recovered from the salary or salaries of the employee or employees responsible for such malafide action in proportion to their salaries by the Licensees.
- 2.50. The proceedings and decisions of the Forum shall be in writing and shall be supported by reasons. The order shall be a reasoned order and signed by the members conducting the proceedings. 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.
- 2.51. Where the grievances relate to non-supply, connection or disconnection of supply, the Forum shall pass the order within 15 days of filing of the grievance and in case of other grievances, the order shall be passed within 45 days of filing of the grievance.

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

- 2.52. The order of the Forum shall be communicated to the Complainant and the Licensee in writing within three days. A certified copy of every order passed by the Forum shall be delivered to the parties.
- 2.53. The Licensee shall comply with the order of the Forum within 21 days from the date of receipt of the order. In exceptional cases, the Forum, upon the request of the Licensee, may extend the period for compliance of its order for a period not exceeding three months.

#### **Penalty for non-compliance of the Orders of Forum**

- 2.54. The Licensee or any officer of the Licensee responsible for implementation of the orders of the Forum shall do so within the time stipulated in this Regulation failing which he shall be held personally responsible to pay the penalty as directed by the Forum.
- 2.55. Where there is inaction on part of an employee or several employees based on hierarchy of posts who has to sanction implementation of the said order, then, all such employees, shall be liable to pay penalty for non-implementation as ordered by the Forum, to the Complainant, in proportion to the salaries drawn by them from the Licensee within a period of two weeks from the date of receipt of the order of Forum. The Licensee shall ensure the same by deducting the penalty from their salaries.
- 2.56. The Forum shall issue a notice either suo-moto or at the instance of Consumer or Complainant complaining of non-compliance of the order, after 21 days of the receipt of the order by the Licensee or such extended period as may have been granted by the Forum, as it may consider appropriate to levy the penalty and after giving an opportunity of being heard to the person(s) concerned including Licensee for non-compliance of its orders and levy penalty as the Forum deems fit.
- 2.57. The Forum shall pass order levying penalty for non-implementation, specifying the proportion in which it is to be paid to the consumers/ Complainant and it is the duty of the Licensee to recover such penalty from

the salary of the concerned employee(s) including the Directors of the company and pay to the Complainant.

- 2.58. Where the complaint is found to be malafide by the Forum, the Licensee shall be entitled to invoke the Terms and Conditions of supply as notified by it for recovery of the amounts, if any due to it. The Licensee and its Officer(s) have to strictly adhere to the procedure as has been spelt out in the Act, Regulations made for this purpose by the Commission.
- 2.59. 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.
- 2.60. In addition to levy of penalty, the Forum shall also inform the Commission regarding the non-compliance of its orders.

**Special provisions: Interim Order, Escalation Mechanism**

- 2.61. 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.*

- 2.62. A Complainant may prefer a representation before the Ombudsman, appointed 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.

Such a representation may be made within a period of 45 days from the date of issuance of the order by the Forum.

*Provided that the Ombudsman may entertain an appeal of the Complainant after the expiry of the said period of 45 days if he is satisfied that there was a sufficient cause for not filing it within such period.*

- 2.63. The Licensee aggrieved by an order of the Forum may prefer an Appeal signed by any Director of Licensee against such order to the Ombudsman within a period of 45 days from the date of the order in such form and manner as may be prescribed.

*Provided that the Ombudsman may entertain an appeal of the Licensee after the expiry of the said period of 45 days if he is satisfied that there was a sufficient cause for not filing it within such period.*

**Explanations:**

- (1). *In order to minimize the pressure of Appeals on constitutional authorities by straight away invoking the constitutional remedies against the order of the Forum by the Licensees, the Commission proposes to provide a mechanism whereby the Licensees shall have an opportunity to prefer an appeal to the Ombudsman.*
- (2). *The Appeal by Ombudsman shall be entertained on the ground that the order of the Forum is inconsistent or contrary to the provisions of the Act, Rules, Regulations, Tariff orders, Standards or any other instructions of the Commission from time to time.*

- (3). *The Commission will have to endeavour that the Licensees are functioning in accordance with the Section 11 (1)(b) of the A.P.Electricity Reform Act, 1998. The intent is to allow the Licensees to be regulated such that they work in an efficient, economical manner and equitable manner by laying down standards of performance in respect of service to consumers.*
- (4). *The mandate and the core theme of the Electricity Act, 2003 is consumer interest and the development of Electricity Industry. The dispute resolution system should be fair and equal to the Complainant and the Licensee and the Commission invokes its power under section 181 of the Electricity Act, 2003.*

2.64. 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 or an appeal before the Ombudsman against such an order of settlement.

### CHAPTER - III

#### 3) OMBUDSMAN

##### Qualification, 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 shall also form a Search Committee for recommending names for the appointment of the Ombudsman by the Commission.
- 3.4. The Ombudsman shall be a person of experience, ability, integrity and standing.
- 3.5. The following categories of persons shall be eligible to be appointed as Ombudsman:
- a) Retired District Judges
  - b) Retired Secretaries of law to State Governments
  - c) Any person who has held the position of a member or chairperson of any statutory quasi-judicial body at the state level for at least three years
  - d) Any other person of equivalent level
- 3.6. The Ombudsman shall hold office for a fixed term of three years. The tenure may be extended for a further period not exceeding two years by the Commission at its discretion.
- 3.7. The age-limit for occupying the office of Ombudsman shall be 65 years.
- 3.8. The pay scale and other allowances of the Ombudsman shall be as decided by the Commission.
- 3.9. 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.*

### **Office of the Ombudsman**

- 3.10.** 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. 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.
- 3.11.** The post of Ombudsman shall be a full-time post.
- 3.12.** 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.
- 3.13.** All expenses of the Ombudsman's office including that of the Secretariat shall be borne by the Commission which can recover such expenses from the Licensees in proportion to their latest approved net ARR. At the start of every quarter, the Commission shall present an estimated bill of expenses to each Licensee. The Licensee shall make the payment to the Commission within 15 days of the receipt of such a bill. The actual expense shall be adjusted while approving the ARR of the Licensee and the Licensee shall be allowed to recover such actual expense as pass through in the determination of tariffs.
- 3.14.** The name, location, email address and telephone numbers of the Ombudsmen shall be widely publicised through newspapers, and displayed on the websites and the offices of the Licensees and the Commission and

intimated to consumers through electricity bills. They may also be publicised through radio and television.

### **Reporting Requirements**

**3.15.** 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 to.

**3.16.** 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

**3.17.** 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. The report should be submitted within 45 days of the close of the financial year to which it relates.

### **Representation or Appeal before the Ombudsman.**

**3.18.** The Representation/Appeal may be entertained by the Ombudsman subject to the following conditions:

- a) The Complainant including association representing the Complainant(s) or the Licensee, if aggrieved by the order of the Forum may prefer a Representation to the Ombudsman within 45 days from the date of receipt of the order of the Forum.

*Provided that the Ombudsman may entertain a Representation of the Complainant or a Licensee after the expiry of the period of 45 days if he is satisfied that there was a sufficient cause for not filing it within such period.*

- 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 or the Licensee, 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 by the Licensee or the Complainant 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 or the Licensee 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 as the case may be.
- f) The Complainant has deposited with the Ombudsman, an amount equal to one-third of the amount assessed by the Forum, if any.

**3.19.** 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.

**3.20.** 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; or

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

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

### **Format for submission of representation**

- 3.21. The Complainant or Licensee can submit his/ her representation as per the format specified in ANNEXURE II of APPENDIX I.

### **Promotion of settlement by conciliation**

- 3.22. 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 or the Complainant along with a copy of the representation and endeavour to promote a settlement of dispute by mutual agreement between the Complainant and the Licensee through conciliation or mediation.

- 3.23. For the purpose of facilitating settlement or disposal of the representation, the Ombudsman may follow such procedures, as he may consider appropriate.

- 3.24. When a dispute 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.

- 3.25. If the Complainant and the Licensee accept the recommendation of the Ombudsman, they shall send a communication in writing within 15 days of the date of receipt of the recommendation. They shall 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.

- 3.26.** The Ombudsman shall make a record of such an agreement as his/her orders and thereafter close the case.

### **Hearing of representations**

- 3.27.** 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.
- 3.28.** 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.
- 3.29.** 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 the Ombudsman considers appropriate.
- 3.30.** The Ombudsman may hear the parties and may direct the parties to submit written statements of submissions in the matter.
- 3.31.** 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.

- 3.32.** 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 or Appeal ex-parte on the basis of material on record.
- 3.33.** 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**

- 3.34.** 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 or Licensee 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.
- 3.35.** The Ombudsman shall pass an order, within 60 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.
- 3.36.** 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 including enhancement of compensation or penalty as the case may be.

- 3.37. 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.
- 3.38. 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.
- 3.39. No party can file an appeal before the Commission against the order passed by the Ombudsman. 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.
- 3.40. Upon request of the Complainant or the Licensee, the Ombudsman may issue such interim orders at any stage during the disposal of the representation as it may consider necessary or 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 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.*

- 3.41. 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 - IV

### 4) 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 and the Cell may be located in the
- 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 (Consumer Protection: Standards of performance of Licensee) of the Act.
  - c) Facilitate capacity building of consumer groups and ensure their effective representation for enhancing the efficacy of regulatory processes.

## CHAPTER - V

### 5) CHAPTER 5: MISCELLANEOUS

#### Savings

- 5.1. The redressal or settlement of pending grievances and representations, respectively, made before coming into force of the “”State” Electricity Regulatory Commission (Consumer Grievance Redressal Forum, Ombudsman and Consumer Advocacy) Regulations, “Notification year””, shall continue to be governed by the provisions of the earlier Regulations on the subject notified on “Previous Regulations Date/s”.

**Powers to remove difficulties**

- 5.2. If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty.

**Repeal**

- 5.3. On and from the date of publication of this Regulation in the Official Gazette of the Government of Telangana, the Regulation No.1 of 2014 made by the erstwhile APERC and adopted by the Commission stands repealed.

**APPENDICES**  
**APPENDIX I: FORMATS**

**ANNEXURE I: GRIEVANCE SUBMISSION BEFORE FORUM**

**APPLICATION TO FORUM FOR REDRESSAL OF GRIEVANCE**

Note: \* indicates compulsory fields

Date\*: \_\_\_\_\_

1. Name of the Complainant: \_\_\_\_\_
2. Full address of the Complainant \*: \_\_\_\_\_  
Pin Code\*: \_\_\_\_\_  
Phone no.\*: \_\_\_\_\_  
Fax no.: \_\_\_\_\_  
Email id: \_\_\_\_\_
3. Nature of Connection and Consumer no.\* (in case of having applied for a connection, state the application number):  
\_\_\_\_\_
4. Distribution Licensee\*: \_\_\_\_\_
5. Complaint receiving centre number\*: \_\_\_\_\_
6. Category of grievance (please tick the relevant box/ boxes):  
a. Wrong billing \_\_\_ b. Recovery of arrears \_\_\_ c. Faulty Meter \_\_\_  
d. Burnt meter \_\_\_ d. Supply interruption \_\_\_ e. Harmonics in supply \_\_\_  
f. Supply voltage related \_\_\_ g. Deficient service \_\_\_  
h. Delay in providing new connection \_\_\_ i. Reconnection \_\_\_  
j. Change in connected load \_\_\_ k. Transfer of connection \_\_\_  
l. Others (please specify) \_\_\_\_\_
7. Name of the employee / employees (specify employee ID or department) or department against whom grievance has been filed (if any):  
\_\_\_\_\_
8. Details of the grievance, facts giving rise to the grievance\* (If space is not sufficient please enclose separate sheet)

9. Nature of relief sought from the Forum

10. List of documents enclosed (Please enclose copies of any relevant documents which support the facts giving rise to the grievance)

11. Declaration

(a) I/ We, the Complainant /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 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.

Yours faithfully

(Signature)

(Complainant's name in block letters)

AUTHORISATION - (If the Complainant wants to authorise his representative to appear and make submissions on his behalf before the Forum, the following declaration should be submitted.)

I/We the above named consumer hereby nominate Shri/Smt. .... , 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 Complainant)

**ANNEXURE II: SUBMISSION OF REPRESENTATION OR APPEAL BEFORE  
OMBUDSMAN**

**REPRESENTATION / APPEAL BEFORE THE OMBUDSMAN**

Note: \* indicates compulsory fields

Date\*: \_\_\_\_\_

To

The Ombudsman

(specify full address)

Dear Sir / Madam

SUB: (please make a mention of the order of the Forum from which a representation / Appeal to the Ombudsman is being made)

Details of the grievance or Appeal are as under:

1. Name of the Complainant/Licensee: \_\_\_\_\_
2. Full address of the Complainant/Licensee\*: \_\_\_\_\_  
Pin Code\*: \_\_\_\_\_  
Phone no.\*: \_\_\_\_\_  
Fax no.: \_\_\_\_\_  
Email id: \_\_\_\_\_
3. Nature of Connection and Consumer no.\* (in case of having applied for a connection, state the application number):  
\_\_\_\_\_
4. Distribution Licensee\*: \_\_\_\_\_
5. Name and Address of the Forum\*: \_\_\_\_\_
6. Date of submission of grievance by the Complainant to the Forum\* (please enclose 3 copies of the grievance):  
\_\_\_\_\_
7. Details of the representation/Appeal, facts giving rise to the representation/appeal\* (If space is not sufficient please enclose separate sheet)

---

---

8. Whether the Complainant or Licensee has received the final decision of the Forum? (If yes, please enclose three copies of the Forum's order conveying its final decision)

---

9. If the Complainant or Licensee has received the final decision of the Forum, whether any amount was assessed by the Forum to be paid by the consumer to the Licensee? (If yes, please enclose receipt of the deposit of 1/3rd of such amount with the Ombudsman)

---

10. Nature of relief sought from the Ombudsman

---

---

11. List of documents enclosed (Please enclose three copies of all relevant documents which support the facts giving rise to the representation)

---

---

12. Declaration

(a) I/ We, the Complainant/s or Licensee 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 or Appeal has never been brought before the Office of the 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 or Appeal has not been settled through the Office of the Ombudsman in any previous proceedings.

(d) The subject matter of the present representation or Appeal has not been decided by any competent authority/court/arbitrator, and is not pending before any such authority/court/arbitrator.

Yours faithfully

(Signature)

(Complainant's or Director of the Licensee name in block letters)

NOMINATION - (If the Complainant/Licensee wants to nominate his representative to appear and make submissions on his behalf before the Ombudsman, the following declaration should be submitted.)

I/We the above named Complainant/Licensee 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.

I/We the above named Complainant/Licensee 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 Complainant) /  
(Signature of Director)

**ANNEXURE III: QUARTERLY REPORTING BY FORUM**

Quarter: \_\_\_\_\_ Financial Year: \_\_\_\_\_

**1. Status of grievance redressal**

S. No	Parameters	Delay in restoring supply	Quality of supply	Meter problems	Billing problems	Quality of service	Others	Total
1	Grievances pending at end of previous quarter							
2	Grievances received during this quarter							
3	Total grievances (1+2)							
4	Grievances attended during this quarter							
5	Balance grievances to be attended (3-4)							
6	Grievances successfully redressed during this quarter							
7	Grievances in the process							

	of redressal							
8	Grievances escalated to Ombudsman							

**Note: Sum of rows 6, 7 & 8 should be equal to row 4**

2. Status of compliance by Licensee

a. Of the number of grievances successfully redressed during the quarter, state the number of grievances in which the order specified directions for the Licensee: \_\_\_\_

b. Describe the status of the Licensee's compliance against each such grievance: \_\_\_\_\_

---

---

---

---

---

---

---

---

---

---