

**Amendment to Regulations for Consumer Grievance Redressal
Forum and Electricity Ombudsman
Draft Notification No. TNERC / CGRF & EO/6- / dated .14**

(Comments/suggestions invited upto 29-06-2014)

The following draft of amendments to the Regulations for Consumer Grievance Redressal Forum and Electricity Ombudsman, 2004, which it is proposed to make in exercise of the powers conferred by clause (r) of sub-section (2) of section 181 of the Electricity Act, 2003 (Central Act 36 of 2003) and all other powers enabling it in this behalf, is hereby published for information of all persons likely to be affected thereby, as required by sub section (3) of section 181 of the said Act.

2. Notice is hereby given that the draft amendment will be taken into consideration after expiry of thirty days from the date of publication of this Notification in the TNERC website and that any objection or suggestion, which may be received from any person before the expiry of the aforesaid period will be considered by the Commission.

3. Objection or suggestion, if any, should be addressed in duplicate to the Secretary, Tamil Nadu Electricity Regulatory Commission, 19-A, Rukmini Lakshmi pathy Salai, Egmore, Chennai – 600 008.

DRAFT AMENDMENTS

In the said Regulations –

(1) regulation 7, –

(a) for sub-regulation (2), the following shall be substituted namely:-

*“(2) Within **five** working days of receipt of a consumer grievance, the forum shall send an acknowledgement to the complainant. If the grievance/petition is anonymous, the*

same shall be rejected on receipt and placed before the forum in the next available opportunity for recording the same.” ;

(b) for sub-regulation(5), the following shall be substituted, namely:-

*“(5) The licensee shall furnish the para-wise comments on the grievance **to the forum and the complainant** within **10** days of receipt of the letter from the forum, failing which the forum shall proceed on the basis of the material record available. The complainant can represent himself or through a representative of his choice. Where the complainant or his representative fails to appear on the date of hearing before the forum, the forum may decide it on merits.”;*

(c) for sub-regulation(7), the following shall be substituted, namely:-

*“(7) On receipt of the comments from the licensee or otherwise, the forum shall initiate enquiry in regard to the complaint after serving a notice of the said enquiry on the complainant and the licensee concerned, mentioning “date, time and venue” of the enquiry by registered/speed post/special messenger and complete the said enquiry expeditiously and pass appropriate order on the complaint within a maximum period of **forty days** from the date of receipt of complaint by the forum.”;*

(d) after subregulation (11), the following shall be added, namely :-

“(12) The Chairman of the forum may pass such interim orders on the request of the complainant as he may consider appropriate in the interest of the complainant after hearing both sides subject to issue of final order by the forum.

Provided that in case of dispute in regard to payment of current consumption charges the interim relief shall not be granted unless the complainant deposits with the designated authority/office of the licensee the amount as specified in subsection 1(a) or 1(b) of section 56 of the Act.

(13) Once a petition is filed with the Consumer Grievance Redressal Forum, the electricity supply to the consumer shall not be disconnected subject to the compliance of the provisions of the Act, regulations and orders.

(14) The application seeking interim relief shall be registered within three working days from the date of receipt of complaint.

(15) The interim orders shall be passed within ten days from the date of receipt of the complaint.”;

(2) in regulation 17, in sub-regulation (4), for clause(a) the following shall be substituted, namely:-

*“(a) The complainant had before making a complaint to the Electricity Ombudsman made a written representation to the forum of the licensee named in the complaint and either the forum had rejected the complaint or the complainant had not received any reply within a period of **forty days** from date of filing of the grievance or the complainant is not satisfied with the reply given to him by the forum. Provided that this shall however not be applicable to the complaints of common nature described under sub-regulation(1).”;*

(3) in regulation 22 after sub-regulation(5), the following shall be added,
namely:-

“ (8) Non-compliance of the orders of the Forum or the Electricity Ombudsman shall be deemed to be a violation of the regulations of the Commission and shall attract proceedings under section 142 of the Act.”.

By order of the Commission

(S. Gunasekaran)
Secretary

EXPLANATORY STATEMENT

- (i) A time limit of five days for issue of acknowledgement instead of the existing limit of seven days has been proposed so that cases could be disposed within the proposed time limit of forty days for disposal. The proposed period is sufficient as it is a case of mere acknowledgement and no serious work load is involved.
- (ii) The Regulations specify that the licensee shall furnish para-wise comments to the Forum on the grievance within fifteen days from the receipt of the letter of the forum. The time limit for furnishing the para-wise remarks is reduced to ten days to expedite the process of grievance settlement. It is also felt that communication of such para-wise remarks to the complainant is necessary to enable the complainant to put forth his case effectively before CGRF and to enable the CGRF to frame the issues well before the first date of hearing.
- (iii) In order to ensure speedy disposal of complaints it is proposed to fix time limit of forty days for disposal of complaint instead of 2 months. The proposed amendment also seeks to ensure that the orders arising out of enquiry conducted by CGRF are implemented early.
- (v) It is also proposed to provide necessary provision for passing interim orders by the CGRF in deserving cases especially in cases of threat of disconnection of service for unjustifiable demand notices issued by the

licensee. However, the regulation cannot be made applicable to payment of regular current consumption charges as there are safeguards under section 56 of Electricity Act, 2003 (Central Act 36 of 2003). It is considered necessary to make suitable provision for not disconnecting the service and maintain status quo once a complaint is filed before the forum and at the same time to protect the financial interest of the licensee. Hence, the present amendment has been proposed. The time limit for registration and disposal of applications seeking interim relief has also been specified to redress the grievances of the consumers speedily.

- (iv) Since the time limit for disposal of cases by the CGRF is proposed to be reduced to forty days, the time limit, for making the complaint to the Electricity Ombudsman directly in case of non-disposal of case by the Forum has to be reduced to forty days instead of two months.
- (v) The amendment seeks to ensure that the orders of Forum and the Electricity Ombudsman are complied with by the licensee by providing that non-compliance of the orders of the Forum or Electricity Ombudsman shall attract proceedings under section 142 of the Act.

By order of the Commission

(S. Gunasekaran)
Secretary

STATEMENT SHOWING EXISTING PROVISION AND PROVISION AS AMENDED

Existing provision (1)	Proposed amendment (2)
(I)	(I)
<p>7(2) <i>Within seven working days of receipt of a consumer grievance the forum shall send an acknowledgement to the complainant. If the grievance/petition is anonymous, the same shall be rejected on receipt and placed before the forum in the next available opportunity for recording the same.</i></p>	<p>7(2) <i>Within five working days of receipt of a consumer grievance, the forum shall send an acknowledgement to the complainant. If the grievance/petition is anonymous, the same shall be rejected on receipt and placed before the forum in the next available opportunity for recording the same.</i></p>
(II)	(II)
<p>7(5) <i>The licensee shall furnish the para-wise comments on the grievance to the forum within 15 days of receipt of the letter from the forum, failing which the forum shall proceed on the basis of the material record available. The complainant can represent himself or through a representative of his choice. Where the complainant or his representative fails to appear on the date of hearing before the forum, the forum may decide it on merits.</i></p>	<p>7(5) <i>The licensee shall furnish the para-wise comments on the grievance to the forum and the complainant within 10 days of receipt of the letter from the forum, failing which the forum shall proceed on the basis of the material record available. The complainant can represent himself or through a representative of his choice. Where the complainant or his representative fails to appear on the date of hearing before the forum, the forum may decide it on merits.</i></p>

<p style="text-align: center;">(III)</p> <p><i>7(7) On receipt of the comments from the licensee or otherwise, the forum shall initiate enquiry in regard to the complaint after serving a notice of the said enquiry on the complainant and the licensee concerned, mentioning “date, time and venue” of the enquiry by registered post with acknowledgement and complete the said enquiry as expeditiously as possible and every endeavor shall be made to pass appropriate order on the complaint within a maximum period of 2 months from the date of receipt of complaint by the forum</i></p>	<p style="text-align: center;">(III)</p> <p><i>7(7) On receipt of the comments from the licensee or otherwise, the forum shall initiate enquiry in regard to the complaint after serving a notice of the said enquiry on the complainant and the licensee concerned, mentioning “date, time and venue” of the enquiry by registered/speed pos/special messenger and complete the said enquiry expeditiously and pass appropriate order on the complaint within a maximum period of forty days from the date of receipt of complaint by the forum.</i></p>
<p style="text-align: center;">(IV)</p> <p><i>After 7(11) Nil</i></p>	<p style="text-align: center;">(IV)</p> <p><i>“(12) The Chairman of the forum may pass such interim orders on the request of the complainant as he may consider appropriate in the interest of the complainant subject to issue of final order by the Forum.</i></p> <p><i>Provided that in case of dispute in regard to payment of current consumption charges the interim relief shall not be granted unless the complainant deposits with the designated authority/office of the licensee the amount as specified in subsection 1(a) or 1(b) of section 56 of the Act.</i></p>

<p style="text-align: center;">(V)</p> <p><i>17(4) No complaint to the Electricity Ombudsman shall lie unless:</i></p> <p><i>(a) The complainant had before making a complaint to the Electricity Ombudsman made a written representation to the forum of the licensee named in the complaint and either the forum had rejected the complaint or the complainant had not received any reply within a period of two months from date of filing of the grievance or the complainant is not satisfied with the reply given to him by the forum. This shall however not be applicable to the complaints of</i></p>	<p><i>(13) Once a petition is filed with the Consumer Grievance Redressal Forum, the electricity supply to the consumer shall not be disconnected subject to the compliance of the provisions of the Act, regulations and orders.</i></p> <p><i>(14) The application seeking interim relief shall be registered within three working days from the date of receipt of complaint.</i></p> <p><i>(15) The Interim orders shall be passed within ten days from the date of receipt of the complaint.</i></p> <p style="text-align: center;">(V)</p> <p><i>17(4) No complaint to the Electricity Ombudsman shall lie unless:</i></p> <p><i>(a) The complainant had before making a complaint to the Electricity Ombudsman made a written representation to the forum of the licensee named in the complaint and either the forum had rejected the complaint or the complainant had not received any reply within a period of forty days from date of filing of the grievance or the complainant is not satisfied with the reply given to him by the forum. Provided that this shall however not be applicable to the complaints of common nature described under subregulation(1).</i></p>
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<p><i>common nature described under clause 17(1).</i></p> <p style="text-align: center;">(VI)</p> <p>22(8) <i>Nil</i></p>	<p style="text-align: center;">(VI)</p> <p><i>(8) Non-compliance of the orders of the Forum or the Electricity Ombudsman shall be deemed to be a violation of the regulations of the Commission and shall attract proceedings under section 142 of the Act</i></p>
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By order of the Commission

(S. Gunasekaran)
Secretary