

COMMISSION'S ORDER ON THE PROCEDURES TO BE FOLLOWED BY CGRFs

PROCEEDING OF THE TAMILNADE ELECTRICITY REGULATORY COMMISSION

PRESENT:

Thiru M. Chandrasekar - Chairman
Thiru K.Vekatasamy - Member (Legal)

Proceedings .No. TNERC/DE/DDE2/F.CGRF/2021 dt.06.06.2021

Sub: CGRF in the State of Tamil Nadu – Procedure to be followed by the Forum – general instructions- issued.

The Regulations for Consumer Grievance Redressal Forum (hereafter referred as Forum) and Electricity Ombudsman 2004 (hereafter referred to as Regulations) have been framed by the TNERC (hereafter referred to as Commission) in exercise of the statutory powers conferred on the Commission by Sec.181 read with sub-section 5,6 and 7 of Section 42 of the Electricity Act 2003 (Central Act 136 of 2003) and they have been gazette in Part VI Sec 2 (Supplement) Tamil Nadu Gazette dated 18.2.2004 for public information.

1. Regulation 7 contains detailed provisions in regard to grievance handling procedure for the Forum.

Sub-regulation 7(1) mandates the Chairperson to make endorsement on the grievance received, subscribing his dated initial. Grievances received shall be registered and serially numbered for each year. For example petition first received in 2021 shall be numbered as Petition No.01/2021.

Any Petition lodged to CGRF and received as hard copy or soft copy through CGRF mail ID or Chair person mail ID shall be numbered and acknowledged.

The complaint shall be in the prescribed format or can be in text format with required information and address of the complainant as provisioned in Sub-regulation 6(2).

2. Sub-regulation 7(2) stipulates that within five working days of receipt of a consumer grievance, the Forum shall send an acknowledgement to the complainant.

3. Sub-regulation 7(4) stipulates that when a complaint is allowed to be proceeded, a copy of the admitted complaint shall be forwarded simultaneously to the Nodal Officer of the concerned licensee for redressal or to file objection in writing if the licensee is not agreeable to the request of the complainant.

If the Nodal officer redresses the grievance without the need for the petitioner to appear before the Forum, the acknowledgement from the complainant for having been redressed his grievance should be obtained and submitted to the Forum with a detailed report of the Executive Engineer covering the grievance and the date work carried out for the redressal and final result. All the data connected with the petition and the status of grievance before and after carrying out the work must be fully explained in the report of the Executive Engineer.

The Forum if satisfied to the effect that the grievance is redressed fully as required by the petitioner, shall record the details in the register with signature of all members and Chairperson as the final step of disposal. If not satisfied, the Forum shall summon the nodal officer and seek personal explanation of the report submitted and issue further direction to the nodal officer as deemed fit and necessary by the Forum.

The Nodal officer should not dispose the petition on his own, without submitting the report to the Forum for statutory disposal.

4. Sub-regulation 7(5) stipulates that the licensee shall furnish the para-wise remarks 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 by 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 merit.

5. Sub-regulation 7(7) stipulates that on receipt of the comments from the licensee or otherwise, the forum shall complete enquiry as expeditiously as possible and every endeavor shall be made to pass appropriate order on the complaint within a maximum period of fifty days from the date of receipt of complaint by the Forum.

6. When only two members including the Chairman are present for a meeting of the Forum and in the event of equality of votes while dealing with a complaint, the petition should not be kept pending either for placing in the next meeting with all members or for appointment of the third member. As per sub-regulation 7(8), all decisions shall be taken by a majority of votes by the members present and in the event of the equality of the votes, the facts may be recorded and referred to the Electricity Ombudsman for final orders.

7. The decisions of the forum shall be strictly in accordance with the provisions of the Act, the rules and regulations made there under and in particular the Tamil Nadu Electricity Supply Code and the Tamil Nadu Electricity Distribution Code and the directions of the Commission and it is not open to the Members and the Chairperson of the Forum to deviate either expressly or impliedly from the provisions of the Act or the rules or regulations made there under or the Tamil Nadu Electricity Supply Code or the Tamil Nadu Electricity Distribution Code or the directions of the Commission while taking the decisions by the Forum.

8. CGRF shall pass speaking orders:

8.1 The CGRF shall pass clear, conclusive speaking orders.

8.2 The order should be decisive with citation of provisions of Act/Codes/Regulations/Rules/orders of the Commission etc., The Number of the Regulation or Sub-Regulation of the Code/ Section or subsection of the Act etc., must be mentioned precisely and authoritatively.

8.3 The Forum shall not pass a simple or one page order without narrating the facts of the case, the issues involved and the contentions put forth by both the complainant and the respondent.

8.4 It is pointed out that the statutory requirement of forwarding the complaint to the concerned licensee to file their objections or para-wise remarks would indicate the fact that the order of the Forum should be a speaking order recording the contentions put forth by both parties. It is well settled by case law that when an order passed by a statutory or quasi-judicial authority which is subject to further appeal, the

order must be a speaking order narrating the contentions of the petitioner and the respondent and effectively meeting the contentions put forth by both parties.

8.5 The orders issued with non compliance of the grievance of the petitioner either fully or partially, should spell out in the last para of the order the provision of appeal available under Regulation 8 for the aggrieved consumer before the Electricity Ombudsman specifying the time limit of 30 days from the date of order of the Forum.

8.6 All the members present and Chairperson shall sign with date every order passed by the Forum. The original signed order shall be given to both petitioner and the licensee.

8.7 The order of the Forum must either be handed over in person with dated acknowledgement or sent by RPAD.

8.8 Passing of final order shall not be delegated to the subordinate official of the TNEB.

8.9 If any additional document is required to be furnished by the petitioner in regard to disposal of the petition, the petitioner shall be asked to produce the same to the Forum during the next hearing. The petitioner should not be directed to approach the nodal officer of the Licensee with such additional document for redressal of the grievance and disposal by the nodal officer himself.

8.10 The order of the Forum shall be in the judicial format and not in the conventional letter format or note format. A model format is annexed for adoption.

8.11 The Chairperson shall ensure that the Counter/Rejoinder filed to the Electricity Ombudsman shall also be in judicial format and not in office letter format. The Counter and rejoinder shall contain clarity in contention, required details, grounds, Statutory authorities on which the counter relies, their copies, replies to all points raised in the appeal and typeset references.

9. Sub-regulation 7(8) specifies that it is not open to the Members and the Chairperson of the Forum to deviate either expressly or impliedly from the provisions of the Act or the Rules or Regulations made there under or the directions of the Commission while taking the decisions by the Forum. It is to be noted that as per Sec 142 of the Electricity Act 2003 (Central Act 36 of 2003), if the Commission is satisfied that any person has contravened any of the Regulations made under the Act, the

Commission may initiate penal action under the said Section 142 of the Act. Any violation of statutory provisions contained in Regulation 7 by the Forums would attract proceedings under Sec.142.

10.0 CGRF Chairman's duties:

10.1 The following are the basic references required for dealing with petitions received by the Forum:

1. Consumer Grievance Redressal Forum and Electricity Ombudsman regulations
2. Tamil Nadu Electricity Distribution Code
3. Tamil Nadu Electricity Supply Code
4. Electricity Act 2003 and Electricity Rules 2005

The Chairman shall supply copies of the above to the members of the forum.

10.2 The Forum hearing shall be conducted like a court proceedings. The hearing shall be conducted in conference / meeting hall available in the circle office. The names and designation of the Chairman and members shall be displayed in their respective tables. The Chairman shall be neutral in his capacity as Chairperson of the Forum and conduct the hearing in unbiased manner and devote his time exclusively for the proceedings during hearing.

10.3 Sub-regulation 3(6) specifies that *“The quorum of the Forum shall be two among the three members, which includes the Chairperson. The post of the members shall not be kept vacant for more than two months”*.

It is the responsibility of the Chairman of the Forum, to act promptly and ensure that the vacancies of the members of the Forum are filled up in time so that the Forum always has sufficient quorum to dispose the petitions received. One member with financial/legal profession shall be nominated by the District Collector and another member of NGO shall be nominated by the Commission. The District Collector and the Commission shall be requested six months in advance as and when a vacancy would arise. Minimum three proposals of nomination of candidates fulfilling the qualification and eligibility as stipulated in sub-regulation 3(4) shall be sent to the District Collector or the Commission as the case may be in the specified format by the Commission to

enable the Collector/ Commission to nominate one among the proposed nominations by the Chairman of the Forum. The proposals shall be in complete shape with details of bio-data, proof of age, educational qualification, copies of relevant documents, membership details of consumer organization; contribution to consumer cause etc without giving scope for unnecessary correspondence and delay. The individual formats specified by the Commission for submission of applications for both cases of nominations by the District Collector and the Commission shall be filled up by the candidates and duly authenticated by the Superintending Engineer.

The model formats are annexed for ready reference.

The District Collector/Commission shall not be simply addressed to nominate a member without enclosing the proposal of minimum three nominations.

For inviting nomination proposal from consumer organization, the consumer organizations registered with District collector's office shall be addressed besides wide publicity.

10.4 Chairman is responsible for compliance of the time schedules prescribed for dealing with consumer grievance petition.

10.5 Chairman of the Forum is responsible for ensuring the dissemination of the information on CGRF to the common public/ consumers. The minimum requirements are:

a) Display a prominent and eye catching notice in Tamil, at all offices of the distribution, starting from each section office, bill collection centers informing the consumers the existence of CGRF, address, E mail ID .

b) Print the following statement in the bills/receipts issued by the licensee (TNEB).
“Consumers whose grievance is not redressed by the official of the licensee may approach the Consumer Grievance Redressal Forum (CGRF) ”

10.6 The Chairman shall educate all sub ordinate officers about the forum, its purpose, governing regulations, and role of the field officers in fulfilling the statutory provisions of the Regulation etc.

10.7 Since the disposal is time bound, the Chairman shall designate the Executive Assistant or PRO and make them responsible for day to day checking of mails of the Forum and the Chairperson, maintenance of register, acknowledgement of the petition

by the Forum, watching the time bound stages of each grievance on daily basis till final disposal. Such designated officer should bring to Chairman's attention on any overshoot of time for immediate action.

10.8 CGRF petition should not be treated as a routine representation by straightaway forwarding it to EE/ AEE without registering as specified in Sub-regulation 7(1) and acknowledging the receipt of petition as specified in Sub-regulation 7(2).

10.9 The admissibility of the petition or otherwise shall be decided by the Forum only. The petition shall not be rejected by the Superintending Engineer either in his official capacity or in the capacity of the Forum.

Rejection of any complaint/ petition should be necessarily informed to the consumer in writing as specified in Sub-regulation 7(3).

10.10 The responsibility of conducting the proceedings and issuing the speaking order lies with the Chairman of the Forum.

11. The Forum shall submit a quarterly return to the commission in the prescribed format as specified by Regulation 9. Such return shall consist of all petitions received in hard copies, mailed to the Forum and Chairperson.

12. The Licensee/Petitioner shall address the Forum in their communications only by the designation of the Forum (as Chairman/ CGRF) and not by the designation of their Distribution office (as Superintending Engineer)

13. Regulation 22(1) specifies that *"the Licensee shall comply with the award within the period specified in the award and shall intimate the compliance to the Ombudsman"*. Report on compliance should be submitted by the concerned officer of TNEB within the time limit given for each award.

A copy of these proceedings shall be served to the members of the Forum.

(By order of the Commission)

(S.Chinnarajalu)
SECRETARY