

**Joint Electricity Regulatory Commission for the State of Goa and Union Territories  
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**GUIDELINES FOR THE ESTABLISHMENT OF FORUM FOR REDRESSAL OF  
GRIEVANCES OF THE CONSUMERS**

**Draft Regulations**

**Inviting comments/suggestions**

In exercise of the powers under sub-sections (5) of section 42 read with section 181 of the Electricity Act 2003 (36 of 2003) and all other powers enabling it in that behalf, the Joint Electricity Regulatory Commission for the State of Goa and Union Territories hereby makes the following Regulations providing for guidelines to the licensees in the State of Goa and Union Territories for setting up the Forums for redressal of grievances of the consumers and for matters incidental and ancillary thereto:-

**1. SHORT TITLE, EXTENT AND COMMENCEMENT:**

- (1) These Regulations may be called the Joint Electricity Regulatory Commission (Establishment of Forum for Redressal of Grievances of Consumers) Regulations, 2009.
- (2) These shall be applicable to all Distribution Licensees in the State of Goa and the Union Territories of Andaman & Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman & Diu, Lakshadweep and Puducherry, in their respective licenced areas.
- (3) These shall come into force from the date of publication in the Official Gazette.

**2. DEFINITIONS**

- (1). In these Regulations, unless the context otherwise requires:-
  - (a) “Act” means the Electricity Act, 2003;
  - (b) 'Area of Supply' means the area within which a distribution licensee is authorized by licensee to supply electricity;

(d) 'Chairperson' and "Member" mean respectively the Chairperson and a Member of the Forum and unless the context otherwise requires, the term "Member" shall include "Chairperson";

(b) "Commission" means the Joint Electricity Regulatory Commission for the State of Goa and Union Territories ;

(c). "Complainant" shall include—

(i) A consumer as defined under sub-section (15) of section 2 of the Act;

(ii) An applicant for new connections;

(iii) Any registered consumer society; and

(iv) Any unregistered association of consumers having similar interest;

(d) "Complaint" means any letter or application filed by a consumer with the Forum seeking redressal of any grievance with regard to supply of electricity by the licensee;

Provided that grievances arising under sections 126, 127, 135 to 139, 143, 152 and 161 of the Act are excluded from the jurisdiction of the Forum:

Provided further that the Forum shall also not entertain any complaint which the subject matter pending before, or already decided by, any court, authority (except an authority under the control of the Licensee) or Forum;

Provided also that the Forum shall also not entertain any complaint in regard to recovery of arrears where the bill amount is not disputed.

(e) "Forum" means Forum for redressal of grievances of the consumers to be constituted by licensee in terms of sub-section (5) of section 42 of the Act read with these Regulations;

(f) "Grievance" means a complaint filed by the affected consumer;

(g) "Licensee" means a Distribution Licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in the concerned area of supply and shall include the deemed Distribution Licensee under the provisos to Section 14 of the Act;

(h) "State" means the State of Goa;

- (i) “Union Territory” means the Union Territory of Andaman & Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman & Diu, Lakshadweep or Puducherry, as the case may be;
- (j) “Ombudsman” means the authority appointed or designated by the Commission, under sub-section (6) of Section 42 of the Act read with these Regulations; and
- (2) Words and expressions used and not defined in these regulations but defined in the Electricity Act, 2003 (36 of 2003) shall have the same meanings as respectively assigned to them in the Act.

### **3. CONSTITUTION OF THE FORUM FOR REDRESSAL OF GRIEVANCES OF THE CONSUMERS:**

(1) Every Distribution Licensee shall, not later than six (6) months of the grant of licence, establish one or more Forum(s) for redressal of grievances of the consumers in accordance with these Regulations:

Provided that in the case of existing distribution licensees/deemed licensees, the period of six (6) months as stipulated above, shall commence from the date these Regulations come into force.

(2) The Forum shall consist of three members including the Chairperson of the Forum. The Licensee shall appoint the Chairperson and one member of the Forum on full-time basis, and the Commission shall nominate one independent member as follows:

(i) Chairperson of the Forum shall be a retired District Judge/ Additional District Judge or a retired judicial officer having at least 20 years of experience in legal/judicial service or a retired civil servant not below the rank of a District Collector/ Deputy Secretary to the Government of India.

(ii) One Member who shall be a serving officer of the licensee not below the rank of Executive Engineer, failing which a retired person possessing degree in electrical/mechanical engineering and having at least 20 years of experience in distribution of electricity.

(iii) One member who is familiar with consumer affairs to be nominated by the Commission..

- (3) The members of the Forum shall hold office for a period of three years from the date of appointment and subject to fulfilment of other conditions of their appointment, may be re-appointed for another three but no further. Such re-appointment shall be with prior approval of the Commission.
- (4) (i) The salary of Serving-Officer Members shall be the same to which they are otherwise entitled and retired officials shall be treated as if on re-employment in the scale of pay applicable to them at the time of retirement.
- (ii) The member nominated by the Commission shall be entitled for a per diem fee for each day of participation in the Forum's proceedings or such other remuneration as may be decided by the Commission.
- (iii) The salary, remuneration and other benefits and terms and conditions of appointment of a Member shall not be varied to his disadvantage after appointment.
- (5) (i) The licensee may remove, by order, from office any member of the Forum, except the Member nominated by the Commission, who
- (a). has been adjudged as un-discharged 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 affect prejudicially his functions 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 purpose of the Act

Provided that no member of the Forum shall be removed from his office on the grounds specified in items (d), (e) and (f) and (g) above, until a person appointed by the licensee has carried out an enquiry thereupon and has forwarded a report to the licensee.

Provided further that the licensee shall duly consider the report referred to above and shall communicate its decision to the

member concerned within a period of two months of the receipt of such report.

- (6) The Licensee shall ensure that no vacancy in the Forum remains unfilled for more than three (3) months. No act or proceeding of the Forum shall be deemed 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.

#### **4. OFFICE, STAFF AND EXPENSES OF THE FORUM**

- (1) The Forum shall maintain a regular office at the principal place of business of the Licensee where the Forum shall receive the complaints. The Forum shall have sittings at such Principal Office and also at any other place in the area of supply of the Licensee as may be decided by the Forum, or directed by the Commission, from time to time considering the number of complaints received, the place(s) from where the complaint(s) is/are received and the proximity to the principal place of business of the licensees and other relevant factors:

Provided that a licensee may establish more than one Forum so as to ensure that the Forum decides every complaint within a maximum period of 45 days from the date of receipt of the complaint by it. The licensee shall clearly specify the location and the jurisdiction of each Forum in case of more than one Forum.

- (2) The licensee shall provide required supporting staff and appropriate office accommodation for functioning of the Forum.
- (3) 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..
- (4) The expenditure of the Forum will be considered in the revenue requirement of the licensee and will be allowed as a pass-through expense.
- (5) 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 and in such other manner as the Commission may from time to time notify or direct. The names and designations 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.

## **5. PROCEEDINGS OF THE FORUM**

- (1) All decisions of the Forum shall be on the basis of majority of the members present and voting.
- (2) The quorum for a meeting of the Forum shall be two, and each meeting shall be presided over by the Chairperson or, in his absence, by the Member referred to in sub-regulation 3(2)(ii) above. Every Member shall have one vote and in case of equality of votes on any issue or resolution, the Chairperson, or the Member referred to in regulation 3(2)(ii) shall have a casting (second) vote.
- (3) The Chairperson shall have the general powers of superintendence and control over the Forum
- (4) The Forum shall duly comply with such directions as the Commission may issue from time to time.
- (5) The Forum shall entertain each complaints forwarded to or filed with it so long as such complaint is in writing and the Forum shall not insist or prescribe any format for filing of the complaint or for entertaining .
- (6) The office of the Forum shall issue due acknowledgment of the receipt of the complaint to the complainant.
- (7) The Forum shall maintain true and correct record of all complaints received by the Forum from time to time.
- (8) The Forum shall duly lay down the procedure to deal with the complaints with the approval of the Commission.
- (9)
  - (i) The Forum shall decide the complaint expeditiously and shall communicate its decision to the complainant within a period not exceeding 45 days of the receipt of the complaint. The Forum shall give the reasons in support of its decisions.
  - (ii) The Forum may pass such interim orders on the request of the complainant or otherwise as the Forum considers appropriate pending the final decision on the complaint.
  - (iii) All orders of the Forum shall be speaking orders, giving the reasons in support of the decisions. Every order of the Forum shall be signed by all the members passing it.

(iv) Certified copies of every order passed by the Forum shall be supplied to the complainant concerned and the licensee for compliance.

(10) The decisions of the Forum shall be binding on the Licensee. Non-compliance of Forum's orders shall constitute a violation of these Regulations, which may attract remedial action under Sections 142 and 146 read with Section 149 of the Act.

## **6. REPRESENTATIONS TO OMBUDSMAN**

If the complainant is aggrieved by the non-redressal of the grievance by the Forum within the period specified, he may make a representation to the Ombudsman appointed or designated by the Commission under sub-section (6) of section 42 of the Act.

## **7. GENERAL**

**(1) Savings:-** 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 the Consumer Protection Act, 1986 (68 of 1986).

### **(2) Inspection of Records and Supply of certified copies:-**

(i) The aggrieved consumer and the distribution licensee shall be entitled to obtain certified copies of the orders, decisions, directions and the reasons in support thereof given by the Forum.

(ii) Any person shall be entitled to a copy of the documents or orders of the Forum subject to payment of fee and complying with other terms which the Forum may lay down.

**(3). Superintendence and Control:-** The Commission shall have general powers of superintendence and control over the Forum and for this purpose call for any record from the Forum/licensee and issue appropriate directions/orders thereupon, which shall be duly complied with by the Forum/licensee.

### **(4) Submission of Reports to the Commission:**

(1) The Forum shall submit a quarterly report to the Commission on the number of complaints received, redressed and pending within 15 days of the end of the quarter, along with the reasons for their pendency. The Forum shall supply copies of these reports to the Licensee also.

(2) The Forum shall also furnish to the Commission, by 31<sup>st</sup> May every year, a report containing a general review of the activities of its office during the preceding financial year and shall also furnish such information as the Commission may require.

**(5) Powers to remove difficulties:-** If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, direct the licensee, and/or the Forum to take suitable action, not being inconsistent with the Electricity Act, 2003, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties.

**(6) Issue of orders and practice directions:-** Subject to the provisions of the Act, the Commission may from time to time issue orders and practice directions in regard to these Regulations.

**(7) Power to amend:-** The Commission may, at any time vary, alter, modify or amend any provisions of these regulations.

**(BY ORDER OF THE COMMISSION)**

**(J. S. Sehrawat)**

**SECRETARY**