



ELECTRICITY OMBUDSMAN

**OFFICE OF THE ELECTRICITY OMBUDSMAN
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**

606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051
Tel. / Telefax: 022-2659 2965

Section 17 and 19 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman), Regulation 2006 provide as under:

17. Proceedings before the Electricity Ombudsman

17.1 The Electricity Ombudsman shall settle the Grievance of the consumer within such time and in such manner as specified in the following Regulations.

17.2 Any consumer, who is aggrieved by the non redressal of his Grievance by the Forum, may make a representation for redressal of his Grievance to the Electricity Ombudsman within sixty (60) days from the date of the order of the Forum :

Provided that the Electricity Ombudsman may entertain a representation after the expiry of the said period of sixty (60) days if he is satisfied that there was sufficient cause for not filing it within the said period.

17.3 The representation to be made before the Electricity Ombudsman shall be in writing in the form specified and set out in Scheduled "B" of these Regulations and duly signed by the consumer and shall state / provide clearly the information required thereunder including *inter alia* (i) the name and address of the consumer ; (ii) the facts giving rise to the representation supported by documents, if any, that are desired to be relied upon by the consumer and (iii) the relief sought from the Electricity Ombudsman. The representation may also be lodged by registered post acknowledgement due, by speed post or by courier service or by any other means of transmission of documents (including FAX message).

17.4 The Electricity Ombudsman shall send an acknowledgement of receipts of the representation to the consumer bearing a serial number and date within five (5) working days from the date of receipts of a representation. Where the representation has been submitted in person, the acknowledgement shall be provided at the time of submission:

Provided that where the representation is submitted by email to the Electricity Ombudsman acknowledgement of the receipt of the Grievance to the consumer shall be by return email as promptly as possible.

Provided further that the Electricity Ombudsman shall keep such electronic records in hard form for ease of retrieval :

Provided further that where the representation is submitted by email hard copies of the same shall be submitted forthwith separately to the Electricity Ombudsman.

17.5 The fees as may be directed by the commission, from time to time, shall be payable along with such representation for redressal of Grievance.

17.6 The Electricity Ombudsman shall notify the Distribution Licensee and the applicant who has submitted the representation, the date of hearing in writing, giving sufficient advance notice.

Provided that representation filed by applicants who are senior citizens, physically challenged, widows and persons suffering from serious ailments shall be listed and disposed of on a priority basis.

17.7 Subjects to Regulations 17.11,17.12 and 17.13, where any persons who is a party to the proceedings before the Electricity Ombudsman fails to appear on the date of hearing as may be fixed in this behalf, the Electricity Ombudsman may decide the representation *ex-parte* :

Provided that no adjournment shall be ordinarily granted by the Electricity Ombudsman unless sufficient cause is shown and the reasons for the grant of adjournment have been recorded in writing by the Electricity Ombudsman.

17.8 A consumer, Distribution Licensee or any other person who is a party to any proceedings before the Electricity Ombudsman may either appear in person or authorise any person other than an Advocate (within the meaning of the advocates Act, 1961) to present his case before the Electricity Ombudsman and to do all or any of the acts for the purpose.

17.9 The Electricity Ombudsman shall not entertain a representation :

- (a) unless the consumer has submitted a written representation in the specified form, to the Electricity Ombudsman ;
- (b) unless it has been shown to the Electricity Ombudsman that (i) the Forum has rejected the Grievance, or (ii) the Forum has not passed an order on the Grievance for its redressal within a maximum period of two (2) months from the date of receipts of the Grievance by the Forum, or (iii) there has been undue delay in the disposal of the Grievance by the Forum even after the period stated above ;
- (c) unless the representation against an order of the Forum was made within the period set out in these Regulations ;
- (d) unless the Electricity Ombudsman is satisfied that the representation is not in respect of the same subject matter that has been settled by him in any previous proceedings ;
- (e) where the representation by the consumer, in respect of the same Grievance, is pending in any proceedings before any court, tribunal or 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 ;
- (f) unless the consumer has deposited in the stipulated manner, fifty percent of the amount, if any, that is required to be paid by him in terms of the order of the Forum or twenty-five thousand rupees whichever is less ; and

- (g) unless the person who claims compensation from the Distribution Licensee has paid such fees as may be stipulated by the Commission from time to time.

17.10 The Electricity 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 consumer ; or

(d) complicated in nature such that the representation requires consideration or elaborate documentary and oral evidence and the proceeding before the Electricity Ombudsman are not appropriate for adjudication of such representations :

Provided that the decision of the Electricity Ombudsman in this regard shall be final and binding on the consumer and the Distribution Licensee :

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

17.11 a) The Electricity Ombudsman may, in the first instance, endeavour to promote a settlement of the representation received through conciliation or mediation.

(b) If a representation is not settled by agreement the Electricity Ombudsman may give an order after affording the parties reasonable opportunity to present their case :

Provided that the Electricity Ombudsman shall determine the place, date and time of hearing of the matter, as the Electricity Ombudsman considers appropriate.

17.12 When a representation is settled, through conciliation or mediation of the Electricity Ombudsman, the Electricity Ombudsman shall have the settlement recorded and signed in his presence and cause issuance of orders on the settlement of the Grievance by mutual agreement.

17.13 The Electricity Ombudsman shall complete the enquiry as expeditiously as possible and every endeavour shall be made to decide the representation within a period of (2) months from the date of receipt of the representation by the Electricity Ombudsman :

Provided that in the event of the representation being disposed of after the completion of the said period of two (2) months, the Electricity Ombudsman shall record, in writing the reason for the same.

17.14. The Electricity Ombudsman shall be guided by such factors which in the opinion of the Electricity Ombudsman are necessary in the interest of justice and shall ensure transparency while exercising its powers and discharging its functions in compliance with the principles of natural justice :

Provided that the Electricity Ombudsman shall not be bound by the Code of Civil Procedure, 1908 (5 of 1908) or the Indian Evidence Act, 1872 (1 of 1872) as in force from time to time.

17.15 The order passed by the Electricity Ombudsman shall set out –

- (a) issue-decision;
- (b) reasons for passing the order; and
- (c) directions, if any, to the Distribution Licensee or consumer or any other order, deemed appropriate in the facts and circumstances of the case ; and /or
- (d) directions for adjustment or refund of amount or fees deposited in terms of Regulations 17.9 (f) and 17.9 (g) ; and / or
- (e) directions to pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer; and / or

Provided, however, that in no case shall any consumer be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss or profits or opportunity.

- (f) directions to pay such amount as compensation as specified by the Commission in the Standard of Performance of Distribution Licensees.

17.16 Notwithstanding the provisions of Regulation 17.15, the Electricity Ombudsman may pass such interim orders, at any stage during the disposal of the representation, on the request of the consumer as the Electricity Ombudsman considers appropriate pending the final decision on the representation :

Provided that the Electricity Ombudsman shall have the powers to pass such interim order in any proceeding, hearing or matter before it, as it may consider appropriate if the consumer satisfies the Electricity 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 Electricity Ombudsman, 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.

17.17 A copy of the order shall be sent to the consumer and the Distribution Licensee named in the representation. A copy of the order may also be sent to the concerned Forum for information.

17.18 An order passed or direction issued by the Electricity Ombudsman shall be binding on the parties so named in the order or direction and such order or direction shall be implemented or complied with by the Distribution Licensee or the person required by the order or direction to do so and within the time frame stipulated therein and further intimation of such compliance shall also be made to the Electricity Ombudsman within the time frame stipulated in that regard therein.