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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

WEST BENGAL ELECTRICITY REGULATORY COMMISSION**NOTIFICATION**

No. 56/WBERC

Kolkata, the 26th August, 2013.

In exercise of the powers conferred by sub-section (1) and clauses (r) and (s) of sub-section (2) of section 181 read with sub-sections (5) and (7) of section 42, sub-section (3) of section 43, sub-section (2) of section 57 and section 97 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it on that behalf, and in supersession of Notification No. 27/WBERC dated 17.01.2006 published on January 17, 2006 in the *Kolkata Gazette, Extraordinary*, West Bengal Electricity Regulatory Commission (WBERC) hereby makes the following Regulations.

1. Short Title, Commencement and Interpretation:

These Regulations may be called the West Bengal Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers and Time and Manner of Dealing with such Grievances by the Ombudsman) Regulations, 2013.

- i) These Regulations shall come into force on the date of the publication in the official Gazette and shall be concurrent within the area of jurisdiction of West Bengal Electricity Regulatory Commission.
- ii) The Bengal General Clauses Act, 1899 (Ben. Act I of 1899) shall apply to the interpretation of these Regulations unless otherwise indicated in these Regulations or inconsistent with the provisions of the Electricity Act, 2003.

2. Definitions:

In these Regulations, unless the context otherwise requires:

- i) 'Commission' means the "West Bengal Electricity Regulatory Commission" constituted under Section 82 of the Electricity Act, 2003;

- ii) 'Consumer' means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public as defined in the Act. The term 'consumer' includes 'intending consumer' as specified in the SOP Regulations;
- iii) 'Consumer Grievance' means a grievance in an appropriate written form in accordance with these Regulations by a consumer against a distribution licensee under the provisions of the Electricity Act, 2003;
- iv) 'Forum for Redressal of Consumer Grievance' means "Forum for Redressal of Grievances of Consumers" to be constituted by each distribution licensee in accordance with the provisions of the Act, read with these Regulations and called in short, Forum;
- v) 'Regulation' means the Regulation made under the Act;
- vi) 'Rules' means the Rules made under the Act;
- vii) 'SOP Regulations' means the Regulations as framed by the Commission under section 57 of the Electricity Act, 2003;
- viii) 'The Act' means the Electricity Act, 2003;
- ix) Words and expression used and not defined in these Regulations shall have the meanings as defined in the Act;

3. Constitution of Forum for Redressal of Consumer Grievances:

- 3.1 The Commission shall appoint and designate one Ombudsman or more for various distribution licensees separately, or one Ombudsman or more for any group of distribution licensees or one Ombudsman or more for all the distribution licensees.
- 3.2 Where till date no forum of redressal of consumer grievance has been established under any of the repealed Regulations, such distribution licensee shall, within 2 (two) months from the date of coming into force of the instant Regulations or date of grant of licence where licence has been granted after coming into force of the instant Regulations, whichever is later, establish a forum for redressal of consumer grievances in accordance with these Regulations. However, the forum of redressal of consumer grievances established by the distribution licensees under the repealed Regulations shall continue as forum of redressal of consumer grievances under these Regulations also.

Provided that in case of any new distribution licensee in future, such distribution licensee shall establish its forum of redressal of consumer grievances with due notification to the Commission and through newspapers prior to start of the commercial operation or receiving application from new consumers, whichever is earlier.
- 3.2.1 Till the forum in terms of these Regulations is established, the Grievance Redressal Officers (in short 'GRO') who are already in position and are functioning in that capacity immediately before the coming into force of the instant Regulations shall continue to act as GRO for the purpose of dealing with consumer grievances in terms of these instant Regulations.
- 3.3 The forum shall consist of as many GRO as may be considered to be necessary at the rate of at least one such officer at each sub-district / district / region / zone and at least one Central Grievance Redressal Officer (in short 'CGRO') at the distribution licensee's corporate headquarters level.
- 3.4 The exact location of the offices of the GRO shall be decided upon by the distribution licensee keeping an eye to the factor of easy approachability of the consumers.

- 3.5 The grievance redressal offices should be headed by appropriately high-ranking officers of the distribution licensee not below the rank of an Executive Engineer, having suitable supervisory roles in running of the organisation. If in the organisation of any distribution licensee, there is no equivalence between the officers it decides to deploy as GRO and the foregoing general description of such officers as Executive Engineers, the said distribution licensee may, with the prior approval of the Commission deploy officers of its choice as GRO at different levels in its organisation.
- 3.6 At the corporate level, the office of the CGRO(s) should be manned by the officer(s) not below the rank of a Superintending Engineer. At the corporate level, there may be more than one CGRO. Irrespective of rank and status substantively enjoyed by the CGRO at the corporate level, none of them shall function as an appellate authority of, or a superior authority to any other CGRO at the corporate level or of GRO at the level of sub-districts, districts, regions or zones. The plurality of CGRO at the corporate level is meant to ensure quick disposal of consumers' grievances at that level through a suitable distribution of workload among different CGRO.

4. Functions of the Grievance Redressal Officers:

- 4.1 The functions of the GRO at the level of sub-districts / districts / regions / zones consist of receiving petitions from consumers stating their respective grievances; acknowledging them in writing; consulting superior technical experts, if called for, holding spot inspections, if considered necessary; and hearing the complainants; redressal of such grievances within specific time limits as laid down in this set of Regulations, within the framework of the Electricity Act, 2003, and the Rules and Regulations made thereunder; passing reasoned and speaking orders towards the aforesaid goal stating clearly about redressal of the grievance and awarding of compensation, if any, separately; communicating such orders to the petitioners; maintaining an account of grievance petitions received, disposed of, etc.; submission of reports, returns, statistics as may be asked for by the corporate head quarters; and any other duty in relation to redressal of consumers' grievances as may be assigned to them by the higher authorities.
- 4.2 The CGRO(s) at the corporate headquarters shall have all the responsibilities of the GRO at the sub-district / district / region / zone levels in redressing the grievances of consumers. In addition, any one of them specifically identified by the management of each of the distribution licensees shall work as the clearing house of all consumers' grievances pertaining to that distribution licensee as a whole. In that capacity, he shall be responsible for maintenance and collection of all statistics, reports, returns, etc. from all other GRO, including other CGRO, preparation of all reports, returns, etc. in this behalf for the distribution licensee as a whole, submission of such reports, returns, etc. to the Commission and / or any other superior authority, corresponding with all concerned including the Ombudsman in the matter of consumers' grievances, keeping track of individual consumer's grievances that might have been forwarded to the GRO at the sub-districts / districts / regions / zones etc. from the corporate headquarters, etc.
- 4.3 The Ombudsman shall dispose of all the consumers' grievances on getting representation from the aggrieved consumers against any order of any GRO/CGRO, irrespective of whether the latter is functioning at the corporate level or a district, sub-district, region or zone level.

5. Dissemination of Information about the Forum for Redressal of Grievances:

- 5.1 A gist of the grievance redressal procedure and the names as also the official designations of the GRO, CGRO(s) and of the Ombudsman, along with their full office addresses, telephone numbers, FAX numbers, e-mail addresses, working day period, etc. should be prominently displayed along with format at Annexure-I:
- a) near the main entrance of the offices of the distribution licensee,
 - b) near the main entrance of the sub-offices of the distribution licensee,
 - c) at the bill Payment Halls/ Centres of the distribution licensee,
 - d) in the website of the distribution licensee.

- 5.2 In every bill, it shall be notified specifically that grievance redressal procedure and other details as mentioned in the regulation 5.1 above, will be available at the locations as specified in regulation 5.1 (a) to (d) above.
- 5.3 Any change in the above mentioned particulars relating to the GRO and / or the CGRO(s) and/ or Ombudsman should lead immediately to the necessary corrections / updating of the notice board / display board and website mentioned above.
- 5.4 The distribution licensee shall bring to the notice of its consumers all the above mentioned particulars through an advertisement in at least three widely circulated newspapers one of which shall be in Bengali and another in local language, in January of every year indicating that the information mentioned in regulation 5.1 are available at the locations as specified in regulation 5.1.

6.0 Representation by an aggrieved consumer to the Grievance Redressal Officer:

- 6.1 An aggrieved consumer may approach the GRO of his area only through a written petition, submitting in the same, as much concrete and detailed information about grievance as possible. The aggrieved consumer shall submit such written petition along with enclosures, if any, in three copies within 90 (ninety) days from the date of occurrence of the cause of action. If his grievance is the subject matter of any court case, he should furnish a copy of his plaint and indicate the status of the court case; in case, the court case has already resulted in an order, he should submit a copy of that order.

7.0 Working Procedure for the Grievance Redressal Officers:

- 7.1 On receipt of the grievance petition from a consumer or from the Commission, the GRO should acknowledge the same by a written communication to the aggrieved consumer acknowledging his petition within 7 (seven) working days from the date of receipt of the same. Each grievance petition should be given a consecutive number pertaining to any year (i.e., grievance no. 240 of 2013 - to take an imaginary example) and the date on which this number is given and the same shall be specifically quoted in communication to the grievance petitioner.
- 7.2 If a grievance, in the considered opinion of the GRO, does not require any consultation with technical expert belonging to the organisation of the licensee, or if it does not call for any spot inspection, the GRO shall after giving a reasonable opportunity of hearing to both parties, prepare a draft settlement order with analysis of the grievance redressed and details of the compensation, if any, awarded, in writing within a reasonable time with direction to submit the views of both the parties on the draft order within a period of time to be fixed by the GRO.
- 7.2.1 On receiving the views on the draft order as referred to in regulation 7.2, if submitted within the time limit by the parties or any of the parties, the GRO shall fix up a date for giving opportunity of further hearing to both the parties following which he shall pass a reasoned and speaking order analysing the grievance that has been redressed and compensation, if any, awarded in details in writing disposing of the grievance petition within 40 (forty) working days from the date of sending the acknowledgement to the petitioner. In case of receiving no views on the draft order as referred to in the regulation 7.2, the GRO based on the draft order and without any further hearing shall pass the reasoned and speaking final order analyzing the grievance that has been redressed and compensation, if any, awarded in details in writing disposing of the grievance petition within 40 (forty) working days from the date of sending the acknowledgement to the petitioner.
- 7.3 If a grievance, in the considered opinion of the GRO needs either a consultation with a technical expert belonging to the organisation of the licensee, or a spot inspection, or both, the GRO, shall after holding the said consultation and / or the spot inspection and after giving a reasonable

opportunity of hearing to both parties, prepare a draft settlement order with analysis of the grievance redressed and details of the compensation, if any, awarded, in writing within a reasonable time, with direction to submit the views of both the parties on the draft order within a period of time to be fixed by the GRO. In this context, the views shall be provided by the licensee through any concerned officer in relation to the grievance other than GRO or CGRO.

7.3.1 On receiving the views on the draft order as referred to in regulation 7.3, if submitted within the time limit by the parties or any of the parties within the time limit, the GRO shall fix up a date giving opportunity of further hearing to both the parties following which he shall pass a reasoned and speaking final order analysing the grievance that has been redressed and compensation, if any, awarded in details in writing disposing of the grievance petition within 60 (sixty) working days from the date of sending the acknowledgement to the petitioner. In case of receiving no views on the draft order as referred to in the regulation 7.3, the GRO based on the draft order and without any further hearing shall pass the reasoned and speaking final order analyzing the grievance that has been redressed and compensation, if any, awarded in details in writing disposing of the grievance petition within 60 (sixty) working days from the date of sending the acknowledgement to the petitioner.

7.4 Each order of a GRO by which a consumer's grievance is finally disposed of shall contain the information to the effect that the consumer may approach the Qmbudsman for redressal of his grievance, if he feels dissatisfied with the final order of the GRO. The order should also mention the full postal address, telephone no., FAX no., e-mail address, etc. of the office of the Ombudsman.

7.5 Copy of the written order passed by a GRO, certified to be a true copy, shall be given to the aggrieved consumer who had submitted a grievance petition and to the licensee, by the GRO within 7 (seven) working days from the date of passing of the order.

8.0 Jurisdiction of the Grievance Redressal Officers:

8.1 A GRO working at a sub-district, or a district, or a region or a zone shall have jurisdiction coterminous with his official jurisdiction.

8.2 A GRO working at the corporate level will however have jurisdiction over the entire area of operation of the distribution licensee.

8.3 A GRO working at a sub-district, or a district, or a region, or a zone shall entertain grievances or complaints received direct from consumers who are located within his official jurisdiction. A CGRO(s) at the corporate level may however refer any grievance / complaint of any consumer to any GRO at any sub-district, or district, or region, or zone whereupon the latter shall accept such referred grievance / complaint and proceed to deal with the same in the manner laid down in regulation 7.0; provided that when a CGRO refers any consumer's grievance to a GRO working at a sub-district / district / region / zone level, he shall endorse a copy of his letter to the concerned consumer with the advice to contact the concerned GRO to whom his grievance has been referred. In such referred cases, the CGRO shall remain responsible for following up the case till the grievance is finally disposed of at the level of the GRO but within the time limit indicated in these Regulations. In those cases where a CGRO refers a consumer's grievance to a GRO at sub-district / district / region / zone level, the time limit for disposal indicated in regulations 7.2.1 and 7.3.1 respectively shall stand extended by 10 (ten) working days.

8.4 A CGRO may himself proceed to deal with any consumer complaint, in which case, he will follow the same procedures that have been laid down for GRO working at the sub-district / district / region / zone level at regulation 7.0, provided that the time limits indicated at regulations 7.2.1 and 7.3.1 shall stand extended by 10 (ten) working days under each of these Regulations to facilitate dealing of a consumer's complaint centrally.

9.0 Representation by an Aggrieved Consumer to the Ombudsman:

- 9.1 A consumer must approach the GRO or one CGRO before he represents his case to the Ombudsman. If the licensee does not comply with the orders of GRO / CGRO within 100 (one hundred) working days from the date of lodging of his grievances, or if a consumer is not satisfied with the order from the GRO or the CGRO, as aforesaid, or if he does not receive any order from the GRO or the CGRO to whom he has approached at the first instance seeking redressal of his grievance(s), he may submit a written representation to the Ombudsman for the purpose of settlement of his grievances / complaints.
- 9.2 Representation to the Ombudsman by an aggrieved consumer is without any prejudice to the consumer's right to move any other authority or a court of law, or a consumers' forum for redressal of his grievances. However, if he has moved any such authority, or court of law, or a consumer's forum, he shall disclose the same with all necessary details to the Ombudsman when he files a representation to the latter.
- 9.3 The representation along with enclosures, if any, should be filed in duplicate in the format prescribed for this purpose at Annexure - I. The form may be copied and used by any consumer for the purpose of filing a representation to the Ombudsman. No fees are payable to the Ombudsman for filing a representation.

10.0 Working Procedure of the Ombudsman:

- 10.1 A representation in duplicate to the Ombudsman should normally be filed by the aggrieved consumer within 20 (twenty) working days:
 - i) from the date of receiving an order from a GRO or a CGRO where the consumer is not satisfied with the order; or
 - ii) from the date of expiry of the time limit where no order is received from the GRO or CGRO within the time limit stipulated in regulations 7.2.1 and 7.3.1 respectively; or
 - iii) after completion of 100 (one hundred) working days from the date of lodging of a complaint / grievance to a GRO / CGRO where the licensee does not comply with the order of the GRO or CGRO.
- 10.2 On receipt of a grievance representation / complaint in duplicate either direct from an aggrieved consumer or from the Commission, the Ombudsman shall acknowledge the same to the aggrieved consumer within 10 (ten) working days from the date of receipt of the grievance representation / complaint.
- 10.3 The Ombudsman shall call for a report with all the relevant details from the concerned distribution licensee on sending to the latter, a copy of the grievance representation/complaint, under intimation to the aggrieved consumer. The Ombudsman shall fix a time limit, to be decided upon by the Ombudsman, by which time, the distribution licensee shall submit the report. The distribution licensee shall be asked to send a copy of the report to the aggrieved consumer / complainant.
- 10.4 After perusal of the available records in the form of the grievance petition along with its enclosures, if any, and the report of the distribution licensee with its enclosures, if any, the Ombudsman shall after giving a reasonable opportunity of hearing to both parties, prepare a draft settlement order in details and in writing in connection with only the disputed part of the grievance, on which the GRO's or CGRO's order and / or award of compensation and / or penalty, if any has been challenged by the aggrieved consumer, within a reasonable time with direction to submit the views of both the parties on the draft order within a period of time to be fixed by the Ombudsman.
- 10.5 On receiving the views on the draft order as referred to in regulation 10.4, if submitted within the time limit by the parties or any of the parties, the Ombudsman shall fix up a date giving opportunity of further hearing to both the parties following which he shall pass a reasoned and

speaking final order analysing the grievance that has been redressed and compensation and / or penalty, if any, awarded within a reasonable time. In case of receiving no views on the draft order as referred to in regulation 10.4, the Ombudsman, based on the draft order and without any further hearing, shall pass the reasoned and speaking final order analysing the grievance that has been redressed and compensation and / or penalty, if any, awarded within a reasonable time.

10.6 Copies of the order / settlement order of the Ombudsman, certified to be true copies shall be supplied to the aggrieved consumer / complainant and the licensee free of cost.

11.0 Compliance of the Orders of the Ombudsman:

11.1 The distribution licensee shall comply with the orders of the Ombudsman within 45 (forty five) working days from the date of issue of the order(s) except the payment of compensation and shall submit a report of such compliance to the Ombudsman within another 15 (fifteen) working days thereafter. In case of delay in such compliance, the licensee shall seek permission of Ombudsman stating reasons for the delay before expiry of above-mentioned period of 45 (forty five) working days;

11.2 The distribution licensee shall comply with the orders of Ombudsman in relation to payment of compensation within 90 (ninety) days from the date of issue of the orders and shall submit a report of such compliance to the Ombudsman within next 15 (fifteen) working days thereafter.

12.0 Appeals against Orders of the Ombudsman:

12.1 Only such orders of the Ombudsman which are passed by the Ombudsman while disposing of grievance representations / complaints received by him from the Commission in terms of regulation 10.2 above are appealable. Appeals in such cases shall follow the same procedures that are applicable to appeal against any order of the Commission itself.

13.0 General Power to amend:

13.1 The Commission may at any time, at its sole discretion, vary, alter, modify, add or amend any provision of these Regulations.

14.0 Removal of difficulties:

14.1 If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, on reasons to be recorded in writing, direct a distribution licensee or a consumer, by a general or a special order to take suitable action, not inconsistent with the provisions of the Act, as may appear to be necessary, for removing the difficulty.

14.2 Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Commission to make such orders as may be necessary for meeting the ends of justice or prevent the abuse of the process of the Commission.

15.0 Repeal:

15.1 The West Bengal Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumer and Times and Manner of Dealing with such Grievances by the Ombudsman) Regulations, 2006 issued under Notification No. 27/WBERC dated 17th January, 2006, published in the Kolkata Gazette, Extraordinary on 17th January, 2006 is hereby repealed. Notwithstanding such repeal, anything done or any action already taken under the repealed regulation, shall in so far as it is not inconsistent with these Regulations be deemed to have been done or taken under the corresponding provisions of these Regulations.

By Order of the Commission

Place: Kolkata
Date: 26.08.2013

K. P. BHAR,
Secretary

ANNEXURE - I

Format for Filing Representation to the Ombudsman
(See Regulation 9.3)

To
The Ombudsman,
West Bengal Electricity Regulatory Commission,

_____,
_____,
_____.

**Subject: Representation against an order of the GRO/CGRO of _____ /
Representation against non-compliance of order of GRO/
CGRO by the licensee / Representation when the GRO/CGRO has
not passed any order on a grievance petition of the aggrieved consumer/.
Consumer's Service Connection No. _____;
Category _____; Location of Connection _____;
_____, Name of Distribution Licensee _____;
Consumer grievance no. with date given by the GRO/CGRO
_____.**

Sir,

[In this space please state the grievance in brief but please provide all relevant details]

Certified that the above information is complete and correct and nothing material has been omitted which will have effect on the case. I have filed / not filed any case pertaining to similar complaint in any Court of Law or under the provisions of the Electricity Act, 2003 with any other Authority. (If any case / complaint has been filed, please enclose a copy of the plaint, a copy of any order received from any Court of Law, etc.).

Yours faithfully,

(Signature with date)

Complainant's Name: _____

Contact No./Telephone No.: _____

(If any)

Postal Address : _____

Encl:

- (a) Copy of the grievance petition submitted to the Grievance Redressal Officer.
- (b) Copy of Order, if any, passed by Grievance Redressal Officer.
- (c) Copy of any other relevant document in support (please specify).