

Office of the Electricity Ombudsman, Rajasthan

Vidyut Viniyamak Bhawan, Near State Motor Garage, Sahakar Marg, Jaipur- 302001

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Office of the Electricity Ombudsman, Rajasthan

Vidyut Viniyamak Bhawan, Near State Motor Garage, Sahakar Marg, Jaipur – 302001

No. EOR / Guidelines /D.

Dated: 09.02.2022

Guidelines for settlement of representations by the Electricity Ombudsman

- 1 Any consumer aggrieved by the non-redressal of his grievance by the Forum for Redressal of Grievance may make a representation in 3 sets to the Electricity Ombudsman in enclosed Format, within 30 days of the decision or from the date of expiry of the period within which the Forum was required to take decision, along with a copy of grievance filed before the Forum and its decision, if any.
- 2 The Appellant may represent the case by himself. However, he is free to represent through his authorized representative; for which nomination be furnished in enclosed **Format (Annexure –III)**.
- 3 On receipt of a representation it shall be registered by the Dy. Director (Tech) who shall allot a Case Number which shall be referred in all future correspondence by the Appellant and the Licensee.
- 4 After registration of a representation, a notice shall be served to the Corporate Office of the Licensee as well as to Forum to file their replies within the stipulated time. The date of hearing shall also be intimated through the said notice.
- 5 The Licensee shall furnish the reply to the Electricity Ombudsman along with a proof of supplying a copy of the same to the Appellant.
- 6 The Appellant may furnish comments on the Licensee's reply along with a proof of supplying a copy of the same to the Licensee.
- 7 The Appellant and the Licensee may e-mail their representation/ reply along with hard copy to the Electricity Ombudsman within the prescribed time period.
- 8 Upon request of the Appellant, the Ombudsman may issue such interim orders at any stage during the disposal of the representation as it may consider necessary.
- 9 Provided that the Ombudsman shall have the powers to pass such an interim order in any proceeding, hearing or matter before it, as it may consider appropriate, if the Complainant satisfies the 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 there under or any order of the Commission, provided that, the Ombudsman has jurisdiction on such matters. The Electricity Ombudsman shall first conduct conciliation proceedings to settle the matter and award the decision accordingly.
- 10 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.

- 11 Where the representation is not settled by conciliation, the Electricity Ombudsman shall decide the matter on the pleadings and hearing the parties and have the power to impose costs upon either of the parties, as it may deem appropriate in the circumstances before it.
- 12 The Electricity Ombudsman shall decide the matter within 45 days of registering the case. A certified copy of the award shall be sent to the Appellant and to the Licensee.
- 13 The Licensee shall duly comply with and implement the decision of the Ombudsman within 30 days of issue of the Order or within time period as mentioned in the order.
- 14 Non-compliance of the Ombudsman's Orders shall be considered as violation of these Regulations and shall be liable for appropriate action by the Commission under Sections 142 and 146 read with Section 149 of the Act.
- 15 The orders of the Ombudsman shall be final and binding on the parties. No party can file an appeal before the Commission against the order. However, the rights of Complainant and Licensee to file an appeal before the judicial bodies shall remain protected. The filing of an appeal shall not tantamount to stay on the order of the Ombudsman unless such stay is specifically granted.
- 16 In the event of non-compliance / non-implementation of any order passed by the Ombudsman by licensee, the consumer may approach the Commission for the enforcement of the order within a period of 30 days of the passing of the order or from the expiry of the time granted for the implementation of the order by the Ombudsman, whichever is later. The Commission may issue any order (including an order imposing fines and penalties on the Licensees, as provided for under the Act and under these regulations) or take any other steps, as it deems appropriate for the enforcement of the order.
- 17 For further details the 'Procedure for settlement of representations by the Electricity Ombudsman' issued vide No. EOR / Procedure /D.200 Dt. 09.02.2022, may be referred:
- 18 Details of Forums and 'Procedure' and 'Guidelines' are also available on website www.erc.rajasthan.gov.in.

Encl: Annexure - III

Electricity Ombudsman,Rajasthan

Office of the Electricity Ombudsman, Rajasthan

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Phone (0141) 2740843, e-mail : rajombudsman@yahoo.in

No. EOR / Procedure /D.

Dated: 09.02.2022

Procedure for settlement of representations by the Electricity Ombudsman

In pursuance of the Regulation 143 of the RERC (Consumer Grievance Redressal Forum, Electricity Ombudsman and Consumer Advocacy) Regulations, 2021 (hereinafter referred as Ombudsman Regulations), the procedure for settlement of disputes by the Electricity Ombudsman is laid down as under.

1 Jurisdiction, Office, Office Hours and Sittings of Electricity Ombudsman

- 1) The jurisdiction and place of office shall be as decided by the Rajasthan Electricity Regulatory Commission (hereinafter referred as the Commission). Presently, the Electricity Ombudsman has been appointed for the State of Rajasthan, headquarter at Jaipur.
- 2) Unless otherwise directed, the office of the Electricity Ombudsman shall be opened daily except on Saturdays, Sundays and Government holidays notified by the Govt. of Rajasthan. The working hours shall be as notified by the Govt. of Rajasthan for its Secretariat.
- 3) The Electricity Ombudsman may hold sittings for hearing matters at the head quarter or such other place on days and time to be intimated through a notice to the concerned persons.

2 Proceedings before the Electricity Ombudsman

- 1) The proceedings of the office shall be conducted either in Hindi or English. All representations, replies and other submissions shall also be furnished in Hindi or English.
- 2) All representations, replies and other submissions shall be typewritten or photocopied neatly and legibly on one side of white paper and every page shall be numbered and signed by the complainant, licensee or authorized representative thereof, as the case may be.
- 3) All representations, replies and other submissions shall be filed in such number of copies as may be required by the office and each set thereof shall be complete in all respect.

3 Representation to Electricity Ombudsman

- 1) Any consumer aggrieved by the non-redressal of his grievance by the Forum for Redressal of Grievance (hereinafter referred as Forum), constituted by the concerned distribution licensee (hereinafter referred as Licensee), may make a representation to the Electricity Ombudsman within 30 days in terms of Ombudsman Regulation 3.34 (b), in Annexure III appended herewith.
- 2) The complainant shall attach following documents with the representation
 - 1) Copy of the grievance filed before the Forum indicating its registration number & date and
 - 2) Copy of the decision of the Forum, if any.

- 3) In case the complainant wants to represent through his authorised representative / advocate, the authorisation shall be furnished.
 - 4) The representation may be filed in person or through a messenger or by post but complete in all respect along with two more sets.
 - 5) On receipt of the representation it shall be acknowledged by the office indicating the receipt number and the date of receipt.
- 4) Registration of the case
- 1) On receipt of a representation it shall be scrutinised and if the same is found to be fit for consideration, it shall be registered and allotted a Case Number which shall be referred in all future correspondence by the complainant and the licensee.
 - 2) In case the representation on scrutiny is found to be deficit, the complainant shall be intimated accordingly. No case shall be registered for consideration until the representation is found fit in all respect.
 - 3) The Electricity Ombudsman may call for the record of the Licensee and of the Forum for ascertaining the facts.
- 5) Reply of the Licensee and the Forum
- 1) After registration of a representation the Electricity Ombudsman shall serve a notice to the Chairman of the Forum as well as to the corporate office of the Licensee along with a copy of representation so received as per the Ombudsman Regulation 4.21 and 4.26.
 - 2) A Complainant, Distribution Licensee or any other person who is a party to any proceedings before the Ombudsman may either appear in person or authorize any person including an Advocate to present his/ her case before the Ombudsman and to do all or any of the acts for the purpose.
 - 3) The Licensee shall deliver one copy of reply to the Complainant and the proof thereof be attached with the reply to be sent to the Electricity Ombudsman.
- 6) General heading for reply, authorization, additional information
- 1) Reply, authorization, additional information, any subsequent information/ document, as may be required by the Electricity Ombudsman, shall be furnished by either party along with a proof of delivering a copy thereof to the other party.
- 7) Consideration of Interim Orders
- 1) Upon request of the Appellant, the Ombudsman may issue such interim orders at any stage during the disposal of the representation as it may consider necessary.
 - 2) Provided that the Ombudsman shall have the powers to pass such an interim order in any proceeding, hearing or matter before it, as it may consider appropriate, if the Complainant satisfies the 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 there under or any order of the Commission, provided that, the Ombudsman has jurisdiction on such matters. The Electricity Ombudsman shall first conduct conciliation proceedings to settle the matter and award the decision accordingly.
 - 3) 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.

8 Settlement by Conciliation

- 1) On receipt of the representation from the consumer the Electricity Ombudsman shall conduct conciliation proceedings in terms of the Ombudsman Regulation 4.21 to 4.25.
- 2) Such a settlement shall have to be complied by the licensee/complainant within 15 days of the order of the Ombudsman. No appeal/review shall lie against such a settlement.

9 Award on Representation

- 1) The Ombudsman shall pass a speaking order with detailed reasoning by the evidence adduced by the parties, the principles of applicable laws including Rules and Regulations issued under the relevant laws, guidelines, directions and instructions of a general nature, issued by the Commission from time to time, prudent industry practices and such other factors which in its opinion are necessary in the interest of justice.
- 2) The Ombudsman shall pass an order as early as possible but in any case, within 45 days from the date of receipt of the Representation.
- 3) A copy of the order shall be sent to the Complainant and the Licensee concerned and shall also be displayed on the website of the Commission.

10 Compliance by licensee

- 1) The Licensee shall duly comply with and implement the decision of the Ombudsman within 30 days of issue of the Order or within time period as mentioned in the order.
- 2) Non-compliance of the Ombudsman's Orders shall be considered as violation of these Regulations and shall be liable for appropriate action by the Commission under Sections 142 and 146 read with Section 149 of the Act.
- 3) The orders of the Ombudsman shall be final and binding on the parties.

Electricity Ombudsman, Rajasthan

Annexure-III

APPLICATION TO OMBUDSMAN FOR REDRESSAL OF GRIEVANCE

Date: _____

To The Ombudsman

(specify full address)

Dear Sir/madam

Sub: - (please make a mention of the order of the Forum against which a representation to the Ombudsman is being made)

Details of the grievance are as under:

1. Name of the Complainant: _____

2. Full address of the Complainant: _____

Pin code: _____

Phone No. /Mobile No.: _____

E-mail ID: _____

3. Nature of Connection and Consumer No. (in case of having applied for a connection, state the application number) _____

4. Distribution Licensee: _____

5. Name and address of the Forum: _____

6. Date of submission of grievance by the Complainant to the Forum (please enclose a copy of the complainant/grievance): _____

7. Details of the representation, facts giving rise to the representation (if space is not sufficient please attach separate sheet): _____

8. Whether the consumer has received the final decision of the Forum (if yes, please enclose copy of the Forum's order conveying its final decision)

9. Nature of relief sought from the Ombudsman

10. List of document enclosed (please enclose three copies of all relevant document which support the facts giving rise to the grievance)

11. Declaration

a) I/ We, the Complainant /s herein declare that:

i. the information furnished herein above is true and correct; and

ii. I/ We have not concealed or misrepresented any fact stated herein above and the documents submitted herewith.

b) The subject matter of the present Grievance has never been submitted to the Forum by me/ or by anyone of us or by any of the parties concerned with the subject matter to the best of my/ our knowledge.

c) The subject matter of my / our Grievance has not been settled through the Forum in any previous proceedings.

d) The subject matter of my / our Grievance has not been decided by any competent authority/ court/arbitrator, and is not pending before any such authority / court / arbitrator.

Yours faithfully

(Signature)

(Complainant's name in block letters)

NOMINATION –

(If the Complainant wants to nominate his representative to appear and make submissions on his behalf before the Forum, the following declaration should be submitted.)

I/We the above named consumer hereby nominate Shri/Smt _____ whose address is _____

_____ as my/our

REPRESENTATIVE in the proceedings and confirm that any statement, acceptance or rejection made by him/her shall be binding on me/us. He/she has signed below in my/ our presence.

ACCEPTED

(Signature of Representative)

(Signature of Complainant)