

West Bengal Electricity Regulatory Commission

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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) (First Amendment), Regulations, 2020

STATEMENT OF REASONS

Dated: __/__/2020

1. Introduction

The West Bengal Electricity Regulatory Commission (hereinafter referred as 'WBERC' or 'the Commission'), in exercise of its power under section 181 and in compliance with the requirement of previous publication under sub-section (3) of section 181 of the Electricity Act, 2003, published the draft 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) (First Amendment), Regulations, 2019 (hereinafter referred as the "draft First Amendment 2019") on its website and invited suggestions/objections/comments vide public notice No WBERC/Regulations-55/19-20/5206 dated 31.12.2019 published in 5nos of leading newspapers on 01.01.2020. The last date of submission of comments was 15.01.2020.

2. Objective and background of the Draft First Amendment 2019

The Commission 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 sections 57 and section 97 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it on that behalf had notified 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 vide notification no 56/WBERC on 26th August, 2013, hereinafter referred to as the 'Principal Regulations'.

The Commission finds it suitable to amend the Principal Regulations to the following extent:

- (i) to modify the definition of 'consumer grievance or complaint' in line with model regulation published by Forum of Regulators (FOR) to make it more comprehensive.

- (ii) to incorporate the regulations on qualification, terms of appointment and service conditions of the Ombudsman.
- (iii) To incorporate regulations for submitting periodic and annual reports by the Ombudsman to the Commission.

3. Analysis of the Suggestions / objections / comments received on First Amendment Regulations 2019:

The Commission received suggestions/objections/comments from CESC Limited and All Bengal Electricity Consumers' Association (ABECA) within the specified time limit. The Commission, after detailed analysis and due consideration of various issues raised by the stakeholders on Draft First Amendment 2019, finalised 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) (First Amendment), Regulations, 2020 (herein after referred as "First Amendment 2020") for notification in the Kolkata Gazette Extraordinary. The proposed regulations, suggestions/objections/comments received from the various stakeholders and the rationale /decisions of the Commission thereon have been discussed in the succeeding paragraphs.

4. Regulation 1:

4.1 Proposed in Draft First Amendment 2019

"1. *Short Title, Commencement and Interpretation:*

- (i) *These Regulations shall 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) (First Amendment), Regulations, 2019.*
- (ii) *These Regulations shall come into force on the date of the publication in the official Gazette and shall have concurrent jurisdiction with that of West Bengal Electricity Regulatory Commission.*
- (iii) *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 is found to be inconsistent with the provisions of the Electricity Act, 2003."*

4.2 Comments Received: No comments / suggestions received from stakeholders.

4.3 Analysis and Commission's Decision:

The Commission observes that the First Amendment will be notified and applicable from 2020. Considering the date of notification, it is decided to modify the title of the Amendment accordingly.

4.4 Provision in First Amendment 2020:

"1. Short Title, Commencement and Interpretation:

- (i) These Regulations shall 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) (First Amendment), Regulations, 2020.*
- (ii) These Regulations shall come into force on the date of the publication in the official Gazette and shall have concurrent jurisdiction with that of West Bengal Electricity Regulatory Commission.*
- (iii) 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 is found to be inconsistent with the provisions of the Electricity Act, 2003."*

5. Clause (iii) in regulation 2:

5.1 Proposed in Draft First Amendment 2019:

"iii) 'Consumer Grievance or complaint' means a grievance in an appropriate written form in accordance with regulation 9.3 of these Regulations by a consumer against a distribution licensee under the provisions of the Electricity Act, 2003 regarding any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a distribution licensee in pursuance of a license, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of distribution licensees as specified by the Commission and includes billing disputes of any nature."

5.2 Comments Received:

CESC Ltd. submitted that power quality is a broad term. Without an appropriate definition and standard, inclusion of the term "quality" in the definition of 'Consumer Grievance or complaint' may lead to confusions amongst stakeholders and may increase the number of spurious complaints / grievances. CESC therefore requested to avoid the terms '*shortcoming or inadequacy in the quality*' from the definition.

CESC Ltd. also submitted the following excerpts in support of their submission:

As per the Standard handbook of Electrical Engineers, 14th edition (2000): “Good power quality, however, is not easy to define because what is good power quality to a refrigerator motor may not be good enough for today’s personal computers and other sensitive loads. For example, a short (momentary) outage would not noticeably affect motors, lights, etc. but could cause a major nuisance to digital clocks, video cassette recorders (VCRs) etc.”

IEEE Std.1159: “Power quality is the concept of powering and grounding sensitive equipment in a manner that is suitable to the operation of that equipment.”

5.3 Analysis and Commission’s Decision:

The Commission observes that the phrase ‘shortcoming or inadequacy in quality’ is not used in silo in the definition. Rather a comprehensive reading of the total sentence reveals that the inadequacy in quality is related to the extent specified in the contract, agreement or in relation to Standard of Performance of distribution licensee specified by the Commission.

In this context Commission would like to mention that quality of power has been recognised as one of the major objectives in the Tariff Policy and National Electricity Policy. Clause (a) of sub-section (1) of section 24 of the Electricity Act 2003 has recognised quality of electricity as one of the major functions of the distribution licensee. The Commission has already notified the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as amended.

In view of the above it is decided to retain the terms ‘*shortcoming or inadequacy in the quality*’ in the definition.

5.4 Provision in First Amendment 2020: The draft regulation is retained.

6. Regulation 10:

6.1 Proposed in Draft First Amendment 2019:

"10. OMBUDSMAN

In terms of sub-section (6) of Section 42 of the Act, the Commission may, from time to time, appoint or designate a person as Ombudsman to discharge the functions in accordance with sub-section (7) of Section 42 of the Act.

Provided that any Ombudsman functioning as such immediately before this Regulation coming into force shall be deemed to have been functioning under this Regulation and shall continue till their term of appointment."

6.2 Comments Received: No comments / suggestions received from stakeholders.

6.3 Provision in First Amendment 2020: In absence of any comments/suggestions/objection from the stakeholders the draft regulation is retained.

7. Regulation 10.1.1:

7.1 Proposed in Draft First Amendment 2019:

"10.1.1 The Commission may appoint or designate more than one Ombudsman for a Licensee or a common Ombudsman or Ombudsmen for two or more licensees as may be considered necessary and expedient. The Commission shall specify their respective territorial jurisdictions during the appointment of the Ombudsman or through subsequent order. The Commission may change or alter the territorial jurisdiction of any Ombudsman through written order."

7.2 Comments Received:

ABECA in their submission suggested to appoint at least one Ombudsman in each district of West Bengal.

7.3 Analysis and Commission's Decision:

Commission observes that the issues related to redressal of grievances of the consumers are specified under sub-sections (5), (6) and (7) of section 42 of the Electricity Act 2003. The relevant subsections are reproduced below:

"(5) Every distribution licensee shall, within six months from the appointed date or date of grant of licence, whichever is earlier, establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission.

(6) Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.

(7) The Ombudsman shall settle the grievance of the consumer within such time and in such manner as may be specified by the State Commission."

A plain reading of the sub-sections (5) and (6) of section 42 of the Electricity Act 2003 reveals that redressal of consumer grievance is a two-stage mechanism, where consumer for any of his grievance or complaint shall approach the Grievance Redressal Forum of the Licensee. In case of non-redressal of his/her grievance in the Forum, the consumer may approach the Ombudsman. Thus, Ombudsman here acts as an Appellate

body. In that view of the matter this Commission finds no requirement of Ombudsman for each district of the State.

7.4 Provision in First Amendment 2020:

"10.1.1 The Commission may from time to time appoint or designate more than one Ombudsman for a Licensee or a common Ombudsman or Ombudsmen for two or more licensees as may be considered necessary and expedient. The Commission may specify their respective territorial jurisdictions during the appointment of the Ombudsman or through subsequent order. The Commission may change or alter the territorial jurisdiction of any Ombudsman through written order."

8. Regulation 10.1.2:

8.1 Proposed in Draft First Amendment 2019:

"10.1.2 An Ombudsman shall be appointed by the Commission after inviting applications through open advertisement by a notification in the website of the Commission and also by publication in leading Newspapers having wide circulation in the State of West Bengal."

Provided that whenever any post of Ombudsman falls vacant or an Ombudsman is restrained from acting as such, the Commission may place an Advisor of the Commission or a Chief Engineer of a Transmission Licensee in the State of West Bengal whose services are placed at the disposal of the Commission by such Licensee, in Full Additional Charge of such post till a regular appointment is made or the restraint is removed."

8.2 Comments Received:

ABECA in their submission suggested to alter the provision of the regulation as below:

"The Commission may place an Officer of the Commission equal rank of the secretary of the Commission in full additional charge of the post of Ombudsman till a regular appointment is made or the restraint is removed."

8.3 Analysis and Commission's Decision:

Commission observes that the post of Advisor and that of Secretary of the Commission are equivalent post in West Bengal Electricity Regulatory Commission. For a limited period, appointment of Chief Engineer of Transmission Licensee as Ombudsman is considered as an alternative measure.

8.4 Provision in Final Amendment 2020: The draft regulation is retained.

9. Regulation 10.1.3

9.1 Proposed in Draft First Amendment 2019:

“10.1.3 The Ombudsman shall be a person of ability, integrity and good understanding with a graduate degree in any discipline with a minimum experience of 25 years of service in the public administration, (i) especially in the Government departments holding the position not below the rank of Special Secretary / Additional Secretary or (ii) Director / Executive Director in any PSU or (iii) Secretary/Advisor/Director or equivalent in any regulatory body.

The Ombudsman shall have the following Desirable Experiences:

- a) Discharging quasi-judicial functions in the Government departments/Public administration.*
- b) Exposure in the power sector and its allied activities.*
- c) Experience of holding hearing of consumer/public grievances against specific complaints filed under different provisions of law and passing reasoned orders.”*

9.2 Comments Received:

ABECA in their submission suggested to modify regulation 10.1.3 as “with a graduate degree in law or electrical engineer with a minimum experience of 25 year service in the public administration (i) especially in the Government departments holding the position not below the rank of Special Secretary or (ii) Director”.

9.3 Analysis and Commission’s Decision:

Commission observes that, the concerns of ABECA regarding qualification along with the experience of the Ombudsman has been adequately covered under the head ‘Desirable Experiences’.

9.4 Provision in First Amendment 2020: The draft regulation is retained.

10. Regulation 10.1.4

10.1 Proposed in Draft First Amendment 2019:

“10.1.4 The Ombudsman shall hold office for a term not exceeding 3 (three) years from the date he enters upon his office:

Provided that the tenure of the Ombudsman may be extended by the Commission for a further period not exceeding 2 (two) years subject to an overall age limit of 65 (sixty five) years.”

10.2 **Comments Received:** No comments / suggestions received from stakeholders.

10.3 **Provision in First Amendment 2020:** In absence of any comments/suggestions/objection from the stakeholders the draft regulation is retained.

11. Regulation 10.1.5

11.1 **Proposed in Draft First Amendment 2019:**

“10.1.5 No person shall be appointed or continued as an Ombudsman if he stands disqualified on account of his:

- a) having been adjudged an insolvent;*
- b) having been convicted of an offence involving moral turpitude;*
- c) having become physically or mentally incapable of acting as an Ombudsman;*
- d) having acquired such financial or other interest as is likely to affect prejudicially his functions as an Ombudsman;*
- e) having so abused his position as to render his continuance in office prejudicial to public interest;*
- f) having been guilty of proven misconduct;*
- g) having been ineligible for such appointment under this Regulation.”*

11.2 **Comments Received:**

ABECA in their submission suggested add an additional clause (h) as below:

- (h) if a complaint is lodged before the Commission regarding his transparency in work and if complaint is affirmed by the Commission.

11.3 **Analysis and Commission’s Decision:**

The Commission observes that the issue raised by ABECA has adequately been covered under clauses (d), (e) and (f) of the draft regulation.

11.4 **Provision in First Amendment 2020:**

“10.1.5 No person shall be appointed or continued as an Ombudsman if he stands disqualified on account of his:

- a) having been adjudged an insolvent;*
- b) having been convicted of an offence involving moral turpitude;*
- c) having become physically or mentally incapable of acting as an Ombudsman;*

- d) *having acquired such financial or other interest as is likely to affect prejudicially his functions as an Ombudsman;*
- e) *having so abused his position as to render his continuance in office prejudicial to public interest;*
- f) *having been guilty of proven misconduct;*
- g) *having been otherwise ineligible for such appointment under this Regulation.”*

12. Regulation 10.1.6

12.1 Proposed in Draft First Amendment 2019:

“10.1.6 An Ombudsman shall be liable to be removed from his office forthwith on account of any of the aforesaid disqualifications arising or being discovered:

Provided that no Ombudsman shall be removed from his office on any of the aforesaid grounds (a) to (f) of 10.1.5 above unless the Commission has, on an inquiry, concluded that the Ombudsman ought, on such ground or grounds, to be removed.

Provided that where an inquiry is contemplated or is pending against an Ombudsman on any of the aforesaid grounds, the Commission may restrain him from acting as such Ombudsman till conclusion of the proceedings.”

12.2 Comments Received:

ABECA suggested to modify the 1st provision to incorporate the proposed clause (h) of regulation 10.1.5.

12.3 Analysis and Commission’s Decision: In view of non-inclusion of clause (h) in regulation 10.1.5, no modification is required for proposed regulation 10.1.6.

12.4 Provision in First Amendment 2020: The draft regulation is retained.

13. Regulation 10.2

13.1 Proposed in Draft First Amendment 2019:

“10.2 *Conditions of service of the Ombudsman*

10.2.1 a) *The Ombudsman shall be appointed on contractual basis and his remuneration shall be fixed in the manner as is done for the reemployed pension earning Govt Officers subject to a ceiling of Rs 100000/- (One Lakh) p.m. However, Commission may from time to time suitably enhance the limit with passing reasoned order in this regard.*

b) Ombudsman shall be entitled to leave and other benefits as are entitled to the Secretary of the Commission.

10.2.2 The office(s) of Ombudsman shall be open during working hours on all working days of the Commission.

10.2.3 The Ombudsman may hold his sittings or hearings at his office or at any other place within territorial jurisdiction of the Commission as the exigencies of hearing of the representation(s) may require.

10.2.4 The Commission shall provide necessary infrastructure and human resource facilities for the efficient functioning of the Ombudsman.

10.2.5 The Ombudsman shall make all requisite arrangements for receiving all/any representation from the consumers.

10.2.6 The name, location, postal and e-mail address and office telephone and fax number of the Ombudsman shall be displayed prominently on the websites of the Commission and the Licensees and at all the offices of the Licensees.”

13.2 **Comments Received:**

Regarding regulation 10.2.3 ABECA suggested change as: “within Territorial Jurisdiction of the District where he is posted and in respect of Kolkata between the office of the Commission and Salt Lake area and Kolkata Central area where easy movement of public is available.”

13.3 **Analysis and Commission's Decision:**

The issue of district-wise appointment of Ombudsman as suggested by ABECA has already been discussed and discarded in paragraph 7.3 above. Regarding location of office of the Ombudsman, Commission does not find it suitable to mention a specific place in the regulation.

13.4 **Provision in First Amendment 2020:** The draft regulation is retained with minor change in language to enhance the clarity of expression without changing the intent or impact.

“10.2 Conditions of service of the Ombudsman

10.2.1 a) The Ombudsman shall be appointed on contractual basis and his remuneration shall be fixed in the manner as is done for the reemployed pension earning Govt. Officers subject to a ceiling of Rs 100000/- (One Lakh) per month. However, Commission may from time to time suitably enhance the limit with passing reasoned order in this regard.

b) Ombudsman shall be entitled to leave and other benefits as are entitled to the Secretary of the Commission.

- 10.2.2 The office(s) of Ombudsman shall be open during working hours on all working days of the Commission.
- 10.2.3 The Ombudsman may hold his /her sittings or hearings at his /her office or at any other place within territorial jurisdiction of the Commission as the exigencies of hearing of the representation(s) may require.
- 10.2.4 The Commission shall provide necessary infrastructure and human resource facilities for the efficient functioning of the Ombudsman.
- 10.2.5 The Ombudsman shall make all requisite arrangements for receiving all / any representation from the consumers.
- 10.2.6 The name, location, postal and e-mail address and office telephone and fax number of the Ombudsman shall be displayed prominently on the websites of the Commission and the Licensees and at all the offices of the Licensees.”

14.Regulation 10.3:

14.1 Proposed in Draft First Amendment 2019:

“10.3 Reporting requirements

- 10.3.1 *The Ombudsman shall submit a monthly / quarterly report in the Format as per ANNEXURE - II on the settlement of grievance representations / complaint to the Commission with a copy to the Licensee within 15 (Fifteen) days from the end of month / quarter.*
- 10.3.2 *The Ombudsman shall submit to the Commission with a copy to the Licensee(s), a half-yearly report giving details of the nature of the grievances of the consumers dealt by the Ombudsman, the response of the Licensees in the redressal of the grievances and the opinion of the Ombudsman on the Licensee’s compliance of the Standards of Performance as specified by the Commission under Section 57 of the Act. Such report shall be submitted within one month from the end of each half yearly period in the financial year.*
- 10.3.3 *The Ombudsman shall also furnish an annual report on the activities of the Ombudsman during the financial year to the Commission before the end of April of each year.”*

14.2 Comments Received: No comments / suggestions received from stakeholders.

14.3 Provision in First Amendment 2020: In absence of any comments/suggestions/objection from the stakeholders the draft regulation is retained with minor change in language to enhance the clarity of expression without changing the intent or impact.

“10.3 Reporting requirements

- 10.3.1 The Ombudsman shall submit a monthly / quarterly report in the Format as per ANNEXURE - II on the settlement of grievance representations / complaint to the Commission with a copy to the Licensee within 15 (Fifteen) days from the end of month / quarter.
- 10.3.2 The Ombudsman shall submit to the Commission with a copy to the Licensee(s), a half-yearly report giving details of the nature of the grievances of the consumers dealt by the Ombudsman, the response of the Licensees in the redressal of the grievances and the opinion of the Ombudsman on the Licensee's compliance of the Standards of Performance as specified by the Commission under Section 57 of the Act. Such report shall be submitted within one month from the end of each half yearly period in the financial year.
- 10.3.3 The Ombudsman shall also furnish an annual report on the activities of the Ombudsman during the financial year to the Commission within 30 days from the end of the financial year."

15. Regulation 10.4.1

15.1 Proposed in Draft First Amendment 2019:

"10.4.1 In terms of sub section (7) of section 42 of the Act, the Ombudsman shall settle the grievances of the consumer within the time and in such manner as specified in these regulations. The ombudsman shall not take cognizance of any complaint revealing circumstances not covered by the regulations and not specific and where alternative remedy is provided in the Act."

15.2 Comments Received: No comments / suggestions received from stakeholders.

15.3 Provision in First Amendment 2020: In absence of any comments/suggestions/objection from the stakeholders the draft regulation is retained.

16. Regulation 10.4.2

16.1 Proposed in Draft First Amendment 2019:

"10.4.2 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."*

ABECA suggested to modify the filing time as ‘within 30 (thirty) working days’ instead of ‘within 20 (twenty) working days’ proposed in the draft. ABECA further suggested that section (5) of the Limitation Act 1963 shall also be applicable here relating to time limit.

16.3 Analysis and Commission’s Decision:

The Commission observed that ABECA has not submitted any reason / justification in support of their suggestion to increase the number of days from 20 to 30. In absence of any reason / justification submitted by ABECA the Commission does not find it suitable to consider their suggestion to increase the number of days at this point of time. However, the Commission finds it suitable to incorporate a provision in line with section (5) of the Limitation Act 1963 regarding accepting a representation by Ombudsman after the expiry of the said period if the Ombudsman is satisfied that there is sufficient cause for not filing it within that period.

16.4 Provision in First Amendment 2020:

“10.4.2 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.

Provided that the Ombudsman may entertain a representation after the expiry of the said period of 20 days if the Ombudsman is satisfied that there is sufficient cause for not filing it within that period.”

17.Regulation 10.4.3

17.1 Proposed in Draft First Amendment 2019:

“10.4.3 On receipt of a grievance representation / complaint in duplicate either directly from an aggrieved consumer or from the Commission, the Ombudsman shall acknowledge receipt of the same to the aggrieved consumer within 10 (ten) working days from the date of receipt of the grievance representation / complaint.”

17.2 **Comments Received:** No comments / suggestions received from stakeholders.

17.3 **Provision in First Amendment 2020:** In absence of any comments/suggestions/objection from the stakeholders the draft regulation is retained.

18. Regulation 10.4.4

18.1 **Proposed in Draft First Amendment 2019:**

"10.4.4 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, not beyond 90 days subject to further extension not beyond six months, by which time, the distribution licensee shall submit the report and the distribution licensee shall be asked to send a copy of the report to the aggrieved consumer / complainant simultaneously."

18.2 **Comments Received:**

ABECA suggested to change the proposed time limit as "not beyond 1 month" instead of "90 days" and "1 month" instead of "6 months". ABCEA in support of their suggestion to reduce the timeline submitted that, the draft proposal will cause unnecessary delay in justice and hence justice will be denied accordingly.

18.3 **Analysis and Commission's Decision:**

The Commission observed that the time-line for submitting the report by Licensee shall be determined by the Ombudsman on case to case basis based on the grievance and volume of documents required. Thus 90 days or 6 months are the maximum timeline specified in the regulation and Ombudsman has every right to specify a shorter timeline according to the merit of the case. Further this is as per the existing provisions of the Principal Regulations which was notified after considering the suggestions/objections from all stakeholders. Hence, Commission does not find it suitable to modify the maximum time limit at this point of time

18.4 **Provision in First Amendment 2020:** The draft regulation is retained.

19. Regulation 10.4.5

19.1 **Proposed in Draft First Amendment 2019:**

"10.4.5 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."

19.2 **Comments Received:** No comments / suggestions received from stakeholders.

19.3 **Provision in First Amendment 2020:** In absence of any comments/suggestions/objection from the stakeholders the draft regulation is retained.

20. Regulation 10.4.6

20.1 **Proposed in Draft First Amendment 2019:**

"10.4.6 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 having received 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."

20.2 **Comments Received:** No comments / suggestions received from stakeholders.

20.3 **Analysis and Commission's Decision:**

Commission observed a typographical error in the proposed draft regulation 10.4.6, where regulation 10.4 was erroneously been referred in place of regulation 10.4.5. Hence, it is decided to replace the words '10.4' with '10.4.5' in the First Amendment 2020.

20.4 **Provision in First Amendment 2020:**

"10.4.6 On receiving the views on the draft order as referred to in regulation 10.4.5, 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 / she 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 having received no views on the draft order as referred to in regulation 10.4.5, 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."

21.Regulation 10.4.7

21.1 Proposed in Draft First Amendment 2019:

"10.4.7 Copies of the order / settlement order of the Ombudsman, certified to be true copies shall be supplied to the aggrieved consumer / complainant of the licensee free of cost. A copy of the final order / settlement order shall be forwarded to the Commission for records."

21.2 Comments Received: No comments / suggestions received from stakeholders.

21.3 Analysis and Commission's Decision:

It is observed that, provision of sending certified true copy of the order / settlement order of the Ombudsman to the licensee is missing in the draft regulation due to some typographical error. The provision for sending certified copy is also specified in the existing regulation. Hence, it is decided to modify the draft accordingly.

21.4 Provision in First Amendment 2020:

"10.4.7 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. A copy of the final order / settlement order shall be forwarded to the Commission for records."

22.Regulation 10.4.7

22.1 Proposed in Draft First Amendment 2019:

Annexure-II

Office of the Ombudsman
West Bengal
(Address)

Representation for Redressal of Grievances
Monthly Report for the month of _____

Sl No	Name of Distribution Licensee	Pending cases as on closing day	New filing during the month	No of Cases heard	No of interim Order / Draft Settlement	Disposal during the month	Pending cases as on closing
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		of last month	under report		Order / order issued	under report	date of the month
1							
2							
3							
4							
	TOTAL						

22.2 **Comments Received:** No comments / suggestions received from stakeholders.

22.3 **Provision in First Amendment 2020:** In absence of any comments/suggestions/objection from the stakeholders the draft regulation is retained.

Sd/-
(PULAK KUMAR TEWARI)
MEMBER

Sd/-
(DURGADAS GOSWAMI)
MEMBER

Sd/-
(SUTIRTHA BHATTACHARYA)
CHAIRPERSON

Dated: 19/05/2020