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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. 10/WBERC

Dated : 23.09 2003.

In exercise of the powers conferred by Sub-Section 42(5) and 42(7) read with Section 181 of the Electricity Act, 2003 (No. 36 of 2003) and all powers enabling on that behalf, West Bengal Electricity Regulatory Commission (WBERC) here by makes the following Regulation.

#### 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 Consumer and Ombudsman) Regulation, 2003.

i) These 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 :

a) The Act means the Electricity Act, 2003;

- b) Regulation means the Regulation made under the Act ;
- c) Rules means the Rules made under the Act ;
- d) Commission means the "West Bengal Electricity Regulatory Commission" constituted under Section 82 of the Electricity Act, 2003 ;
- e) Consumer Grievance means a grievance in an appropriate written form in accordance with these regulations by a consumer against a Licencee under the Provisions of the Electricity Act, 2003 ;
- f) Forum for Redressal of Consumer Grievance means 'Forum for Redressal of Grievances of Consumers' to be constituted by each distribution Licencee in accordance with the Provisions of this Act read with these Regulations and called in short, Forum.
- g) 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.

- i) Every distribution Licencee, shall within six months from the appointed date (10<sup>th</sup> June, 2003) or date of grant of license, whichever is earlier, establish a Forum for Redressal of Grievances of the consumers in accordance with these Regulations.

- ii) Forum shall be a three tier redressal system as detailed below ;

Tier 1 : At district or sub-level area to be headed by a Senior Executive of the district not below the rank of an Asst. Engineer or equivalent.

Tier 2 : At regional / zonal level to be headed by a Senior Officer not below the rank of a Manager/Divisional Engineer.

Tier 3 : At Corporate / Head Office level to be headed by an Officer not below the rank of the a Chief Engineer or equivalent.

- iii) The office of the Forum shall be at such place as the Licencee may stipulate, but should be easily approachable by the consumers.
- iv) The grievance redressal procedure and the names as also the official designations of Grievance Redressal Officers, along with their location, telephone no., fax no., e-mail address etc. should be prominently displayed at / near the main entrance of the various offices / sub-offices etc. of the Licencee.

The Grievance Redressal Officers should be available exclusively for meeting consumers having grievances, for at least 2 (two) hours on any fixed day of the week. The number of hours and / or the number of days may be appropriately increased if necessary.

The information regarding availability of the Grievance Redressal Officers from which hour to which hour and on which day(s) of the week should also be prominently displayed.

Such information should be brought to the notice of all concerned at least once in a calendar year through an attachment to a Bill to all consumers. Any change in the information in between should also be similarly advertised/ brought to the notice of the consumers through attachments to their Bills.

**4. Guidelines for Working Procedure.**

i) The consumer should approach Tier 1 initially and his written grievance should be registered, acknowledged and a grievance number be given. The grievance should be attended promptly, normally within 7 days from the date of receipt and in case it involves consultation with the other officers or needs a technical scrutiny then a provisional reply should be sent to the consumer informing the latter that his/her complaint is being looked into. Complaints of this type should be finally disposed of usually within a period of 21 (twenty one) days from the date of receipt of the complaint from the consumer. This time limit will not be applicable to complaints involving standards of performance of the Licencee, norms for dealing with which will be set separately.

However, till such norms for dealing with complaints involving performance standard are set, the following norms should be observed :-

Cases of disruptions in power supply should be attended to and supply restored within 4 hours (8 hours in rural areas). Cases of disruptions in power supply involving overhead/underground service faults should be attended to and power supply restored within 36 hours (48 hours in rural areas). Restoration of power supply that involve replacement or repair of transformers should be achieved within 12 (twelve) days (both in urban and rural areas). But attempts should be made to provide supply from alternative sources, and wherever feasible, supply should be given from such sources within 8 (eight) hours in both urban and rural areas.

ii) If the consumer is not satisfied with the outcome of his complaint at Tier 1, he may approach to Tier 2. The procedure will be similar to of Tier 1.

iii) If the grievance still persists the consumer may approach Tier 3 and the reply of the complaint should be given within 7 days of the receipt of the grievance. Tier 3 Grievance Redressal Officer should apart from re-examining the complaint and how the Grievance Redressal Officers of the lower tiers have dealt with the complaint, may also consider

whether there is any need to amend the rules to avoid unnecessary hardships to the consumers. He should, if called for, make suitable recommendations to the Managing Director / CEO of the organization.

- iv) Normally the Grievance Redressal Officer should deal with complaints without insisting upon the personal presence of the complainant. However, if the complainant desires to be heard in person and the Grievance Redressal Officer is of the opinion that it is necessary to give the complainant a hearing, or if the Grievance Redressal Officer is not able to fully understand the grievance he may either talk to the complainant on the telephone to understand his problem and in required case he may ask consumer to come to the office.
- v) The decision of the Grievance Redressal Officer should be duly intimated to the consumer. In case the request of the consumer is not accepted then the detailed reasons should be given. Mechanical disposal of grievances should be avoided and the Officer should apply his mind and that too in a fair manner. The provisions of the Electricity Act, 2003, Rules and Regulations made thereunder shall be kept in view and duly followed.
- vi) Adequate information relating to the grievance received, grievance disposed, the delay in disposal of grievance, if any,

bifurcation between the cases where the consumer grievance has been accepted and remedy provided and not accepted should be appropriately maintained and monthly monitored at appropriate senior level not less than the level of General Manager or its equivalent.

- vii) Normally, a consumer shall come up with his grievance within 2 months of the last day of the period for which grievance relates. In deserving cases this period may be relaxed by the Grievance Redressal Officer concerned.

- viii) Suitable steps must be taken by Licencee to devise a suitable procedure so that grievances can be lodged through Interactive Voice Response System over Telephone including Generation of Grievance Number.

#### **5. Jurisdiction of the Forum subject to other Provisions of these guidelines.**

- i) The Three Tier Consumer Grievance Redressal Forum shall have the jurisdiction to entertain all the grievances within the respective jurisdiction and in case of the Third Tier, the entire area of the Distribution Licencee.
- ii) Any consumer aggrieved by an order made by the Forum after the Third Tier may prefer an appeal within 15 days of receipt of the order to the 'Ombudsman', in such form and manner as may be stipulated by the Commission.

iii) Nothing contained in these guidelines shall affect the rights and privileges of the consumer under any other law for the time being in force. In case the consumer has filed any application / case in any Consumer Forum or Court, the same has to be mentioned with all relevant details in the application.

iv) The Distribution Licencee may make a detailed procedure along with all the relevant details and format etc. based on these Regulations which shall be sent to the consumers along with their monthly bills by January, 2004. A copy of such procedure may also be immediately made available to the consumers on request on a nominal payment of Rs. 2/- per copy. A copy of this detail grievance procedure will also be intimated to the Commission along with the name of the Grievance Redressal Officers, dates and times and office / place where they will be sitting.

v) The Commission shall have right to order for change of any of the Grievance Redressal Officer and / or the detailed procedure etc. without assigning any reason and the Distribution Licencee shall comply with the order of the Commission immediately and inform the consumers within a week of the receipt of the order in this regard.

vi) The Distribution Licencee shall submit a Annual Report on the operation of the Forum for Redressal of Grievance

Procedure for the previous Financial Year along with the data pertaining to grievances received, grievances disposed of separately within the time and beyond, action taken to avoid recurrence of similar nature of hardship / grievance and suggestions, if any, along with the tariff petition.

#### 6. Ombudsman.

i) Any consumer aggrieved by an order made by the Forum for redressal of grievances of the consumers after Tier Three may prefer an appeal within 15 days of the receipt of such order to the 'Ombudsman'.

ii) The Commission will appoint and designate an Ombudsman for various distribution licencees separately or group of distribution licencees or one Ombudsman for all the distribution licencees.

iii) The Ombudsman shall have full right to relax the period of 15 days under Clause (i) in deserving cases as he may think appropriate provided consumer has not taken the grievance with any other Authority under any law.

iv) Ombudsman shall sit at least for two days in a week either in the office of the Commission or in the office of any of the distribution licencee as may be stipulated by the Commission. The number of hours put each day will depend on volume of work.

v) For the purpose of preferring an appeal to the Ombudsman a

consumer shall submit his appeal in writing in the form as per Annexure - 1 of this regulation and deliver it or send it through proper mode to ensure that it reaches the office of the Ombudsman within the stipulated time.

- vi) The office of the Ombudsman shall acknowledge the receipt of the grievance and the Ombudsman shall call for a report with the relevant details from the concerned licensee which the latter shall submit within 10 working days from the date of receipt of the call from the Ombudsman for a report as aforesaid. The Ombudsman may at his discretion allow upto 10 days more in deserving cases if the distribution licensee request for the same in writing.
- vii) The Ombudsman shall proceed on the basis of the available records in case no details or only insufficient details are received from the licensee within the scheduled time.
- viii) The Ombudsman after examining the grievance and the report of the licensee shall give his decision in writing and communicate the same to the consumer as also to the licensee within 10 days from the schedule date under Clause vi.
- ix) If he considers it to be necessary, Ombudsman may give a hearing to the

complainant and the licensee to understand the complaint and / or to know the facts of the case or even, for the purpose of settling the issue in an amicable manner.

- x) The licensee shall comply with the advice / direction / order of the Ombudsman within a reasonable period of time and submit a report of compliance to the Ombudsman immediately thereafter.
- xi) Nothing contained in this clause relating to Ombudsman shall affect the rights and privileges of the consumer under any other law for the time being in force.

7. i) The Commission may at its sole discretion, at any time vary, alter, modify, add or amend any provision of this Regulation.

- ii) If any difficulty arises in giving effect to any of the Provisions of this Regulation, the Commission for reasons to be recorded in writing may direct by general or special order, for taking suitable action not inconsistent with the Provisions of this Act, as may appear to be necessary for removing the difficulty.

By order of the Commission  
(Dr. R. N. Das)  
Secretary of the Commission

## ANNEXURE - I

To  
The Ombudsman

Date.....

Name of Distribution Licencee.....

Sub : Service Connection No..... in favour of.....  
Category..... Location of connection.....

Nature of Grievance in brief, but  
with full 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 with any other Authority. (In case any case / complaint has been filed, full details thereof.)

( Signature with date )

Name.....

Telephone No.....

Address of Complainant

Consumer.....

- Encl. : a) Complaint made at Tier 3 in Forum.  
b) Order of the concerned officer of Forum Tier 3.  
c) Any other document in support (indicate).