

NOTIFICATION

The 20th July, 2011

[Electricity Ombudsman Regulations, 2004 (First Amendment) 2011]

No. AERC. 69/2003/278 : – In exercise of the power conferred on it by Section 181 read with Sub-section (6) of Section 42 of the Electricity Act, 2003 (no. 36 of 2003) the Assam Electricity Regulatory Commission hereby makes the following regulations, namely :

CHAPTER I : PRELIMINARY

1. Short Title and Commencement

- (1) These Regulations may be called the Draft Assam Electricity Regulatory Commission (Electricity Ombudsman) Regulations, 2004 (First Amendment) 2011.
- (2) These Regulations shall come into force from the date of their publication in the Official Gazette of the Government of Assam.
- (3) These Regulations extend to the whole of the State of Assam concurrent with the jurisdiction for the supply of electricity by the distribution licensees.

2. Definitions

- (1) In these Regulations, unless the context otherwise requires :–
 - (a) “Act” means The Electricity Act 2003 (No. 36 of 2003) as in force from time to time.
 - (b) “Commission” means the Assam Electricity Regulatory Commission recognised under Sub-section (1) of Section 86 of the Electricity Act, 2003 (no.36 of 2003) as the Commission.
 - (c) “Complainant” as per sub-section (c) of Section 2 of Guidelines for Redressal of Consumer Grievances [(i) – (v)] or who has applied for a connection.
 - (d) "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 under the Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the

purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be. This also includes any person whose premises are temporary disconnected from the works of the distribution licensee or the Govt. or any other person as the case may be;

- (e) “consumer dispute” means a dispute where the person against whom a complaint has been made, denies or disputes the allegations contained in the complaint;
- (f) "confidential information" includes –
 - (i) information about the identity, occupation or whereabouts of the consumer or of any person who assists an examination; and
 - (ii) information disclosed by a representation; and
 - (iii) information of personal concern to an individual; and
 - (iv) information that, if disclosed, may cause detriment to a person;
- (g) "Distribution licensee " means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply; and includes Assam State Electricity Board or any of its successor entity under the provisions of Section 131 of the Act.
- (h) “Defect” means any fault, imperfection or shortcoming in the quality, quantity, purity or standard of service, including in the equipment or material which is required to be maintained by or under any law for the time being in force or under any contract, express or implied, or as is claimed by the distribution licensee in any manner whatsoever in relation to electricity service;
- (i) “Deficiency” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by/ under any law for the time being in force or has been undertaken to be performed by distribution licensee in relation to electricity service or performance standard; including Interruption or failure of Power Supply, Voltage complaints, Metering Problems including Meter shifting, Charges / Payments (Billing Problems), Disconnection or Reconnection of Power supply, New Connections or Extensions in Load, Notice of supply interruptions, violations of Electricity Supply Code, contraventions of Act, Rules or Guidelines made there under with regard to consumer interest.

- (j) “electricity service” shall include supply, billing, metering and maintenance of electrical energy to the consumer and all other attendant sub-services;
 - (k) “Forum” means “Forum for Redressal of Grievances of Consumers” constituted by each distribution licensee in terms of the “Guidelines for Redressal of Consumer Grievances”.
 - (l) "licensee" means a person who has been granted a licence or is a deemed licensee under section 14 of the Act;
 - (m) “Ombudsman” means an authority to be appointed or designated by the Commission under these Regulations issued for the purpose under sub-section (6) of section 42 of the Act, to whom a representation may be made by any consumer aggrieved by non-redressal of grievances by the Forum;
- (2) All other expressions used herein but not specifically defined herein but defined in the Act shall have the meaning assigned to them in the Act shall have the meaning assigned to them in the Act.

CHAPTER II : OMBUDSMAN

3. Appointment Of Ombudsman

- (1) The Commission may from time to time appoint or otherwise designate such person or persons as the Commission may consider appropriate as the Ombudsman to discharge the functions under sub-section (6) of section 42 of the Act.
- (2) The Commission may appoint or designate Ombudsman or Ombudsmen separately for each Distribution Licensee or a Common Ombudsman for two or more Distribution Licensees.
- (3) The Commission may also appointment more than one Ombudsman for the same Distribution Licensee and specify the area of operation of each such Ombudsman.
- (4) The Ombudsman shall be selected by the Commission from a wider public including those who have experience and have exposure in the Legal Affairs, Engineering, Education, industry, civil service, administrative service, Consumer Affairs or persons of eminence, preferably with experience in and knowledge of Electricity Distribution.
- (5) For the purposes of selection of Ombudsmen the Commission may constitute a committee of such persons as the Commission may consider appropriate to

shortlist and make recommendations of eligible persons.

- (6) The age of the person appointed as Ombudsman should be a minimum of fifty-five years and should not be over sixty-two years at the time of appointment. The person selected should not be associated with the activities of any of the licensees for a period of preceding one year. The person once appointed should not have any financial interest in the electricity industry of the state during his tenure.
- (7) The Electricity Ombudsman shall work from the Commission's office. In order to expedite disposal of representations, the Electricity Ombudsman may hold sittings at such places within his area of jurisdiction, as may be considered necessary and proper by him.

4. Terms of office

- (1) An Ombudsman shall be appointed for a term of 2 years from the date of his joining the office and the appointment may be extended for a further period not exceeding 2 years, as the Commission may consider appropriate.
- (2) Before entering upon his office, the Ombudsman shall make and subscribe to an Oath of office and secrecy in the form as may be specified by the Commission. The Chairman of the Commission will administer the oath.
- (3) The Ombudsman shall be deemed to be Public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).
- (4) The Ombudsman may relinquish his office by giving in writing to the Commission a notice of not less than three months.

5. Removal of Ombudsman

- (1) No Ombudsman shall be removed from office except in accordance with the provisions of these regulations.
- (2) The Commission may, by order remove from office any Ombudsman if he:
 - (a) has been adjudged an insolvent;
 - (b) has been convicted of an offence which, in the opinion of the Commission, involves morale turpitude;
 - (c) has become physically or mentally incapable of acting as an Ombudsman;
 - (d) has acquired such financial or other interest as is likely to be prejudicial to his functions as an Ombudsman;
 - (e) has so abused his position as to render his continuance in office

prejudicial to public interest; or

- (f) has been guilty of misconduct

Provided that no Ombudsman shall be removed from his office on any of the grounds specified herein above unless the Chairman of the Commission, on an inquiry, held by him and after giving an opportunity to the Ombudsman is satisfied that the grounds for removal of the Ombudsman exist.

6. Pay and Allowances of Ombudsman

- (1) The Ombudsman shall be allowed a consolidated remuneration of Rs.45,000/- per month. Any pension to which Ombudsman is entitled from the Central Government or a State Government or any other organization/institution, shall be deducted from the remuneration.
- (2) The other allowances and perquisites of the Ombudsman shall be such as may be specified by the Commission.

7. Staff

- (1) The Ombudsman shall have such secretarial staff as may be specified by the Commission from time to time in consultation with the Ombudsman.
- (2) The Ombudsman may with the prior concurrence of the Commission engage the services of professionals to assist him in discharging his functions.
- (3) The remuneration, allowances and perquisites payable to Ombudsman, the salary, allowances and other benefits payable to the staff, the charges for the services of the professionals and all expenses incurred for the due discharge of the functions of the Ombudsman shall be borne by the Distribution Licensee(s) to the extent and on such terms and conditions as the Commission may specify from time to time.
- (4) The Ombudsman shall prepare and forward to the Commission, the annual budget indicating the requirement of funds before the beginning of every financial year. The Commission will finalize the budget in consultation with the Ombudsman.

8. Jurisdiction of the Ombudsman

- (1) The Ombudsman may receive and consider all representations filed by the Complainant for non redressal of the grievance by the Forum under Sub-Section (5) of Section 42 of the Act pursuant to the Complaint made by the Complainant as more fully set out in the guidelines for redressal of consumer grievances issued by the Commission.

- (2) Notwithstanding the above the Ombudsman shall not entertain any representation in regard to matter which are subject matters of existing or proposed proceedings before the Commission or before any other authority including under part X, XI, XII, XIV and XV of the Act.

CHAPTER III : GENERAL

9. Savings

Nothing contained in these regulations shall affect the rights and privileges of the consumer under any other law for the time being in force, including the Consumer Protection Act, 1986 (68 of 1986).

10. Powers to Remove Difficulties

If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, take suitable action, not being inconsistent with the Electricity Act, 2003, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties.

11. Power to Amend

The Commission may, at any time add, vary, alter, modify or amend any provision of these regulations.

12. Procedure to Represent

Procedure to Represent before the Ombudsman when any consumer is aggrieved for non-redressal of his/her grievances is available in section-5 of Chapter on “Ombudsman” in the Guidelines for Redressal of Consumer Grievances.

By order of the Commission

Secretary
Assam Electricity Regulatory Commission
Guwahati