

Jammu and Kashmir
State Electricity Regulatory Commission

NOTIFICATION

No. 04/J&KSERC

Dated. Jammu the 6th October, 2010

In exercise of the powers conferred by section 138 read with sub-section (5) of section 36 of Jammu & Kashmir Electricity Act 2010 (Act No. XIII of 2010) and all other powers enabling it in this behalf, the Jammu & Kashmir State Electricity Regulatory Commission hereby makes the following regulations, namely:-

1. Short title, commencement and interpretation -

- (i) These Regulations may be called the Jammu & Kashmir State Electricity Regulatory Commission (**Guidelines For Establishment of Forum For Redressal of Grievances of the Consumers**) Regulation, 2010.
- (ii) These Regulations shall be applicable to all Distribution Licensees in their respective licensed areas.
- (iii) These Regulations extend to the whole of the State of Jammu & Kashmir.
- (iv) These shall come into force on the date of their publication in the Govt. Gazette.
- (v) These Regulations shall be construed harmoniously with the Jammu & Kashmir State Electricity Regulatory Commission (Distribution Performance Standards) Regulations, 2006 and the Jammu & Kashmir State Electricity Regulatory Commission (Electric Supply Code and other Conditions) Regulations, 2010. In case of any inconsistency with these Regulations, the Distribution Performance Standards Regulations and the Electricity Supply Code shall prevail.

2. Definitions - In these Regulations, unless the context otherwise requires -

- (a) “Act” means the Jammu & Kashmir Electricity Act, 2010
- (b) “appointed date” means 29th April, 2010;
- (c) “area of supply” means the area within which a distribution licensee is authorized by licence to supply electricity.

- (d) “Chairperson” means the Chairperson of the Forum;
- (e) “complainant” means –
- i) a consumer; or
 - ii) any consumer association registered under any law relating to Registration of Societies and/or Charitable Institutions or under any other law for the time being in force; or
 - iii) one or more consumers, where there are numerous consumers having the same interest;
 - iv) in case of death of a consumer, his legal heirs or authorised representatives;
 - v) any other person who is affected by the services or business carried out by the distribution licensee.
- (f) “complaint” means any allegation in writing made by a complainant that –
- i) an unfair trade practice or a restrictive trade practice has been adopted by the licensee in providing electricity service;
 - ii) the electricity services hired or availed of or agreed to be hired or availed of by him suffer from deficiency in any respect;
 - iii) a licensee has charged for electricity services mentioned in the complaint, a price in excess of the price fixed by the Commission;
 - iv) electricity services which are hazardous to life and safety when availed, are being offered for use to the public in contravention of the provisions of any law for the time being in force or of any license;
 - v) violation of any law or license requiring the licensee to display the information in regard to the manner or effect of use of the electrical services;
 - vi) any defect or deficiency in electricity services;
 - vii) breach of any obligation by the licensee which adversely affects any consumer or which the Forum may consider appropriate to be treated as complaint.

(g) “consumer” means any person who is supplied with electricity for his own use by a licensee or by the Government or by any other person engaged in the business of supplying electricity to the public 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;

(h) “consumer grievance” means a complaint/protest/objection filed by the complainant;

(i) “distribution licensee” or “licensee” means a person authorized to operate and maintain a distribution system for supplying electricity to the consumers;

(j) “defect” means any fault, imperfection or shortcoming in the quality, quantity, or standard of service, 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 under any licence or as is claimed by the distribution licensee in any manner whatsoever in relation to electricity service;

(k) “deficiency” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or under any licence or has been undertaken to be performed by distribution licensee in pursuance of a contract or otherwise in relation to electricity service or performance standard, viz, interruption / failure of power supply, voltage complaints, metering problems including meter shifting, charges / payments (billing problems), disconnection / reconnection of power supply to the consumer, new connection / extensions in load, notice of supply interruption, making and keeping regular / special appointments, violations of Electricity Supply Code, contravention of Act, rules or regulations made thereunder with regard to consumer interest;

(l) in particular and without prejudice to the generality of the term, the “electricity service” means supply, billing, metering and maintenance of electrical energy to the consumer and all other attendant sub-services etc;

(m) “Forum” means ‘Forum for Redressal of Consumer Grievances’ constituted by distribution licensee under section 36 (5) of the Act;

(n) “Ombudsman” means an authority appointed or designated by the Commission under sub-section (6) of section 36 of the Act;

(o) “Commission” means the Jammu & Kashmir State Electricity Regulatory Commission;

(p) words and expressions used and not defined in these guidelines but defined in the Jammu & Kashmir Electricity Act, 2010 or in the J&K Consumer Protection Act, 1987 shall have the meanings respectively assigned to them in these Acts.

4. Constitution of Forum for Redressal of Grievances of the consumers -

(1) Every distribution licensee, shall within six months from the appointed date or grant of licence, whichever is earlier, establish a Forum for redressal of consumer grievances in accordance with these guidelines. The Forum shall be independent of the Licensee.

(2) Forum shall consist of not more than three members including the Chairperson of the Forum. The Distribution licensee shall submit before the Commission, a panel of persons who are eligible according to the qualifications hereinafter prescribed and shall appoint only such persons as the Chairperson or members of the Forum whose names have been approved by the Commission.

(3) No person shall be eligible to be appointed to the Forum unless he has the following qualification:-

a. Chairperson of the Forum shall be a person possessing degree in electrical engineering and should have held a post not below the rank of Superintending Engineer and having experience in the distribution of electricity.

b. One member shall be a person possessing degree in law and having at least 10 years of experience in legal matters:

Provided that when the Chairperson of the Forum is unable to discharge the functions owing to absence, illness or any other cause, the member indicated in clause 4 (3) (b) shall discharge the functions

of the Chairperson, until the day on which the Chairperson assumes office.

c. Another member shall be a representative of a registered society or NGO or Consumer Organization having one of its main objectives as consumer protection, with at least 5 years of standing or alternatively the representing member should have five years of experience in consumer related matters.

(4) The terms of the members of forum shall be for a period of two years from the date of appointment / nomination to the Forum provided that the tenure of a member may be extended by the Distribution Licensee for a further period of one year subject to an overall age limit of Sixty five (65) years.

(5) No person shall be appointed and/or be entitled to continue as a member if he stands disqualified on account of his:

- (i) having been adjudged an insolvent
- (ii) having been convicted of an offence involving moral turpitude
- (iii) having become physically or mentally or otherwise incapable of acting as such member
- (iv) having acquired such financial or other interest as is likely to affect prejudicially his function as a member
- (v) having abused his position as to render his continuance in office prejudicial to the public interest
- (vi) having been guilty of proved misbehavior
- (vii) having become a member of a political party

(6) An existing member shall be liable to be removed from his office forth with in the event of any of the disqualifications provided above arising or being discovered.

(7) The Licensee shall appoint / designate one of his officers not below the rank of Class II officer as full time secretary to the Forum and shall also provide the required supporting staff as approved by the Commission and office accommodation for functioning of the Forum.

- (8) The Chairperson of the Forum may instruct the Secretary to call for a meeting of the Forum to be held at such time and at such place as the Chairperson may direct.
- (9) All decisions of the Forum shall be on the basis of majority of the members present and voting.
- (10) The quorum for the Forum meeting shall be two and each members shall have one vote and in case of equality of votes on any issue or resolution, the Chairperson or as the case may be, the member of the Forum discharging the functions of the Chairperson under clause 4 (3) (b) presiding over the meeting shall, in addition, have a casting vote.
- (11) The Forum shall have sittings at the headquarters of licensee or at any other place in the supply area of the licensee as may be decided by the Chairperson depending on the number of grievances.
- (12) The licensee shall give wide publicity to the formation of the Forum and shall necessarily obtain a post box number to facilitate easy registration of grievances by consumers.
- (13) Distribution licensee may specify the salary / honorarium and other allowance payable to, and the terms and conditions of services of the Chairperson and member of the redressal Forum with the approval of the Commission.
- (14) On occurrence of any vacancy in the Forum by any reason, the distribution licensee shall take action to fill up the vacancy within two months from the date of occurrence of vacancy.

(15) The address and phone number of Forum shall be displayed at all the offices of the distribution licensee and wide publicity shall be given in their areas of operation.

5. Jurisdiction of the Forum -

(1) The Forum shall have the jurisdiction to entertain the complaints filed by the complainant with respect to the electricity services provided by the Distribution Licensee.

(2) The Forum shall entertain only those complaints where the complainant has approached the appropriate authority of the licensee as prescribed in the complaint handling procedure of the licensee approved by the Commission from time to time and either is not satisfied with the response of the licensee or there is no response within the time prescribed therein or with reasonable time:

Provided that no complaint shall be entertained unless it is filed before the Forum within 6 months from the date when the cause of action first arose:

Provided further that the Forum may, for reasons to be recorded in writing, entertain a complaint which does not meet the aforesaid requirements.

6. The Licensee's Obligations –

(1) The Licensee shall make available copies of the procedure for lodging complaints to the complainants free of cost.

(2) The bills issued by the Licensee to the consumers shall contain the address of the Consumer Grievance Redressal Forum. The statement **“Complainants whose grievance is not redressed by the official of the Licensee may approach the Consumer Grievances Redressal Forum and Ombudsman thereafter”** shall be printed on the Bills.

7. Grievance Filing -

(1) The Forum shall take up any kind of grievance concerning with electricity supply to the consumers including applicants for new connections except the grievances arising under sections 86, 87, 95 to 100, 114 & 123 of the Act.

(2) Every grievance to the Forum must be submitted in writing to the Forum stating-

- (a) the name of the individual or the organization, postal address, Consumer Account No. and telephone number, fax number and the E-mail address (if any) of the complainant;
- (b) the name of the office of the origin of complaint, name of the electricity district / division etc;
- (c) a full description of the matter, which is the source of the grievance, including copies of relevant and supporting documents, if any;
- (d) the relief prayed for.

(3) A copy of response, if any, from the licensee shall be enclosed.

8. Grievance handling procedure for the Forum -

(1) On receipt of the consumer grievance, the secretary shall make an endorsement on the grievance, with his dated initial.

(2) Within 7 days of receipt of a consumer grievance, the Secretary shall send an acknowledgement to the applicant. Consumer grievances received shall be registered and serially numbered for each year, and shall be referred e.g., C.G. No. 1/2010, 2/2011 and so on. A copy of the communication from the licensee for redressal or to file objections if any in writing in case the licensee is not agreeable to the request of the complainant.

(3) The employee nominated / authorized in this regard by the licensee or the employee named in the complaint shall furnish the parawise comments on the grievance within 15 days from the date of receipt of the letter from the Forum, failing which the Forum shall proceed on the basis of the material available on record.

(4) The Forum may call for any record of the licensee or from the complainant for examination and disposal of the grievance and the parties shall be under obligation to provide such information, documents or record as the Forum may call for where a party fails to furnish such information, documents or record and the Forum is satisfied that the party in possession of the record is withholding it deliberately, it may draw an adverse inference.

- (5) On receipt of the comments from the licensee or otherwise and after conducting or having such inquiry or local inspection conducted as the Forum may consider necessary, and after affording reasonable opportunity of hearing to the parties, the Forum shall pass appropriate orders for disposal of the grievance.
- (6) The proceedings and decisions of the Forum shall be recorded and shall be supported by reasons. The decision/s of the Forum shall be based on the opinion of the majority members of the Forum present and voting. The order of the Forum shall be communicated to the complainant and licensee in writing within 7 days. The licensee shall comply with the order of the Forum within 15 days from the date of receipt of the order.
- (7) The Forum may, subject to the regulations made by the Commission in this regard, award such compensation to the complainants as it considers just and appropriate in the circumstances of the case.
- (8) The Forum may issue such interim orders pending final disposal of the complainant as it may consider necessary.
- (9) Where the complainant or the licensee fails to appear before the Forum on the date fixed for hearing consecutively on more than two occasions, the Forum may decide the complaint ex-parte.
- (10) If the complainant is aggrieved by the orders of the Forum, he may prefer an appeal before the Ombudsman appointed / designated by the Commission within a period of **forty five days** from the date of receipt of the order.

9. Monitoring of the consumer grievances by Forum -

- (1) The Forum will keep a record of consumer grievances reported to it and the results thereof.
- (2) The Forum shall submit a report on the Form C-1 on the number of complaints received, redressed and pending, every month to the Commission for the period of 1st of the calendar month to end of the month and a copy shall also be-

forwarded to the distribution licensee and also a consolidated annual report on such by 1st May every year.

- (3) The Commission may publish the report in such form or manner as it may deem fit.

10. Power to remove difficulties -

If any difficulty arises in giving effect to any of the provisions of these Regulations, on being brought to the notice of the Commission, the Commission may, by general or special order, direct the Licensee or the Forum to take suitable action that appears to it to be necessary or expedient for the purpose of removing the difficulties not being inconsistent with the provisions of the Act.

By order of the Commission

Secretary.

FORM C-1

CONSUMER GRIEVANCE REDRESSAL MONITORING REPORT FOR THE MONTH _____

Sr.No	Complaint Status	Nature of Complaints							Total
		Delay in effecting supply	Quality of Voltage	Interruptions	Metering Problems	Billing Problems	Tariff Problems	Others	
1.	Complaints Pending at the end of the last quarter.								
2.	Complaints Received during the quarter								
3.	Total Complaints. (1+2)								
4.	Complaints attended during the quarter								
5.	Balance Complaints to be attended. (3-4)								
6.	Complaints pending for more than 3 months but less than 6 months.								
7.	Complaints pending for more than 6 months.								

NOTE: The present status for each complaint pending for more than six months may be furnished separately