

STATEMENT OF REASONS

Gujarat Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019

CORAM

Shri Anand Kumar, Chairman
Shri K. M. Shringarpure, Member
Shri P. J. Thakker, Member

BACKGROUND

The Commission issued Draft GERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019 on 17.06.2019. Comments/ suggestions on the Draft Regulations were invited through Public Notice dated 17.06.2019 in two widely circulated Gujarati newspapers and one English newspaper. Last date of submission of comments/ suggestions was 18.07.2019. Public hearing was conducted on 29.07.2019.

The list of the stakeholders who filed their comments/suggestions/objections on the Draft Regulations is annexed at Annexure-A

The list of the stakeholders present during the hearing is annexed at Annexure-B.

After considering the suggestion/objections of the various stakeholders, the Commission has finalized the Regulations along with the Statement of Reasons encapsulating the suggestions/objections of the stakeholders and the Commission's view thereon.

1. Issue wise suggestions and views of the Commission on it are narrated below;

1.1. Numbers and Locations of the CGRFs and timeframe for its establishment

Suggestions:

It is suggested to have more number of Forums as to enhance ease of consumers to approach the Forums. It is also suggested to establish the additional Forums within three months from the date of notification of the new Regulations.

Commission's view:

At present, there are eight numbers of CGRFs functioning in the Distribution Utilities in the State with one CGRF each in DGVCL, MGVCL, UGVCL, TPL Ahmedabad and TPL Surat and three in PGVCL. Consumers of TPL Dahej are facilitated by the TPL Surat CGRF. The consumers of MPSEZ Utilities Pvt. Ltd. (MUPL) are facilitated by the Licensee's internal Grievance Redressal Committee. Looking to the large area being catered by each Utility in the State, the Commission has now decided to increase the number of CGRFs from the present in the area of DGVCL, MGVCL, UGVCL, PGVCL and TPL Ahmedabad through a separate directive to these Licensees in accordance with Clause 2.3 of the final Regulations. Thus, with this increase in number of CGRFs, the consumers can easily approach the CGRF. The Regulations also empower the Licensees to further increase number of CGRFs in their licence area.

Further, it is provided in the Regulations to establish the CGRFs within three months from the date of notification of the new Regulations.

1.2. Constitution and selection of Chairperson and Members of the Forum

Suggestion:

It is suggested to have five member CGRF which may include two members who are electrical engineer from PWD, CPWD, Railways, Electrical Inspector Office, Commerce & Industry, Chamber of Commerce, Engineering Association, etc. It is also suggested that Chairperson and Independent Member of the Forum should be selected by the Commission only. Few of the Objectors have suggested to exclude retired employee of the same or different Licensee, even after two years of his/her retirement, to be eligible for the post of CGRF Chairperson owing to an apprehension that the retired employees would have a natural inclination towards their earlier employer and had served under the one umbrella i.e. GUVNL and worked as per uniform practice though he may be from different State Owned DISCOM. One of the objectors submitted that since the Technical Member as per the Draft Regulations shall be of the rank of Executive Engineer and above whereas Chairperson can be of the rank of Superintending Engineer and above, there may be situation that Chairperson of the Forum may be of the below rank when he was in service than the Technical Member who is a serving employee of the Licensee. It is also apprehended that a Chairperson being retired Superintending Engineer shall adjudicate on some issue being decided by himself only when he was in regular service of the Licensee.

Commission's view:

The present composition of the CGRF comprises of all the skills required to address the issues being raised by the consumers. The Commission does not find it appropriate to include more members of the identical qualification or experience in the composition of the CGRF.

Further, the CGRF is the body to be established by the Licensees as per Section 42 (5) of the Electricity Act, 2003 to redress the complaint/grievance of the consumers. In view of this, the Licensee should be empowered to select Chairperson and Technical Member on their own. The Regulations have specified the eligibility criteria for the post of Chairperson and Independent Member. A detailed procedure for selection of the Chairperson is narrated in the Regulations. To address the apprehension of the objectors about appointment of Chairperson by Licensee, the Commission has decided to call for two names selected out of all eligible candidates from the Licensee and the Commission shall select one candidate for the post of Chairperson of CGRF after interaction with them. It is also stipulated in the Regulations that the Commission may ask the Licensee to re-invite the application for the post of Chairperson if none of the member out of the list submitted by the Licensee is found suitable for the post of Chairperson. The Commission felt that there is an overall apprehension about independent working of the Forums owing to the members of the Forum being retired or serving employees of the Licensees. Though, it is stipulated in the Regulations that the decision of the Forum shall strictly be in accordance with the provisions of the Act, Rules and Regulations, the Commission decided, in order to imbibe sense of independence in the minds of Members of the Forum, to include the provision for reporting to the Commission in case of any undue hinderance created by the Licensee or others in independent functioning of the Forum. The consumers should not have any impression that CGRFs are working under the influence of the Licensees.

The apprehension that Chairperson being a retired Superintending Engineer may be below the rank of Technical Member is out of place since the person who is appointed as Chairperson shall always have superintendence over the other Members.

Further, the apprehension that a Chairperson being retired Superintending Engineer shall adjudicate on some issue being decided by himself only when he was in regular service of the Licensee is also out of place and hypothetical. The Forum is required to

decide in accordance with Act, Rules and Regulations after due deliberation amongst the three Members of the Forum.

1.3. Selection criteria for appointment of Independent Member

Suggestion:

It is suggested to include experience in electricity field with knowledge of provisions of the Electricity Act, 2003 and the Rules and Regulations with the knowledge of working of Forum as criteria for eligibility for appointment as an Independent Member.

Commission's view:

Selection criteria for each Member of the Forum have been decided based on the skill expected from each Member to address grievances of the consumers in fair and just manner. An Independent Member is expected to take care of the concern of the consumers and evaluate the grievance from the point of view and in accordance with the provisions of the Act, Rules and Regulations while addressing the grievance. Accordingly, criteria of selection should have person having sufficient exposure and experience of consumer affairs along with possession of degree from a recognized university. Persons with degree in law from a recognised university with at least ten years of experience in handling legal matters shall be an added advantage. In view of the above, the Commission does not find it appropriate to modify the eligibility criteria narrated in the Draft Regulations for the Independent Member.

1.4. Reappointment of Chairperson and Members

Suggestion:

It is suggested to reappoint Chairperson and Independent Member for one year only instead of two years citing that one year is enough time for appointment of new Chairperson and Independent Member.

It is also suggested that in case of more than one CGRFs in one Distribution Licensee, Technical Members should be transferred to other CGRF after completion of one year.

Commission's view:

The suggestion is well taken by the Commission and it is decided to extend the tenure of Chairperson and Independent Member initially for one year and then by one more year if nothing adverse is found against him/her and also looking the performance of the Forum during his/her tenure.

Since the Technical Member of the Forum is a serving employee of the Licensee, who is doing this work in addition to his regular job as per the requirement of the Licensee, it is not advisable to transfer Technical Member from one Forum to another Forum. Further, when the Technical Member is transferred out of the headquarter of the Forum, the Licensee shall designate another officer as Technical Member of the Forum.

1.5. Special hearing for Residential category and Agriculture category consumers

Suggestion:

It is suggested to add a provision for holding hearing at least one day in a week specially for residential category and agriculture category consumers for fast redressal of their grievances.

Commission's view:

As mentioned above, stipulations have been made to establish one additional Forum in each Utility. This will facilitate residential and agriculture consumers to get their grievances redressed speedily.

1.6. Deletion of condition of non-acceptance of grievance/ complaint

Suggestion:

It is suggested to remove the limitation Clause barring the consumers to approach the CGRF if the cause of action has arisen prior to two years. Due to non-clarity about date on which the cause of action has arisen, many a times CGRFs do not admit the grievance.

Commission's view:

It is to mention that the Regulations provide that no complaint/ grievance shall be rejected unless the complainant has been given an opportunity of being heard. It is also provided in the Regulations that the consumer may opt to approach Ombudsman if he/she is not satisfied with the order of the Forum. Thus, the complainant, if aggrieved by the order of the CGRF about non-acceptance of its complaint due to the limitation Clause, can approach Ombudsman. In view of the above, the suggestion to remove the limitation Clause is not accepted.

1.7. Time limit for submission of comments by the Distribution Licensee on complaint

Suggestion:

It is suggested to reduce the time limit of 15 days to 7 days for Distribution Licensee to submit parawise comments on complaint considering the time limit of 30 days provided in the Regulations for CGRF to issue final order.

Commission's view:

The Commission agrees with the suggestion. Necessary changes have been made in the final Regulations.

1.8. Ex-parte redressal of complaint

Suggestion:

Provision has been made for the Forum to decide the grievance ex-parte where the Complainant or the Licensee or their representative fails to appear before the Forum on the date fixed for hearing on more than two occasions. It is suggested to add 'if sufficient and convincing reasons are not provided' at the end of the Clause citing that if sufficient and convincing reason is furnished, then adjournment is granted at all level in judiciary system.

Commission's view:

In order to ensure timely redressal of the complaint, the Commission does not think it appropriate to accept the suggestion.

1.9. Consideration of the Electricity Act, 2003 and the relevant Rules and Regulations while issuing order

Suggestion:

It is suggested to incorporate that Forum shall pass the order in accordance with provisions of the Electricity Act, 2003 and the relevant Rules and Regulations for fair decision in the complaint.

Commission's view:

It is already provided in the Regulations that decision of the Forum shall strictly be in accordance with the provisions of the Act and the Rules and Regulations framed thereunder and also the orders and directions issued by the Commission from time to time.

1.10. Reasoned order for dismissing representation of consumers

Suggestion:

It is suggested to provide reasoned order for rejection/ dismissal of representation of the consumers.

Commission's view:

It is already provided in the Draft Regulations that order of the Forum shall be reasoned and no specific mention is required for issuing reasoned orders for rejection/ dismissal of the complaint.

1.11. Order of CGRF be issued in Gujarati language

Suggestion:

It is suggested for issuance of order in Gujarat language.

Commission's view:

The suggestion is well taken by the Commission. It is provided in the final Regulations that on specific request by the consumer for having order in Gujarati language, the Forum shall issue the order in Gujarati or translate it into Gujarati language.

1.12. Availability of Orders and performance reports of CGRFs on website of Distribution Licensee

Suggestion:

It is suggested to upload the orders of CGRFs on the website of Distribution Licensee alongwith the information about orders passed in favour of the licensees and orders passed in favour of the consumers.

Commission's view:

The draft Regulations provide for placing the orders of CGRFs on Distribution Licensees' website. Further, Draft Regulations provide for reporting the performance of CGRF and Ombudsman in the specified format attached thereto which inter-alia amongst other things narrates the details of number of orders issued by CGRF and Ombudsman in favour or against the Licensee. The Commission has decided to upload the performance reports received from CGRFs and Ombudsman as a part of compliance to these Regulations to be uploaded on the Commission's website.

1.13. Time limit for implementation of orders of CGRFs

Suggestion:

It is suggested to set time limit of 30 days for implementation of CGRF orders.

Commission's view:

Removal of cause or redressal of complaint requires detailed study of complaint/ cause of complaint. CGRF, after detailed study of complaint and hearing both the parties issues judgment for effective redressal of complaint. It is not possible to generalize each case and keep 30 days' time limit for implementation of orders of CGRFs as in many cases, establishment of whole new infrastructure is required. Therefore, CGRF should be the final authority to decide the time limit for implementation of its order.

1.14. Granting of temporary injunction

Suggestion:

It is suggested to replace may with must for granting of temporary injunction.

Commission's view:

Granting of temporary injunction requires detailed study of each case. The Commission thinks it appropriate to leave the decision of granting temporary injunction to the wisdom of the Forum and does not find it appropriate to make it mandatory for the Forum to grant the temporary injunction.

1.15. Establishment of more than one Electricity Ombudsman and hearing at different locations

Suggestion:

There should be more than one Ombudsman in place. Also, Ombudsman should conduct hearing at different places to facilitate consumers so that they are not required to travel long distances.

Commission's view:

The Commission has decided to establish a sitting bench of the Ombudsman over and above retaining the provision for more than one Ombudsman and conducting hearing at different places in the State. This will facilitate the consumers.

1.16. Selection criteria for appointment of the Electricity Ombudsman

Suggestion:

It is suggested to exclude retired Chief Engineer of Distribution Licensee and Member or Chairperson of any Statutory quasi-judicial body at the State level from the eligibility criteria for the selection of Electricity Ombudsman.

It is suggested to include Advocate of High Court with five years working experience as eligibility criteria for selection of Electricity Ombudsman.

Commission's view:

The Commission, while deliberating on the suggestions of the stakeholders, has kept in mind that the post of Ombudsman is a statutory post and the person working as an Ombudsman requires specific set of skills which encompass the skill to adjudge, the skill to appreciate the technical submissions and the skill to arbitrate. The apprehension that retired employee of the Distribution Licensee shall always be inclined towards his past employer is misconceived since the Ombudsman is required to pass the order in accordance with the Act, Rules and Regulations. However, the Commission has made appropriate modifications in the eligibility criteria for the post of Ombudsman in the final Regulations.

1.17. Extension of term of the Electricity Ombudsman

Suggestion:

It is suggested to reduce the period of reappointment of two years to one year citing reason that one year is enough time to find new Electricity Ombudsman.

Commission's view:

The Commission has decided to extend the tenure of the Electricity Ombudsman initially for one year and then by one more year if nothing adverse is found against him and the performance is found to be satisfactory..

1.18. Removal of the Electricity Ombudsman

Suggestion:

It is suggested to include criteria as joining of any political party as the cause for removal of the Electricity Ombudsman.

Commission's view:

The reasons that may attract removal of the Ombudsman as narrated in the Draft Regulations are quite elaborate and sufficient. These reasons cover in a broader manner the concern of the Objector. Hence, no modification is done in the final Regulations.

1.19. Pre-conditions/ Limitations for entertaining Complainant's Representation

Suggestion:

The Ombudsman should be given powers to waive the condition of payment of one-third amount of the disputed bills decided by CGRFs to the Licensees prior to approaching the Ombudsman.

Commission's view:

The Commission does not find any rationale in the suggestion since, the consumers are required to pay only one-third amount of the disputed amount decided by CGRF. Once the CGRF decides the final amount to be paid by the consumer, it is in favour of the consumer to pay only one-third amount instead of full amount to the Licensee to facilitate him to approach the higher Forum. Waiver of this amount shall deprive the Licensee from its genuine right to the dues receivable from such consumer. The Commission, therefore, decides not to accept the suggestion

1.20. Time limit for issuance of order by the Electricity Ombudsman

Suggestion:

The time limit for issuance of order by the Electricity Ombudsman may be reduced from 45 days to 30 days.

Commission's view:

The Commission, after careful consideration has reduced the time limit for issuance of order by the Electricity Ombudsman from 60 days to 45 days. The Commission feels that 45 days period is a reasonable period to complete the due process and pass the order by the Ombudsman.

1.21. Appeal before the Appellate Tribunal of Electricity against order of the Electricity Ombudsman

Suggestion:

It is suggested that order of the Ombudsman cannot be challenged before Hon'ble APTEL, hence, the Draft Regulations is required to be corrected to that extent. It is also suggested that a provision should be made in the Regulations that the order of the Ombudsman can be challenged before the Commission.

Commission's view:

Necessary correction has been made in the Regulations retaining the right of the complainant and the Licensee, as provided in the EA, 2003, to file an appeal before judicial body.

With regards to suggestion about filing an appeal before the Commission against the order of the Ombudsman, it is to mention that the Ombudsman is appointed by the Commission in accordance with provisions of Section 42 of the Electricity Act, 2003. The Electricity Ombudsman is an integral part of the Commission. As per Rule 7 (3) of

the Electricity Rules, 2005, the Ombudsman is required to consider the order on the representation of the consumers consistent with provisions of the Act, Rules and Regulations made under the Act or general orders or directions given by the Appropriate Government or Appropriate Commission in this regard before settling their grievances. Therefore, the order of the Ombudsman cannot be challenged before the Commission.

1.22. Time limit for issuance of order by the Ombudsman in case of review of the order

Suggestion:

It is suggested to specify 30 days' time limit in the Regulations for issuance of order by the Electricity Ombudsman in case of review of the order.

Commission's view:

Appropriate modification has been done in the final Regulations specifying time limit for issuance of review order within 30 days by CGRF and 45 days by Ombudsman.

1.23. Addition of provision regarding repealing of earlier Regulations of 2004 and 2011.

Suggestion:

It is suggested to specifically include provision in regard to repealing of GERC CGRF and Ombudsman Regulations, 2004 and GERC CGRF and Ombudsman Regulations, 2011

Commission's view:

GERC (Establishment of Ombudsman) Regulations, 2004 and GERC (Establishment of Forum for Redressal of Grievances of the Consumers) Regulations, 2004 notified on 25th August, 2004 have been repealed by the GERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2011 notified on 7th April, 2011. Since, these Regulations of 2004 have already been repealed, there is no need to repeal them again. Draft Regulations provide for repealing of GERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2011 notified on 7th April, 2011.

1.24. Inclusion of Mobile Phone No. in application to Forum for redressal of grievance

Suggestion:

It is suggested to include Mobile Phone No. in Annexure-I i.e. application to Forum for redressal of grievance considering increasing usage of mobile phone.

Commission's view:

Necessary modification is carried out in the final Regulations incorporating Mobile No. in application to Forum for redressal of grievance.

1.25. Inclusion of 'Change of circumstances' in Clause 6 of Annexure I

Suggestion:

It is suggested to include change of circumstances such as name change in case of legal heir, name change in case of sale of property, application for change of electricity tariff category, application for change of usage of electricity, issues related to classification of consumers, issues related to interpretation, etc. in category of grievance in application form for making application to Forum for redressal of grievance.

Commission's view:

The application form attached with the Regulations is indicative. The purpose is to guide the applicant as to the minimum details which are required for the Forum for redressal of his grievance. It is specifically mentioned in the Regulations that complaint/grievance shall not be rejected by the Forum merely on the ground that it is not in the prescribed format. The categories of grievance mentioned in the Application Form is also indicative. Any other kind of grievance can be mentioned under the heading 'others'.

1.26. Inclusion of document which are with the Distribution Licensee in Clause 10 of Annexure I

Suggestion:

It is suggested to include a para at the end of Clause 10 of Annexure I of the Draft Regulations to seek documents which are with the Distribution Licensee but are not with the complainant to substantiate its complaint.

Commission's view:

Provision about furnishing parawise compliance to the Forum by the Distribution Licensee on the complaint of the consumer is incorporated in the Regulations. Hence, it is not necessary to modify the Regulations as suggested.

1.27. Submission of quarterly reports along with Tariff Petitions

Suggestion:

Reports on performance of CGRFs and Ombudsman be submitted by the Utilities along with their Tariff petitions.

Commission's view:

Tariff determination is a different and distinct exercise than the consumer grievance redressal mechanism. It is provided in the final Regulations to upload the reports on the performance of CGRFs and Ombudsman on the Commission's website on regular basis.

1.28. Deciding the salaries and allowances of members of the Forums and the Ombudsman by the Commission

Suggestion:

It is suggested that the salaries and allowances of Chairperson and Members of the Forums and the Electricity Ombudsman to be decided by the Commission for the sake of uniformity.

Commission's view:

Keeping in view the nature and size of financial stakes involving the complaint, the Commission has decided the remuneration of the Chairperson, the Independent Member and the Electricity Ombudsman. The final Regulations are modified accordingly.

1.29. Dismissal of CGRF

Suggestion:

It is suggested to include provision for dismissal of CGRF in case number of orders are reversed by the Electricity Ombudsman.

Commission's view:

This kind of provisions shall jeopardize the basic purpose of CGRF mechanism as it will create an undue influence in the minds of members delivering judgments. The Commission cannot consider such a suggestion.

1.30. Inclusion of the word ‘appeal’ alongside representation in Regulation 2.67, 2.68, 3.18 to 3.29, 3.33 and 3.34

Suggestion:

It is suggested to include the word ‘appeal’ along with the word ‘representation’ in the Regulations.

Commission’s view:

The definition of representation given in the Regulations includes the meaning of the word appeal. Hence, modification is not required as suggested.

1.31. Committee to decide power theft related cases

Suggestions:

It is suggested to form a Committee to decide the power theft before payment of supplementary bill by the consumer and to provide powers to the Committee to decide interim relief to the consumer and disconnection of consumer’s electricity connection.

Commission’s view:

The Electricity Act, 2003 provides a separate mechanism for the cases related to Section 126 and Section 135.

1.32. Definitions of ‘Consumer’ and ‘Redressal’

Suggestion:

It is suggested to include the definition of words ‘Consumer’ and ‘Redressal’.

Commission’s view:

Definition of ‘Consumer’ is provided in the Electricity Act, 2003. It is mentioned in the Draft Regulations that words and expressions used and not defined in the Regulations but defined in the Act or the State Act or Rules framed thereunder shall have the meanings assigned to them in the Act or the State Act or such Rules.

Further, the definition of ‘Redressal’ is not needed, as it is already specified in Draft Regulations that expressions used in the Regulations but not specifically defined in the Regulations or in the Act or in the State Act or the Rules framed thereunder or in any other law passed by a competent legislature shall have the meaning as is generally assigned in the electricity industry.

1.33. Consumer Charter to be protected by CGRFs

Suggestion:

CGRFs are required to see whether the Licensees perform as per the consumer charter or not. Issues related to interruptions in power supply, delay and injustice in customer services and discrimination amongst consumers should be covered within the purview of CGRF.

Commission's view:

The Commission has notified the GERC (Standard of Performance of Distribution Licensee) Regulations, 2005, wherein, various timelines are stipulated for various consumer services. Consumer Charter is published by the Licensee based on the various performance parameters set by the Commission in the GERC (Standard of Performance of Distribution Licensee) Regulations, 2005. It is provided in these Regulations that consumers can approach CGRFs and Ombudsman in case of non-implementation of SoPs as set by the Commission. Thus, Consumer Charter is being overseen by the CGRFs.

1.34. Establishment of Grievance Redressal Committee as per the GERC SoP Regulations

Suggestion:

All Distribution Licensees should constitute Grievance Redressal Committee as stipulated in the GERC (SoP) Regulations, 2005.

Commission's view:

The suggestion does not pertain to the Draft GERC (CGRF and Ombudsman) Regulations, 2019.

1.35. Easy and hassle-free approach of CGRFs by complainants

Suggestion:

It is suggested to include stipulation in the CGRF and Ombudsman Regulations that Licensees shall provide to the complainant easy and hassle-free approach to the CGRFs.

Commission's view:

It is already mentioned in the Draft Regulations that Licensee shall ensure that consumers under the jurisdiction of the respective Forum have an easy access to the Forum.

1.36. Approach to the Commission in case of delay in issuance or order by the CGRF

Suggestion:

It is suggested to include stipulation in the CGRF and Ombudsman Regulations that complainant can approach to the Commission in case of delay in issuance of order by the CGRF.

Commission's view:

It is provided in the Draft Regulations that the complainant may approach the Ombudsman if the CGRFs fails to pass the order within the time limit specified in the Regulations. Thus, there is a remedy available to the complainant when the order is not passed by the CGRF within the specified time limit.

1.37. Selection criteria for appointment of Technical Member

Suggestion:

It is suggested to include the word 'equivalent' besides designation i.e. not below the rank of Executive Engineer mentioned in the Draft Regulations for appointment of Technical Member considering different heading provided for the post of Executive Engineer in private Distribution Licensees.

Commission's view:

Necessary modification is made in the Final Regulations to address the suggestion.

1.38. There should be separate Notifications for CGRF and Ombudsman Regulations

Suggestion:

Since the Ombudsman possess quasi-judicial powers over and above being an Appellate Authority against the orders of CGRFs, there should be separate notifications for CGRFs and Ombudsman.

Commission's view:

Draft GERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019, is published by the Commission, in exercise of powers conferred by clauses (r) and (s) of Sub-section (2) of Section 181 read with Sub-sections (5) to (7) of Section 42 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf. It does not envisage to have separate notifications for the purpose of establishment of CGRF and Ombudsman. CGRF and Ombudsman is a mechanism to

redress the grievances of the consumers. Since, the objective of both these establishments is same, the Commission does not find any rationale to have separate notification for establishment of CGRF and Ombudsman.

1.39. Providing opportunity of hearing to all the parties prior to review of order by the Ombudsman.

Suggestion:

During the course of hearing, it is suggested to include a provision that the Ombudsman must provide opportunity of hearing to all the parties prior to review of its order.

Commission's view:

It is provided in the Draft Regulations that the Ombudsman shall be guided by such factors which in the opinion of the Ombudsman are necessary in the interest of justice and shall ensure transparency while exercising its powers and discharging its functions in compliance with the principles of natural justice. This stipulation mandates the opportunity to be offered to all the parties prior to review of the order. However, for the sake of clarity, necessary modification is made in the Final Regulations.

2. Clarification on the issues not raised by the stakeholders but the Commission thought necessary for smooth functioning of the CGRF:

2.1. Casting vote in case when matter to be decided by the members in the absence of Chairperson

While finalizing the Regulations, it has come to the notice of the Commission that there is a provision in the Regulations about quorum of two members for sitting of the Forum. It is mentioned in the Regulations that each member shall have one vote. If the matter is heard by all the three members, then there is no question of any tie. However, if the matter is heard by two members only i.e. Chairperson and Independent Member or Technical Member, then Chairperson shall have a casting vote in case of tie and where the matter is heard by the Independent Member and Technical Member, the Independent Member shall have a casting vote in case of tie. The Commission has modified the relevant Clause in the final Regulations.

2.2. Penalty in case of delayed forwarding of complaint to the CGRF

While finalizing the Regulations, it also came to the notice of the Commission that there is a provision about penalizing the Licensee by the Forum for not-forwarding of

the complaint by the next working day by the consumer contact centre of the Licensee to respective CGRF. However, the rate of such penalty, its payment methodology and name of authority to which penalty is to be paid was not clear in the Draft Regulations. The said aspect has been incorporated in the final Regulations. It has been also clarified that penalty amount shall not be claimed by the Licensee in their Annual Revenue Requirement.

Sd/- (P. J. THAKKAR) MEMBER	Sd/- (K. M. SHRINGARPURE) MEMBER	Sd/- (ANAND KUMAR) CHAIRMAN
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Place: Gandhinagar

Date: 27/09/2019

Annexure A: Stakeholders who filed their written suggestions/objections

1. Shri K. K. Bajaj
2. Sihor Steel Re-rolling Mills Association
3. Rajkot Chamber of Commerce & Industry
4. Torrent Power Limited
5. Gujarat Krushi Vij Grahak Suraksha Sangh

Annexure B Stakeholders who remained present during hearing

1. Shri K. K. Bajaj
2. Sihor Steel Re-rolling Mills Association
3. Torrent Power Limited
4. Gujarat Krushi Vij Grahak Suraksha Sangh
5. Users Welfare Association