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PART IV-C

Statutory Rules and Orders (Other than those published in Parts I, I-A and I-L) made by Statutory Authorities other than the Government of Gujarat including those made by the Government of India, the High Courts, the Director of Municipalities, the Commissioner of Police, the Director of Prohibition and Excise, the District Magistrates and the Election Commission, Election Tribunals, Returning Officers and other authorities under the Election Commission.

GUJARAT ELECTRICITY REGULATORY COMMISSION (GERC)

GANDHINAGAR

Gujarat Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) (First Amendment) Regulations, 2023

NOTIFICATION NO. 03 OF 2023

In exercise of the powers conferred on it 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, the Gujarat Electricity Regulatory Commission (GERC) hereby amends the Gujarat Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019 (herein referred as 'the Principal Regulations'), providing guidelines to the Distribution Licensees in the State for establishing Forum(s) for redressal of Grievances of Consumers, making representation against non-redressal of Grievances of Consumers, time and manner of settlement of Grievances by the Ombudsmen and matters incidental and ancillary thereto.

1. Short Title, Scope Extent and Commencement

- 1.1 These Regulations shall be called the Gujarat Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) (First Amendment) Regulations, 2023.
- 1.2 These Regulations shall be applicable to all Distribution Licensees in Gujarat in their respective license areas.
- 1.3 These Regulations shall come into force with effect from the date of their notification in the *Official Gazette*.

2. Amendment in Chapter 1 of the Principal Regulations

I. Clause 1.5 (a-1) shall be added in the Principal Regulations as under:

1.5 (a-1) ‘Applicant’ means an owner or occupier of any land/premises who files an application form with a distribution licensee for supply of electricity, increase or reduction in sanctioned load/contract demand, change in title, mutation of name, change in consumer category, disconnection or restoration of supply, or termination of agreement, shifting of connection or other services as the case may be, in accordance with the provisions of the Act, rules and regulations made thereunder.

II. Clause 1.5 (c) of the Principal Regulations shall be substituted as under:

1.5 (c) “Complainant” means (a) any Consumer/s and/or Prosumer/s including their legal heirs or successors, having a Complaint against a Licensee and lodging the same either directly or through their representatives; or (b) any voluntary consumer association or associations, registered under the law for the time being in force and making the Complaints in the larger interest of the Consumers; or (c) any Consumer(s)/voluntary consumer association(s) where the Licensee does not register or fails to register the Complaint of such Consumer(s)/voluntary consumer association(s); or (d) any person whose electricity connection is disconnected; or (e) an applicant for a new connection for the supply of electricity.

III. Clause 1.5 (d) shall be added in the Principal Regulations as under and other definitions in Clause 1.5 shall be renumbered accordingly:

1.5 (d) “Consumer” means any person who is supplied with electricity for his/her 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.

IV. Clause 1.5 (l) shall be added in the Principal Regulations as under and other definitions in Clause 1.5 shall be renumbered accordingly:

(l) “Prosumer” means a person who consumes electricity from grid and also can inject the electricity in to the grid for distribution licensee, using same point of supply.

V. Definition of “Representation” 1.5 (l) in the Principal Regulations shall be substituted as under:

(n) “Representation” shall mean the representation made to the Company level Forum and to the Ombudsman by a Complainant who is aggrieved by the order of the Circle/ Zonal level Forum and/ or the Company level Forum, as the case maybe, (including the dismissal order), or non-redressal of his Grievances by the Circle/ Zonal level Forum and/ or the Company level Forum, as the case maybe, within the specified time in accordance with the Regulations or non-implementation of Circle/ Zonal level Forum and/ or the Company level Forum’s order, as the case maybe, by the Licensee within the specified time.

3. Amendment in Chapter 2 of the Principal Regulations

VI. Clause 2.1 of the Principal Regulations shall be substituted as under:

2.1 In terms of Sub-section (5) of Section 42 of the Act every Distribution Licensee shall, within three months of the date of notification of these Regulations or date of grant of license, whichever is later establish Forum(s) in accordance with Clause 2.2 to ensure redressal of the Grievances of the Complainants in accordance with these Regulations.

VII. Clause 2.2 of the Principal Regulations shall be substituted as under:

2.2 The distribution licensee shall establish Consumer Grievance Redressal Forum (CGRF) at Circle / Zonal level and at Corporate Office level. The CGRF at Corporate Office level shall be termed as Company Level CGRF.

The Forums created under Gujarat Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019 shall cease to exist with the effect from

creation of Circle/ Zonal level Forum and the Company Level Forum in accordance with this Clause. The pending matters with the Forums created under the GERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019 shall be transferred to the Company Level Forum created under this Clause.

VIII. Clause 2.3 of the Principal Regulations shall be deleted and other Clauses of Chapter 2 shall be renumbered accordingly.

IX. Clause 2.5 of the Principal Regulations shall be substituted as under:

2.4 Each Forum shall consist of 5 (Five) members: (i) Chairperson (ii) Finance/Accounts member (iii) One Representative of Consumer (iv) One Representative of Prosumer and (v) Independent Member. The Chairperson, Finance/Accounts member and Representative of Consumer as well as Prosumer shall be appointed by the licensee; the Independent Member shall be nominated by the Commission.

The Licensee shall inform the appointment of the Chairperson, Finance/Accounts member and Representative of Consumer as well as Prosumer to the Commission within a week of their appointments.

X. Clause 2.6 of the Principal Regulations shall be substituted as under:

2.5 The members to be appointed / nominated shall meet the following criteria:

1. The Chairperson of the Forum shall be Technical Person who is an Officer in service of the Company and not below or equivalent to the rank of Executive Engineer for Circle/ Zonal level Forum and not below or equivalent to the rank of Additional Chief Engineer for Company Level Forum.
2. Finance/Accounts Member of the Forum shall be the Finance/ Accounts person who is an Officer in service of the Company and not below or equivalent to the rank of Superintendent of Accounts for Circle/ Zonal level Forum and not below or equivalent to the rank of Deputy Chief Accounts Officer for Company Level Forum.
3. For the Circle/ Zonal level forum, representative of Consumer and Prosumer shall be from the dominant Consumer/ Prosumer Category in the respective Circle/ Zonal area. For the Company level forum, representative of Consumer and Prosumer shall be from recognized Consumer/Prosumer Organization/ Associations functioning in the area of the licensee. In all the forums representatives of consumers and prosumers shall be appointed by the Corporate Office of the respective Distribution Licensee for respective Grievance Redressal Forum. The methodology for such appointment shall be as decided by the respective Distribution Licensee with the approval of the Commission.

Provided that a person shall not be appointed in more than one Forum to represent the consumer and/or prosumer.

4. The Independent Member shall be a person of stature and repute having sufficient exposure to and experience of consumer affairs and having graduate degree in any field/ discipline. Person possessing degree in law from a recognized university and having at least ten (10) years of experience in handling legal matters shall have an added advantage.
5. The Independent Member shall be nominated by the Commission. The post of the Independent Member shall be advertised in the press and the website of the Commission and selection shall be done after conducting personal interaction with the candidate

Provided that the Members of the Forum shall preferably have working knowledge of the vernacular language of the State of Gujarat.

The Licensee shall ensure that none of the posts are kept vacant for more than 30 days. Provided that in case the Licensee is unable to fill the vacant post within a period of 30 days, the Commission may, at the request of the Licensee, grant such additional time, as it deems fit, to the Licensee for the purpose of filling such vacancy.

If the Licensee is unable to find a suitable person meeting the above qualifying criteria in spite of its best efforts, the Licensee shall seek the Commission's approval for relaxing the qualifying criteria and conduct the procedure as per para 3 above.

XI. Clause 2.7 of the Principal Regulations shall be substituted as under:

- 2.6 By virtue of an appointment as Representative of Consumer, Representative of Prosumer and Independent Member as a Member of the CGRF of a Distribution Licensee, the person shall not claim to be a permanent employee of that Distribution Licensee.

XII. Clause 2.8 of the Principal Regulations shall be substituted as under:

- 2.7 In case of end of tenure of the Independent Member, the licensee shall inform the Commission in writing at least six (6) months prior to the end of tenure:

Provided also that in case of occurrence of any vacancy in the Forum for the post of the Independent Member, by reason of death, resignation or removal, the applications shall be invited, within one (1) month from the date of occurrence of such vacancy.

XIII. Clause 2.10 of the Principal Regulations shall be substituted as under:

- 2.9 Representative of Consumer, Representative of Prosumer and Independent Member shall hold office for a term of three years from the date he enters upon his office:

Provided that subject to fulfillment of the conditions of eligibility the Representative of Consumer, Representative of Prosumer of the Forum shall be eligible for reappointment for a second term of one year each two times by the licensee:

Provided also that subject to fulfillment of the conditions of eligibility the Independent Member of the Forum shall be eligible for reappointment for a second term of one year each two times after approval from the Commission:

Provided also that no Representative of Consumer, Representative of Prosumer and Independent member shall hold office for more than five years or after attaining the age of sixty-five (65) years, whichever is earlier.

XIV. Clause 2.11 of the Principal Regulations shall be substituted as under:

- 2.10 The remuneration of the Representative of Consumer, Representative of Prosumer shall be as decided by the licensee from time to time with the approval of the Commission. The remuneration of the Independent Member of the Forum shall be such as may be laid down by the Commission from time to time. Other terms and conditions of service of Representative of Consumer, Representative of Prosumer and Independent Member of the Forum shall be such as may be decided by the Licensee.

XV. Clause 2.12 of the Principal Regulations shall be substituted as under:

- 2.11 The terms and conditions of service of a member of the Forum who is in the employment of the Licensee shall be governed by the terms and conditions of his employment with such Licensee. The Chairperson and the Finance/Accounts member shall continue to draw the same salary as he is entitled to, as a regular employee of the Licensee.

XVI. Clause 2.14 of the Principal Regulations shall be substituted as under:

- 2.13 The Representative of Consumer, Representative of Prosumer and Independent Member of the Forum may tender his resignation, by giving not less than three (3) months' notice in writing to the Appointing Authority.

The Appointing Authority may relax the specified period of notice considering the request.

XVII. Clause 2.15 of the Principal Regulations shall be substituted as under:

- 2.14 No person shall be appointed and/or be entitled to continue as a Representative of Consumer, Representative of Prosumer and Independent Member if he stands disqualified on account of his:

i. having been adjudged insolvent;

- ii. having been convicted of an offence which, in the opinion of the Licensee, involves moral turpitude;
- iii. having become physically or mentally incapable of acting as such member;
- iv. having acquired such financial or other interest as is likely to affect prejudicially his functioning as a member;
- v. having so abused his position as to render his continuance in office prejudicial to public interest; or
- vi. having been guilty of proved misbehavior.

Provided that no Representative of Consumer, Representative of Prosumer and Independent Member shall be removed from his office on any ground as specified above, unless the licensee has, on an independent inquiry held by it, in accordance with such procedure as may be prescribed by the Commission, reported to the Commission that such member ought, on such ground or grounds, to be removed.

XVIII. Clause 2.16 of the Principal Regulations shall be substituted as under:

2.15 The headquarters of the Circle/ Zonal/ Company level Forum shall be at the principal place of business/headquarters of the Circle/Zonal/ Distribution Licensee respectively. The office space, secretarial support and other facilities required for smooth functioning of the Forum shall necessarily be provided by the Licensee.

The Licensee shall designate one of its employee not below the rank of Junior Assistant or equivalent as a Convener to the Circle/ Zonal level Forum. The Licensee shall appoint/designate one of its officers as a full-time Convener to the Company Level Forum and shall also provide required supporting staff on a full-time basis as required by the Company Level Forum for efficient functioning. The Convener/staff of the Forum shall:

- i. receive Grievances and Complaints;
- ii. receive any other documents which may be required to be filed with the Forum;
- iii. maintain record of proceedings;
- iv. circulate matters to members of the Forum for directions and proper orders;
- v. do all other acts and deeds in compliance with orders issued by the Forum; and
- vi. do all other acts and things required for the functioning and the proceedings of the Forum.

The office of the Forum shall remain open on all working days of the Licensee and shall observe the working hours of the Licensee.

XIX. Clause 2.18 of the Principal Regulations shall be substituted as under:

2.17 The name, address, e-mail, facsimile and telephone numbers of the Forums and procedure for registration of the grievance shall be widely publicized through newspapers and also displayed on the websites and at all the offices of the Licensee and shall be intimated to the Consumers through their electricity bills. Manual of procedure for providing common services and handling customer grievances shall be made available for reference of consumers at every office of the distribution licensee and downloadable from its website. The electricity bills shall also contain a statement to the effect that a Complainant whose Complaint/Grievance is not resolved by the Licensee may file a Complaint before the Forum. The above-mentioned details may also be publicized through electronic media.

XX. The heading above Clause 2.23 of the Principal Regulations shall be substituted as 'Jurisdiction of the various level Forums' in place of 'Jurisdiction of the Forum'.

XXI. Clause 2.23 of the Principal Regulations shall be substituted as under:

2.22 Each level Forum shall have the jurisdiction to entertain the Complaints/Grievances as mentioned below:

1. Circle/ Zonal level Forum: Complaint/ Grievance
 - i. of non-monetary/general nature such as relating to quality of supply, defects in service and standard of performance of the licensee.
 - ii. of Monetary nature relating to electricity bills, recovery of arrears, payment of demand raised by licensee upto value of Rs. One Lakh except the cases covered under Section 126 and 135 of the Act.
 - iii. by LT consumers related to compensation against failure of Distribution Licensee to perform as per GERC (Standard of Performance of Distribution Licensee) Regulations, 2023 as amended from time to time.
2. Company level Forum: Complaint/ Grievance
 - i. of non-monetary/general nature such as relating to quality of supply, defects in service and standard of performance of the licensee.
 - ii. of Monetary nature relating to electricity bills, recovery of arrears, payment of demand raised by licensee above value of Rs. One Lakh except the cases covered under Section 126 and 135 of the Act.
 - iii. by HT/ EHT consumers related to compensation against failure of Distribution Licensee to perform as per GERC (Standard of Performance of Distribution Licensee) Regulations, 2023 as amended from time to time.

Provided further that Temporary Injunction with reference to any complaint/grievance may be granted by the Company Level Forum and not by any other Forum.

Provided that the disputes between the prosumer and the licensee related to billing pertaining to energy injection and billing amount would be settled by the Company Level Forum and Electricity Ombudsman. However, for any other issues between the prosumer and the licensee pertaining to the GERC (Net Metering Rooftop Solar PV Grid Interactive Systems) Regulations, 2016, as amended from time to time, and their interpretations shall be decided by the Commission.

XXII. Clause 2.25 of the Principal Regulations shall be substituted as under:

- 2.24 The Circle/ Zonal level Forum shall conduct its business and hold the hearings at its Office. The Company Level Forum shall conduct its business and hold the hearings at its Head Office and also at District level as per requirement. In order to expedite disposal of the Complaints/Grievances and to provide convenient access to the Consumers, the Company Level Forum shall hold at least one sitting in a week on a specific day at Company Level Forum headquarter.

XXIII. Clause 2.26 of the Principal Regulations shall be substituted as under:

- 2.25 The quorum for any sitting of the Forum shall be four (4). Out of Representative from Consumer or Prosumer, one (1) Representative shall be part of the quorum depending upon the complaint/ grievance raised by Consumer or Prosumer respectively. Out of four (4) Members in quorum, one (1) Member shall be Chairperson, one (1) member shall be Finance/ Accounts Member, one (1) shall be representative of consumer/prosumer and one (1) Independent Member. Each member shall have one vote, in case of tie the Chairperson shall have right of casting vote.

XXIV. Clause 2.30 of the Principal Regulations shall be substituted as under:

- 2.29 For expeditious resolution of grievance of a Complainant, any mechanisms existing within the Licensee, other than the Forum established under these Regulations, shall be retained. The licensee shall ensure that complaints/ grievances of general nature and complaints/ grievances such as factual errors, bill correction, correction of arithmetical errors and errors apparent on the records should be redressed promptly at the level of concerned officer only and should not be referred to Forum.

Provided that the Complainant shall have the right to approach the Forum directly in respect of matters falling under jurisdiction of the Forum.

XXV. Clause 2.31 of the Principal Regulations shall be substituted as under:

2.30 A Complainant can approach the Forum in the following events:

- i. If the Licensee fails to register a Complaint; or
- ii. If the Licensee fails to resolve a Complaint in accordance with the Standards of Performance specified by the Commission; or
- iii. The consumer aggrieved by the decision of Circle/ Zonal level Forum will have the option to approach the Company level forum before making an appeal to the Ombudsman

XXVI. Clause 2.32 of the Principal Regulations shall be substituted as under:

2.31 The Consumer/ Complainant/ Prosumer may directly approach the Company Level Forum with a Complaint/Grievance at the office of the Company Level Forum, which the Company Level Forum may forward to the Licensee for the necessary action. In case of urgency of the issue involved, the Company Level Forum may initiate the procedure of addressing the Complaint/Grievance at its level.

XXVII. Clause 2.34 of the Principal Regulations shall be substituted as under:

2.33 The Forums shall receive the Complaint/Grievance in writing including through email and facsimile mode. The Complaint/Grievance may be submitted in the format given in Annexure I or III as the case maybe. However, no Complaint/Grievance shall be rejected by the Forum merely on the ground that it is not in the prescribed format.

XXVIII. Clause 2.47 of the Principal Regulations shall be substituted as under:

2.46 After considering the Complaint/Grievance submitted by the Consumer/ Complainant/ Prosumer, issue-wise comments on the Complaint/Grievance submitted by the Distribution Licensee, all other records available, the Forum shall complete the procedure as expeditiously as possible and every endeavour shall be made by the Forum to pass appropriate order, on the Complaint/Grievance for its redressal within a maximum period of 30 days from the date of receipt of the Grievance by the Forum.

Provided that the Company Level Forum shall pass appropriate order, on the representation received on the order issued by the Circle/ Zonal level Forum and representation received about expiration of deadline specified for implementation of Order issued by the Circle/ Zonal level Forum within a maximum period of 15 days from the date of receipt of the representation by the Company Level Forum.

Provided further that the Company Level Forum shall pass appropriate order, on the representation received about expiration of deadline specified for issue of order by Circle/Zonal level forum within a maximum period of 30 days from the date of receipt of the representation by the Company Level Forum.”

XXIX. Clause 2.51 of the Principal Regulations shall be substituted as under:

2.50 The order of the Circle/ Zonal level Forum shall invariably mention the contact details of the Company Level Forum and Ombudsman. The order of the Company Level Forum shall invariably mention the contact details of the Electricity Ombudsman appointed or designated by the Commission. The order shall also mention the period within which representation, if any, to be made to the Company Level Forum or Ombudsman, as the case may be, under these Regulations.

XXX. Heading above Clause 2.56 of the Principal Regulations shall be substituted as ‘Reporting Requirements and Monitoring Mechanism’ in place of ‘Reporting Requirements’.

XXXI. Clause 2.56 of the Principal Regulations shall be substituted as under:

2.55 The Forum shall submit a quarterly report on disposal of Complaints/Grievances to the Licensee, the Commission and Ombudsman. The report should be submitted within 15 days of

close of the quarter to which it relates. The licensee shall send quarterly report to the Ombudsman and to the Commission in respect to consumer grievance related information showing the extent to which the time schedule specified in these Regulations related to grievance redressal has been followed by the Forums.

XXXII. Clause 2.59 of the Principal Regulations shall be substituted as under:

2.58 Cases in which temporary injunctions may be granted by Company Level Forum:

Where in respect of any Complaint/Grievance it is affirmed on affidavit or otherwise on prima facie plausible grounds:

- i. that if the temporary injunction is not granted, the purpose for which the Complaint/Grievance is filed would be defeated for delay, or
- ii. that the Licensee threatens or intends to remove or disconnect the electricity connection, or
- iii. that the Licensee is not following the provisions of the Electricity Act, 2003, the State Act or any applicable Rules and Regulations.

The Company Level Forum may by order grant a temporary injunction to stay or prevent or restrain such act of the Licensee, or make such other order, as the Forum thinks fit, until the disposal of Complaint application or until further orders.

XXXIII. Clause 2.60 of the Principal Regulations shall be substituted as under:

2.59 Before granting injunction, Company level Forum to give notice:

The Company Level Forum shall except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice for the same to be given to the opposite party:

Provided that, where it is proposed to grant an injunction without giving notice of the Complaint/Grievance and any application to the opposite party, the Company Level Forum shall record the reasons for its opinion that the object of granting the injunction would be defeated by delay, and require the applicant:

- i. to deliver to the opposite party, or to send him by registered post, immediately after the order granting the injunction has been made, a copy of the application for injunction together with:
 - a) a copy of the affidavit filed in support of the application;
 - b) a copy of the application;
 - c) copies of documents on which the Complainant relies;
- ii. to file, on the day on which such injunction is granted or on the day immediately following that day, an affidavit stating that aforesaid copies have been so delivered or sent.

XXXIV. Clause 2.61 of the Principal Regulations shall be substituted as under:

2.60 The Company Level Forum to dispose of application for injunction within 7 (Seven) working days:

Where an injunction has been granted without giving notice to the opposite party, the Company Level Forum shall finally dispose of the application within 15 (Fifteen) working days from the date on which the injunction was granted; and where it is unable to do so, it shall record the reasons for such inability.

XXXV. Clause 2.62 of the Principal Regulations shall be substituted as under:

2.61 Order for injunction may be discharged, varied or set aside:

Any order for an injunction may be discharged, varied or set aside by the Company Level Forum, on an application made by any party dissatisfied with such order:

Provided that if in an application for temporary injunction or in any affidavit supporting such application, a party has knowingly made a false or misleading statement in relation to a material particular and the injunction was granted without giving notice to the opposite party, the Company Level Forum shall vacate the injunction unless for reasons to be recorded, it considers that it is not necessary to do so in the interests of justice:

Provided further that where an order for injunction has been passed after giving to a party an opportunity of being heard, the order shall not be discharged, varied or set aside on the application of that party except where such discharge, variation or setting aside has been necessitated due to sufficient reasons/ causes to be recorded in such Order.

XXXVI. Heading above Clause 2.69 of the Principal Regulations shall be substituted as ‘Representation before the Company Level Forum and the Ombudsman’ in place of ‘Representation before the Ombudsman’.

XXXVII. Clause 2.69 of the Principal Regulations shall be substituted as under:

2.68 A Complainant may prefer a representation before the Company Level Forum or the Ombudsman appointed/ designated by the Commission under the following circumstances:

2.68.1 A complainant may prefer representation before the Company Level Forum under the following circumstances:

- i. If the Complainant is aggrieved by the non-redressal of the Grievance by the Circle/ Zonal level Forum within the period specified;
- ii. If the Complainant is aggrieved with the order passed by the Circle/ Zonal level Forum;
- iii. Non-implementation of Circle/ Zonal level Forum’s order by the Licensee in specified time limit.

2.68.2 A complainant may prefer representation before the Ombudsman under the following circumstances:

- i. If the Complainant is aggrieved by the non-redressal of the Grievance by the Circle/Zonal level Forum and/or the Company Level Forum within the period specified;
- ii. If the Complainant is aggrieved with the order passed by the Circle/ Zonal level Forum and/ or the Company Level Forum;
- iii. Non-implementation of Circle/ Zonal level Forum and/ or the Company Level Forum’s order by the Licensee in specified time limit.

XXXVIII. Clause 2.70 of the Principal Regulations shall be substituted as under:

2.69 Such a representation before the Company Level Forum may be made within a period of 30 days after issue of order by the Circle/ Zonal level Forum or expiration of 15 days after the deadline specified for issue of the order, or within 15 days after the deadline specified for implementation of order, whichever is applicable.

Further, such a representation before the Ombudsman may be made within a period of 30 days after issue of order by the Circle/ Zonal/ Company level Forum or expiration of 15 days after the deadline specified for issue of the order, or within 15 days after the deadline specified for implementation of order, whichever is applicable.”

XXXIX. Clause 2.71 of the Principal Regulations shall be substituted as under:

2.70 The Forum may settle any Complaint/Grievance in terms of an agreement reached between the parties at any stage of the proceedings before it and there shall be no right of

representation before the Company Level Forum and/or the Ombudsman, as the case may be, against such order.

4. Amendment in Chapter 3 of the Principal Regulations

I. Clause 3.19 of the Principal Regulations shall be substituted as under:

3.19 A Representation may be entertained by the Ombudsman only if all of the following conditions are satisfied:

- i. It has been filed by the Complainant (aggrieved Consumer). For avoidance of doubt, a Licensee is not allowed to file a Representation before the Ombudsman against the order of the Forum.
- ii. The Complainant had, before making a Representation to the Ombudsman, approached the Circle/ Zonal level Forum and/ or the Company Level Forum, constituted under Sub-section (5) of Section 42 of the Act for redressal of his Complaint/Grievance.
- iii. The Representation by the Complainant, in respect of the same Complaint/Grievance, is not pending in any proceedings before (i) the Company Level Forum as specified in Clause 2.46 of these Regulations, (ii) any court, (iii) tribunal, (iv) arbitrator, (v) any other authority, or a decree or award or a final order has not been passed by such authorities.
- iv. The Complainant is not satisfied with the redressal of his Complaint/Grievance by the Circle/ Zonal level Forum and/ or the Company Level Forum, or the Circle/ Zonal level Forum and/ or the Company Level Forum has rejected the Complaint/Grievance or has not passed the order within the time limit specified or the Distribution Licensee has not implemented the Circle/ Zonal level Forum and/ or the Company level Forum's order within specified time limit.
- v. The Complainant has filed the Representation before the Ombudsman within 30 days from the date of receipt of the order of the Circle/ Zonal level Forum and/ or the Company level Forum or within 15 days of date of expiry of the period within which the Circle/ Zonal level Forum and/ or the Company level Forum was required to issue the order, or within 15 days of date of expiry of the period within which Distribution Licensee has to implement Circle/ Zonal level Forum and/ or the Company level Forum's order, whichever is applicable:

Provided that the Ombudsman may entertain the representation after the expiry of the said period of 15 days if the Ombudsman is satisfied that there is sufficient cause for not filing it within that period.
- vi. The Representation does not fall under Sections 126, 127, 135 to 139, 152 and 161 of the Act.
- vii. The Complainant who claims compensation from the Distribution Licensee has paid such fees as may be stipulated by the Commission from time to time.
- viii. The Complainant has deposited one third amount in terms of the Forum's order, if required, with the Licensee and submitted a proof of payment made.

5. Amendment in Chapter 4 of the Principal Regulations

I. Clause 4.3 of the Principal Regulations shall be substituted as under:

4.3 The grievances or representations redressed or settled before coming into force of Gujarat Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) (First Amendment) Regulations, 2023 shall continue to be governed by the provisions of the Gujarat Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019 notified on 30th September 2019.

6. Amendment in Annexure III of the Principal Regulations

I. Annexure III of the Principal Regulations shall be substituted as under:

ANNEXURE III**REPRESENTATION BEFORE THE COMPANY LEVEL FORUM AND/OR THE OMBUDSMAN**

Date: _____

To

The Chairperson of the Company Level Forum or The Ombudsman

(specify full address)

Dear Sir / Madam

SUB: *(please make a mention of the order of the Forum against which a representation to the Company level Forum or the Ombudsman is being made)*

Details of the grievance are as under:

1. Name of the Complainant: _____
2. Full address of the Complainant: _____
Pin Code: _____
Phone No./Mobile No.: _____
Fax No.: _____
Email id: _____
3. Nature of Connection and Consumer No. *(in case of having applied for a connection, state the application number)*:

4. Distribution Licensee: _____
5. Name and Address of the Forum: _____
6. Date of submission of grievance by the Complainant to the Forum *(please enclose a copy of the complaint / grievance)*: _____
7. Details of the representation, facts giving rise to the representation *(If space is not sufficient please attach separate sheet)*

8. Whether the consumer has received the final decision of the Forum? *(If yes, please enclose copy of the Forum's order conveying its final decision)*

9. Nature of relief sought from the Company Level Forum or the Ombudsman

10. List of documents enclosed *(Please enclose three copies of all relevant documents which support the facts giving rise to the representation)*

11. Declaration

- (a) I/ We, the Complainant /s herein declare that:
- (i) the information furnished herein above is true and correct; and
- (ii) I/ We have not concealed or misrepresented any fact stated hereinabove and the documents submitted herewith.
- (b) The subject matter of the present representation has never been brought before the Company Level Forum or the Office of the Ombudsman by me/ or by any one of us or by any of the parties concerned with the subject matter to the best of my/ our knowledge.
- (c) The subject matter of my/our representation has not been settled through the Company Level Forum or the Office of the Ombudsman in any previous proceedings.
- (e) The subject matter of the present representation has not been decided by any competent authority/court/arbitrator, and is not pending before any such authority / court / arbitrator.

Yours faithfully

(Signature)

(Complainant's name in block letters)

NOMINATION – (If the Complainant wants to nominate his representative to appear and make submissions on his behalf before the Company level Forum or the Ombudsman, the following declaration should be submitted.)

I/We the above named consumer hereby nominate Shri/Smt. and whose address is as my/our REPRESENTATIVE in the proceedings and confirm that any statement, acceptance or rejection made by him/her shall be binding on me/us. He/she has signed below in my/ our presence.

ACCEPTED

(Signature of Representative)

(Signature of Complainant)

GANDHINAGAR

Date : 05/12/2023

RANJEETH KUMAR J., IAS

Secretary.

