

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

In the matter of:

GERC (Consumer Grievances Redressal Forum and Ombudsman) (First Amendment) Regulations, 2023.

CORAM:

Anil Mukim, Chairman

Mehul M. Gandhi, Member

S.R. Pandey, Member

STATEMENT OF REASONS

1. BACKGROUND:

In exercise of powers conferred by sub-section (1) read with clause (z) of sub-section (2) of section 176 of the Electricity Act, 2003, the Ministry of Power, Government of India, has notified the Electricity (Rights of Consumers) Rules, 2020 (referred onwards as the GoI Rules) vide Notification dated 31.12.2020. Subsequent Amendment in these Rules has also been notified vide Notification dated 28.06.2021.

It is mandated upon the State Electricity Regulators, vide Ministry of Power Letter dated 18.01.2021 to either make new Regulations or amend existing Regulations to align the Regulations with the said Rules notified by the Ministry of Power, Government of India. The Commission decided to make amendments in the Gujarat Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019 (referred onwards as the Principal Regulations).

Accordingly, Draft GERC (Consumer Grievances Redressal Forum and Ombudsman) (First Amendment) Regulations, 2022 were published inviting comments/suggestions from Stakeholders. Public Notices in this regard were given on 21.02.2022 in two Gujarati Newspapers i.e. Sandesh and Gujarat Samachar in Gujarati language and one English Newspaper i.e. Mint in English Language. Also Members of State Advisory Committee and Co-ordination Forum were informed in this regard through a letter. With an intention to give time limit of one month to the Stakeholders, last date of submission of comments/ suggestions was kept at 25.03.2022. Further, a few entities requested for time limit extension, and they

were asked to submit their comments/suggestions at the earliest. Thus, enough opportunities have been given to the Stakeholders to provide their comments/suggestions on the Draft Regulations.

In response to the above, the Commission received objections/suggestions from 6 stakeholders. The list of the objectors, who submitted their objections/suggestions on this draft Regulations is stated at **Annexure – 1**.

The Commission conducted public hearing for the aforesaid GERC (Consumer Grievances Redressal Forum and Ombudsman) (First Amendment) Regulations, 2022.

(Draft Regulations) on 04/05/2022. The list of the Objectors who were present and participated in the hearing is stated at **Annexure – 2**.

2. VIEWS OF THE STAKEHOLDERS, ANALYSIS AND FINDINGS OF THE COMMISSION THEREON:

The Commission has considered the comments/suggestions received from the stakeholders and the submissions made by the stakeholders who had participated in the public hearing conducted on 04/05/2022 on the Draft Regulations, 2022. The Regulations have been finalised after detailed analysis and with due consideration of various issues raised by the stakeholders on the Draft Regulation

3. OBJECTIONS TO THE DRAFT REGULATIONS AND FINDINGS OF THE COMMISSION THERETO:

Clause 1.5 (a-1) of the Draft Regulations reads as under;

- I. *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 and the Supply Code, rules and regulations made thereunder or other services;*

Comments/ Suggestions from the Stakeholders:

Some of the Stakeholders have suggested to replace the words ‘Act and the Supply Code, rules, and regulations made thereunder or other services’ with the words Act, rules, Supply Code and other regulations made thereunder’.

Some of the Stakeholders have suggested to add the word ‘tenant’ in the category of the applicant and also change in circumstances as a reason to apply to Distribution Licensee in the definition of applicant. Some of the Stakeholders have suggested to add provisions of other regulations in existence at that time of application at the end of the definition to apply provisions of the relevant Regulations for categories to apply as an Applicant.

Commission’s decision:

In regard to suggestion to make factual correction, it is decided to specify the definition of ‘Applicant’ in line with the GoI rules.

In regard to suggestion of adding words, ‘tenant’, ‘change in circumstances’ and ‘provisions of other regulations in existence at that time of application’, in the definition of ‘Applicant’, it is viewed that the word ‘occupier’ in the definition includes the tenant also. Similarly the word ‘other services’ in the definition includes the services on account of change in circumstances. Also, it does not require to specify that the applicant need to seek for a service which is in accordance with the Regulations in existence at time of application

In view of the above, the definition of ‘Applicant’ is corrected as under in the final Amendment;

*‘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 Draft Regulations reads as under;

“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.

Comments/ Suggestions from the Stakeholders:

Some Stakeholders have suggested to modify that voluntary consumer association or associations, registered under the law for the time being in force to make the Complaints with due authorisation of consumers so as to avoid widening the nature of proceedings before Forum and Ombudsman to a public interest litigation since the Act provides that ‘any consumer’ can approach CGRF or Ombudsman for non-redressal of ‘his’ grievances only.

Some Stakeholders have suggested to add Group of Consumers in the category of complainant so that group of consumers which is neither voluntary nor registered association can also file a complaint with CGRF.

Some Stakeholders have suggested to add the words ‘deny to register’ after the words ‘Licensee does not register’ in category (c) in the definition of the Complainant

Commission’s decision:

In regard to suggestion about correcting definition of ‘complainant’ to avoid widening of consumer grievance to public interest litigation category, it viewed that in draft Regulations no change has been proposed in the existing definition except addition of words ‘Prosumer/s’. It is inappropriate to restrict group of consumers or consumer association for representing their grievance which is in larger interest of the consumers before CGRF and Ombudsman. The word ‘his’ in the Act does not mean to be singular only. Such restrictive interpretation of the stipulation of the Act is not permitted. Thus, the suggestion is not accepted.

In regard to suggestion to add Group of Consumers in the category of complainant so that group of consumers which is neither voluntary nor registered association can also file a complaint with CGRF, it is viewed that the word ‘Consumer’s’ used in the definition suffice the purpose suggested by the objector. Thus the suggestion is not accepted.

In regard to suggestion to add the words ‘deny to register’ after the words ‘Licensee does not register’ it is viewed that the suggested addition of the word does not add any additional meaning to the definition. Thus the suggestion is not accepted.

In view of the above, definition of ‘Complainant’ as per the Draft has been retained.

III. Clause 1.5 (d) of the Draft Regulations reads as under;

“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.

Comments/ Suggestions from the Stakeholders:

Some of the Stakeholders suggested align definition of Consumer with the definition of Consumer provided in the GERC (Electricity Supply Code and Related Matters) Regulations, 2015.

Commission’s decision:

The definition of ‘Consumer’ is as per Act and the Supply Code. Hence, this definition as per the Draft has been retained.

IV. Clause 1.5 (l) of the Draft Regulations reads as under;

“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.

Comments/ Suggestions from the Stakeholders:

Some of the Stakeholders suggested to add the words ‘inject’ and ‘into the grid’ with the words ‘consumer’ and ‘from the grid’ and also suggested to include in the definition that person who uses same point of supply provided by distribution licensee.

Commission’s decision:

The suggested modification does not add any additional meaning to the definition of ‘Prosumer’. The definition of ‘Prosumer’ is proposed in the draft amendments as per GoI rules.

In view of the above, definition of ‘Prosumer’ as per the Draft has been retained.

V. Clause 2.2 of the Draft Regulations reads as under;

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.

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested to add proviso that for distribution licensee operating in small area is allowed to have a single CGRF justifying that the Commission has exempted from establishing CGRF at sub-division and division level considering the size of area and convenience of consumers in terms of distance, travel time, and mode of conveyance for travel. And accordingly for distribution licensee operating in smaller area (i.e. area less than district), single company level CGRF shall be set up.

Some Stakeholders suggested to delete provisions in regard to transfer of pending cases of existing CGRF to newly constituted CGRF with justification that pending cases should be decided by existing CGRF for speedy redressal and not to cause any duplication of proceedings and accordingly suggested to direct existing CGRFs to complete proceedings of pending cases within stipulated time.

Some Stakeholders suggested to include establishment of CGRF at all Circle/ Zonal offices or at Corporate office and also suggested to term zonal level CGRF as Company level CGRF along with Corporate level CGRF.

Commission's decision:

In regard to suggestion to restrict the number of Forums for the licensees operating in small areas, it is viewed that such licensees has higher density of consumer compared to the State owned Distribution Licensees. Creation of more number of Forums is proposed in the draft amendment to fulfil the intention of GoI rules to facilitate the consumers in a better way. Thus, this suggestion is not accepted.

In regard to suggestion about handling of the pending matters by the existing CGRFs in order to timely dispose off the matters, it viewed that existing CGRFs shall function till the creation of new Forums. Further there will be more number of Forums after notification of the amendments compared to present limited number of Forums. Thus, pending matters with an existing Forum will be distributed amongst many Forums. This will in fact facilitate faster disposal of the grievances. Thus, there would not be any delay due to transition from present CGRF mechanism. Accordingly, suggestion is not accepted.

In regard to suggestion to establish Forum at all Circle office level and at Zonal office level, it is to clarify that with these amendments, there shall be Forum at each Circle office level in the State owned DISCOMs and there will be Zonal level Forum in the Torrent Power Limited and other private Distribution Licensees. There is no need of Zonal level Forum in the State owned DISCOMs.

In view of the above, no modification is made in Clause 2.2 of the draft Regulations.

VI. Clause 2.4 of the Draft Regulations reads as under;

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.

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested of four members of CGRF rather than five members with representative either from consumer or prosumer justifying with the reason of limitations of consumer/prosumer association. It is also stated that the Draft Provision may create contradiction/clash between the CGRF and complainant by way of misleading the truth. Further, Consumer / Prosumer might have lack of interpretation about act, rules and regulations etc. Some Stakeholders suggested to continue with the existing system of having three members in CGRF with a reason that Finance/ Account Member and Independent member do not have any role and also to include Agriculture Consumer representative and Consumer representative preferably of residential/ Prosumer category as the case may be.

Some Stakeholders suggested that appointment of consumer/ prosumer representative shall be by the Commission for neutrality of the CGRF.

Commission's decision:

In regard to the above suggestion, it is to clarify that the constitution of Forum proposed in the draft Regulation in accordance with the Rule 15 (1) of the GoI Rules. Further, it is viewed that the apprehension about limited number of consumer / prosumer associations and lack of competency to interpret the rules and regulations is hypothetical only.

In view of the above, no modification is made in Clause 2.4 of the draft Regulations.

VII. Clause 2.5 of the Draft Regulations reads 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 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.

Comments/ Suggestions from the Stakeholders:

Some of the Stakeholders suggested to delete provisions 1, 2 and 3 of the Draft Clause and suggested for appointment of Members by the Commission. It is also suggested to modify provisions 4 and 5 so as to carry out appointment of Agriculture consumer representative and Consumer representative preferably of residential/ Prosumer category as the case may be.

Some Stakeholders suggested to delete provision in regard to seeking approval of methodology of appointment of representative of Consumer/ Prosumer category for Circle/ Zonal level CGRF. Suggestion is justified taking reference of first proviso to Rule 15 (1) of the Rules, 2020 which provides that the manner of appointment and the qualification and experience of the persons to be appointed as member of the forum and the procedure of dealing with the grievances of the consumers by the Forum and other similar matters would be as per the guidelines specified by the State Commission and accordingly, there is no requirement of approval for methodology decided by Distribution Licensee for appointment of consumer/prosumer representative.

Some Stakeholders suggested to continue with existing practice of appointment of Chairperson from personnel other than employees of Distribution Licensee which creates positive opinion of CGRF amongst consumers. For the justification it is stated that as per the proposed amendment, Chairperson shall be is an Officer in service of the Company and not below or equivalent to the rank of Executive Engineer for Circle/ Zonal level Forum which may create

conflict in some cases and it may happen that Executive Engineer may be respondent and Chairperson at the same time.

Moreover, it is also suggested to delete provision in regard to appointment of representative of prosumers in Circle/ Zonal level Forum justifying the suggestion with the fact that in the proposed amendment, representative of Prosumer is to be appointed by Distribution Licensee for Circle/ Zonal level Forum but in the proposed amendment, it is also suggested that prosumer's grievances will be handled by Company level forum only, in which case, there is no need to have a prosumers' representative in Circle/ Zonal level CGRF.

Commission's decision:

In regard to suggestion about removal of Clause related to qualification criteria for appointment of various members of Forum, it is viewed that the draft Regulation is prepared in accordance with GoI Rules wherein it is mandated that the Commission shall specify guideline about manner of appointment and qualification and experience criteria of the person to be appointed as member of the Forum. Since, such criteria are specified in the draft Regulations and the licensees are bound to follow the same, there is no need to appoint members of the Forum by the Commission.

In regard to suggestion about deleting the provision related to seeking approval of methodology of appointment of representative of consumer / prosumer category from the Commission, it is to clarify that as per GoI Rule 15.1, the Commission is mandated to specify guidelines for appointment of various members of the Forum. The Commission vide draft Regulations 2.5 (3), have specified the guideline for appointment of representative of consumer / prosumer category. The Regulation is applicable across all the Distribution Licensees in the State. Consumer mix across the Licensees is different and distinct. In order to have a Forum in which representation of appropriate consumer category, it is left upon the Distribution Licensee to devise a methodology which results in to appointment of representative from appropriate consumer category prevalent in the respective CGRF area. Since, such methodology will be licensee specific, one-time approval for such methodology from the Commission is required. There is no mention about approval of appointments of consumer / prosumer representative from the Commission in the draft Regulations. Accordingly, the suggestion is not accepted.

In regard to suggestion about appointment of Chairperson of the Forum it is to clarify that draft Regulation is prepared in accordance with GoI Rule 15.1. Further, the apprehension about the conflict of interest in the cases where the decision of an Executive Engineer would have been challenged before the Forum in which the Chairperson would be the same as Executive Engineer is misplaced since, there are other members in the Forum who shall also contribute to redress the grievance.

In regard to suggestion to remove the provision about appointment of representative of prosumer in Circle / Zonal level Forum since the complaint of prosumers it is to be handled by Company level Forum only, it is to clarify that Circle/Zonal level Forum shall attend the complaint / grievance of prosumers related to quality of supply, defects in service and standard of performance of licensees. Accordingly, suggestion is not accepted.

In view of the above, no modification is made in Clause 2.5 of the draft Regulations.

VIII. Clause 2.6 of the Draft Regulations reads as under;

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 the Distribution Licensee.

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested to replace Independent Member with Members other than Chairperson.

Commission's decision:

The suggestion is not accepted since, the members of the Forum other than Representative of Consumer, Representative of Prosumer and Independent Member are the employees of the respective Distribution licensee.

In view of the above, no modification is made in Clause 2.6 of the draft Regulations.

IX. Clause 2.9 of the Draft Regulations reads as under;

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 fulfilment 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 fulfilment 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.

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested to decrease period of appointment from three years to two years with provision of extension of one year based on the performance.

Commission's decision:

The suggestion is not accepted since, the draft Regulations is in line with the existing Regulations Clause 2.10 which stipulates for initial term of appointment of three years and thereafter re-appointment for a second term of one year each two times.

In view of the above, no modification is made in Clause 2.9 of the draft Regulations.

X. Clause 2.10 of the Draft Regulations reads as under;

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.

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested that the Commission to decide remuneration of Chairperson and Members of CGRFs which is to be uniform, reasonable and should increase time to time so that knowledgeable, experienced and dignified persons are available to justify the consumer's grievances according to the Act, Rules and Regulation.

Commission's decision:

In regards to suggestion about deciding remuneration of members of CGRF by the Commission, it is to state that except representative of consumers & prosumers and independent member, all other members of the Forum are the employees of the respective licensee. Further, representative of consumers and prosumers are to be appointed by the licensee and independent member is to be appointed by the Commission. The Commission finds is more appropriate to give liberty about deciding remuneration to the appointing authority. As far as matter of uniformity about amount of remuneration within a licensee is concerned, the same shall be maintained since, it will be decided only after approval of the Commission.

In view of the above, no modification is made in Clause 2.10 of the draft Regulations.

XI. Clause 2.14 of the Draft Regulations reads as under;

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 misbehaviour.*

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.

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested to add one more condition of having been not defaulter of paying electricity bill in past, as disqualification criterion.

Commission's decision:

In regard to the suggestion, it is viewed that the Act and Regulations provides a separate and distinct remedy to the licensees against non-payment of electricity bill by a consumer. A person cannot be barred from participating in the process of grievance redressal of other consumer for defaulting in payment of bill of his own since, in any case, he/she shall face consequences as per the Act and Regulation for such default. Accordingly, the suggestion is not accepted.

In view of the above, no modification is made in Clause 2.14 of the draft Regulations.

XII. Clause 2.15 of the Draft Regulations reads as under;

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.

Comments/ Suggestions from the Stakeholders:

Stakeholders suggested to replace the word ‘Convener’ with ‘Secretary’ of the CGRF and also suggested to add ‘having been not defaulter of Section 135 or Section 126 of the EA 2003 or paying electricity bill in past’ as one of the condition for receiving grievances/ complaints. It is also suggested that the rank of employee to be designated as convener of the Forum should be Head Clerk or equivalent instead of Junior Assistant.

Commission’s decision:

In regard to suggestion to replace the word ‘Convener’ with ‘Secretary’, it is viewed that the word ‘Convener’ is more appropriate looking to the major function of the post.

In regard to suggestion to add one condition about appointing a person as convenor, it is to clarify that convenor is the employee of the licensee. Hence, no such condition is required.

In regard to suggestion about the rank of employee to be designated as convenor of the Forum, it is viewed that there are always limited availability of senior person in the licensees. Further, the draft Regulation specifies minimum criteria of the rank of employee to be designated as Forum Convenor. Thus, if the licensee find it appropriate to designate senior person as convenor looking to its own circumstance, it is free to do so.

In view of the above, no modification is made in Clause 2.15 of the draft Regulation.

XIII. Clause 2.22 of the Draft Regulations reads as under;

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 up to 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, ----- 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, ----- 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.

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested to provide more clarity in regard to jurisdiction of different level Forums stating that stipulations at Cl 2.22 (1) (i) and 2.22 (2) (i) are common. Objection is also raised in regard to provision of approaching CGRF for complaints with monetary nature of less than Rs. 1 Lakh and stated that as grievance redressal contains three level of forums for complaints having monetary nature of less than Rs. 1 Lakh i.e Circle/ Zonal level Forum, Company level Forum and the Ombudsman, it would delay the redressal.

Commission's decision:

In regard to stipulations at Cl 2.22 (1) (i) and 2.22 (2) (i), it is to state that a complaint has liberty to approach Company level forum directly as mentioned at Draft Cl 2.31. Thus, the Circle/Zonal level forum and the Company level forum both have jurisdiction to entertain grievances of Non-monetary/general nature such as relating to quality of supply, defects in service and standard of performance of the licensee.

In regard to the observation related to delay in redressal of complaints with monetary nature of less than Rs. 1 Lakh, it is to clarify that, as mentioned in Draft Regulation Clause 2.30 (iii) and Clause 2.68, the complainant aggrieved by the Order of the Circle/Zonal level forum has option to approach Company level forum prior to approach the Ombudsman. Such aggrieved

consumer may directly approach Ombudsman too. Also, if such aggrieved consumer approaches Company level forum, as stated in the Draft Clause 2.46, the Company level forum shall issues an Order on such representation within 15 days only. Thus, there will not be any delay in redressal of complaint.

The observation is clarified accordingly.

XIV. Clause 2.24 of the Draft Regulations reads as under;

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.

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested to add provision of conducting minimum one sitting in a week at all district headquarters other than the headquarters of Forums to facilitate grievances of complainants.

Commission's decision:

In regards to suggestion about holding one sitting in a week at all district headquarters, it is viewed that with these amendments, there shall be quite more number of Forums compared to existing number of Forums enhancing geographical proximity of the Forum headquarter to the consumers. Moreover, it is also stipulated that the Company level forum shall hold the hearings also at District level as per requirement.

In view of the above, no modification is made in Clause 2.24 of the draft Regulation.

XV. Clause 2.25 of the Draft Regulations reads as under;

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.

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested to decrease quorum for sitting of Forum from four to three stating that it may be difficult to gather all members at one time in time specific manner for sitting.

Some Stakeholders suggested to decrease quorum for sitting of Forum from four to two with at least one consumers representative as member of quorum.

Commission's decision:

In regard to suggestion about reducing the quorum size, it is viewed that in order to deliberate an issue came up before the Forum, sufficient number of members are required in the quorum. Also, looking to the constitution of five member Forum, in order to strike balance between the interest of licensee and consumer, four member quorum is appropriate. As far as gathering of all the required members is concerned, it is a matter of administration to be looked into by the Chairperson and Convener of the Forum.

In view of the above, no modification is made in Clause 2.25 of the draft Regulation.

XVI. Clause 2.29 of the Draft Regulations reads as under;

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.

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested to add ‘competent forum’ instead of ‘forum’ as a right of complainant to approach forum directly in respect of matters falling under jurisdiction of the Forum.

Commission’s decision:

In regard to the suggestion, it is to clarify that the word ‘Forum’ is defined in the Principal Regulations at Clause 1.5 (f) and thus it is the “competent Forum” only.

In view of the above, no modification is made in Clause 2.25 of the draft Regulation.

XVII. Clause 2.30 of the Draft Regulations reads as under;

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.*

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested to give liberty to the Ombudsman to prioritise the cases in case it has limited resources to handle high volume of cases considering the provision of providing complainant inherent right to approach the Ombudsman directly by bypassing the ‘Company level Forum’, which may increase the burden on the Ombudsman with issues which could have been resolved at the Company level Forum.

Commission's decision:

In regard to suggestion about giving rights to Ombudsman to prioritize the case in case of limited resources, it is to clarify that there are two Ombudsman functioning in the state; one at Ahmedabad and second at Rajkot. Also, the Commission vide Clause 3.2 of the Principal Regulations, is empowered to appoint one or more than one Ombudsman for a licensee. The Ombudsmen functioning in the State have been provided with enough resources and as per Clause 3.14 of the principal Regulations, Ombudsman can seek Technical and Legal advisor from the Commission. Moreover, giving right to prioritize the cases shall hamper the spirit of Regulations to provide timely redressal of grievances to the consumer.

In view of the above, no modification is made in Clause 2.30 of the draft Regulation.

XVIII. Clause 2.33 of the Draft Regulations reads as under;

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.

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested to add that the format is only to facilitate the complainants.

Commission's decision:

In regard to the suggestion about Formats, it is viewed that the Clause 2.33 of the Draft Regulations makes it amply clear that Complaint/Grievance received in the format other than the format specified in the Regulation shall not be rejected by the Forum/Ombudsman.

In view of the above, no modification is made in Clause 2.33 of the draft Regulation.

XIX. Clause 2.46 of the Draft Regulations reads as under;

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 Circle/ Zonal level Forum within a maximum period of 15 days from the date of receipt of the representation by the Company level Forum.

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested to increase time limit to 30 days for issue of order by the Company level Forum from the date of receipt of representation and conclusion of hearing since, 15 day time limit for issuance of order from the date of receipt of representation is too stringent.

Commission's decision:

In regard to the suggestion, it is viewed that 15 day time limit for issuance of order is sufficient from the date of receipt of representation from the applicant aggrieved by the Order issued by the Circle/Zonal level forum and representation about the expiration of the deadline specified for implementation of Order. Because, all the records related to such representations are readily available with the Company level Forum being the case handled by the Circle/Zonal level forum of the respective licensee. Also, as per GoI rules, approaching Company level forum prior to approaching Ombudsman is optional for the complainant. Thus, the complainant is empowered to approach Ombudsman if aggrieved by the Order issued by the Company level Forum. In such circumstances, the complainant have to wait more to avail the best possible remedy as per the Act to get its grievance redressed if time limit as suggested by the objector is increased to 30 days for all kinds of representation to be received by the Company level Forum.

However, about the time limit for the issuance of order by the Company level forum on the representation received about expiration of deadline specified for issue of order by Circle/Zonal level forum, it is viewed that the time limit of issuance of order by the Company level forum in such case should be 30 days looking to time required for fetching records.

In view of the above, modification is made in Clause 2.46 as under in the final amendment;

“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.”

XX. Clause 2.59 of the Draft Regulations reads as under;

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.*

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested to add provision of providing 7 days' notice to opposite party by the Company level Forum before granting an injunction.

Commission's decision:

In regard to the suggestion to specify the notice period, it is viewed that specifying notice period in the Regulation shall defeat the sole purpose of the Clause wherein a consumer is empowered to seek temporary injunction from the Forum. It is at liberty of the Forum to give period even lesser than seven days also, in the notice to the opposite party looking to the urgency of the matter.

In view of the above, no modification is made in Clause 2.59 of the draft Regulations.

XXI. Clause 2.68 of the Draft Regulations reads as under;

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.*

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested to delete the Clause with justification that conditions should not be imposed on complainant to approach to the Company level Forum or the Ombudsman.

Commission's decision:

In regard to suggestion to delete the Clause 2.68, it is to clarify that Clause 2.68 of the Draft Regulation is proposed in line with GoI Rule 15 (2). Clause 2.68.1 and 2.86.2 of the Draft Regulation are further elaboration to implement Clause 2.68.

In view of the above, no modification is made in Clause 2.68 of the draft Regulations.

XXII. Clause 2.69 of the Draft Regulations reads as under;

Such a representation before the Company level Forum may be made within a period of 15 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 15 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.

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested to increase time limit for making representation to the Company level Forum to 30 days from 15 days of expiration after the deadline specified for issue of order.

Some Stakeholders suggested to increase time limit for making representation to the Ombudsman to 30 days from 15 days of expiration after the deadline specified for issue of order.

Commission's decision:

In regard to suggestion to increase the time limit to approach the Company level Forum/Ombudsman, it is viewed that the suggestion is appropriate looking to time required for the complainant to interpret the Order of the forum. However, time line to represent before the Company level Forum/Ombudsman in case of expiration of the deadline specified for issue of the order and deadline specified for implementation of order are kept unchanged, i.e.15 days, in order to provide speedier redressal of the grievance to the complainant. Accordingly, Clause 2.69 of the Draft Regulations is corrected as under in the final amendment;

“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.”

XXIII. Clause 3.19 of the Draft Regulations reads as under;

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 15 days from the date of receipt of the order of the Circle/ Zonal level Forum and/ or the Company level Forum or 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 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.*

Comments/ Suggestions from the Stakeholders:

Some Stakeholders suggested to increase time limit from 15 days to 30 days from the date of receipt of the order of the Circle/ Zonal level Forum for complainant to approach the Ombudsman in condition 'v' for the Ombudsman to entertain representation.

Some Stakeholders suggested to remove condition of payment of 1/3rd amount by complainant for the Ombudsman to entertain the representation, stating that in some cases, the amount decided by the Forum is too high so that even 1/3rd of the same cannot be paid by the applicant. It is also suggested to empower the Ombudsman about deciding such minimum payment.

Some Stakeholders suggested to replace word 'representation' with 'appeal' and also suggested for the Ombudsman to entertain the representation if any of the conditions are satisfied rather than all the conditions.

Commission's decision:

In regard to suggestion about increasing the time limit for making representation to the Ombudsman in Draft Regulations Clause 3.19 (v), it is decided to make correction in the said Clause in line with corrections made in Draft Regulations Clause 2.69 stated above.

In regard to suggestion to remove the condition of 1/3 payment, it is viewed that this stipulations in the Draft Regulation Clause 3.19 (ix) is as per existing Regulations only. Moreover, suggestion to empower the Ombudsman to decide the minimum amount to be paid

by the complainant is not accepted since, licensees are also required recover legitimate due in time bound manner and to protect the interests of general mass of consumers.

In regard to suggestion to replace the word ‘representation’ with the word ‘appeal’ it is to state that the word ‘representation’ is appropriately defined at Draft Regulations Clause 1.5 (n).

In regard to suggestion about fulfilling any of the condition instead of all conditions to represent before the Ombudsman, it is to mention that all the conditions are necessary conditions in order to maintain the spirit of the Act.

In view of the above, Clause 3.19 (v) of the Draft Regulations is corrected as under in the final amendment;

“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:”

XXIV. Comments/ suggestions on Draft Annexure III;

Some Stakeholders suggested to replace para 3 of Annexure III as under;

3 (a) Nature of connection and consumer number in case of existing connection;

3 (b) Nature of connection and application registration number in case of new connection;

3 (c) Nature of connection with NO registration (in case of denial for registration by licensee).

Some Stakeholders suggested to add word ‘appeal’ with ‘representation’ in para 11 (b) of the said Annexure III i.e. Declaration.

Further, some Stakeholders suggested to change sequence at the end of the Annexure III in the nomination by putting signature of the complainant first and subsequently putting signature of the representative. It is also suggested to have date and place to be mentioned in the nomination para of the Form.

Commission's decision:

In regard to suggestion to add description about applicant at para 3 of Annexure III, it is viewed that for existing and new applicants having application number can mention required details at para 3 of Annexure III. The applicant who does not have application number can mention that application is not registered in para 3 of Annexure III.

In regard to suggestion to replace the word 'representation' with the word 'appeal' it is to state that the word 'representation' is appropriately defined Draft Regulations Clause 1.5 (n).

In regard to suggestion to change the sequence of signature by complainant and representative in the nomination para of the form, it is viewed that the sequence of the name is proper in the Draft Regulations since, the Complainant is required to identify the signature of representative by signing subsequently.

In regard to suggestion to place date and place in the nomination para of the Form, it is viewed that date is to be mentioned at the top of Form and the nomination para is part and parcel of the Form only. Further, the place of signing is not important being the nomination for representation only.

In view of the above, no modification is made in Annexure III of the draft Regulations.

Sd/-
(S. R. PANDEY)
MEMBER

Sd/-
(MEHUL M. GANDHI)
MEMBER

Sd/-
(ANIL MUKIM)
CHAIRMAN

Place: Gandhinagar

Date: 05/12/2023

Annexure 1

List of the Objectors, who submitted their objections/suggestions on draft Regulations

Sr. No.	Name of Entity
1	Gujarat Krushi Vij Grahak Suraksha Sangh
2	Users Welfare Association
3	Centre for Energy Regulations
4	Sihor Steel Re-rolling Mills Association
5	UGVCL
6	TPL

Annexure 2

List of the Objectors who were present and participated in the hearing

Sr. No.	Name of Entity
1	Users Welfare Association
2	Sihor Steel Re-rolling Mills Association
3	UGVCL
4	TPL