

**SIKKIM**



**GOVERNMENT**

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219 Sikkim State Electricity Regulatory Commission (SSERC)  
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**No. 05/SSERC/CGRF/2012**

**Gangtok the 27<sup>th</sup> April, 2012**

In exercise of the powers under clauses (a) and (c) of sub-section (2) of Section 181 read with sub-sections (5), (6), (7) and (8) of Section 42 of the Electricity Act, 2003 (36 of 2003) the Sikkim State Electricity Regulatory Commission hereby makes the following regulations providing guidelines to the licensees in the State of Sikkim for setting up a comprehensive system of redressal of consumer grievances including forums for redressal of grievances of consumers; appointment of Ombudsman by the Commission, and the procedure to be followed for settlement of grievances by Ombudsman and for matters incidental and ancillary thereto.

Sikkim State Electricity Regulatory Commission (Redressal of grievances of consumers and establishment of Forum and Electricity Ombudsman).

## **Regulations – 2012**

### **Chapter – I**

#### **PRELIMINARY**

##### **A. Short Title and Commencement**

1. These regulations may be called the Sikkim State Electricity Regulatory Commission (Redressal of grievances of consumers and establishment of forum and Electricity Ombudsman) Regulations, 2012.
2. These regulations shall be applicable to the licensees in the state of Sikkim in their respective licensed areas.

3. These shall come into force from the date of their publication in the Gazette of the Government of Sikkim.

## **Chapter – II**

### **B. General**

4. The Sikkim State Electricity Regulatory Commission (hereinafter SSERC) recognizes the urgency and need for enhancing the levels of service to the electricity consumers in the State of Sikkim and to accord high importance to the rights of the consumers. With the objective of safeguarding their interests, the SSERC proposes that the Distribution Licensees, (in the State as defined in Clause 17 of Section 2 of Electricity Act, 2003, which shall include Energy and Power Department, Government of Sikkim (Deemed Licensee) to the extent of its activities of distribution and supply of electricity) implement these “Guidelines for Redressal of Consumer Grievances” to streamline and simplify the process for registration and resolution of complaints.
5. The SSERC shall review and modify these Guidelines from time-to-time to ensure that the Distribution Licensees continuously focus on further improvement of consumer services.
6. The Distribution Licensees must strive hard to ensure quality power and good service. The responsibility of timely and satisfactory resolution of consumer complaints lies with the Distribution Licensee. However, if the consumers’ complaints are not resolved to their satisfaction, the consumer will be free to approach Forum of Redressal of the Consumer grievances or Ombudsman as per the Guidelines provided in SSERC Regulations under Chapters IV and V.
7. Distribution Licensee shall declare one day of the week as “Consumer compliant redressal day” and give a wide publicity to it so that aggrieved consumers can discuss their complaints with the concerned officers of the Distribution Licensee on that day and get those resolved as far as possible.
8. The Distribution Licensee shall also take all necessary steps to give wide publicity to these ‘Guidelines for Redressal of Consumer Grievance’ through publication in newspapers, and through use of electronic media and also on the back side of bills and receipts being issued to consumers. This information shall also be made available on their websites. Any changes / improvements will also be similarly publicized. The consumer should also be made aware of his rights and duties from time to time.

All necessary forms / rules relating to complaints shall be stocked in sufficient quantities at all offices and shall be made available to the consumers as and when required.

9. The Distribution Licensees shall identify the operational level officer/person, at the registration center for the complaint, to approach in the first instance for solution to the grievance of a consumer. It is expected that most of the grievances shall be attended in this first stage itself. The first stage shall also have a two level complaint handling process. This is to enable the concerned departments, division etc and the immediate superior officer to settle the issues, which may arise on a day-to-day basis. Nature of complaints and duties of the Distribution Licensee regulations are prescribed under Chapter IV. If there is no settlement within the stipulated time, the complainant is free to approach the Consumer Redressal Forum.
10. The officers/persons etc. to be contacted by the Consumer in the first instance and also the redressal forum shall comprise of persons to be nominated by the Distribution Licensee. The Redressal forum is intended to provide a focal point where the decisions will be taken on the Consumer Grievances without delay and in an objective manner. This is also to give an opportunity to the Distribution Licensee to satisfactorily settle the grievances of the consumer without the need for the Consumer to approach the Ombudsman. In the event the Consumer is not satisfied with the redressal of the grievances by the Forum he will be entitled to make a representation to the Ombudsman.
11. The rights of the consumer under these regulations shall be without prejudice to his other rights.
12. The complaints have to be attended as per the time prescribed in the “Standards of Performance for Distribution and Transmission” Regulations.

## Chapter – III

### C. Definition

13. In these regulations, unless the context otherwise requires:

- a) “Act” means the Electricity Act, 2003 (No. 36 of 2003);
- b) “Chairperson” means the Chairperson of the Forum;
- c) “Complainant” means –
  - i) a consumer as defined under clause (15) of section 2 of the Act;
  - ii) an applicant for a new connection;
  - iii) any registered consumer association;
  - iv) any unregistered association of consumers, where the consumers have similar interest;
  - v) in case of death of consumer, his legal heirs or representatives who make a complaint
- d) “complaint” means any representation in writing in the form of a letter or application filed with the Forum seeking redressal of grievances concerning the supply of electricity or services rendered by the Licensee as specified below
  - (i) Interruption in power supply;
  - (ii) Voltage related complaints;
  - (iii) Load shedding / scheduled outage;
  - (iv) Meter related complaints;
  - (v) Electricity bill related complaints;
  - (vi) Disconnection and reconnection of power supply;
  - (vii) Delay in giving new connection;
  - (viii) Other complaints regarding damages to consumer’s equipment / network / premises, or requests for reduction/enhancement in load/demand, or non-payment of interest on security deposit, or recovery of excessive charges for any services, or actions of vigilance squad etc.
- e) “consumer dispute” means a dispute where the person against whom a complaint has been made, denies or disputes the contents of the complaint.
- f) “defect” means any fault, imperfection or shortcoming in the quality, quantity, purity or standard of service, equipment or material which is required to be maintained by or under any law for the time being in force or under any contract, express or implied, or as is claimed by the distribution licensee in any manner whatsoever in relation to electricity service;
- g) “electricity service” – In particular and without prejudice to the generality of the term the “Electricity Service” means supply, billing, metering and maintenance of electrical equipment intended to extend service to the consumer and all other related services, etc;

- h) “Electricity Ombudsman (Vidyut Lokpal)” means an authority to be appointed or designated by the Commission, under subsection (6) of Section 42 of the Act.
  - i) “Forum” means ‘Forum for Redressal of Grievances of Consumer’, to be constituted by the licensee in terms of sub-section (5) of section 42 of the Act;
  - j) “Grievance” means a complaint filed by an affected person;
  - k) “Licensee” means a Distribution Licensee authorized to operate and maintain a distribution system for supplying electricity to the consumers in the concerned area of supply and shall include the deemed Distribution Licensee under provisions of section 14 and 15 of the Act;
  - l) “State” means the State of Sikkim;
14. Words and expressions used and not defined in these Regulation but defined in the Electricity Act, 2003 (Electricity Amendment Act, 2007) shall have the same meanings as assigned to them in the said Act.

## CHAPTER – IV

### NATURE OF COMPLAINTS AND DUTIES OF THE DISTRIBUTION LICENSEES

#### D. Nature of Complaint and its Registration

15. The Consumer complaints are to be classified for convenience of handling under the following categories:
  - a) Interruption in power supply
  - b) Voltage related complaints
  - c) Load shedding / schedule outage
  - d) Meter related complaints
  - e) Complaints related to billing, collection etc.
  - f) Disconnection and reconnection of power supply
  - g) Delay in new service connection or extension of Load
  - h) Others
16. The Distribution Licensee shall maintain at each of the office of Assistant Engineer of the distribution licensee a register for registering the complaints received.
17. The consumer complaints shall be duly registered under the above categories within 2 hours of the receipt of the Complaint.
18. The concerned officers of the Distribution Licensee shall deal with the Complaint as per the “Standards of Performance” of Distribution and Transmission Regulations – 2012 of the State Commission.
19. In the event the grievance of the consumer is not redressed to the satisfaction of consumer within the period specified the consumer shall be free to approach the Forum for redressal of grievances.
20. The Distribution Licensee and its officers, in dealing with the consumer complaints, shall be guided by the following:
  - a) the provisions of the Electricity Act, 2003 and the rules and regulations framed there under;
  - b) the standards of performance for the Distribution Licensee including as laid down in the Distribution Code, Electricity Supply Code, Complaint Handling Procedures, the License terms and conditions, any other order or directions of the Commission shall have to be duly complied with and fulfilled;
21.
  - a) The complaints shall be taken up and decided on first come first serve basis without showing undue preference to any person; and
  - b) The register of Complaints shall be maintained and updated indicating to status of the complaint from time to time.
  - c) the distribution licensee is undertaking a public utility service and that the consumer who is paying for the service is entitled to expect quality and prompt service;

- d) the resolution of complaint is done promptly;
- e) the resolution of the complaint and its implementation to the satisfaction of the consumer will be able to preserve and enhance the relationship between the licensee and the consumer;
- f) the intention should be to encourage amicable resolution of disputes without formal legal representation or reliance on legal procedures.

## CHAPTER – V

### FORUM FOR REDRESSAL OF CONSUMERS' GRIEVANCES

#### **E. Constitution of the Forum for Redressal of Grievances of the Consumers**

22. Every distribution licensee, including deemed licensee, shall within two months from the date of notification of these regulations and any new licensee within six months from the date of grant of distribution licence shall establish, in terms of sub section 5 of section 42 of the Electricity Act, 2003 one or more forums (Grievance Redressal Forum) for redressal of grievances of consumers in accordance with these regulations.
23. The forum shall consist of Three Members including the Chair person of the forum. The Licensee shall appoint the Chairperson and one member of the Forum on full time basis, and the Commission shall nominate one independent member on part time basis:
- (a) The members of the Forum shall be persons of ability, integrity and standing
  - (b) Chairperson of the Forum shall be serving officer of the Licensee possessing degree in electrical engineering and having at least 15 years of experience in the distribution of electricity and having served not below the rank of Superintending Engineer.  
Provided that when the chair person of the Forum is unable to discharge functions owing to absence, illness or any other cause, the member indicated in sub clause 23 (c) below shall discharge the functions of the Chair person, until the day on which the chair person assumes office.
  - (c) One member who is serving officer of the licensee having atleast 10 years of experience in Accounts of which atleast 5 years in revenue matters not below the rank of Executive Engineer in the Accounts Department, person with Law degree is preferable and
  - (d) One member preferably an office bearer of registered consumer society recognized by the Commission
24. The members of the forum shall be appointed for a period of 3 years and shall not be replaced by the licensee during this period except with the prior approval of the Commission.
25. The Forum can have sittings / hearings at different places based on the number of grievances/complaints in each area on specified dates to facilitate and approach to consumers.
26. The member from the registered consumer society or organization shall be entitled for a Diem fee of Rs.750/- for each day of participation in the FORUM'S proceedings and actual travel expenses.



**F. Right of the Consumer to approach the Forum**

27. All Complaints shall be dealt with, in the first instance, by the Licensee, in the manner prescribed in the Standards of Performance.
28. The Forum shall specify the detailed timeframes based upon the nature of the different issues which may be involved in Electricity Service, in accordance with the Standards of Performance specified by the Commission, which is to be followed by the licensee while addressing and disposing off the Complaint made to it. Such timeframe prescribed by the Forum shall in no event exceed the corresponding timeframe prescribed by the Commission under the Standards of Performance.
29. The Complainant can approach the Forum in the following cases:
  - (i) If the Licensee fails to register the Complaint; or
  - (ii) If the Licensee fails to resolve the Complaint within the time limits specified by the Forum; or
  - (iii) If the Consumer/Complainant is not satisfied with the Redressal of the Complaint even after taking up the issue at the level of division head / circle head, as provided for in the Standards of Performance.
30. The Consumer may directly approach the Forum with a Complaint at the office of the Forum, which the Forum shall then forward to the Licensee for the necessary remedial action. The Licensee shall deal with such Complaints as if they had been filed with the Licensee by the Consumer in the manner specified in the Standards of Performance.

**G. Procedure for Complaint/Grievance Redressal**

31. The Forum shall receive the Grievance in writing including through email and facsimile mode, and shall not insist on or prescribe any format for filing of the Grievance or for entertaining it. Any complaint made to the Forum shall also be in writing including email and facsimile modes.
32. The Forum shall issue due acknowledgement of the receipt of the Grievance/Complaint to the Consumer/Complainant with an acknowledged copy of the Complaint/Grievance in the following manner:
  - (i) shall issue and deliver forthwith upon submission if the Grievance/Complaint is delivered personally;
  - (ii) shall dispatch/email/fax within two working days of receipt of the Grievance/Complaint if sent by post or courier or through email or fax;
33. The Forum shall maintain true and correct records of all Complaints/Grievances received by them from time to time.
34. In the event a Complaint is filed with the Forum, a copy of the same shall be forwarded to the Licensee so as to enable the Licensee to act upon the Complaint in the manner provided for in the Standards of Performance.

35. A copy of any Grievance filed with the Forum shall be forwarded to the concerned officer of the relevant department of the Licensee directing for filing of the response to such Grievance. The Forum shall, at the time of forwarding every Grievance, specify the time within which the response(s) should be given by the Licensee.
36. The Licensee shall take all measures to ensure that it responds to the Grievance of the Complainant within the time frame specified by the Forum under sub-clause 35 above. If the Licensee believes that the Grievance is frivolous or vexatious, it shall make a written representation to the Forum to that effect within the time frame specified by the Forum under clause 35 above.
37. Where the Licensee makes a representation under clause (36) above or fails to respond to the Grievance within the time frame specified by the Forum under sub-clause (35) above, the Forum shall have the power to pass an order requiring the Licensee to take appropriate action as specified in the order, in order to redress the Grievance.
38. The Forums shall have the power to direct the Licensee to do all or any of the following:
- (i) to remove the cause of Grievance in question;
  - (ii) to return to the Consumer(s) the undue charges paid by the Consumer(s);
  - (iii) to pay such amount as may be awarded by it as compensation to the Consumer(s) for any loss or damage suffered by the Consumer(s);
  - (iv) to remove the defects/deficiencies in the services in question;
  - (v) to discontinue the unfair trade practice or the restrictive trade practice or not to repeat them;
  - (vi) not to offer and/or to withdraw hazardous electricity services.

Provided that nothing contained in this sub-clause shall be deemed to limit the power of the Forum to pass any other order, as they deem appropriate in the facts and circumstances of the case.

39. The Forum shall be entitled to call for any record while redressing the Grievance. The Forum shall also be entitled to direct the Licensee to undertake an inspection or engage a third party to undertake such inspection with regard to the Grievance, as may be required for expeditious redressal of the Grievance.
40. The Forum shall decide Grievances expeditiously and shall pass a reasonable decision and communicate such reasoned decision to the Consumer(s)/Complainant(s) and the Licensee. The Forum shall prescribe the detailed timeframes for Grievance redressal based upon the nature of the different issues which may be involved in the Grievances relating to Electricity Service provided, however, in no matter such timeframe shall exceed a period exceeding forty five (45) days from the date of receipt of a Grievance,

or such other maximum period as may be specified by the Commission in this regard, by publication.

41. An order passed by the Forum under sub-clause (40) above shall be binding on the Licensee.
42. A certified copy of every order passed by the Forum shall be delivered to the parties.
43. In case of any Complaints, which are not resolved by the Licensee within the timeframe specified by the Forum for disposing off such Complaints, the Forum, if deems fit, at the request of the Licensee, may request the Commission for additional time.
44. The Forum shall not grant any adjournment unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum. Provided that the Forum may make such orders as to the cost occasioned by the adjournment to be paid by the defaulting party to the non-defaulting party and/or to the Forum.
45. The Consumer shall not be entitled to approach the Forum in the following cases:
  - (i) in case where proceedings in respect of the same matter is pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority; and
  - (ii) in cases which fall under the Sections 126, 127, 135 to 139, 152 and 161 of the Act.

#### **H. Functions of the Forum**

46. All decisions of the forum shall be on the basis of voting by majority of the members present. The forum may allow consumer organizations to remain present during hearings.
47. The quorum for meeting of the forum shall be two and each member shall have one vote and in case of equality of votes on any issue, the chairperson shall have a casting vote.
48. The chairperson shall have the general powers of superintendence and control over the forum.
49. The forum shall duly comply with such directions as the Commission may issue from time to time.
50. The forum shall receive complaints of consumers forwarded to or filed with it so long as such complaint is in writing. The forum need not prescribe any format for complaint.
51. A complaint may be filed by:
  - a) any consumer who is not satisfied with solution offered by the licensee through the procedure prescribed in Chapter 4 (Nature of Complaints and Duties of Distribution Licensees) of these regulations; or
  - b) HT consumers who dispute their bills or any part thereof excluding cases where the disputed amount is due to arithmetical or clerical errors; or

- c) LT consumers who dispute their bills or any part thereof excluding cases where the disputed amount is due to arithmetical or clerical errors;
52. The office of the forum shall issue due acknowledgement of the receipt of the complaint to the complainant.
53. (a) The forum shall refer a copy of such complaint to the concerned office of the distribution licensee / deemed licensee directing it to give its version of the case within a period of fourteen working days or such extended period not exceeding ten days, as may be granted by the forum.
- (b) If the concerned officer of the licensee, on receipt of a copy of the complaint, referred to him under Regulation 35 denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the forum, the forum shall proceed to settle the consumer dispute.
- i) on the basis of evidence brought to its notice by the complainant and the distribution licensee, where the distribution licensee denies or disputes the allegations contained in the complaint, or
- ii) exparte on the basis of evidence brought to its notice by the complainant where the distribution licensee omits or fails to take any action to represent his case within the time given by the forum.
- (c) If the complainant fails to appear on the date of hearing before the forum, the forum may either dismiss the complaint in default or decide it on merits.
54. The forum shall maintain true and correct records of all complaints received by it from time to time.
55. The forum shall duly comply with any consumer complaint handling procedure, which the Commission may specify from time to time.
56. The forum shall decide the complaint within a period of Forty Five (45) days and shall communicate its decision to the complainant. It shall give the reasons in support of its decisions.
57. The licensee shall from time to time give publicity of the constitution and existence of the forum including in the bills raised for the supply of electricity to the consumers and in such other manner as the Commission may from time to time decide. The names / designation of the members and the concerned officers of the forum, the address, e-mail, facsimile and phone numbers of the forum shall be displayed at the offices of the licensee and shall also be duly published, including on the bill raised on the consumers.
58. The licensee shall provide required supporting staff and appropriate office accommodation for functioning of the forum.
59. The licensee shall meet all the costs and expenses of the forum including the cost of establishment and staff required to assist the forum in the discharge of the functions under these regulations.

60. The office expenditure of the forum will be considered in the revenue requirement of the licensee and will be allowed as a pass through expense.
61. Submission of Reports to the Commission
- i) The Forum shall submit a quarterly report on the number of complaints received, redressed and pending with in 15 days at the end of the quarter to the Commission. The forum shall supply copies of his report to the respective Licensees also.
  - ii) The Forum shall also furnish to the Commission, by 30<sup>th</sup> of April every year, a report containing a general review of the activities of their offices during the preceding financial year and shall also furnish such information as the Commission may require.
62. The salary and other allowances payable to, and other terms and conditions of service in respect of the members shall be charged to the Licensee (The Chairman of the Forum, the other member accounts are serving officers of the Licensee) the Diem and other charges of the third co-opted member shall also be borne by the Licensee.
63. Any consumer, who is aggrieved by non-redressal of his grievance, he may make a representation for the redressal of his grievance to the Ombudsman as per sub-section (6), Section 42 of the Act.

## CHAPTER – VI

### ELECTRICITY OMBUDSMAN (VIDYUT LOKPAL)

#### I. Appointment of Electricity Ombudsman (VIDYUT LOKPAL)

64. The Commission may from time to time appoint or otherwise designate such person or persons as it considers appropriate, as the Electricity Ombudsman (hereinafter called Ombudsman) to discharge the functions under sub section (7) of Section 42 of the Act.
65. The Commission may appoint or designate Ombudsman or Ombudsmen separately for each licensee or a common Ombudsman or Ombudsmen for two or more distribution licensees.
66. The Ombudsman shall be selected from among those who have experience and exposure in any of the fields, such as legal affairs, engineering, industry, administration, management and consumer affairs. The person proposed shall not be associated with the activities of any of the licensees for a period of preceding one year. The age of the person to be appointed as Electricity Ombudsman should not exceed sixty-two years at the time of appointment.
67. The Ombudsman appointed / designated shall remain in office for a period of two years from the date he assumes his office. The period of appointment may be extended beyond two years for another one year at the discretion of the Commission.
68. The Ombudsman appointed may be paid a fixed fees or honorarium and allowances as decided by the Commission.
69. Before entering upon his office, the Ombudsman shall make and subscribe to an oath of office and secrecy in the form as may be prescribed by the Commission. The chairman of the Commission will administer the oath.
70. The Ombudsman may work from the Commission's office. In order to expedite disposal of representations, he may hold sittings at such places within his area of jurisdiction as may be considered necessary and proper by him.
71. The Ombudsman shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (No. 45 of 1860)
72. The Ombudsman may relinquish his office by giving in writing to the Commission a notice of not less than three months. The Commission may at any time remove the Ombudsman from his office in the event of his becoming incapacitated due to health reasons or for misconduct after giving one month's notice.

Provided that the Ombudsman shall not be removed from his office, unless the Commission, has, on an enquiry, held by the Commission concluded that the Ombudsman ought, on such ground or grounds, be removed.

## **J. Functions of Ombudsman**

73. The Ombudsman may receive and consider all representations filed by complainant for non-redressal of the grievance by the forum under sub section (6) of Section 42 of the Act. Notwithstanding the above the Ombudsman shall not entertain any representation in regard to matter which is subject matter of existing or proposed proceedings before the Commission or before any other authority including under part X, XI, XII, XIV and XV of the Act.
74. The Ombudsman may pass such interior orders as may be considered appropriate pending the decision and settlement of the representation
75. If a complainant is aggrieved by the order or non-redressal of the grievance by the forum within the period specified or the licensee is aggrieved by the decision of the forum, either the complainant or the licensee may make a representation to the Ombudsman appointed / designated by the Commission within a period of thirty days from the date of the final order or from the expiry of the period specified for redressal of the grievance by the forum.
76. The Ombudsman may entertain a representation after expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.
77. The complaint shall not pertain to the same subject matter for which any proceedings before the Commission or any authority / court of law is pending or a decree of award or a final order has already been passed by the Commission or competent court.

## **K. Representation to Electricity Ombudsman**

78. No representation to the Ombudsman shall lie unless the consumer has deposited in the prescribed manner, at least, one third of the amount that is required to be paid by him in terms of an order of the forum and has also agreed to pay a surcharge on the balance amount in the event of his representation not being successful.
79. Subject to the provisions of the Act and the Regulation Ombudsman's decision shall be final unless the complainant or the Licensee prefers an appeal with Commission against the order.
80. Subject to this clause, a representation made to the Ombudsman shall
  - (a) be in writing
  - (b) be signed by the consumer or the licensee as the case may be,
  - (c) disclose the name and address of the consumer / licensee,
  - (d) contain the details of the grievance including the award of the Grievance Redressal Forum of the licensee, and
  - (e) contain details of complaint made to any other authority / court of law.

81. The Ombudsman may accept a representation that does not comply with clause 80 at his discretion.
82. The Ombudsman may also undertake a case under the directives of the Commission as per Regulation 104 of these Regulations.
83. When making a requirement under Regulations 89, 90, 106 the Electricity Ombudsman must specify a reasonable period of time within which the requirement is to be satisfied.
84. The Ombudsman shall issue due acknowledgment of the receipt of the Representation to the Consumer with an acknowledged copy of the Representation in the following manner:
- i) forthwith upon submission if the Representation is delivered personally; or
  - ii) despatch / email / fax within two working days of receipt of the Representation if sent by post or courier or through email or fax.
- The Ombudsman, while issuing acknowledgement, shall assign a unique case number to each Representation accepted by it.
85. The Ombudsman shall maintain true and correct records of all Representations received, from time to time.
86. No Representation to the Ombudsman shall lie:
- (i) unless the Complainant is aggrieved by an order of the Forum or his Grievances are not redressed by the Forum within the period set out in the Guidelines;
  - (ii) unless the Representation against an order of the Forum was made within the period set out in these Regulations
  - (iii) in respect of the same matter and between the same Complainant and the Licensee that has been settled by the Ombudsman in any previous proceedings;
  - (iv) where proceedings in respect of the same matter and between the same Complainant and the Licensee, are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority;
  - (v) in cases which fall under Sections 126, 127, 135 to 139, 152 and 161 of the Act; or
  - (vi) in cases where the Complainant is required to pay an amount in terms of an order of the Forum, unless such Complainant has deposited in the prescribed manner, one half of that prescribed amount, with the Ombudsman.
87. The Ombudsman may reject the Representation at any stage if it appears to it that:
- (i) the Representation is frivolous, vexatious or mala fide;
  - (ii) the Representation is without any sufficient cause;
  - (iii) the Representation is not being pursued by the Complainant with reasonable diligence; or



- (iv) there is no prima facie loss or damage or inconvenience caused to the Consumer(s)/Complainant.
88. If a Complainant brings before the Ombudsman a matter already pending before any other competent forum, and such forum takes cognisance of the same, the Ombudsman may dismiss the proceedings pending before it.
89. As soon as it may be practicable to do so but not later than one week from the date of receipt of the Representation, the Ombudsman shall serve a notice to the concerned Licensee along with a copy of the Representation and endeavour to promote a settlement of the matter by agreement between the Complainant and the Licensee through conciliation or mediation.
90. The notice to the Licensee served under Regulation 89 above shall specify the time period within which the Licensee is required to respond to the Representation, and this time period shall be such as to allow the Ombudsman to settle the matter by reconciliation within 30 days from the date of receipt of the Representation.
91. For the purpose of facilitating settlement of the Representation, the Ombudsman may follow the procedures, as it may consider appropriate, or as may be prescribed by the Commission from time to time.
92. If the Representation is settled through conciliation or mediation by the Ombudsman, the Ombudsman shall make a recommendation, as it deems fair in the circumstances of the case in writing. Copies of the recommendation shall be sent to the Complainant and the Licensee. If the Complainant and the Licensee accept the recommendation of the Ombudsman, they shall communicate their acceptance to the Ombudsman in writing within fifteen (15) days of the date of receipt of the recommendation.
93. Where the Representation is not settled by agreement within a period of thirty (30) days from the date of receipt of the Representation or such extended period as the Ombudsman may deem fit, the Ombudsman may determine the place, the date and the time of hearing of the matter as the Ombudsman considers appropriate.

Provided, however, that the Ombudsman shall hold the hearing within 45 days from the date of receipt of Representation, or 15 days from the expiry of such extended period as has been specified by the Ombudsman for settlement by agreement among the parties.

Provided further that where the Ombudsman is unable to hold the hearing within such period as specified above, it may hold the hearing at a later date with the Commission's permission.

94. The Ombudsman shall, at the date of the first hearing, subject to the timeframe stipulated under these Regulations, set the schedule for the hearing, including the time limit for the passing of the award. The Ombudsman shall endeavour to follow the

schedule strictly, and shall not deviate from such schedule except by recording reasons for such deviation

95. The Ombudsman shall decide the matter on the submissions of the parties, after providing them an opportunity of being heard. The Ombudsman shall pass a speaking award after conclusion of proceedings. While making an award, the Ombudsman shall be guided by the evidence adduced by the parties, the principles of applicable laws including Rules and Regulations issued under the relevant laws, guidelines, directions, and instructions of a general nature, issued by the Commission from time to time, prudent industry practices and such other factors which in its opinion necessary in the interest of justice.
96. The award passed by the Ombudsman shall set out
  - i. issues arising from the proceedings before it;
  - ii. issue-wise decision;
  - iii. reasons for passing the award; and
  - iv. directions, if any, to the Licensee or Consumer.
97. The Ombudsman shall have the power to impose costs upon either of the parties, as it deems appropriate in the circumstances before it.
98. A copy of the award shall be sent to the Complainant and the Licensee concerned.
99. The award passed by the Ombudsman shall be binding on the Licensee and the Complainant. The Licensee or the Complainant may, however, within 30 days from the date of receipt of award, in case aggrieved by the award, prefer an application for the review of the award to the Ombudsman. The Ombudsman may review the award given by it on the following grounds:
  - i. Discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time the award was made; or
  - ii. Mistake or error apparent on the face of the record; or
  - iii. Any other sufficient reason.
100. On reviewing the award, as the Ombudsman deems necessary, it may either pass a new award (as the final award) nullifying the award under review or retain the same stand taken by it in the award under review and declare the same as the final award of the Ombudsman.
101. Except in cases where a review application has been moved under clause 104 above by either of the parties, in the event of non-compliance/non-implementation of any award passed by the Ombudsman by either of the parties, the aggrieved party may approach the Commission for the enforcement of the award within a period of thirty (30) days of the passing of the award or from the expiry of the time granted for the implementation of the award by the Ombudsman, whichever is later. The Commission may issue any order (including an order imposing fines and penalties on the Licensees,

as provided for under the Act) or take any other steps, as it deems appropriate for the enforcement of the award.

102. As soon as it will be practicable, the Commission would make an arrangement for the dedicated space for the Ombudsman on its website so as to enable the Ombudsman to upload information such as contact details of Ombudsman, the status of Representations pending before it, the dates of the next hearings and subject to confidentiality the awards passed by it for the Consumers / Complainants.
- The Complainants may retrieve any of the aforesaid information pertaining to the Representations upon entering the case number assigned to the Representation.

**L. Withdrawal of representation**

103. A consumer / licensee may withdraw his representation at any time by notifying the Ombudsman in writing of such withdrawal. The withdrawal shall take effect only when the Ombudsman agrees.

**M. Procedure before Electricity Ombudsman'**

104. The Ombudsman shall consider the representations of the consumers consistent with the provisions of the Act, the Rules and Regulations made hereunder or general orders or directions given by the Government or the Commission in this regard before settling their grievances.
105. The Ombudsman shall decide on the representation, after providing both the parties an opportunity of being heard.
106. For the purpose of carrying out his functions, the Ombudsman may require the licensee or any of the officials, representatives or agents of the licensee, to furnish documents, books, information, data and details as may be required to decide the representation and the licensee shall duly comply with such requirements.
107. If the Ombudsman has commenced examination of a representation, the licensee should not commence proceedings in any court in respect of the matter raised in the representation.
108. The Ombudsman shall finally decide the representation within three months from the date of receipt of the representation and in the event the representation is not decided within three months, the Ombudsman shall record the reasons there for including the cost paid by the licensee in case the reasons for the delay is attributable to the licensee. In case the delay is for reasons attributable to the consumer, the Ombudsman may on the basis of the merit of the case decide to proceed with the case, or reject the representation.
109. The licensee shall duly comply with and implement the award / recommendation of the Ombudsman.

- 110. The Ombudsman may adopt a procedure ensuring transparency and due compliance with the principles of natural justice and due process of law.
- 111. The Ombudsman shall dispose of a complaint in a fair and equitable manner.

**N. Promotion of settlement by agreement**

- 112. As soon as it may be practicable to do but not later than one week from the date of receipt of a representation, the Ombudsman shall serve a notice to the other party along with a copy of the complaint and endeavor to promote a settlement of the complaint by agreement through reconciliation.
- 113. For the purpose of facilitating settlement of the representation, the Ombudsman may follow such procedures, as he may consider appropriate.
- 114. When a complaint is settled, the Ombudsman shall make a recommendation, which he thinks it fair in the circumstances of the case. Copies of the recommendation shall be sent to the consumer and the licensee.
- 115. If the complaint accepts the recommendations he will send a communication of acceptance in writing within 15 days of the date of receipt of the recommendation. In such a communication he will state clearly that the settlement communicated is acceptable to him, in totality, in terms of recommendations made by the Ombudsman and is in full and final settlement of complaint.

**O. Final order by the Electricity Ombudsman**

- 116. Where the representation is not settled by agreement within a period of 30 days from the date of its receipt or such extended period the Ombudsman may deem fit, duly considering the overall time limit specified, the Ombudsman may determine the place, the date and the time of the hearing of the matter.
- 117. The Ombudsman shall decide the matter on the pleadings of the parties, after providing them an opportunity of being heard. Where the representation is not settled by agreement, the Ombudsman shall pass a speaking order with detailed reasoning which he thinks fair in the facts and circumstances of a case.
- 118. An award shall be in writing and shall state the nature of the relief including monetary compensation, if any, the complainant is entitled to.
- 119. A copy of the award shall be sent to the complainant concerned and the licensee and shall be binding on the licensee and the complainant. If either of the party is not satisfied with the implementation of the award passed by the Ombudsman, the party may approach the Commission for enforcement of the award.
- 120. The licensee shall comply with the award within such time frame as may be directed by the Electricity Ombudsman. If no time frame is prescribed by the Ombudsman, the Licensee shall inform to Ombudsman of its compliance of the award with in 30 days of the communication of the award.

**P. Other functions of the Electricity Ombudsman**

121. The Ombudsman will draw up an annual budget for his office in consultation with the Commission and shall exercise the powers of incurring expenditure within the approved budget. The Commission will indicate the respective share of expenditure, to be borne by each licensee and to be released quarterly in advance.
122. He shall exercise general powers of superintendence and control over his office and shall be responsible for the conduct of business of the office.
123. He shall perform other functions as may be prescribed by the Commission

**Chapter – VII**  
**MISCELLANEOUS**

**Q. Powers to remove difficulties**

124. If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, direct the licensee to take suitable action, not being inconsistent with the Electricity Act, 2003, which appears to it to be necessary or expedient for the purpose of removing difficulties.
125. The licensee may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in the establishment of the forum as per these regulations.

**R. Power to Amend**

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

**S. Report to the Licensee and Commission**

127. The forum shall submit monthly report to the licensee, the Ombudsman and the Commission in the prescribed form. The report should be submitted within fifteen days of the close of the month to which it relates.
128. (a) The Ombudsman shall prepare a report on six monthly basis giving details of the nature of grievances of the consumers dealt by him, the response of the Licensee in the redressal of the grievances and the opinion of the Ombudsman about the Licensee's compliance or the Standards of Performance as specified by the Commission under section 57 of the Act, during the preceding six months.
- (b) The report under Regulation 128 (a) above shall be forwarded to the SSERC and the State Government with in 45 days after the end of the relevant period of six months.
129. Every year the Ombudsman will prepare a report bringing out the main features of the work done during the year. The report shall be made available to the Commission for inclusion in the annual report of the Commission prescribed under section 105 of the Act.

**By Order of the Commission**

**Sd/-**  
**(K. L. Gyaltsen)**  
**Secretary**

**Sikkim State Electricity Regulatory Commission**

### Consumer Complaint Form

Fill Separate form for each Complaint. The complaint will be entertained only if checklist is filled.  
The Electricity Ombudsman, Sikkim

**Sikkim State Electricity Regulatory Commission,**  
**P.O. Tadong, Sikkim-737102**  
**Ph: (03592) 281081, 281088**

To be filled by Ombudsman Office		DD-MM
Complaint ID/ Appeal/Case No.	<input type="text"/>	Date of Receiving Complaint/ Appeal/Petition

To be filled by the Appellant/Complainant/Petitioner	
Name of Consumer/ Appellant/Complainant	<input type="text"/>
Consumer No. *	<input type="text"/>
Consumer Category	<input type="text"/>
Address	<input type="text"/>
Phone No.	<input type="text"/>
Fax No.	<input type="text"/>
City/Village	<input type="text"/>
E-mail	<input type="text"/>
District	<input type="text"/>
PIN	<input type="text"/>

Licensee	<input type="text"/>	Circle	<input type="text"/>	Division	<input type="text"/>
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#### Complaint Type (Please tick)

<input type="checkbox"/> 1. Billing Dispute	<input type="checkbox"/> 6. Voltage Complaints
<input type="checkbox"/> 2. Non Supply of Power	<input type="checkbox"/> 7. Problems in Metering
<input type="checkbox"/> 3. Safety	<input type="checkbox"/> 8. Complaint regarding billing and collections service
<input type="checkbox"/> 4. Complaint regarding getting fresh connections	<input type="checkbox"/> 9. Complaint regarding Disconnection and Reconnection
<input type="checkbox"/> 5. Interruption/failure of power supply	<input type="checkbox"/> 10. Others

If others, please specify

Give Brief Description of complaint (Details may be annexed separately). Attach copy of complaint sent to Forum

Relief sought from Ombudsman (Details may be annexed separately)

Name of forum		
		Address

Ref No. of Letter/order received

Date

From Forum and Date

\*Write 'NEW' if No consumer No. Allotted.

Decision/order of the forum in brief (Details may be annexed separately). Attach copy of Relief Remedy offered by Forum.

List of Enclosures:

- |    |   |  |
|----|---|--|
| 1. | <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | Copy of Complaint to Forum.              |
| 2. | <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | Copy of Reply/Order received from Forum. |
| 3. | <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | Affidavit (As per Form – V).             |

**Check List:** Before filing complaint with Forum, please ensure that all of the following criteria are met and all boxes are checked ( ).

1.  Has lodged complaint with the Forum.
  2.  The representation has been made within 1 month from the date of the order of the Forum.
  3.  Complaint does not lie with any Consumer Forum or any Court, or the Commission.
  4.  Have provided complete personal information like name, address, consumer account no.  
etc.
  5.  Have mentioned the Relief sought from Ombudsman.

### Verification

I ..... (name in full and in block letters), Son/Daughter/Wife  
 .....resident of.....P.S.....  
 District.....solemnly declare that to the best of my knowledge and belief, the information  
 given in this complaint and the annexure and statements accompanying it are correct, complete and  
 truly stated and in accordance with the provision of SSERC 's "Redressal of Grievances of Consumer  
 and establishment of Forum and Electricity Ombudsman " Regulations, 2012.



Name:

Signature:

Place:

Date: