



THE ASSAM GAZETTE

অসাধাৰণ

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

The 1st April, 2022

Assam Electricity Regulatory Commission (Electricity Ombudsman) Regulations, 2022

No. AERC 813/2022/38.- In exercise of the powers conferred on it by Section 181 read with Sub-section (6) of Section 42 of the Electricity Act, 2003 (No. 36 of 2003), the Assam Electricity Regulatory Commission hereby makes the following Regulations to amend and replace the Assam Electricity Regulatory Commission (Electricity Ombudsman) Regulations, 2004 published in the Assam Gazette Extraordinary No. 154 dated 26th July, 2004 and its subsequent amendments.

CHAPTER I: PRELIMINARY

1. Short Title and Commencement

- (1) These Regulations may be called the Assam Electricity Regulatory Commission (Electricity Ombudsman) Regulations, 2022.
- (2) These Regulations shall come into force from the date of their publication in the Official Gazette of the Government of Assam.
- (3) These Regulations is applicable to the entire State of Assam.

2. Definitions

- (1) In these Regulations, unless the context otherwise requires :—
 - (a) "Act" means The Electricity Act 2003 (No. 36 of 2003) as amended from time to time;

- (b) "Commission" or "AERC" means the Assam Electricity Regulatory Commission;
- (c) "Complainant" shall include :-
 - i) A consumer as defined under Clause (15) of Section 2 of the Act which shall include the legal heirs and successors;
 - ii) Occupier or user of the premises;
 - iii) Any voluntary consumer association registered under the Societies Registration Act, 1860 or under any other law for the time being in force till the Commission notify a procedure for recognition of associations, groups, firms or bodies corporate as registered consumer associations for the purpose of representation before the Commission;
 - iv) The Central Government or the State Government or any local authority; and
 - v) One or more consumers, representing a group of consumers having the same interest;
- (d) "Complaint" includes any grievance of the consumers in the area of supply of the Distribution Licensee relating to the supply of electricity or rendering of service by the distribution licensee and without prejudice to the generality of the above the following:
 - i) Any unfair trade practice or restrictive trade practice adopted by the Distribution Licensee in providing electricity supply or service to the consumer;
 - ii) The electricity supply or services hired or availed of or agreed to be hired or availed of by the consumer from the Distribution Licensee suffer from any defect or deficiency in any respect;
 - iii) The Distribution Licensee has charged or proposed to charge for the electricity services mentioned in the complaint, amount in excess of the tariff or price determined or approved by the Commission under the Act;
 - iv) Electricity supply or services are being offered or allowed by the Distribution Licensee for conveyance or use in contravention of the provisions of any law in regard to standard and or performance or safety or security for the time being in force; and

- v) Electricity supply or service are being offered or allowed by the Distribution Licensee without complying with the provisions of law requiring the Distribution Licensee to display information in regard to the use of such supply or services.
- (e) "Consumer" means any person who is supplied with electricity for his 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. This also includes any person whose premises are temporary disconnected from the works of the distribution licensee or the Govt. or any other person as the case may be;
- (f) "Consumer dispute" means a dispute where the person against whom a complaint has been made, denies or disputes the allegations contained in the complaint;
- (g) "Confidential information" includes –
- (i) information about the identity, occupation or whereabouts of the consumer or of any person who assists an examination; and
 - (ii) information disclosed by a representation; and
 - (iii) information of personal concern to an individual; and
 - (iv) information that, if disclosed, may cause detriment to a person;
- (h) "Distribution licensee " means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply;
- (i) "Defect" means any fault, imperfection or shortcoming in the quality, quantity, purity or standard of service, including in the 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;

- (j) "Deficiency" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by/ under any law for the time being in force or has been undertaken to be performed by distribution licensee in relation to electricity service or performance standard; including Interruption or failure of Power Supply, Voltage complaints, Metering Problems including Meter shifting, Charges / Payments (Billing Problems), Disconnection or Reconnection of Power supply, New Connections or Extensions in Load, Notice of supply interruptions, violations of Electricity Supply Code, contraventions of Act, Rules or Guidelines made there under with regard to consumer interest.
 - (k) "Electricity Ombudsman" means an authority to be appointed or designated by the Commission under these Regulations issued for the purpose under sub- section (6) of section 42 of the Act, to whom a representation may be made by any consumer aggrieved by non-redressal of grievances by the Forum;
 - (l) "Electricity service" shall include supply, billing, metering and maintenance of electrical energy to the consumer and all other attendant sub-services;
 - (m) "Forum" means "Forum for Redressal of Consumer Grievances" constituted by each distribution licensee in terms of the AERC (Redressal of Consumer Grievances) Regulations, 2016 and its subsequent amendments.
 - (n) "Licensee" means a person who has been granted a licence or is a deemed licensee under section 14 of the Act;
 - (o) "Representation" shall mean the representation made to the Electricity Ombudsman by the consumer in person or on behalf of such consumer who is aggrieved by non-redressal of his Grievances by the Forum (including dismissal order) within the specified time and in accordance with these Regulations.
- (2) Words and expressions used and not specifically defined in these Regulations but defined in the Electricity Act, 2003 shall have the meaning assigned to them in the Act. The other words and expressions used herein but not defined in these Regulations or in the Act but defined under any other regulations of the Commission or any law passed by the Parliament applicable to electricity industry in the State shall have the meaning assigned to them in such law.

CHAPTER II : OMBUDSMAN**3. Appointment of Ombudsman**

- (1) The Commission may from time to time appoint or otherwise designate such person or persons as the Commission may consider appropriate as Ombudsman to discharge the functions under sub-section (6) of section 42 of the Act.
- (2) The Commission may appoint or designate Ombudsman separately for each Distribution Licensee or a Common Ombudsman for two or more Distribution Licensees.
- (3) The Commission may also appoint more than one Ombudsman for the same Distribution Licensee and specify the area of operation of each such Ombudsman.
- (4) The Ombudsman shall be a person of experience, ability, integrity and standing. The following category of persons shall be eligible to be appointed as Ombudsman:
 - i. A person who has held the post of Commissioner & Secretary to State Government for at least one year;
 - ii. A retired District Judge;
 - iii. Any person who has held the position of Chairperson or Member of any statutory quasi-judicial body at the State level for at least 3 years;
 - iv. A retired Chief Engineer or an equivalent officer having experience in the Power Sector.

Provided that the Electricity Ombudsman shall preferably have working knowledge of the vernacular languages of the State of Assam and acquainted with the functioning of electricity distribution business.

- (5) The Commission shall invite applications through public advertisement for the appointment of the Electricity Ombudsman.
- (6) For the purposes of selection of Ombudsman, the Commission may constitute a committee of such persons as the Commission may consider appropriate to shortlist and make recommendations of eligible persons.
- (7) The person selected should not be associated with the activities of any of the licensees for a period of preceding one year. The person once appointed should not have any financial interest in the electricity industry of the state during his tenure.

- (8) The Electricity Ombudsman shall work from the Commission's office. However, the Ombudsman may hold hearings or proceedings at various places within the State in order to expedite disposal of the representations.

4. Terms of office

- (1) The appointment or designation of a person as the Electricity Ombudsman shall be made for a term of three (3) years.

Provided that the tenure of the Electricity Ombudsman may be extended by the Commission for a further period not exceeding two (2) years.

Provided further that no Ombudsman shall hold office as such after he has attained the age of sixty-five (65) years.

- (2) Before entering upon his office, the Ombudsman shall make and subscribe to an Oath of Office and secrecy in the form as may be specified by the Commission. The Chairperson of the Commission will administer the oath.
- (3) 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).
- (4) The Ombudsman may relinquish his office by giving in writing to the Commission a notice of not less than three months.

5. Removal of Ombudsman

- (1) No Ombudsman shall be removed from office except in accordance with the provisions of these regulations.
- (2) The Commission may, by order remove from office any Ombudsman if he:
- (a) has been adjudged an insolvent;
 - (b) has been convicted of an offence which, in the opinion of the Commission, involves moral turpitude;
 - (c) has become physically or mentally incapable of acting as an Ombudsman;
 - (d) has acquired such financial or other interest as is likely to be prejudicial to his functions as an Ombudsman;
 - (e) has so abused his position as to render his continuance in office prejudicial to public interest; or
 - (f) has been guilty of misconduct

Provided that no Ombudsman shall be removed from his office on any of the grounds specified herein above unless the Chairperson of the Commission, on an inquiry, held by him and after giving an opportunity to the Ombudsman is satisfied that the grounds for removal of the Ombudsman exist.

6. Pay and Allowances of Ombudsman

- (1) The Electricity Ombudsman shall be allowed a consolidated remuneration of Rs 80,000/- (Rupees Eighty Thousand Only) per month. This will be in addition to remuneration/pension, if any, entitled from the Central Government or a State Government or any other Organization /Institution out of his previous employment.
- (2) The other allowances and perquisites payable to the Ombudsman shall be such as may be determined by the Commission from time to time.

7. Staff & Budget of the Office of the Ombudsman

- (1) The Ombudsman shall have such secretarial staff as may be specified by the Commission from time to time in consultation with the Ombudsman.
- (2) The Ombudsman may with the prior concurrence of the Commission engage the services of professionals to assist him in discharging his functions.
- (3) The Ombudsman shall prepare and forward to the Commission, the annual budget indicating the requirement of funds before the beginning of every financial year. The Commission will finalize the budget in consultation with the Ombudsman and send the same to the distribution licensee.
- (4) The remuneration, allowances and perquisites payable to Ombudsman, the salary, allowances and other benefits payable to the staff, the charges for the services of the professionals and all expenses incurred for the due discharge of the functions of the Ombudsman shall be borne by the Distribution Licensee(s).
- (5) The Ombudsman shall exercise the powers of expenditure within the approved budget, and shall maintain proper accounts and records.
- (6) The expenditure incurred by the Ombudsman, to the extent reasonable and justifiable and within the budget approved, shall be allowed to be recovered in tariff of the Distribution licensee in accordance with the relevant Regulations of the Commission.

8. Jurisdiction of the Ombudsman

- (1) The Ombudsman may receive and consider all representations filed by the Complainant for non-redressal of the grievance by the Forum under Sub- Section (5) of Section 42 of the Act pursuant to the Complaint made by the Complainant as more fully set out in the AERC (Redressal of Consumer Grievances) Regulations notified by the Commission.
- (2) Notwithstanding the above the Ombudsman shall not entertain any representation in regard to matter which are subject matters 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.

CHAPTER III: GENERAL**9. Savings**

Nothing contained in these regulations shall affect the rights and privileges of the consumer under any other law for the time being in force, including the Consumer Protection Act, 1986 (68 of 1986).

10. Powers to Remove Difficulties

If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, take suitable action, not being inconsistent with the Electricity Act, 2003, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties.

11. Power to Amend

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

12. Procedure to Represent

Procedure to Represent before the Ombudsman when any consumer is aggrieved for non-redressal of his/her grievances shall be in accordance with the AERC (Redressal of Consumer Grievances) Regulations.

M. K. DEKA (RETD.),

Secretary,

Assam Electricity Regulatory Commission.