

## **GERC (Consumer Grievances Redressal Forum and Ombudsman) (1st Amd) Regulations, 2022 [Draft]**

GERC on 19<sup>th</sup> February, 2022 notified the Draft GERC (Consumer Grievances Redressal Forum and Ombudsman) (1st Amd) Regulations, 2022. The key highlights of the draft are mentioned below,

Discom shall establish the following Consumer Grievances Redressal Forums:-

	<b>Company Level CGRF</b>	<b>Zonal Level CGRF</b>	<b>Circle Level CGRF</b>
<b>Members of Forum</b>	1. Chairperson (Technical officer of Discom) (Rank $\geq$ Additional Chief Engineer)  2. Finance and Accounts officer of Discom (Rank $\geq$ Deputy Chief Accounts Officer)  3. Representative of Consumer (From Consumer Associations in area of distribution)  4. Representative of Prosumer (From Prosumer Associations in area of distribution)  5. Independent Member (Possessing Law degree, preferably with 10yrs experience in handling legal matters)	1. Chairperson (Technical officer of Discom) (Rank $\geq$ Executive Engineer)  2. Finance and Accounts officer of Discom (Rank $\geq$ Superintendent of Accounts)  3. Representative of Consumer (From Dominant Consumer category)  4. Representative of Prosumer (From Dominant Prosumer category)  5. Independent Member (Possessing Law degree, preferably with 10yrs experience in handling legal matters)	1. Chairperson (Technical officer of Discom) (Rank $\geq$ Executive Engineer)  2. Finance and Accounts officer of Discom (Rank $\geq$ Superintendent of Accounts)  3. Representative of Consumer (From Dominant Consumer category)  4. Representative of Prosumer (From Dominant Prosumer category)  5. Independent Member (Possessing Law degree, preferably with 10yrs experience in handling legal matters)
<b>Convener</b>	Designated by Discom	Designated by Discom (Rank $\geq$ Junior Assistant)	Designated by Discom (Rank $\geq$ Junior Assistant)
<b>Monetary Complaints</b>	Above Rs. 1,00,000/- except the cases covered under Section 126 and 135 of the Act	Up to Rs. 1,00,000/- except the cases covered under Section 126 and 135 of the Act	Up to Rs. 1,00,000/- except the cases covered under Section 126 and 135 of the Act
<b>Quorum</b>	1. Chairperson  2. Finance/ Accounts Member  3. Representative of Consumer/ Prosumer  4. Independent Member	1. Chairperson  2. Finance/ Accounts Member  3. Representative of Consumer/ Prosumer  4. Independent Member	1. Chairperson  2. Finance/ Accounts Member  3. Representative of Consumer/ Prosumer  4. Independent Member
<b>Procedure</b>	A Complainant can approach the Forum in the following events:  i. If the Licensee fails to register a Complaint  ii. If the Licensee fails to resolve a Complaint in accordance with the Standards of Performance specified by the Commission		

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

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

After considering the Complaint, comments by the Discom, all other records available, the Forum shall pass the order within 30 days from the date of receipt of the Grievance.

Company level Forum shall pass order, on representation received on order issued by Circle/ Zonal level Forum within 15 days from the date of receipt of the representation by the Company level Forum.

Order of Circle/ Zonal level Forum shall mention contact details of Company level Forum and Ombudsman. Order of Company level Forum shall mention contact details of the Electricity Ombudsman. The order shall also mention the period within which the representation to the higher forum is to be made.

Representation before the Company level Forum may be made within 15 days of issuance 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.

Representation before the Ombudsman may be made within 15 days of issuance 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.

The Company level Forum shall dispose application for injunction within 7 working days: In case injunction has been granted without notice to the opposite party, the Company level Forum shall dispose of the application within 15 days from the date of granting of injunction; and where it is unable to do so, it shall record the reasons for such inability.

The regulation can be accessed [here](#).

## CER Opinion

**1. Enhancement of the Consumer Grievances Redressal Forum and Ombudsman:** The draft GERC regulation aims to broadly align the prevailing framework in light of the MoP rules in this context. This would enhance the options for the consumers to get redressal to the consumer's concerns. However, this may also lead to greater burden on the higher levels of redressal. This can be addressed by enhancing capacity of the lower- as well as higher-level institutional mechanism, and also by including certain provisions that may include certain criteria, which would allow a choice to consumers for escalation of the unaddressed concerns to the highest level i.e. Ombudsman level.

**2. Increased burden on the Ombudsman Level:** Clause No. 2.30 (iii) states "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". However, since there is no obligation to approach the 'Company level forum', and the 'aggrieved' has the inherent right (provided by the Electricity Act, 2003) to move a case directly to the Ombudsman by bypassing the 'Company level forum', this may increase the burden on the 'Ombudsman level' with issues which could have been resolved at the 'Company level forum'. As such, the Ombudsman should be allowed to prioritize the cases it should take up in case it has limited resources to handle a high volume of cases.

**3. Limited Time and Resources at Disposal:** It is possible that the 'lower level redressal forums' may not have the necessary resources, skills and/or experience to handle complicated disputes, and as a result, the forum may potentially

give faulty decisions in such cases which are then finally sent to the Ombudsman. In such cases, the 'aggrieved' makes high efforts, spends time and uses resources that could have been avoided. It may not be worth for the 'aggrieved' to spend its time and resources on such cases which may quite possibly lead to 'thinning' of resources and 'stretching' the capability of the 'higher level redressal forums'.

It is suggested that the existing timelines for resolution of disputes at various levels be made commensurate with the resources available at each level, and these timelines may thereafter be squeezed in a graduated manner. The licensees/ utilities should additionally be directed to provide appropriate resources so that such mechanism ensures due attention to and redressal of the concerns of the consumers/ prosumers/ applicants with the use of an online publicly accessible central level platform in compliance with the Consumer Protection Act, 2019. It is further suggested that consumers/ prosumers/ applicants, especially in small towns and villages, be made aware about and 'trained 'in the use of the redressal systems being setup, which would strengthen and make the online system more transparent and easy to use.