



TAMIL NADU ELECTRICITY REGULATORY COMMISSION

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PROCEEDING OF THE TAMILNADU ELECTRICITY REGULATORY COMMISSION

PRESENT:-

Thiru.S.Kabilan	...	Chairman
Thiru.K.Venugopal and	Member
Thiru. S. Nagalsamy	Member

Proc . No.TNERC/DIR(E)/DD(EI)/F.CGRF/D.No. 327 /2011 /DT. 23.03.2011

Sub: Consumer Grievance Redressal Forums in the State of Tamil Nadu – Procedure to be followed by the Forum in regard to hearing of complaints made before them – general instructions – issue of - reg.

1. The Regulations for Consumer Grievance Redressal Forum and Electricity Ombudsman 2004 (hereafter referred to as Forum Regulations) have been made by the TNERC (hereafter referred to as Commission) in exercise of the statutory powers conferred on the Commission by Sec.181 read with sub-section 5, 6 and 7 of Section 42 of the Electricity Act 2003 (Central Act 36 of 2003) and they have been gazetted in Part VI Sec.2(Supplement) Tamil Nadu Gazette dated 18-2-2004 for public information. Clause 7 of the Forum Regulations contains detailed provisions in regard to grievance handling procedure for the Forum. As per sub-clause (1) of Clause 7 of the Forum

Regulations the chairperson shall make endorsement on the grievance subscribing his dated initial. Grievances received shall be registered and serially numbered for each year. Sub clause (2) stipulates that within seven working days of receipt of a consumer grievance, the Forum shall send an acknowledgement to the complainant. When a complaint is allowed to be proceeded, a copy of the admitted complaint shall be forwarded simultaneously to the Nodal Officer of the concerned licensee for redressal or to file objection in writing if the licensee is not agreeable to the request of the complainant (vide sub-clause (4) of Clause 7). As per sub-clause (5) The licensee shall furnish the para-wise comments on the grievance within 15 days of receipt of the letter from the forum, failing which the forum shall proceed on the basis of the material record available. As per sub clause (7) on receipt of the comments from the licensee or otherwise, the forum shall complete enquiry as expeditiously as possible and every endeavour shall be made to pass appropriate order on the complaint within a maximum period of 2 months from the date of receipt of complaint by the forum. As per sub-clause (8) all decisions shall be taken by a majority of votes by the members present and in the event of the equality of the votes, the facts may be recorded and referred to the Electricity Ombudsman for final orders. All the members present shall sign every order passed by the forum. As per the said sub clause (8), the decisions of the forum shall be strictly in accordance with the provisions of the Act, the rules and regulations made there under and in particular the Tamil Nadu Electricity Supply Code and the Tamil Nadu Electricity Distribution Code and the directions of the Commission and it is not open to the Members and the Chairperson of the Forum to deviate either expressly or impliedly from the provisions of the Act or the rules or regulations made there under or the Tamil Nadu Electricity Supply Code or the Tamil Nadu Electricity Distribution Code or the directions of the Commission while taking the decisions by the forum.

2. It has been brought to the notice of the Commission that CGRFs have not been passing speaking orders. It is noted that the Forum simply passes one Page order without narrating the facts of the case, the issues involved and the contentions put forth by both the complainant and the respondent. It is to be further noted that the statutory requirement of forwarding the complaint to the concerned licensee to file their objections or para wise comments as contained in Clause 7 of the Forum Regulations would indicate the fact that the order of the Forum should be a speaking order recording the

contentions put forth by the complainant as well as the respondent. It is well settled by case law that when an order passed by a statutory or quasi-judicial authority which is subject to further appeal, the order must be a speaking order narrating the contentions of the petitioner as well as the respondent and effectively meeting the contentions put forth by both the complainant as well as the respondent. It is therefore necessary for the Forum to pass speaking order narrating the facts of the case, the issues involved in the case, the contentions put forth by both the sides and effectively meeting the contentions and giving reasons either for accepting or rejecting the contentions. All the Forums in the State are directed henceforth to pass speaking orders in regard to the complaints made before them.

3. Apart from the above deficiency on the part of the Forum in passing speaking orders, it is to be noted that during the hearing before the Electricity Ombudsman in regard to appeal petitions made against the orders of the Forum, the following defects are noticed viz.

- (a) Non-forwarding of the admitted complaint to the concerned licensee for filing their objections or para wise comments as stipulated in sub clauses (4) and (5) of Clause 7.
- (b) Non-completion of the enquiry within the time frame viz. 2 months from the date of receipt of the complaint by the Forum as stipulated in sub-clause 1(7) of Clause 7.
- (c) Absence of the signature of the other Members of the Forum. In other words, it is noted that only the Superintending Engineer of the Distribution Circle, who is the presiding officer of the Forum is signing the order.
- (d) Delegating the passing of final order to the subordinate official of the TNEB.

4. It is to be noted that as per sub-clause (8) of Clause 7 of the Forum Regulations referred to above, it is not open to the Members and the Chairperson of the Forum to deviate either expressly or impliedly from the provisions of the Act or the Rules or Regulations made there under or the directions of the Commission while taking the decisions by the Forum. It is to be noted that as per Sec.142 of the Electricity Act 2003 (Central Act 36 of 2003) if the Commission is satisfied that any person has contravened

any of the Regulations made under the Act the commission may initiate penal action under the said Section 142 of the Act. In view of the said Sec.142 of the Act it is not open to the Forum to disregard the statutory provisions contained in Clause 7 of the Forum Regulations referred to above. Any violation of law by CGRFs would attract proceedings under Sec.142.

5. The above instructions will have to be strictly followed by the Forums and any deviation or violation of the above instructions will be dealt with severely and penal action will be initiated against the delinquent.

6. The above instructions would take effect immediately.

(By order of the Commission)

(R.V RAJAH)
SECRETARY