

**GOVERNMENT OF INDIA
POWER
LOK SABHA**

UNSTARRED QUESTION NO:5079
ANSWERED ON:10.12.2010
OMBUDSMAN UNDER ELECTRICITY ACT
Jaiswal Shri Gorakh Prasad ;Laguri Shri Yashbant Narayan Singh

Will the Minister of POWER be pleased to state:

- (a) the jurisdiction of Ombudsman under the Electricity Act, 2003;
- (b) the number of judgments delivered by the Ombudsman during the last three years;
- (c) the number of judgments out of the above which have been delivered in favour of power consumers; and
- (d) the reasons for not framing responsibility in wake of judgments going in favour of consumers for wrong doing of power companies?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI BHARATSINH SOLANKI)

(a) : Any consumer, who is aggrieved by non-redressal of his grievances, may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Electricity Regulatory Commission. The Ombudsman shall have his jurisdiction on the representations made by a complainant with respect to his grievance. Section 42 of the Electricity Act, 2003 provides that the Ombudsman appointed by the designated State Commissions shall settle the grievance of the consumer within such time and in such manner as may be specified by the State Commission.

A 'Representation' can be made to the Ombudsman by the complainant in person or on behalf of such a complainant who is aggrieved by the outcome of the Forum's proceedings in respect of his/her grievance

(b) : During the last three years (2006-07 to 2008-09) 3964 judgements were delivered by the Ombudsman.

(c) : Based on the information made available by Central Electricity Regulatory Commission, there are a total of 323 cases in which compensation was paid by the distribution companies to the affected consumers as per the orders of Consumer Grievances Redressal Forum/ Ombudsman.

(d) : The State Commission is empowered to issue regulations prescribing the time and manner for settlement of grievances under Section 181(s) of the Electricity Act, 2003. The Ombudsman shall settle the grievances within such time and in such manner as may be specified by the State Commission.

However, in order to ensure that the judgments of the Ombudsman are adhered by the distribution companies so that the aggrieved consumers in whose favour the judgment has been passed gets his due from the distribution company, the Forum of Regulators are framing the Model Regulations for Consumer Protection. The Model Regulations have enabling provisions which have been reproduced below:

'The Ombudsman shall pass an order as early as possible, but in any case, within 60 days from the date of receipt of the representation. Where there is delay in the disposal of a representation within the said period, the Ombudsman shall record the reasons for such delay.

The order passed by the Ombudsman shall set out:

- a) Issue-wise decisions;
- b) Reasons for passing the order; and
- c) Directions, if any, to the Distribution Licensee or Complainant, or any other order, deemed appropriate in the facts and circumstances of the case.

The Licensee shall duly comply with and implement the decision of the Ombudsman on the representation filed by the Complainant within 15 days of the issue of the Order.

Non-compliance of the Ombudsman's orders shall be deemed to be a violation of these Regulations and shall be liable for appropriate action by the Commission under Sections 142 and 146, read along with Section 149 of the Electricity Act, 2003.

The orders of the Ombudsman shall be final and binding on the parties. No party can file an appeal before the Commission against the order'.

