

JURISDICTION AND PROCEEDINGS OF THE FORUM

27. Jurisdiction of the Forum

The Forum shall have the jurisdiction to entertain the grievances filed by the Consumer with respect to the services provided by the Licencee in its area of supply and give such orders and directions as may be deemed necessary.

28. Quorum of the Forum

At least two Members of the Forum shall constitute the Quorum for hearing of the grievances.

29. Grounds for Submission of Grievance before the Forum

If the ICGRC does not grant redressal within a total period of fifteen (15) days of the receipt of the grievance or if the Consumer is not satisfied with the redressal granted or for any other reason, the online portal of the Cell shall provide an option to the Consumer for referring his grievance to the concerned CGRF as provided for in regulation 11(c) above.

Notwithstanding the above, the Consumer may also, on his own, approach the appropriate Forum for redressal of grievances.

30. Action by the Staff of the Forum on receipt of Grievance

On receipt of the grievance, due record shall be made containing entries such as date of receipt, registration number, name and other Contact details of the Consumer, the category, the gist and the prioritisation of the grievance as per Regulation 7 above. The Forum shall forward an acknowledgement through SMS, or e-mail, or social communication networks to the Consumer.

The office of the Secretary of the Forum shall carry out the scrutiny of the grievance and shall place the same before the Forum for orders on admission within 7 (seven) days of the receipt of the grievance.

31. Procedure to be adopted by the Forum for redressal of Grievance

a) **Condition precedent for issuing Notice** - The grievance shall be placed before the Forum for orders. The Forum, if a prima facie grievance is made out, shall issue Notice to the Licencee, without there being any requirement of the Consumer being heard. Provided, that the Forum shall hear such matter urgently where interim relief has also been prayed for. However, if the Forum is of the prima facie opinion that no grievance is made it shall, before dismissing the grievance, grant an opportunity in this regard to the Consumer.

b) The Notice, if issued by the Forum, shall invariably indicate the next date of hearing; keeping in view the time line specified in sub Regulations (c) to (e) hereunder for the purpose of completion of the pleadings.

c) **Service of Copy of grievance to the Licencee** – within three (3) days of issuance of the Notice, the office of the Forum shall forward online a copy of the grievance to the Licencee directing it to file its reply.

d) **Reply by the Licencee** - The Licencee shall, within ten (10) days from the date of receipt of the notice from the Forum or within such period as may have been otherwise directed by the Forum, shall furnish reply to the Forum with a copy to the Consumer, failing which the Forum may, if deemed fit, proceed on the basis of the materials available on record.

e) **Rejoinder by the Consumer** - The Consumer, on request, may be granted seven (7) days' time, or within such period as may have been otherwise directed by the Forum, to file Rejoinder with a copy to the Licencee. The pleadings then shall stand completed.

f) **Notifying the parties about the date of hearing** – Within ten (10) days of the completion of the pleadings, or as may be otherwise directed, the Forum shall hear the matter.

g) **Manner of hearing** - The hearing(s) may be carried out in person, or in virtual or hybrid mode as per the discretion of the Consumer.

h) **Maintenance of Record** – The proceedings may be recorded at the discretion of the Forum and maintained as record for a period not less than one year from the date of the passing of the Final order by the Forum, for passing the Final Order.

i) **Restrictions on grant of adjournment** – Unless further adjournment is warranted in the interest of justice, the Forum shall not grant more than two adjournments of maximum 10 days each to each of the party respectively.

Provided that if the Forum is of the opinion, that the Licensee has not been able to justify seeking further adjournment or delay in filing the Reply etc., the Licensee, may be directed to make to the aggrieved Consumer such monetary reparations as may be found by the Forum to be just and fair for the loss of time in disposal of the matter.

j) **Duty of the Secretary to send reminders etc.** - In order to ensure that the pleadings are complete and the matter is ripe for hearing, it shall be the duty of the Secretary of the Forum to send reminders to the concerned party if the Reply or the Rejoinder or the document has not been filed by the concerned party within the time frame as had been mentioned in the Notice issued by the Forum.

For limited purpose of this particular Regulation, the Secretary of the Forum shall be deemed to be the Registrar of the Forum.

k) **Principles to be followed by the Forum in disposal of the grievance** -The Forum shall not be bound to follow the procedure prescribed in the Code of Civil Procedure, 1908 (5 of 1908) and, subject to these Regulations, the Forum may evolve procedure conforming to the principles of fair play and natural justice.

32. Powers of the Forum to call for records

The Forum may call any officer/ any record or information of the Licencee or from the Consumer, relevant for examination and disposal of the grievance. The Forum may undertake to inspect the site by itself or direct any of its employee or any other suitable person or agency to inspect the site and submit a report.

33. Power to Pass Interim Orders

The Forum may pass an Interim order as deemed fit in the facts and circumstances of the case, preferably after giving an opportunity to the other party of being heard. The Interim order, if any, shall be duly forwarded to both the parties.

34. Order to be a Speaking Order & provision for Casting Vote

Every Order passed by the Forum shall be a speaking Order.

Provided that in case of difference of opinion among the Members on any point or points, the decision of the majority shall prevail. In the event of equality of votes, the Chairperson of the Forum or, in the absence of the Chairperson, the senior most Member of the Forum shall have a casting vote.

For clarification of doubt, the seniority amongst the Members, other than the Chairperson of the Forum, shall be as per respective date of their joining or if that be the same, as per the dates of birth.

35. Compulsory contents of the Speaking Order.

Every Order passed by the Forum shall invariably contain the following endorsement.

- a) "This Order shall be complied with within days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier. (if applicable).
- b) "The parties are hereby informed that the instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.
- c) If the Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.
- d) Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003."

36. Supply of Online & Certified copies of the Orders

The Forum shall supply a certified copy of the orders to both the parties within seven (7) days of the signing of the Order.

37. Power to Review

The Forum may review its Orders in conformity with the principles laid down in Section 114 read with Order 47 Rule 1 of the Civil Procedure Code, 1908.

38. Online transmission of Documents to the Ombudsman

After completion of the proceedings in each case, the Forum shall, through Online mode, forward all the relevant documents and the Order of the Forum, to the Ombudsman, on the request made in this behalf by the aggrieved party.

39. Submission of Compliance Report & updation thereof on Websites

The Licencee or the person as mentioned in the Order, as the case may be, shall submit a compliance report of the order within three (3) days from the date of due compliance mentioned in the Order. Such compliance report shall also be uploaded within three (3) days thereafter on the web portal of the Forum and of the ICGRC by the concerned Staff.

40. Submission of Quarterly Report to Ombudsman & Commission

The Forum will send quarterly reports to the Ombudsman and to the Commission, in respect of standards of performance, other performance parameters and consumer grievances related information showing the extent to which the time schedule has been followed in redressing the consumer grievances.

41. Monitoring of Forum by the Commission

The Commission shall monitor the performance of the CGRF

But shall not include the following:

- (x) Unauthorized use of electricity as provided under Section 126 of the Act;
- (xi) Offences and penalties as provided under Sections 135 to 141 and 150 of the Act; and
- j) **"Internal Consumer Grievance Redressal Cell" or "ICGRC"** means such first authority to be contacted for redressal of the consumer grievance, as notified by the Licencee.