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Ref. No: SE/TRC/CGRF-Reg/11906

Date: 30.06.2020

To,
Secretary,
Maharashtra Electricity Regulatory Commission,
13th Floor, Center I, World Trade Centre,
Cuffee Parade, Colaba,
Mumbai

Subject: MSEDCL comments on Draft MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020.

Reference: 1. MERC Public Notice dated 17th May, 2020.

2. MERC Public Notice dated 13th June, 2020

Sir,

Hon'ble Commission has issued a draft of the proposed amendments to the Consumer Grievance Redressal Forum & Electricity Ombudsman Regulations and vide its public notice under reference has invited comments, suggestions/objections on the said draft. MSEDCL has prepared clause wise comments on draft regulations in detail and attached herewith as an **Annexure-A**. Further the comments on some of the important issues and its rationale have been highlighted in detail as below:

As spelt out in Preamble of the Electricity Act,2003 (the Act), one of the basic objective of the Act is protecting interest of consumers. To supplement this effort, statutory mechanism by way of Consumer Grievances Redressal Forums (CGRF) and Electricity Ombudsman (EO) have been incorporated in the Act. Accordingly, every distribution licensee shall establish a forum for redressal of grievances of the consumers. As per the Electricity Rules,2005, Hon'ble Commission is required to nominate one independent member who is familiar with the consumer affairs. The Hon'ble Commission is only required to stipulate the manner of appointment and the qualification and experience of the persons to be appointed as member of the Forum.

Combined readings of the Act as well as Rules provides that the CGRF is an integral organ/institution of Distribution Licensee. It is not a statutory body. However, in the Draft

CGRF Regulations Hon'ble Commission has provided that the Chairperson as well as the independent Member shall be appointed by the Hon'ble Commission. This is deviating from the provisions of the Act as well as Electricity Rules. By doing so, the Hon'ble Commission is unsettling the basic principles of the guidelines and the provisions of Act as well as the Electricity Rules.

Complaint means a statement that something is wrong or not satisfactory. In service industry customers complaints whenever there is any shortfall in service. MSEDCL has its own complaint handling system. Any unaddressed complaint or sustained lack of service leads to Grievance. It is pertinent to note that a grievance is the formal dispute between two parties on certain conditions, any dissatisfaction or feeling of injustice. Grievances are complaints that have been formally registered in accordance with the grievance procedure. Hence, each complaint cannot be considered as grievance. Further, complaint handling system and grievance handling system needs to be different and distinct.

The Hon'ble Commission at Regulation 3.4 of Draft Regulation has provided for approved list of Forums of Distribution Licensees in the State of Maharashtra at Appendix 1. Further, the Draft specifies establishment of one forum in each distribution zones falling within its area of supply. Moreover, it also provides for one Forum for more than one zone depending on cases and workload of the forum. It is necessary to provide licensee freedom to decide the number of Forums, their locations and areas of jurisdiction.

It is also pertinent to note that the larger States with similar size of MSEDCL also have very few CGRFs mostly at headquarter location of the DISCOM. The number of consumers and Forums are shown in following table.

DISCOM	PGVCL	MGVCL	UGVCL	DGVCL
No. of Consumers (in Lakhs)	60.27	33.14	37.85	32.37
No. of CGRFs	3	1	1	1

Considering more than 2.5 crores consumers of MSEDCL, it may have 5 to 6 CGRFs. It is also pertinent to note that CGRFs in other States are quite less in the range of 1 to 4 nos.

State	No. of CGRFs	State	No. of CGRFs
Madhya Pradesh	3	Uttarakhand	4
Rajasthan	3	Chhattisgarh	3
Punjab	1	Andhra Pradesh	2
Haryana	2	Telangana	2

(Source: Based on information available in public domain)

Considering the difference in number of cases/grievance received at some of the CGRFs, Licensee may be allowed to decide the number of Forums, their Locations and areas of jurisdiction of each forum.

MSEDCL welcomes the decision of Hon'ble Commission to allow the persons having experience related to distribution and supply of electricity as a Chairperson, CGRF. A person

having experience of distribution & supply of electricity is in a better position to deal consumer grievances and can do the justice to these matters. It is also pertinent to note that Ombudsman in other sectors viz. Insurance, Banking etc. allow the person having experience in Insurance, Banking sector to work as Ombudsman.

Regulation 4.9 – stipulate that the office space of the Forum shall be separate from the premises of the Distribution Licensee, to the extent possible. MSEDCL submits that at present CGRF offices are established in MSEDCL’s premises. The common facilities of MSEDCL are available to CGRFs also and location is convenient to consumer also. Hence separate office space outside MSEDCL premises as it will only add cost. Regulation 4.10 of the Draft CGRF Regulations provides that the Distribution Licensee shall ensure appropriate annual budget to the Forum. MSEDCL suggests that the office space as well as other assets are already in place for Forums. Salaries and allowances are being paid by Licensee regularly. Therefore, there is no requirement of separate budget for Forum.

Hon’ble Commission has proposed to abolish the IGRC and instead proposed to establish ICRS (Internal Complaint Redressal System). The comparison of the grievances before IGRC & CGRF Latur, Nanded and Aurangabad zone is given below. It can be seen that had there been no IGRC, the cases before the CGRF Aurangabad would have been double.

Zone	IGRC		CGRF	
	FY 17-18	FY 18-19	FY 17-18	FY 18-19
Latur	16	16	16	14
Nanded	40	28	5	8
Aurangabad	104	154	49	59
Total	160	198	70	81

MSEDCL’s existing complaint handling system is having similar features that of ICRS with appropriate complaint escalation system. The said complaint handling system works in synchronism with complaints lodged at its customer care centre. If any complaint is unaddressed or unresolved then such complaint can be raised by consumer before IGRC. As depicted in table above most of the grievances get resolved at IGRC level, hence MSEDCL insists for continuing the functioning of IGRC though Regulatory mandate. Hence the present 3 tier system of grievance redressal needs to be retained.

If Commission intends to proceed with formation of ICRS then it shall be made mandatory for the consumer to first register his complaint on ICRS and if the consumer is not satisfied with the resolution of his complaint by the Licensee or if the Licensee does not act upon his complaint registered on ICRS within say 15 days (or any specific period), he may approach the IGRC. If still consumer is not satisfied then he can raise the grievance before the Forum.

It is observed that most of the time consumer representatives are appearing before CGRF / Ombudsman. It is proposed that even if the Consumer authorizes any person to represent before Forum or Ombudsman, the consumer should remain present during the hearings. The consumer should not remain absent for the hearing without prior approval of Forum/ Ombudsman. Forum/ Ombudsman should allow the absence only during the emergency or in exceptional cases only. Further MSEDCL suggest that in order to avoid false and misleading complaints; it is necessary to have filing fee for cases before Forum and Electricity Ombudsman.

MSEDCL submits that Regulation 32 of the MERC (Conduct of Business) Regulations, 2004 empowers Hon'ble Commission to initiate *suo motu* proceedings. In order to prevent the irregularities in the Orders by Forum/Ombudsman and to give complete justice in any given matter, it is necessary to provide suitable provisions in the Regulations. This will also put a check on the conformity with the rules and regulations along with consistency in the Orders of Forum/Ombudsman. The Hon'ble Commission must have suo-motu powers to issue appropriate orders in the interest of justice in case of there is violation of legal provisions, public representations/agitation or inordinate delay in delivering justice.

MSEDCL submits that above are the some of the important issues on which comments are provided. Further, clause wise detailed comments are provided in the attached annexure A. The said comments may please be taken on record and be considered while finalising the draft MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020.

Yours Sincerely,

Sd/-
(Satish Chavan)
Director (Commercial)
MSEDCL

Encl.:-

Annexure A: Comments on MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 in tabular form.

Clause No. in Draft Regulations	MERC CGRF & EO Regulations 2006 (Existing)	Draft MERC CGRF & EO Regulations (Proposed)	Comments
<p>MSEDCL Suggestion</p>			<p>Hon’ble Commission has used the term “Complainant” multiple times. However, the same is not defined. In order to get more clarity, it is necessary to define ‘Complainant’ in Regulations. This will assist in arresting the spurious and baseless complaints. Therefore, MSEDCL suggest following definition of ‘Complainant’:</p> <p><i>“Complainant” means (a) any Consumer or Consumers as defined in Section 2 (15) of the Act including their legal heirs or successors and includes prospective consumers; who have applied in accordance with SoP and supply code Regulations, having a Complaint against a Licensee and lodging the same either directly or through their representatives;</i></p>
<p>Chapter-I, Regulation 2, Definitions</p>	<p>2.1 (d) “Internal Grievance Redressal Cell” or “IGR Cell” means such first authority to be contacted by the consumer for redressal of his/her Grievance as notified by the Distribution Licensee;</p>	<p>2.1 (d) “Internal Grievance Redressal Cell” or “IGR Cell” means such first authority to be contacted by the consumer for redressal of his/her Grievance as notified by the Distribution Licensee;</p>	
<p>Chapter-I, Regulation 3, Basic Principles</p>	<p>3.2 A Distribution Licensee shall establish one (1) Forum in each distribution Zone falling within its area of supply:</p> <p><i>Explanation – for the purpose of this</i></p>	<p>3.3 A Distribution Licensee shall generally establish one (1) Forum in each distribution zone falling within its area of supply.</p> <p><i>Explanation – for the purpose of this Regulation</i></p>	<p>It is necessary to provide licensee freedom to decide the number of Forums, their locations and areas of jurisdiction. Considering the number</p>

Clause No. in Draft Regulations	MERC CGRF & EO Regulations 2006 (Existing)	Draft MERC CGRF & EO Regulations (Proposed)	Comments
	<p>Regulation 3.2, the term “distribution Zone” shall mean the geographical area falling within the jurisdiction of a zonal office of the successor entities of the Board as may be vested with the functions of distributing electricity pursuant to re-organisation of the Board.</p> <p>Provided that the Distribution Licensee shall be allowed to establish one (1) Forum for more than one (1) distribution Zone, depending on the number of cases and work load of the Forum:</p> <p>Provided further that where the area of supply is the city of Greater Mumbai and adjoining areas, each Distribution Licensee shall have at least one (1) Forum for such area of supply:</p> <p>Provided also that the area of jurisdiction of the Forum shall be decided by the Distribution Licensee subject to any guidelines or directions that may be issued by the Commission, from time to time.</p>	<p>3.3, the term “distribution zone” shall mean the geographical area falling within the jurisdiction of a zonal office of the successor entities of the Board as may be vested with the functions of distributing electricity pursuant to re-organisation of the Board.</p> <p>Provided that the Distribution Licensee shall be allowed to establish one (1) Forum for more than one (1) distribution Zone, depending on the number of cases and work load of the Forum:</p> <p><i>Provided that</i> where the area of supply is the city of Greater Mumbai and adjoining areas, each Distribution Licensee shall have at least one (1) Forum for such area of supply.</p> <p>Provided also that the area of jurisdiction of the Forum shall be decided by the Distribution Licensee subject to any guidelines or directions that may be issued by the Commission, from time to time.</p>	<p>of cases/grievance received at some of the CGRFs, Licensee may be allowed to decide the number of Forums, their Locations and areas of jurisdiction of each forum.</p> <p>Therefore, MSEDCL suggest considering following instead for Regulation 3.3 and 3.4:</p> <p><i>3.3 The number of Forums, their Locations and areas of jurisdiction of each forum may be decided by the Licensee.</i></p> <p><i>3.4 While deciding the number of Forums, location and area of jurisdiction, the Licensee shall ensure that adequate number of Forums are established such that consumers under the jurisdiction of the respective Forum have an easy access to the Forum, Members of the Forum are able to conduct at least one sitting in each Region/Zone in a month and all Grievances are redressed within the time-limit specified under these Regulations.</i></p>
<p>Chapter-I, Regulation 3, Basic Principles</p>	<p>Newly Added</p>	<p>3.4 The location of approved list of Fora of Distribution Licensees in the State of Maharashtra is given at Appendix 1:</p> <p>Provided that the Commission may notify any change in the Appendix 1 through Order, as</p>	

Clause No. in Draft Regulations	MERC CGRF & EO Regulations 2006 (Existing)	Draft MERC CGRF & EO Regulations (Proposed)	Comments
		<p>necessary from time to time, after due public consultations.</p>	<p>It is pertinent to note the GERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019 has a similar provision wherein Members of a Forum can conduct at least one sitting in each revenue district each month.</p> <p><i>2.2. The number of Forums, their Locations and areas of jurisdiction of each forum may be decided by the Licensee. While deciding the number of Forums, location and area of jurisdiction, the Licensee shall ensure that adequate number of Forums are established such that consumers under the jurisdiction of the respective Forum have an easy access to the Forum, Members of the Forum are able to conduct at least one sitting in each revenue district in a month and all Grievances are redressed within the time-limit specified under these Regulations. (Emphasis added)</i></p> <p>Accordingly, the Gujarat State Discoms have 6 CGRFs.</p> <p>It is also pertinent to note that the larger States with similar size of MSEDCL also have very few CGRFs mostly at headquarter location of the DISCOM.</p>

Clause No. in Draft Regulations	MERC CGRF & EO Regulations 2006 (Existing)	Draft MERC CGRF & EO Regulations (Proposed)	Comments
			<p>Considering the difference in number of cases/grievance received at some of the CGRFs, it may not be worthwhile to have separate CGRF. Even with lesser number of CGRFs, hearing can be held at all Zones. Bench of Members will travel to distant CGRF location from a CGRF headquarters on pre-fixed dates/days as required. Therefore, MSEDCL humbly submits that the Licensee may be allowed to decide the number of Forums, their Locations and areas of jurisdiction of each forum depending on the number of cases/grievances provided that least one sitting is conducted in each Zone each month. This will serve the intended purpose and there will be savings in cost and time for consumers as well as for MSEDCL.</p>
<p>Chapter-I, Regulation 3, Basic Principles</p>	<p>Newly Introduced</p>	<p>3.9 As part of the internal complaint redressal system of the Distribution Licensee, a web-based portal shall be created whereby consumers can register their complaints electronically/digitally through SMS, online registration, web-chat facility and mobile application (in person or through toll free telephone numbers), which shall be integrated with the complaint handling system through the Consumer Call Centres.</p>	<p>Hon'ble Commission has proposed to abolish the IGRC and instead proposed to establish ICRS (Internal Complaint Redressal System). Combined reading of the Regulation 3.9 and 7.1 and the Paragraph 3.2 of Explanatory Memorandum provides that it is not mandatory for the consumer to first approach the Licensee before approaching the Forum. MSEDCL</p>

Clause No. in Draft Regulations	MERC CGRF & EO Regulations 2006 (Existing)	Draft MERC CGRF & EO Regulations (Proposed)	Comments
<p>Chapter-I, Regulation 3, Basic Principles</p>	<p>Newly Introduced</p>	<p>3.10 The complaints registered through the integrated portal under the internal complaint redressal system shall be addressed in the following manner:</p> <p>(a) The Complainant can create their own logins wherein they can lodge multiple complaints and keep a track of all individual complaints till the complaint is resolved;</p> <p>(b) All complaints received shall be automatically assigned/sent to the respective department/cell, for speedy redressal;</p> <p>(c) The respective department/cell is required to provide remedy on the complaint within a stipulated time from the date of registering the complaint;</p> <p>(d) The concerned officer shall take necessary action on the complaint and update and/or close the same on the portal;</p> <p>(e) The Distribution Licensee shall design its own escalation index for non-resolution/non-closure of complaint depending on the time elapsed from the date of registering the complaint;</p> <p>(f) Every Distribution Licensee shall have one officer in its area/district/zone, depending on the number of complaints received, assigned specifically for resolution of complaints, who shall be directly reporting to the Chief Engineer/Zonal Chief of that area;</p>	<p>submits that the three tier system of grievance redressal which includes IGRC is to be retained .</p> <p>In the Memorandum of explanation, the Hon’ble Commission has provided the reasons for discontinuing the IGRC that majority of the decision are given in favour of licensee but later on CGRF revised them in favour of the consumers. It is also stated that the addition of the IGRC layer delays the redressal of the grievance.</p> <p>Though, the explanation may be true to some extent, no opportunity remains with the Licensee to redress the dispute before the consumer approaches the Forum. It can be seen that had there been no IGRC, the cases before the CGRF would have been increased.</p> <p>The proposed Regulations provides for the online system for the ICRS where the consumer can track his complaints. It has also been made mandatory (Regulation 3.10 (f)) to have one officer to specifically handle the complaints through ICSR. If Hon’ble Commission intends to proceed with formation of ICRS then, it shall be made mandatory for the consumer to first register his</p>

Clause No. in Draft Regulations	MERC CGRF & EO Regulations 2006 (Existing)	Draft MERC CGRF & EO Regulations (Proposed)	Comments
		<p>(g) The portal shall also have a feedback mechanism with a suggestion window wherein the consumers can register their feedback based on the service provided;</p> <p>(h) The Distribution Licensee shall provide quarterly update to the respective CGRF on the status of complaints, including summary of the feedback received from the consumers: Provided that the same shall also be uploaded on the website in an easy to read format.</p>	<p>complaint on ICRS and if the consumer is not satisfied with the resolution of his grievance by the Licensee or if the Licensee does not act upon his grievance registered on ICRS within say 15 days (or any specific period – say maximum 3 days in case of disconnection of supply and 15 days in all other cases), he may approach the Forum.</p>
<p>Chapter-I, Regulation 3, Basic Principles</p>	<p>Newly Introduced</p>	<p>3.11 The Chairperson of the respective CGRF may give directions to the Distribution Licensee based on the reports received on number of complaints disposed of by the internal complaint redressal system in stipulated time and the feedback/suggestion provided by the consumers.</p>	<p>It shall also be made very clear to the consumers that the complaint registered with the ICRS portal does not automatically gets converted as complaint before CGRF and he has to separately register his complaint with CGRF. Provisions of Regulation 3.10 & Regulation 7 are unclear. Further, MSEDCL has apprehension regarding Regulation 3.10 (h) and 3.11. MSEDCL suggest that its internal complaint handling system’s performance may kept separate from CGRF functioning. MSEDCL has its own hierarchy for escalation of complaints to look in to and deal with operational matters. Hence, the Regulation 3.11 needs to be removed.</p>
<p>Chapter-II,</p>	<p>4.1 Each Forum to be constituted by the Distribution Licensee shall consist of three</p>	<p>4.1 Each Forum to be constituted by the</p>	<p>As per the provisions of the Section 42 (5) of the Act as well as the Rule 7 of</p>

Clause No. in Draft Regulations	MERC CGRF & EO Regulations 2006 (Existing)	Draft MERC CGRF & EO Regulations (Proposed)	Comments
<p>Regulation 4, Constitution of Forum for Redressal of Consumer Grievances</p>	<p>members, who shall meet the following criteria:</p> <p>(a) The Chairperson of the Forum shall be a retired senior judicial officer; or a retired civil servant not below the rank of a Collector; or a retired Principal of a reputed Engineering college; or a retired Professor of the Electrical Engineering Department of a reputed institute; or a retired senior electrical engineer of the Government.</p> <p><i>Provided that</i> the Chairperson shall preferably have working knowledge of the vernacular language of the State of Maharashtra.</p>	<p>Distribution Licensee shall consist of three members, who shall meet the following criteria:</p> <p>(a) The Chairperson of the Forum shall be a retired senior judicial officer; or a retired civil servant not below the rank of a Collector; or a retired Principal of a reputed Engineering college; or a retired Professor of the Electrical Engineering Department of a reputed institute; or a retired senior electrical engineer of the Government; or a retired engineer from a government Distribution Licensee not below the rank of Superintending Engineer or equivalent officer, and having at least thirty (30) years of experience, with adequate knowledge of power sector:</p> <p>Provided that the Chairperson shall preferably have working knowledge of the vernacular language of the State of Maharashtra:</p> <p>Provided further that the Chairperson shall be nominated by the Commission after inviting applications from interested persons and selecting from shortlisted candidates:</p> <p>Provided also that the Commission shall verify the integrity and background of such applicants;</p>	<p>Electricity Rules 2005, distribution licensee is required to establish a Forum for Redressal of Grievances of Consumers. Hon'ble Commission needs to nominate one independent member of the CGRF. Combined readings of the Act as well as Rules provides that the CGRF is an integral organ of Distribution Licensee.</p> <p>Various State Commissions including GERC, JERC, APERC, TSERC, MPERC and CSERC appoint only the Independent Member and the Chairperson is being appointed by the Licensee..</p> <p>Therefore, MSEDCL requests the Hon'ble Commission to continue with the existing provisions for appointment of Chairperson of the Forum by Licensee. Only the Independent Member should be appointed by the Hon'ble Commission. Therefore, MSEDCL suggests the following:</p> <p>4.1 Each Forum shall consist of 3 (three) members: (i) Chairperson, (ii) Technical Member and (iii) Independent Member. The Chairperson and the Technical Member shall be appointed by the licensee; the Independent Member shall be nominated by the</p>

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	<p>(b) One member shall be a person not below the rank of an executive engineer of the Board or a person of equivalent rank of any other Distribution Licensee.</p> <p>(c) One member shall be nominated by the Commission, who shall be a representative of a registered voluntary consumer protection organization of the area, working preferably for at least five (5) years on matters concerning consumer grievances.”</p> <p><i>Provided that</i> the Distribution Licensee shall, while appointing the member referred to in sub-clause (b), ensure that he/she is a person having knowledge and experience in distribution and supply of electricity.</p> <p><i>Provided that,</i> such member referred to in sub-clause (c), shall not have been in the employment in any capacity under, or agency of, the Distribution Licensee for a minimum period of three (3) years prior to being</p>	<p>(b) One Member shall be a person not below the rank of Executive Engineer or a person of equivalent rank of any Distribution Licensee and having at least fifteen (15) years of experience:</p> <p>Provided that the Distribution Licensee shall ensure that he/she is a person having knowledge and experience in distribution and supply of electricity and of high integrity and moral background;</p> <p>(c) One independent Member shall be nominated by the Commission, who shall have experience of working for at least ten (10) years on matters concerning consumer Grievances:</p> <p><i>Provided that the Distribution Licensee shall, while appointing the member referred to in sub-clause (b), ensure that he/she is a person having knowledge and experience in distribution and supply of electricity.</i></p> <p>Provided that such Member shall not have been in the employment in any capacity under,</p>	<p><i>Commission.</i></p> <p><i>The Licensee shall inform the appointment of the Chairperson and the Technical Member to the Commission within a week of their appointments.</i></p> <p>Draft Regulations stipulate that independent Member shall have experience of working for at least ten (10) years on matters concerning consumer Grievances. Further, preference shall be given to a representative of a registered voluntary consumer protection organization or Industrial Association or Research Institute.</p> <p>MSEDCL has certain apprehensions regarding above qualifications of Independent Members. It is submitted that above provisions needs to be explicitly spelt out by mentioning following:</p> <p>(i) Type of research institute (Private, Government aided, Government, Area of research etc.)</p> <p>(ii) It is important that the experience of working needs to be with particular registered voluntary consumer protection organization</p>

Clause No. in Draft Regulations	MERC CGRF & EO Regulations 2006 (Existing)	Draft MERC CGRF & EO Regulations (Proposed)	Comments
	<p>appointed as member of the Forum.</p>	<p>or agency of, the Distribution Licensee or provided consultancy services to electricity consumers for a minimum period of three (3) years prior to being appointed as member of the Forum:</p> <p>Provided further that the Commission shall invite applications from interested persons and select from shortlisted candidates:</p> <p>Provided also that preference shall be given to a representative of a registered voluntary consumer protection organization or Industrial Association or Research Institute:</p> <p>Provided also that preference shall be given to a person who resides in the same area:</p> <p>Provided also that the Commission shall verify the integrity and background of such applicants.</p>	<p>or Industrial Association or Research Institute. It has been observed that in many cases voluntary consumer protection organization is registered recently but applicant claims work experience and his association of more than 10 years, which is not possible.</p> <p>(iii) The consumer Protection Act, 2019 provides explanation for meaning of recognised consumer association and reads as below: <i>“35. Manner in which complaint shall be made</i> <i>Explanantion.- For the purpose of this sub-section, “ recognised consumer association” means any voluntary consumer association registered under any law for time being in force.”</i></p> <p>Further, Section 34 of the Bureau of Indian Standards Act,1986 (63 of 1986) provides for certificate of recognition to consumer associations. Hence, such certification is considered valid. Further validity of the experience certificate should be verified prior to the Member’s appointment from the</p>

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			<p>appropriate authority. Therefore, MSEDCL requests the Hon'ble Commission to clearly specify the qualifications of Independent Member and relevant experience desired in specific fields.</p> <p>In the Draft CGRF Regulations has added experience related to distribution and supply of electricity to qualification of Chairperson of Forum and electricity sector utility for Ombudsman.</p> <p>In exercise of powers conferred by section 176 of the Electricity Act, 2003 (Act 36 of 2003), the Central Government has made the Electricity Rules, 2005. As per the Electricity Rules as amended on 26th October, 2006, Distribution Licensee is required to establish a Forum for Redressal of Grievances under Section 42(5) of the Electricity Act,2003 which shall consist of officers of the Distribution Licensee. The relevant extract of the Electricity Rules is reproduced below:</p> <p>7. Consumer Redressal Forum and Ombudsman</p> <p><i>(1) The distribution licensee shall establish a Forum for Redressal of Grievances of Consumers under</i></p>

Clause No. in Draft Regulations	MERC CGRF & EO Regulations 2006 (Existing)	Draft MERC CGRF & EO Regulations (Proposed)	Comments
			<p><i>subsection (5) of section 42 which shall consist of officers of the licensee. (Emphasis Added)</i></p> <p>MSEDCL submits that intent of above provision is to bring in technical expertise for faster resolution of the Grievances. It is pertinent to note that consumer grievances involve complex techno commercial issues and understanding of work processes. Prima facie cases related to billing require understanding of technical aspects such as power factor, load factor, Time of Day Tariff structure etc. Further, understanding of cost estimates, surveys and technical feasibility study are necessary to arrive at balanced Judgement.</p> <p>Therefore, MSEDCL welcome the decision of Hon’ble Commission to allow the persons having experience related to distribution and supply of electricity. It is a well-known fact that distribution and supply of electricity is an engineering activity which requires technical skills. Persons with experience of distribution and supply of electricity can definitely look into the matters with technical angle and understand the</p>

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			<p>technicalities involved in the matters related to distribution, supply, meters and equipment etc. MSEDCL fully support this decision because distribution and supply of electricity also involves techno commercial matters. Many a times, cases where it is required to establish the exact nature of dispute, technical skills are must for this. Therefore, a person having experience of distribution & supply of electricity is in a better position to deal consumer grievances and can do the justice to these matters. It is also a known fact once an Officer is retired for Government Company, he is free to do any professional job. On any job, the experience, ability, integrity and standing of the person will be necessary. The same can be seen in case of Retired Officers of Distribution licensee working in various Private Sector Companies. Further, the Draft Regulations have made the provisions that the Hon’ble Commission shall verify the integrity and background of the applicants including antecedent checks and police records. Therefore, having the specific sector experience will help them for a well-considered impartial decision making and to give justice to</p>

Clause No. in Draft Regulations	MERC CGRF & EO Regulations 2006 (Existing)	Draft MERC CGRF & EO Regulations (Proposed)	Comments
			<p>the grievances placed before them. The Principal or Professor of Engineering Colleges have only academic exposure and they are not well versed with the Regulations as well as Billing issues.</p> <p>It is also pertinent to note that Ombudsman in other sectors viz. Insurance, Banking etc. allow the person worked in Insurance, Banking sector to work as Ombudsman. As per the Insurance Ombudsman Rules, 2016, Ombudsman is to be selected from persons having experience of the insurance industry. The relevant extract of the Rules is reproduced below: <i>7 (2) An Ombudsman shall be selected from amongst persons having experience of the insurance industry, civil service, administrative service or judicial service. (Emphasis Added)</i></p> <p>Further, as per the Banking Ombudsman Scheme, 2002, persons from Banking Industries were allowed to be Ombudsman. The relevant extract of the Scheme is reproduced below: 7. QUALIFICATION <i>The Banking Ombudsman shall be a person of repute and having experience in the legal, banking, financial services,</i></p>

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			<p><i>public administration or management sectors and if such person is a civil servant he should be in the rank of Joint Secretary or above in the Government of India and in case of such person being from banking sector, he should have had the experience of working as a whole time director in a public sector or equivalent position. (Emphasis Added)</i></p> <p>However, subsequently, as per the Banking Ombudsman Scheme 2006, the Reserve Bank may appoint one or more of its officers in the rank of Chief General Manager or General Manager to be known as Banking Ombudsmen to carry out the functions entrusted to them by or under the Scheme. Thus, the people with Banking Background only act as Banking Ombudsman.</p> <p>Therefore, MSEDCL again welcome the decision of Hon’ble Commission to allow the persons having experience related to distribution and supply of electricity and request the Hon’ble Commission to retain the proposed Amendment related to qualifications of Chairperson of Forum and Ombudsman as suggested by MSEDCL and allow retired person from Distribution Licensee to work as</p>

Clause No. in Draft Regulations	MERC CGRF & EO Regulations 2006 (Existing)	Draft MERC CGRF & EO Regulations (Proposed)	Comments
			Chairperson of Forum and Ombudsman.
<p>Chapter-II, Regulation 4, Constitution of Forum for Redressal of Consumer Grievances</p>	<p><i>Provided also that where the Chairperson is absent from a sitting of the Forum, the technical member, who fulfills the eligibility criteria of sub-clause (b) above, shall be the Chairperson for such sitting.</i></p>	<p>4.3 Where the Chairperson is absent or the post of Chairperson is vacant, the independent Member, who fulfils the eligibility criteria of sub-clause (c) of Regulation 4.1 above, shall act as the Chairperson, subject to concurrence of the Electricity Ombudsman.</p>	<p>MSEDCL strongly opposes to this provision and submits that only the Technical Member should be allowed to act as Chairperson in case Chairperson is absent or the post of Chairperson is vacant. The Independent Member has the background of the matters concerning consumer Grievances. No technical requirement mentioned to be an Independent Member. They may not have the billing knowledge as well as the experience. The Technical Member has technical expertise, field experience and knowledge of billing system. Therefore, he is in a better position to deal with the matter. only the Technical Member should act as Chairperson in case Chairperson is absent or the post of Chairperson is vacant. Additionally, the requirement of concurrence of Electricity Ombudsman is also not required because the Technical Member has the requisite qualifications as specified in the Regulations and after satisfying the qualifications only, he is selected for the post. Therefore, MSEDCL suggests following: <i>4.3 Where the Chairperson is absent or the post of Chairperson is vacant, the</i></p>

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			independent <i>Technical Member, who fulfils the eligibility criteria of sub-clause (e) (b) of Regulation 4.1 above, shall act as the Chairperson, subject to concurrence of the Electricity Ombudsman.</i>
<p>Chapter-II, Regulation 4, Constitution of Forum for Redressal of Consumer Grievances</p>	<p>4.3 Every member of the Forum shall hold office for a fixed term of three years provided that the tenure of a member may be extended by the Distribution Licensee or in case of the member referred to in Regulation 4.1 (c) by the Commission for a further period not exceeding two (2) years subject to an overall age limit of sixty-seven (67) years.”</p> <p><i>Provided that</i> a member of the Forum who is in the employment of the Distribution Licensee upon his transfer shall cease to be member of the Forum and the Distribution Licensee shall designate another officer as member of the Forum who shall comply with the eligibility criteria set out in sub-clause (b) of Regulation 4.1.</p>	<p>4.5 Every Member of the Forum shall hold office for a fixed term of three (3) years provided that the tenure of a Member referred to in Regulation 4.1 (b) may be extended once by the Distribution Licensee or in case of the Member referred to in Regulations 4.1 (a) or (c) by the Commission for a further period not exceeding two (2) years subject to an overall age limit of sixty-five (65) years:</p> <p><i>Provided that</i> a Member of the Forum who is in the employment of the Distribution Licensee shall cease to be member of the Forum upon his transfer, and the Distribution Licensee shall designate another officer as Member of the Forum who shall comply with the eligibility criteria set out in sub-clause (b) of Regulation 4.1:</p> <p><i>Provided further that the extension of tenure of the Members by the Distribution Licensee shall be done only in consultation with the Commission:</i></p> <p><i>Provided also that the age limit of 65 years</i></p>	<p>The extension of the term of the Chairperson or Independent member may be limited to only one term. The proposed provision provides for unlimited extensions till they reach age of 65 years. Therefore, MSEDCL suggest following:</p> <p><i>Provided that subject to fulfillment of the conditions of eligibility the Chairperson or Independent Member of the Forum shall be eligible for reappointment for a second term of two year only once;</i></p> <p>In line with the Section 89 (5) of the Electricity Act 2003, following provisos may be added in 4.5 of the Draft Regulation:</p> <p><i>Any Member of the Forum, after ceasing to hold office, shall not accept any commercial employment for a period of two years from the date he ceases to hold such office;</i></p> <p><i>Any Member of the Forum, after ceasing</i></p>

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		shall be applicable for existing appointments also at the end of their fixed term or extended term, as applicable.	<i>to hold office, shall not represent any person before any Forum in any manner;</i>
Chapter-II, Regulation 4, Constitution of Forum for Redressal of Consumer Grievances	4.7 Notwithstanding the foregoing provisions of Regulation 4 above, the terms and conditions of service of a member of the Forum who is in the employment of the Distribution Licensee shall be governed by the terms and conditions of his employment with such Distribution Licensee.	<p>4.7 An existing Chairperson or independent Member or Technical Member shall be liable to be removed from his/her office forthwith on account of any of the aforesaid disqualifications arising or being discovered:</p> <p>Provided that no Chairperson or independent Member shall be removed by the Commission from his/her office on any ground specified in the aforesaid clauses of Regulation 4.6 unless the Electricity Ombudsman, has, on an independent inquiry held by him/her, in accordance with such procedure as directed by the Commission, reported to the Commission that such Chairperson or independent Member ought, on such ground or grounds, to be removed:</p> <p>Provided further that the provisions of Regulation 4.6 shall not be applicable to the Technical Member, who shall be governed by the service rules/regulations of the Distribution Licensee. In case of any Grievance filed by a Complainant with regard to implementation of Regulation 5.2 of the Maharashtra Electricity Regulatory Commission (Grid Interactive Rooftop Renewable Energy Generating Systems) Regulations, 2019, the concerned</p>	MSEDCL suggest that removal procedure clauses need to be separated from Technical support clauses.

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		<p>Forum may take assistance on technical matters from any Independent Advisor empanelled with the Maharashtra Energy Development Agency (MEDA):</p> <p>Provided that a Forum may take assistance on specific technical matters for specific period from any Independent Advisor empanelled with the Central or State Government, in consultation with the Electricity Ombudsman.</p>	
<p>Chapter-II, Regulation 4, Constitution of Forum for Redressal of Consumer Grievances</p>	<p>4.5 The sitting fees, honorarium and/or other allowances (collectively “Remuneration”) payable to the members shall be such as may be decided by the Distribution Licensee.</p> <p><i>Provided that</i> the Remuneration and the other terms of office of the members shall not be varied to the disadvantage of the member after his appointment.</p> <p><i>Provided further that</i> the terms and conditions of service of a member of the Forum who is in the employment of the Distribution Licensee shall be governed by the terms and conditions of his employment with such Distribution Licensee.</p>	<p>4.8 The sitting fees, honorarium and/or other allowances (collectively “Remuneration”) payable to the Chairman and Members shall be such as may be decided by the Distribution Licensee Commission:</p> <p>Provided that the Remuneration and the other terms of office of the Members shall not be changed/varied to the disadvantage of the Member after his/her appointment:</p> <p>Provided further that the terms and conditions of service of a member of the Forum who is in the employment of the Distribution Licensee shall be governed by the terms and conditions of his employment with such Distribution Licensee.</p>	<p>MSEDCL submits that as per the provisions of the Act as well as the Electricity Rules, distribution licensee is required establish a Forum for Redressal of Grievances of Consumers. MSEDCL shall be the employer of Members of the Forum and is bound to pay their Remuneration. Therefore, MSEDCL should be allowed to decide the remuneration of the Members of the Forum. Hence, MSEDCL suggests following:</p> <p><i>4.8 The sitting fees, honorarium and/or other allowances (collectively “Remuneration”) payable to the Chairman and Members shall be such as may be decided by the Distribution Licensee Commission:</i></p> <p>If the Hon’ble Commission deems fit to</p>

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			continue with the proposed provision in the Draft Regulations, the Hon'ble Commission should decide the remuneration after consultation with the Distribution Licensee.
Chapter-II, Regulation 4, Constitution of Forum for Redressal of Consumer Grievances	4.6 (a) The office space, secretarial support and other facilities required by members of the Forum shall be provided by the Distribution Licensee including the numbers, nature and categories of staff as may be intimated by the Forum to the Distribution Licensee, for the efficient functioning of the Forum.	4.9 The office space, secretarial support and other facilities required by Members of the Forum shall be provided by the Distribution Licensee including the numbers, nature and categories of staff as may be intimated by the Forum to the Distribution Licensee, for the efficient functioning of the Forum: Provided that the office space of the Forum shall be separate from the premises of the Distribution Licensee, to the extent possible.	MSEDCL has already created the various offices and assets are already in place. Therefore, duplication of assets is not desired. Consumers generally visit the Offices for redressal of various issues. Considering the availability of common facilities. within the premises of the Licensee, this provision is not required as long as the office space is sufficient and not inconvenient to the consumers. Otherwise it may add the additional financial burden which will be ultimately passed on to the consumers.
Chapter-II, Regulation 4, Constitution of Forum for Redressal of Consumer Grievances	4.6 (b) The salaries and allowances payable to, and other terms and conditions of service of the staff required to assist the Forum in the discharge of its functions shall be on the terms and conditions as may be determined by the Distribution Licensee.	4.10 The salaries and allowances payable to, and other terms and conditions of service of the staff required to assist the Forum in the discharge of its functions shall be on the terms and conditions as may be determined by the Distribution Licensee: Provided that the Distribution Licensee shall ensure that the Fora are financially independent, by providing the appropriate annual budget and necessary quarterly funds for each Financial Year, which shall be managed by the Fora, without having to request the	MSEDCL suggests that the office space as well as other assets are already in place for Forums and minimum requirement are being fulfilled by MSEDCL. Further being located in MSEDCL's premises, it does not have to incur expenditure for common facilities. Salaries and allowances are being paid by Licensee regularly. Therefore, there is no requirement of separate budget for Forum. Hence proviso to regulation to be deleted.

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		Distribution Licensee for funds and without having to obtain the Distribution Licensee's approval for the appropriate expenditure incurred using the available funds.	
<p>Chapter-II, Regulation 5, Quorum & Procedural Matters</p>	<p>6.18 After considering the Grievance submitted by the consumer, issue-wise comments on the Grievance submitted by the Distribution Licensee, all other records available, the Forum shall complete the enquiry as expeditiously as possible and every endeavour shall be made by the Forum to pass appropriate order, on the Grievance for its redressal within a maximum period of two (2) months from the date of receipt of the Grievance by the Forum.</p> <p><i>Provided that</i> the Forum shall issue such directions as it may deem necessary for redressal of the Grievance within stipulated time frames.</p> <p><i>Provided further that</i> if the Order of the Forum is passed after the completion of the said period of two (2) months, the Forum shall record in writing reasons for the same.</p>	<p>5.2 In case of Grievances related to non-supply, connection or disconnection of supply, the Forum shall pass appropriate Order within fifteen (15) days of filing of the Grievance (for Grievance related to non-supply, connection or disconnection of supply) and within sixty (60) days of filing of the Grievance (for all other Grievances):</p> <p><i>Provided that</i> if the Order of the Forum is passed after the completion of the said period of 15 days or 60 days, as the case maybe, the Forum shall record the reasons for the same in writing at the time of disposing of the said Grievance and inform the Electricity Ombudsman:</p> <p><i>Provided further that</i> all cases where the Forum has passed the Order after the completion of the said period of 15 days or 60</p>	<p>In most of the cases of disconnection of the supply, the root cause is non-payment of arrears and one of the major reasons being billing dispute. Hence, it is difficult to separate the disconnection cases from billing dispute cases. It is therefore suggested that only in cases of disconnection of supply without issuing notice u/s 56, the order shall be passed within 15 days.</p> <p>Further, the intent of the Regulation is not to keep any consumer in dark for the prolonged period of time. To ensure this, and similar with the provisions of the Section 56 of the EA 2003, it is suggested that in cases of disconnection of supply due to billing issues, a specific provision be brought in the regulation that, pending the resolution of the billing dispute, the Forum can provide an interim relief (as per provision of Regulation 9.9 of proposed draft Regulation) to the consumer by directing the licensee to reconnect the supply if the consumer deposits some specific percentage of the disputed</p>

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		<p>days shall be highlighted by the Forum in the Quarterly Report to be submitted to the Commission under Regulation 26.2.</p>	<p>amount (at least 50% of amount due) to the licensee. At present, the Forum is providing the interim relief but there is no uniformity on such interim relief or the amount to be deposited by the consumer.</p>
<p>Chapter-II, Regulation 7, Procedure for Submission and Acceptance of Grievance</p>	<p>6.7 The Forum shall not entertain a Grievance: (a) unless the consumer has complied with the procedure under Regulation 6.2 and has submitted his Grievance in the specified form, to the Forum; (b) unless the consumer is aggrieved on account of his Grievance being not redressed by the IGR Cell within the period set out in these Regulations; (c) unless the Forum is satisfied that the Grievance is not in respect of the same subject matter that has been settled by the Forum in any previous proceedings; and (d) where a representation by the consumer, in respect of the same Grievance, is pending in any proceedings before any court, tribunal or arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority.</p> <p>6.8 If the Forum is <i>prima facie</i> of the view that any Grievance referred to it falls within the purview of any of the following</p>	<p>7.9 The Forum shall reject the Grievance at any stage under the following circumstances:</p> <p>(a) In cases where proceedings in respect of the same matter and between the same Complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority;</p> <p>(b) In cases which fall under Sections 126, 127, 135 to 139, 152, and 161 of the Act;</p> <p>(c) In cases where the Grievance has been submitted two years after the date on which the cause of action has arisen; and</p> <p>(d) In the case of Grievances, which are: (i) frivolous, vexatious, malafide; (ii) without any sufficient cause; or (iii) where there is no prima facie loss or damage or inconvenience caused to the Complainant or the consumers who are represented by an association or group of consumers.</p>	<p>A change that has been proposed in Regulation 6.8 (a) and (b) of existing regulation which is now 7.9 (b) of the proposed regulation. The Regulation 6.8 is proposed to be deleted and the provisions under 6.8 and 6.9 are clubbed together. While proposing this, Hon'ble Commission has provided the explanation in Chapter 4.5 of Explanatory Memo as follows: <i>"The Commission has covered all the Sections related to theft of electricity, negligence, damage of works, accidents and injuries under various Sections of EA 2003, which shall not be entertained by the Forum."</i></p> <p>However, as per the proposed provision it appears that the Forum will decide whether the grievance falls within the above sections or not due to adding the wording as "at any stage". Even as per existing provisions, the Forums are entertaining such cases. The proposed provision does not expressly exclude the jurisdiction of the Forum. This will</p>

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	<p>provisions of the Act the same shall be excluded from the jurisdiction of the Forum: (a) unauthorized use of electricity as provided under section 126 of the Act; (b) offences and penalties as provided under sections 135 to 139 of the Act; (c) accident in the distribution, supply or use of electricity as provided under section 161 of the Act; and (d) recovery of arrears where the bill amount is not disputed.</p> <p>6.9 The Forum may reject the Grievance at any stage if it appears to it that the Grievance is: (a) frivolous, vexatious, malafide; (b) without any sufficient cause; (c) there is no prima facie loss or damage or inconvenience caused to the consumer;</p> <p><i>Provided that</i> no Grievance shall be rejected in respect of subclauses (a), (b) and (c) unless the applicant has been given an opportunity of being heard.</p>	<p>Provided that no Grievance shall be rejected unless the Complainant has been given an opportunity of being heard.</p>	<p>amount to encroaching the jurisdiction of the remedy already provided as Appellate Authority or the Court under the Act.</p> <p>Further, the consumers, in order to avoid approaching the Appellate Authority u/s 127 as they have to pay 50% of the amount before filing the dispute there, there will be increased tendency to approach the Forum as the Forum will now go in details of the case. Hence, as per the explanation provided, there shall be provision to expressly exclude the jurisdiction of Forum.</p> <p>The Regulation 6.8 (d) of the present regulation is omitted from the draft Regulation and no explanation is provided in the Explanation Memo regarding this proposed change. In a recent incidence in Aurangabad, the supply of the consumer was disconnected for the non-payment of arrears. Even though the arrears were acceptable to the consumers, he wanted to approach the Forum under Regulation 6.5 of the present Regulation just to avoid the disconnection. However, his grievance was not admissible due the provision of 6.8 (d). Now with the omission of the provision,</p>

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			the consumer may approach the Forum, just to delay the payment of arrears. Hence the current provision 6.8(d) to be retained.
<p>Chapter-II, Regulation 7, Procedure for Submission and Acceptance of Grievance</p>	<p>6.10 Every Grievance must be submitted in writing to the Forum in the format set out in Schedule A to these Regulations.</p> <p><i>Provided that</i> where such Grievance cannot be made in writing, the Forum shall render all reasonable assistance to the person making the Grievance orally to reduce the same in writing and in filling up the format set out in Schedule A to these Regulations. The Grievance may also be lodged by registered post acknowledgement due, by speed post or by courier service or by any other means of transmission of documents (including FAX message).</p> <p><i>Provided further</i> that the Distribution Licensee shall, in its website, upload the format set out in Schedule A to these Regulations in word form so as to enable</p>	<p>7.10 The Grievance shall be submitted as per the format specified in Schedule A of these Regulations:</p> <p><i>Provided that the Forum shall take cognizance of any Grievance submitted based on the merit of the case and will not reject any Grievance for the sole reason of it not having been submitted in the format specified:</i></p> <p><i>Provided that where such Grievance cannot be made in writing, the Forum shall render all reasonable assistance to the person making the Grievance orally to reduce the same in writing and in filling up the format set out in Schedule A to these Regulations. The Grievance may also be lodged by registered post acknowledgement due, by speed post or by courier service or by any other means of transmission of documents (including FAX message).</i></p> <p>Provided further that the Distribution Licensee shall, in its website, upload the format set out in Schedule A to these Regulations in word form so as to enable consumers, at their option, to submit their Grievance in electronic</p>	

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	<p>consumers, at their option, to submit their Grievance in electronic form.</p> <p><i>Provided further that</i> all enclosures to such Grievance submitted in electronic form shall be submitted in scanned form.</p> <p><i>Provided also that</i> submission of Grievance in electronic form shall be as per the rules and procedures of the Distribution Licensee as in force from time to time.</p>	<p>form:</p> <p>Provided also that all enclosures to such Grievance submitted in electronic form shall be submitted in scanned form:</p> <p>Provided also that submission of Grievance in electronic form shall be as per the rules and procedures as may be laid down by the Commission from time to time.</p>	
<p>Chapter-II, Regulation 8, Procedure for Grievance Redressal</p>	<p>6.15 A consumer, Distribution Licensee or any other person who is a party to any proceedings before the Forum may either appear in person or authorise any person other than an Advocate (within the meaning of the Advocates Act, 1961) to present his case before the Forum and to do all or any of the acts for the purpose.</p>	<p>8.8 A Complainant, Distribution Licensee or any other person who is a party to any proceedings before the Forum may either appear in person or authorise any person other than an Advocate (within the meaning of the Advocates Act, 1961) to present his case before the Forum and to do all or any of the acts for the purpose:</p> <p><i>Provided that Voluntary Consumer Organisations or Consumer Representatives or Consumer Advocacy Groups may be authorised to appear before the Forum on behalf of any party to the proceedings:</i></p> <p><i>Provided further that such authorised persons may be debarred from appearing before a Forum if he is found guilty of misconduct or any other malpractice at any time.</i></p>	<p>MSEDCL suggests that even if the Consumer authorizes any person before Forum or Ombudsman, the consumer should remain present during the hearing. The consumer should not remain absent for the hearing without prior approval of Forum/ Ombudsman. Forum/ Ombudsman should also allow the absence only during the emergency or in exceptional cases.</p> <p>Regulation 8.8 provides that authorised persons may be debarred from appearing before a Forum if he is found guilty of misconduct or any other malpractice at any time. Similar provision is made at Regulation 19.18 for appearing before Ombudsman. MSEDCL feels that this clause is open</p>

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			<p>ended, it is necessary to explicitly provide for the authority who will debar such person whether Electricity Ombudsman or Forum itself.</p> <p>Further, whoever intentionally gives false evidence/representation in any of the proceedings of the Forum or Electricity Ombudsman or fabricates false evidence for the purpose of being used in any of the proceedings shall be debarred from appearing before a Forum or Electricity Ombudsman. Forum or Electricity Ombudsman may file criminal proceedings for such offence.</p> <p>MSEDCL submits that for clarity, it is necessary to elaborate the Acts/Misconduct which will lead to debarment. For illustration, MSEDCL provides following but not limited:</p> <ul style="list-style-type: none"> (i) intentionally giving false evidence/representation; (ii) Misrepresentation of facts of the case; (iii) Moving application without informing that a similar application has been rejected by another statutory authority (like Consumer Forum or any

Clause No. in Draft Regulations	MERC CGRF & EO Regulations 2006 (Existing)	Draft MERC CGRF & EO Regulations (Proposed)	Comments
			<p>Court);</p> <p>(iv) Misleading the consumers before Forum or E.O;</p> <p>(v) Improper behavior before Forum or E.O;</p> <p>(vi) Unlawful behavior: Threatening Licensee Officer to settle Grievances.</p>
<p>Chapter-II, Regulation 8, Procedure for Grievance Redressal</p>	<p>6.16 Where any person who has been a party to the proceedings before the Forum fails to appear on the date of hearing as may be fixed in this behalf, the Forum may decide the Grievance <i>ex-parte</i>.</p> <p><i>Provided that</i> no adjournment shall be ordinarily granted by the Forum unless sufficient cause is shown and the reasons for the grant of adjournment have been recorded in writing by the Forum.</p>	<p>8.9 Where the Complainant or the Licensee or their representative fails to appear before the Forum on the date fixed for hearing, the Forum may decide the Grievance <i>ex-parte</i>:</p> <p>Provided that no adjournment shall ordinarily be granted by the Forum unless sufficient cause is shown and the reasons for the grant of adjournment have been recorded in writing by the Forum.</p>	<p>In Regulation 8.9, it is suggested that where the Licensee appears and the Complainant does not appear at the time of hearing, then the Complaint needs to be dismissed. Following provision may be considered for amendment:</p> <p><i>8.9 Where any party is required by the Forum to appear in person, and does not so appear in person nor shows sufficient cause for non-appearance, the Forum may:</i></p> <p><i>(a) dismiss the application if he is the applicant, or</i></p> <p><i>(b) proceed ex-parte against such party if he is the opponent, respondent or any other party.</i></p>
<p>Chapter-II, Regulation 9,</p>	<p>Newly Introduced</p>	<p>9.4 The Forum shall ensure that all Orders are consistent with the Commission's Regulations and Orders:</p>	<p>MSEDCL submits that not just Commission's Regulations and Orders, the Orders of Forum as well as</p>

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Findings of the Forum		<p>Provided that the Order issued by the Forum shall specifically mention the applicable Regulations and Orders based on which its Order has been passed:</p>	<p>Ombudsman should be consistent with the Electricity Act 2003, Orders of Appellate Tribunal of Electricity and Other Judicial Bodies such as CERC, High Court, and Supreme Court etc. Therefore, MSEDCL suggests following:</p> <p><i>9.4 The Forum shall ensure that all Orders are consistent with the Commission's Regulations and Orders along with the provisions of the Act, Appellate Tribunal of Electricity and Other Judicial Bodies dealing the matters related to distribution and supply of electricity:</i></p> <p><i>Provided that the Order issued by the Forum shall specifically mention the applicable provision of the Act, Rules, Regulations and Judgement/Orders based on which its Order has been passed:</i></p>
Chapter-II, Regulation 9, Findings of the Forum	Newly Introduced	<p>9.8 Non-compliance of the Order of the Forum shall be treated as violation of the Regulations of the Commission and accordingly liable for action under Section 142 of the Act.</p>	<p>MSEDCL submits that the Regulation 9.8 is a declarative provision and clearly specifies penal action under Section 142 of the EA 2003. MSEDCL would like to submit that the Section 142 of the Act has clearly mentions that Punishment for non-compliance of directions by Appropriate Commission that too after</p>

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			<p>any complaint is filed before the Appropriate Commission by any person. There is no provision for non-compliance of Orders of Forum. The relevant extract of the Act is reproduced below:</p> <p>Section 142. (Punishment for non-compliance of directions by Appropriate Commission):</p> <p><i>In case any complaint is filed before the Appropriate Commission by any person or if that Commission is satisfied that any person has contravened any of the provisions of this Act or the rules or regulations made thereunder, or any direction issued by the Commission, the Appropriate Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, which shall not exceed one lakh rupees for each contravention and in case of a continuing failure with an additional penalty which may extend to six thousand rupees for every day during which the failure continues after contravention of the first such direction. (Emphasis Added)</i></p>

Clause No. in Draft Regulations	MERC CGRF & EO Regulations 2006 (Existing)	Draft MERC CGRF & EO Regulations (Proposed)	Comments
			<p>MSEDCL submits that Forum is an integral Organ of Licensee and is not a statutory body. Therefore, Section 142 shall not be made applicable for the Orders of Forum. Hence the provision under proposed regulation 9.8 needs to be deleted.</p>
	<p>9. Public awareness of the IGR Cells and the Forums</p>	<p>Deleted</p>	<p>Hon'ble Commission has proposed to abolish the IGRC and instead proposed to establish ICRS (Internal Complaint Redressal System). Combined reading of the Regulation 3.9 and 7.1 and the Paragraph 3.2 of Explanatory Memorandum provides that it is not mandatory for the consumer to first approach the Licensee before approaching the Forum.</p> <p>In the Memorandum of explanation, the Hon'ble Commission has provided the reasons for discontinuing the IGRC that majority of the decision are given in favour of licensee but later on CGRF revised them in favour of the consumers. It is also stated that the addition of the IGRC layer delays the redressal of the grievance.</p> <p>Though, the explanation may be true to some extent, no opportunity remains</p>

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			<p>with the Licensee to redress the dispute before the consumer approaches the Forum. It has also been proposed to reduce the number of Forums and as part of it, the Forums at Latur and Nanded are proposed to be merged with CGRF Aurangabad. This may increase the grievances before the Forum. It can be seen that had there been no IGRC, the cases before the CGRF Aurangabad would have been double.</p> <p>MSEDCL's existing complaint handling system is having similar features that of ICRS with appropriate complaint escalation system. The said complaint handling system works in synchronism with complaints lodged at its customer care centre. If any complaint is unaddressed or unresolved then such complaint can be raised by consumer before IGRC. As depicted in table above most of the grievances get resolved at IGRC level, hence MSEDCL insists for continuing the functioning of IGRC though Regulatory mandate. Hence the present 3 tier system of grievance redressal needs to be retained.</p>

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			<p>If Hon'ble Commission intends to proceed with formation of ICRS then, it shall be made mandatory for the consumer to first register his complaint on ICRS and if the consumer is not satisfied with the resolution of his complaint by the Licensee or if the Licensee does not act upon his complaint registered on ICRS within say 15 days (or any specific period), he may approach the IGRC. If still consumer is not satisfied then he can raise the grievance before the Forum.</p> <p>It shall also be made very clear to the consumers that the complaint registered with the ICRS portal does not automatically gets converted as complaint before IGRC and he has to separately register his complaint with IGRC.</p>
	Newly Introduced	10 Review of Order of Forum	MSEDCL submits that Forum is an integral Organ of Licensee and is not a statutory body. Remedy is available for consumer to file representation before Ombudsman, in case he is not satisfied with the Order of the Forum. Therefore, consumer should take legal course available in the event he is not satisfied with the remedy provided by the
Chapter-II, Regulation 10, Review of Order of Forum	Newly Introduced	<p>10.1 Any person aggrieved by an order of the Forum, including the Distribution Licensee, may apply for a review of such order within thirty (30) days of the date of the order to the same Forum, under the following circumstances:</p> <p>(a) Where no appeal has been preferred;</p> <p>(b) on account of some mistake or error</p>	

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		<p>apparent from the face of the record;</p> <p>(c) upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed.</p>	<p>Forum. Therefore, MSEDCL submits that the entire provision under proposed regulation 10 needs to be deleted.</p>
<p>Chapter-II, Regulation 10, Review of Order of Forum</p>	<p>Newly Introduced</p>	<p>10.2 An application for such review shall clearly state the matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or the mistake or error apparent from the face of the record.</p>	
<p>Chapter-II, Regulation 10, Review of Order of Forum</p>	<p>Newly Introduced</p>	<p>10.3 The review application shall be accompanied by such documents, supporting data and statements as the Forum may determine.</p>	
<p>Chapter-II, Regulation 10, Review of Order of Forum</p>	<p>Newly Introduced</p>	<p>10.4 When it appears to the Forum that there is no sufficient ground for review, the Forum shall reject such review application: Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.</p>	
<p>Chapter-II, Regulation 10, Review of Order of Forum</p>	<p>Newly Introduced</p>	<p>10.5 When the Forum is of the opinion that the review application should be granted, it shall grant the same: Provided that the review shall be granted only after obtaining the permission of the Electricity Ombudsman:</p>	

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		<p>Provided further that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the order, the review of which is applied for.</p>	
<p>Chapter-III, Regulation 13, Constitution Electricity Ombudsman</p>	<p>10.1 The Commission shall designate or appoint one or more persons to be the Electricity Ombudsman to exercise such powers and discharge such functions entrusted by or under the provisions of the Act and/or under these Regulations.</p>	<p>13.1 The Commission shall designate or appoint one or more persons to be the Electricity Ombudsman to exercise such powers and discharge such functions entrusted by or under the provisions of the Act and/or under these Regulations.</p>	<p>MSEDCL submits that there should be only one Ombudsman. Considering the no. of cases and urgency of the matter, the Ombudsman may take hearings at multiple places including the CGRF location where the hearing facilities will be already in place and optimum utilisation can be taken place. Further, in cases of urgency, the Ombudsman can take help of video-conferencing or similar arrangements. This will not only save the time and cost, there will be consistency in the Order since one person will be hearing the matters. Therefore, MSEDCL suggests following: <i>13.1 The Commission shall designate or appoint one or more persons to be the Electricity Ombudsman to exercise such powers and discharge such functions entrusted by or under the provisions of the Act and/or under these Regulations.</i></p>
<p>Chapter-III, Regulation 16,</p>	<p>13. The Electricity Ombudsman shall be constituted from amongst a retired judge of a</p>	<p>16.1 The Electricity Ombudsman shall be constituted from amongst a retired judge of a</p>	<p>MSEDCL submits that the term “electricity sector utility” is</p>

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<p>Qualification</p>	<p>High Court, a retired Secretary to the Government, or retired Chief Executive Officer of an electricity sector utility.</p>	<p>District Court or High Court, a retired Secretary to the Government or equivalent officer, or retired Officer of the rank of Executive Director or equivalent or above of an electricity sector utility, or any other person of equivalent level, and having at least three (3) years of experience in the above-specified positions.</p>	<p>comprehensive and can include the professional in power sector who may not have dealt with Distribution consumers related issues, have no or very little consumer contact and related matters. Therefore, MSEDCL suggests that the experience should be from Distribution Utility. A person from Distribution of Electricity background will have the experience and knowledge of various consumer complaints and able to redress them effectively. Hence, MSEDCL suggests following: <i>16.1 The Electricity Ombudsman shall be constituted from amongst a retired judge of a District Court or High Court, a retired Secretary to the Government or equivalent officer, or retired Officer from a Government Distribution licensee not below the rank of Executive Director or equivalent officer, or any other person of equivalent level, and having at least three (3) years of experience in the above-specified positions.</i></p> <p>The Ombudsman must have the knowledge of vernacular language of the State of Maharashtra so as to have better understanding of the matters. Following proviso may be added to 16.1 <i>Provided that the Electricity</i></p>

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			<i>Ombudsman shall preferably have working knowledge of the vernacular language of the State of Maharashtra.</i>
<p>Chapter-III, Regulation 19, Proceedings before the Electricity Ombudsman</p>	<p>17.1 The Electricity Ombudsman shall settle the Grievance of the consumer within such time and in such manner as specified in the following Regulations.</p> <p>17.2 Any consumer, who is aggrieved by the non-redressal of his Grievance by the Forum, may make a representation for redressal of his Grievance to the Electricity Ombudsman within sixty (60) days from the date of the order of the Forum.</p> <p><i>Provided that</i> the Electricity Ombudsman may entertain a representation after the expiry of the said period of sixty (60) days if he is satisfied that there was sufficient cause for not filing it within the said period.</p>	<p>Covered in 20.1</p> <p>19.1 Any Complainant, who is aggrieved by the non-redressal of his Grievance by the Forum, may make a representation for redressal of his Grievance to the Electricity Ombudsman within sixty (60) days from the date of the Order of the Forum:</p> <p>19.2 Provided that the Electricity Ombudsman may entertain a representation after the expiry of the said period of sixty (60) days if he/she is satisfied that there was sufficient cause for not filing it within the said period.</p>	<p>Considering principle of Natural Justice, MSEDCL urge the Commission to enlarge the ambit of the aforementioned Regulation and also consider Licensee for making representation before Electricity Ombudsman against the Order of Forum. In case of Complainant, there is a provision for appeal before E.O but for Licensee it will have to approach Hon'ble High Court in Writ Jurisdiction. Therefore, this facility needs to be given to the Distribution Licensee also to avoid the expenses to file the suit in the Hon'ble High Court. And also, the outcome/decision order of Electricity Ombudsman is fast as compared to High Court. Hence, to avoid unnecessary legal expenses and delay in issuing Orders and in the larger benefit of Licensee as well as consumers, following provision may be considered for Regulation 19.1:</p> <p><i>19.1 Any affected party, who is aggrieved by the non-redressal of his Grievance by the Forum, may make a representation for redressal of his Grievance to the Electricity Ombudsman</i></p>

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			<i>within sixty (60) days from the date of the Order of the Forum.</i>
<p>Chapter-III, Regulation 19, Proceedings before the Electricity Ombudsman</p>	<p>17.3 The representation to be made before the Electricity Ombudsman shall be in writing in the form specified and set out in Schedule B of these Regulations and duly signed by the consumer and shall state/provide clearly the information required thereunder including <i>inter alia</i></p> <ul style="list-style-type: none"> (i) the name and address of the consumer; (ii) the facts giving rise to the representation supported by documents, if any, that are desired to be relied upon by the consumer and (iii) the relief sought from the Electricity Ombudsman. <p>The representation may also be lodged by registered post acknowledgement due, by speed post or by courier service or by any other means of transmission of documents (including FAX message).</p>	<p>19.3 The representation may be submitted either in person or through post, email or fax.</p> <p>19.4 The representation to be made before the Electricity Ombudsman shall be in writing in the form specified and set out in Schedule B of these Regulations and duly signed by the consumer and shall state/provide clearly the information required thereunder including <i>inter alia</i></p> <ul style="list-style-type: none"> (i) the name and address of the consumer; (ii) the facts giving rise to the representation supported by documents, if any, that are desired to be relied upon by the consumer, and (iii) the relief sought from the Electricity Ombudsman. <p>The representation may also be lodged by registered post acknowledgement due, by speed post or by courier service or by any other means of transmission of documents (including FAX message).</p>	
<p>Chapter-III, Regulation 19, Proceedings before the Electricity</p>	<p>Newly Introduced</p>	<p>19.7 After registering the representation, the Electricity Ombudsman, within three (3) days of registration, shall call for records relating to the representation from the concerned Forum.</p>	<p>Instead of making the mandatory provision, it shall be left to the discretion of the Ombudsman to decide whether the record from Forum is to be called or otherwise. Also, many times,</p>

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Ombudsman			<p>for convenience of the consumers, the EO may hold hearings at the CGRF location and hence such communication may not be required as the records will be available there itself. Therefore following suggestion:</p> <p><i>19.7 After registering the representation, the Electricity Ombudsman, within three (3) days of registration, may call for records relating to the representation from the concerned Forum, if required.</i></p>
Chapter-III, Regulation 19, Proceedings before the Electricity Ombudsman		<p>19.20 A Complainant, Distribution Licensee or any other person who is a party to any proceedings before the Electricity Ombudsman may either appear in person or authorise any person other than an Advocate (within the meaning of the Advocates Act, 1961) to present his case before the Electricity Ombudsman and to do all or any of the acts for the purpose.</p>	<p>Proposed Regulation 19.18 and 19.20 are getting repeated. Regulation 19.20 may be deleted.</p>
Chapter-III, Regulation 20, Issue of Order by the Electricity Ombudsman	Newly Introduced	<p>20.5 The Electricity Ombudsman shall ensure that all Orders are consistent with the Commission's Regulations and Orders:</p> <p>Provided that the Order issued by the Electricity Ombudsman shall be a reasoned and speaking Order and specifically mention the Regulations and Orders based on which its Order has been passed.</p>	<p>MSEDCL submits that not just Commission's Regulations and Orders, the Orders of Forum as well as Ombudsman should be consistent with the Electricity Act 2003, Orders of Appellate Tribunal of Electricity and Other Judicial Bodies such as CERC, High Court, and Supreme Court etc. Therefore, MSEDCL suggests following: 20.5 The Electricity Ombudsman shall</p>

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		<p>20.6 In case any issue is not fully covered in the Commission’s Regulations or Orders, the issue shall necessarily be referred to the Commission for its guidance.</p>	<p><i>ensure that all Orders are consistent with the Commission’s Regulations and Orders along with the provisions of the Act, Appellate Tribunal of Electricity and Other Judicial Bodies dealing the matters related to distribution and supply of electricity:</i></p> <p><i>Provided that the Order issued by the Electricity Ombudsman shall be a reasoned and speaking Order and specifically mention the applicable provision of the Act, Rules, Regulations and Judgement/Orders based on which its Order has been passed.</i></p>
<p>Chapter-IV, Regulation 29, Consumer Advocacy Cell</p>	<p>Newly Introduced</p>	<p>29.1 A Consumer Advocacy Cell may be instituted and funded by the Commission at each Electricity Ombudsman’s office for capacity building of authorised Consumer Representatives and CGRF in conducting workshops, training, seminars and issue of quarterly magazines for enhancing consumer awareness.</p> <p>29.2 The Consumer Advocacy Cell at each Electricity Ombudsman’s office shall function under the supervision of the respective Electricity Ombudsman and overall supervision</p>	<p>However, the Authorised Consumer Representatives are not defined in the Draft Regulations. Instead of authorized consumer representatives, it will be more appropriate that the consumers or consumer representatives are considered for capacity building. Therefore, MSEDCL suggests that it should be modified by inserting the words consumers/consumer representatives instead of Authorised Consumer Representatives.</p>

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		<p>of the existing Consumer Advocacy Cell established within the Commission.</p> <p>29.3 The Commission shall allocate an appropriate Budget for the Consumer Advocacy Cell at each Electricity Ombudsman’s office in March month of each Year for the Financial Year commencing from April of that year.</p> <p>29.4 Each Electricity Ombudsman shall provide the appropriate funds from within the allocated budget to each Forum within his jurisdiction for improving consumer awareness by inter-alia, conducting workshops, training, Seminars and issue of quarterly magazines.</p>	
			<p>MSEDCL submits that Regulation 32 of the MERC (Conduct of Business) Regulations, 2004 empowers Hon’ble Commission to initiate <i>suo motu</i> proceedings. In order to prevent the irregularities in the Orders by Forum/Ombudsman and to give complete justice in any given matter, it is necessary to provide suitable provisions in the Regulations. This will also put a check on the conformity with the rules and regulations along with consistency in the Orders of Forum/Ombudsman. The Hon’ble Commission must have powers to issue appropriate orders in the interest of</p>

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			<p>justice in case if there is violation of legal provisions, public representations/agitation or inordinate delay in delivering justice. Therefore, MSEDCL suggests following new Regulations may be added after Regulation 29 for specifying the inherent powers of Hon'ble Commission.</p> <p>Suo Motu Powers of the Commission:</p> <ul style="list-style-type: none"> i) The Commission shall have the power to take <i>suo motu</i> cognisance of any matter that is pending before or has been disposed of by the Ombudsman, where it deems fit to do so. The Commission may, where it exercises its powers under this Regulation, pass orders reversing the orders of the Ombudsman: ii) Provided that the Commission shall not reverse the orders of the Ombudsman or take cognisance of a dispute pending before the Ombudsman unless it makes a reasoned order in writing to that effect. iii) Where the Commission takes cognisance of a dispute pending before the Ombudsman under clause (i) above, the Ombudsman

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			<p>shall not pass any further orders in regard to the matter, and the matter shall be decided finally by the Commission.</p> <p>iv) The Commission shall have the same powers and functions as the Ombudsman under these Regulations in relation to any matter over which it takes <i>suo motu</i> cognizance.</p> <p>Provided, however, that the Commission may by order confer upon itself additional powers as may be necessary for it to effectively decide any matter of which it has taken <i>suo motu</i> cognizance under this Regulation.</p>