Section 19 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman), Regulation 2020 provide as under:

**Proceedings before the Electricity Ombudsman**

19.1 Any Complainant, who is aggrieved by the non-redressal of his Grievance by the Forum, may, either directly or through his duly authorised representative, 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:

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.

19.2 The Electricity Ombudsman shall create a web-based portal for submission of representations, within six (6) months of notification of these Regulations, in consultation with the Consumer Advocacy Cell established within the Commission.

19.3 The representation may be submitted either in person or through post, email or fax or on the web-based portal of the Electricity Ombudsman.

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 *inter alia*

(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.

19.5 The Electricity Ombudsman shall send an acknowledgement of receipt of the representation to the consumer bearing a serial number and date:

Provided that in case of submission of the representation in person, the acknowledgment shall be issued immediately:

Provided further that in case of receipt of representation by post, email or fax, the acknowledgement shall be despatched latest by the next working day:

Provided also that where the representation is submitted by email to the Electricity Ombudsman, acknowledgement of the receipt of the representation shall be by return email as promptly as possible.

19.6 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.

19.7 The concerned Forum shall send the entire records within five (5) days from the date of receipt of such notice, to the office of the Electricity Ombudsman.

19.8 The Electricity Ombudsman may require the Licensee or any of the officials, representatives or agents of the Licensee to furnish documents, books, information, data and details as may be required to decide the representation and the Licensee shall duly comply with such requirements of the Ombudsman.

19.9 The Electricity Ombudsman may, in the first instance, endeavour to promote a settlement of the representation received through conciliation or mediation, by inviting the parties to do so, within fifteen (15) days from the date of receipt of the representation.

19.10 If both parties provide their consent to settle the representation through conciliation or mediation, the Electricity Ombudsman shall direct each party to submit to him a brief written statement describing the general nature of the dispute, the points at issue, the facts and grounds in support thereof, supplemented by any documents and other evidence that such party deems appropriate, with a copy to the other party.

19.11 The Electricity Ombudsman shall assist the parties in an independent and impartial manner in their attempt to reach an amicable settlement of their dispute.

19.12 The Electricity Ombudsman shall attempt to facilitate voluntary resolution of the dispute by the parties, and communicate the view of each party to the other, assist them in identifying issues, reducing misunderstandings, clarifying priorities, exploring areas of compromise and generating options in an attempt to solve the dispute, emphasizing that it is the responsibility of the parties to take decision which affect them.

19.13 When a representation is settled through conciliation or mediation of the Electricity Ombudsman, the Electricity Ombudsman shall send the copies of the recommendation, which he thinks fair in the circumstances of the case, to the Complainant and the Licensee:

Provided that the parties may submit their observations on the recommendation for the consideration of the Electricity Ombudsman, and the Electricity Ombudsman may reformulate the terms of a possible settlement in the light of such observations.

19.14 If the Complainant and the Licensee accept the recommendation of the Electricity Ombudsman, they will send a communication in writing within fifteen (15) days of the date of receipt of the recommendation:

Provided that the Complainant and the Licensee will confirm their acceptance to the Electricity Ombudsman and state clearly that the settlement communicated is acceptable to them, in totality, in terms of the recommendations made by the Electricity Ombudsman, and are in full and final settlement of the representation.

19.15 The Electricity Ombudsman shall make a record of such an agreement as his/ her orders and thereafter close the case.

19.16 If either party does not give consent to settle the representation through conciliation or mediation or the representation is not settled by agreement, the Electricity Ombudsman may give an Order after affording the parties reasonable opportunity to present their case:

Provided that the Electricity Ombudsman shall notify the Distribution Licensee and the Complainant who has submitted the representation, regarding the date of hearing in writing, giving sufficient advance notice:

Provided that the hearing may also be held through video-conferencing or similar arrangements, as appropriate, provided the Complainant has access to such facilities.

19.17 Any party to any proceedings before the Electricity Ombudsman may either appear in person or authorise any representative 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, subject to production of duly authenticated authorisation made by the party in favour of such representative, and subject to the condition that he, -

(a) is appearing on an individual case basis;

(b) has a pre-existing relationship with the Complainant (such as: a relative, neighbour,

business associate or personal friend);

(c) is not receiving any form of, direct or indirect, remuneration for appearing before the

Electricity Ombudsman and files a written declaration to that effect;

(d) demonstrates to the Electricity Ombudsman that he is competent to represent the party.

19.18 The Electricity Ombudsman may within his discretion disallow any representative to appear before him in any case, for reasons to be recorded in writing, on account of breach of the terms of the undertaking or misconduct or failure in providing proper assistance to the Electricity Ombudsman.

19.19 Any party appearing through a representative, shall be bound by the acts or omissions of such representative:

Provided that such representative shall not be permitted to withdraw any complaint or claim or any part thereof on behalf of the party without producing written consent from the party allowing him for withdrawal of the complaint or claim or part thereof.

19.20 Any party shall not be bound by an act of any representative where it is shown to the satisfaction of the Electricity Ombudsman that the representative committed any act of fraud, which adversely affected interest of the party concerned.

19.21 Where any person who is a party to the proceedings before the Electricity Ombudsman fails to appear on the date of hearing as may be fixed in this behalf, the Electricity Ombudsman may decide the representation ex-parte:

Provided that no adjournment shall ordinarily be granted by the Electricity Ombudsman unless sufficient cause is shown and the reasons for the grant of adjournment have been recorded in writing by the Electricity Ombudsman.

19.22 The Electricity Ombudsman shall entertain a representation only if all the following conditions are satisfied:

(a) It has been filed by the Complainant being the aggrieved consumer either directly or through his duly authorised representative or the Association representing the consumer/s;

Explanation: A Distribution Licensee is not allowed to file a representation before the Electricity Ombudsman against the order of the Forum.

(b) The Complainant had, before making a representation to the Electricity Ombudsman, approached the Forum constituted under Section 42(5) of the Electricity Act, 2003 for redressal of his/her grievance;

(c) The Complainant has submitted a written representation in the specified form, to the Electricity Ombudsman;

(d) It has been shown to the Electricity Ombudsman that (i) the Forum has rejected the Grievance, or (ii) the Forum has not passed an order on the Grievance for its redressal within a maximum period of 15 days or 60 days, as applicable, from the date of receipt of the Grievance by the Forum, or (iii) there has been undue delay in the disposal of the Grievance by the Forum even after the period stated above;

(e) The representation against an order of the Forum is made within the period set out in these Regulations;

(f) The Electricity Ombudsman is satisfied that the representation is not in respect of the same subject matter that has been settled by him in any previous proceedings;

(g) The representation by the Complainant, in respect of the same Grievance, is not pending in any proceedings before any court, tribunal or arbitrator or any other authority, or a decree or award or a final order has not already been passed by any such court, tribunal, arbitrator or authority;

(h) The consumer has deposited in the stipulated manner, fifty percent of the amount, if any, that is required to be paid by him in terms of the order of the Forum or twenty-five thousand rupees, whichever is less.

19.23 The Commission may direct the Electricity Ombudsman, in writing and with reasons, to take up any matter, provided that the same falls within the jurisdiction of the Electricity Ombudsman.

19.24 Subject to the provisions of the Act and this Regulation, the Electricity Ombudsman’s decision on whether the representation is fit and proper for being considered by it or not, shall be final.

19.25 The Electricity Ombudsman may reject the representation at any stage, if it appears to him that the representation is:

(a) frivolous, vexatious, malafide;

(b) without any sufficient cause;

(c) there is no prima facie loss or damage or inconvenience caused to the Complainant:

Provided that the decision of the Electricity Ombudsman in this regard shall be final and binding on the consumer and the Distribution Licensee:

Provided further that no representation shall be rejected in respect of sub-clauses (a), (b), and (c) unless the Complainant has been given an opportunity of being heard.