

National Electric Power Regulatory Authority (NEPRA)

Islamabad, the 16th day of September, 2015

NOTIFICATION

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S.R.O. (I)/2015.— In exercise of the powers conferred by section 46 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (XL of 1997), the National Electric Power Regulatory Authority, with the approval of Federal Government, is pleased to make the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the National Electric Power Regulatory Authority (Complaint Handling and Dispute Resolution Procedure) Rules, 2015.

(2) They shall come into force at once.

2. **Definitions.**—(1) In these rules, unless there is anything repugnant in the subject or context,—

- (i) "Act" means the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (XL of 1997);
- (ii) "Authority" means the National Electric Power Regulatory Authority established under section 3 of the Act;
- (iii) "complaint" means a written complaint filed by a complainant with the Authority against a licensee for contravention of any provision of the Act or any order, rules, regulations, licence or instruction made or issued thereunder and includes disputes amongst licensees, and between consumers and licensees;
- (iv) "complainant" means any person including a Provincial Government and a licensee who has filed a complaint before the Authority;
- (v) "determination" means a decision or an order of the Authority;
- (vi) "licensee" means a holder of a licence;
- (vii) "licence" means a licence issued by the Authority for generation, transmission or distribution of electric power under the Act;



- (viii) "respondent" means a person or a licensee against whom a complaint is filed under these rules;
- (ix) "rules" mean rules made under Section 46 of the Act;
- (x) "regulations" mean regulations made under section 47 of the Act;
- (xi) "specified" means notified through a notification; and
- (xii) "tribunal" means the special tribunal established by the Authority under section 11 of the Act consisting of its professional staff for resolving contractual disputes between licensees or such other matter as the Authority may from time to time assign.

(2) The words and expressions used, but not defined in these rules, shall have the same meaning as in the Act.

3. **Filing of complaints.**— (1) The Authority on its own motion or on a complaint filed by a complainant in the manner provided in sub-rule (2), may initiate proceedings under these rules:

Provided that the complainant prior to filing of complaint with the Authority shall approach the respondent in writing through an application for redress of his grievance, which shall be decided by the respondent within fifteen days of receiving thereof or within such time as may be specified in any rule, regulations or consumer service manual approved by the Authority depending upon the nature of the grievance;

Provided further that in case the respondent fails to resolve the request of the complainant within the time specified above, it shall be deemed that the application has been rejected;

Provided further that complaint shall be filed within one year from the accrual of the cause of action.

(2) A complaint filed under sub-rule (1) shall be in writing and may be delivered in any manner specified by the Authority and shall,—

- (a) state the name, address and other necessary particulars of the complainant;
- (b) state in a concise manner the facts and grounds forming the basis of the complaint;

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- (c) state in precise manner the contravention of any provision of the Act, rules or any order, regulations, licence or instruction made or issued there-under by the Authority;
- (d) state the relief sought;
- (e) state the action taken by the respondent on the request submitted to it if any;
- (f) be in original and exclusively addressed to the Authority and supported with copies of documents relied upon; and
- (g) be signed by the complainant or his duly authorized agent.

(3) The Authority, at any stage of proceedings, may direct a complainant or a respondent to render statement of facts or opinion supported by an affidavit.

4. Registration of complaints and issuance of notice.— (1) Within seven working days of the receipt of a complaint, the Authority shall examine the contents of the complaint in order to satisfy itself of the conformity thereof with the provision of rule 3.

(2) Where after examination, it is found that the complaint filed is not in conformity with rule 3, it may be returned to the complainant with the directions to amend and re-file the same in accordance with rule 3.

(3) Where the complaint is in conformity with the requirements of rule 3, it shall register the complaint forthwith and allot a number to the complaint and acknowledgement to this effect shall be sent to the complainant within seven days of the same.

(4) A notice of the complaint so registered shall be given to the respondent for filing of reply within such time as may be determined by the Authority.

(5) At any stage, during the proceedings under these rules, if the respondent resolves the complaint or the matter is settled between the parties, a report to this effect shall be filed before the Authority.

5. Reply.— (1) A respondent, to whom a notice of complaint is issued, shall file a reply within such time as may be directed by the Authority.

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(2) The reply shall specifically indicate admission, denial or explanation of the facts stated in the complaint or any additional relevant fact or ground along with copies of relevant record.

(3) The Authority may direct the respondent to file additional documents as may be specified by it.

(4) The complaint may be decided ex-parte on the basis of available record if the reply of the respondent is not received within the time provided by the Authority under sub-rule (4) of rule 4.

6. Investigation of the complaints.— (1) Upon receipt of reply from the respondent, the Authority shall examine the contentions of the parties within fifteen days:

Provided that the Authority may seek further information and documents from the parties if required.

(2) The Authority may, if deemed appropriate or the circumstances of the case so requires, direct the matter to be investigated further by any of its officer.

(3) Where a complaint includes a class of consumers or requires a change or modification in the terms and conditions of tariff or pertains to contractual disputes between licensees, the Authority may constitute a tribunal for adjudication of such complaints.

7. Site Inspection.— (1) The Authority may, if deemed appropriate or the circumstances of the case so require, direct for a site inspection to arrive at a fair and just decision.

(2) The Authority shall nominate one or more of its officers for site inspection and inform the parties at least one week in advance of the carrying out of the site inspection.

(3) The site inspection report shall be prepared and submitted to the Authority by the concerned officer.

8. Tribunal. — (1) Where a tribunal is constituted by the Authority under section 11 of the Act, the tribunal so constituted shall render its decision in respect of a complaint not later than a period of sixty days from the date of the constitution of the tribunal and shall have all the powers which may be delegated by the Authority under the Act:

Provided that the tribunal may seek an extension of the time period in writing from the Authority.

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9. **Interim Order.**— (1) The Authority may, during the course of proceedings pass such interim order as it deems fit.

10. **Final order.**— A final decision upon a complaint shall be rendered by the Authority and a certified copy of the same shall be communicated to the parties for information and compliance:

Provided that before taking final decision, the Authority shall provide an opportunity of hearing to the parties.

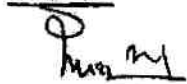
11. **Review.**— (1) Any party aggrieved by the final order of the Authority may file a review petition before the Authority within thirty days of the date of the final order.

(2) The review petition shall be decided by the Authority in accordance with the National Electric Power Regulatory Authority (Review Procedure) Regulations, 2009.

12. **Penalties.**—(1) While adjudicating upon a complaint, the Authority is of the view that any person or licensee has contravened any provision of the Act or rules or regulations made there-under or any directions or determination issued by the Authority, the Authority may impose on such person or licensee a fine under the Act or National Electric Power Regulatory Authority (Fines) Rules, 2002 for each contravention or may pass any directions to this effect:

Provided that in case of non-payment of any fine imposed or non-compliance of any directions of the Authority under these rules, proceedings may be initiated under the National Electric Power Regulatory Authority (Fines) Rules, 2002, for enforcement of its order or decision.

No. NEPRA/CHDR-01/13807-8


(Syed Safer Husaain)
16.09.15
Registrar



