

THE GAZETTE



OF PAKISTAN

EXTRA ORDINARY

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PART II

Statutory Notification (S.R.O)

GOVERNMENT OF PAKISTAN

OIL AND GAS REGULATORY AUTHORITY

**Complaint Resolution Procedure
Regulations, 2003**

NOTIFICATION

Islamabad, the 3rd September, 2003

S.R.O. 867(I)/2003.— In exercise of the powers conferred by section 42 of the Oil and Gas Regulatory Authority Ordinance, 2002, (XVII of 2002), the Oil and Gas Regulatory Authority, makes the following regulations, namely:—

1. Short title and commencement.— (1) These regulations may be called the Complaint Resolution Procedure [for Natural Gas, Liquefied Petroleum Gas (LPG), Compressed Natural Gas (CNG) and refined oil products] Regulations, 2003.

(2) They shall come into force at once.

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

- (a) **“application”** means a complaint filed under these regulations;
- (b) **“complainant”** means any one interested person who files an application under these regulations;
- (c) **“dealer”** includes an agent, broker, wholesaler and a person who sells distributes LPG or refined oil products under an agreement in writing with a licensee.
- (d) **“Designated Officer committee ”** means Authority’s
 - (i) Executive Director;
 - (ii) Head of Department; or
 - (iii) An officer committee appointed by it; to deal with an application.
- (e) **“Registrar”** means a person designated as such by the Authority to register and record the receipt of communications and complaints submitted to the Authority, and to perform such other duties under these regulations as may, from time to time, be assigned by the Authority.
- (f) **“complaint resolution system”** means a system established by a licensee and approved by the authority, to address the complaints;
- (g) **“Overcharging”** means the charging of a sum or charge over the licensee’s prescribed price for refined oil products, as applicable for the specific retail outlet or filling station.
- (h) **“pricing”** means the determination or fixation of the end selling price of refined oil products, as prescribed by the licensee for the specific retail outlet or filling station.

(2) The words and expressions used but not defined in the regulation shall have the meaning respectively assigned them in the Ordinance.

3. Nature of Complaints.—Any person may submit an application with the Registrar for -

- (a) any act or thing done or omitted to be done by a licensee or dealer in violation or alleged violation of the ordinance, rules, regulations, order of the Authority or terms and condition of the license;
- (b) non-compliance by the licensee or dealer with the service standards in the areas including but not limited to;
 - (i) billing and overcharging;
 - (ii) connection and disconnection of service;

- (iii) metering;
 - (iv) undue delay in providing service;
 - (v) safety practices; or
 - (vi) quantity and quality of natural gas, LPG or CNG being supplied;
or
- (c) discriminatory practices of the licensee or dealer.
- (d) for redressal of complaints in respect of matters relating to easements as given in section 32 of the Ordinance.

4. Application Requirement.—An application may be:

- a. in the format specified in the Schedule to these regulations, with all of the supporting documents; and
- b. on a paper having all necessary particulars of the complainant and the complaint may be written in English or Urdu, verified by an affidavit and with all supporting documents.
- c. Submitted within
 - i. 90 days of the date, complainant failed to obtain redress from the licensee or
 - ii. any other period approved by the Registrar.
- d. No action shall be taken on anonymous complaints or any such complaints which on the date of its filing is pending or earlier decided by any court of law or tribunal.

5. Redress from licensee:—The Registrar shall not accept an application unless the complainant has;—

- a. sought redress from the licensee pursuant to the complaint resolution system.
- b. failed to obtain the desired redress.

6. Initial Assessment:—(1) The Registrar shall complete his assessment of the application within ten days of receiving it.

- (2) The Registrar may reject the application if;
 - (a) it does not meet the requirements of regulation 4;
 - (b) it concerns matters outside the jurisdiction of the Authority; or

- (c) in the opinion of the Registrar, it does not merit further consideration.
- (3) If the Registrar;
 - (a) rejects the application, he shall notify the complainant in writing providing reasons for his rejection; or
 - (b) accepts the application, he shall;
 - (i) forward the application to the Designated Officer for further action; and
 - (ii) notify the complainant.

7. Licensee to respond.— (1) The Designated Officer shall forward a copy of the application to the licensee requiring a response from the licensee or dealer within;

- (a) 15 days of receiving the copy of the application; or
- (b) any other period specified by the Designated Officer provided that such other period is not less than the period set out in (a) above.

(2) The response from the licensee shall be comprehensive stating the licensee's position in relation to the complaint and to the extent the licensee's position warrants, may include matters set out in (a) to (e) below;

- (a) actions taken in addressing the complaint;
- (b) reasons for its actions and lack of satisfaction by the complainant;
- (c) any proposed remedy;
- (d) implementation plan;
- (e) any other factor relevant to the application.

8. Complaint Resolution.—(1) The Designated Officer prior to reaching his decision:

- (a) shall take into consideration the response of the licensee and
- (b) may take other reasonable steps to deal with the application including;
 - (i) arrange a meeting between the complainant and the licensee;
 - (ii) in complaints concerning Natural Gas, LPG and CNG, inspect any site and for complaints regarding quality of refined oil products, the Designated Officer may arrange a sample to be drawn in accordance with applicable rules. The cost of such testing shall initially be borne

by the Authority. If the complaint is proven correct, the cost shall be paid by the licensee or the dealer as the case may be.

- (iii) require additional information or any record relevant to the complaint, from the licensee or the complainant.
- (iv) In case there is a complaint regarding the quantity of oil, the Designated Officer may arrange the quantity measurement of the specific retail site of filling station. The cost of such testing shall initially be borne by the Authority. If the complaint is proven correct, the cost shall be paid by the licensee or the dealer as the case may be.

(2) The Designated Officer shall conclude his actions and notify the complainant and the licensee in writing of his decision within 90 days of admission of complaint. Where the decision is delayed beyond the period of 90 days, the Designated officer shall record his reasons for the delay.

(3) The Designated Officer may, by order, grant such temporary injunction on such terms as to the duration of the injunction, as the Designated Officer thinks fit.

9. Appeal.— If the complainant or the licensee is not satisfied with the decision under these regulations, within thirty days of the decision, either party may appeal against the decision to the Authority pursuant to section 12 of the Ordinance. The memorandum of appeal shall be fixed alongwith fee prescribed in the rules.

10. Recall of Complaint Case.—The Authority may either on receipt of a specific reference, application or of its own motion, at any time, call for any case in which complaints have been instituted under these Regulations, and pass such orders as it may deem fit.

Complaint before
Oil and Gas Regulatory Authority

For Authority's Use Only	
_____ vs _____	
Complaint	Licensee/Dealer

PLEASE PRINT

- (1) Information about Complainant:

Name: _____

Address: _____

City: _____ Province: _____

Home Telephone: Area Code (_____) _____

Office Telephone: Area Code (_____) _____

Email: _____

- (2) Person/company (Licensee, dealer) against whom complaint filed:

- (3) What is the Complaint (describe Problem);

- (4) Has complainant in the case of natural gas tried to resolve the complaint directly with the Licensee:

Yes

No

(5) Has complainant filed this complaint with any other body? (e.g. court)

Yes

No

If yes, provide details about the body and copy of documents submitted to the body:

(6) Any other information: _____

(7) Have copies of all relevant documents been attached?

Yes

No

If yes, itemize the list: _____

(8) I hereby affirm that all the facts and information given in the application is correct and that no material facts have been concealed from the Authority.

Signature of
Complainant

Date

For Registrar's Use Only

Date Received: _____ File# _____

Date Resolved: _____

Comments: _____
