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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN
OIL AND GAS REGULATORY AUTHORITY

NOTIFICATION

Islamabad, the 31st January, 2024

S. R. O. 139(I)/2024.—In exercise of the powers conferred by clause (g) of sub-section (2) of section 42 read with clause (n) of sub-section (2) of section 6 of the Oil and Gas Regulatory Ordinance, 2002 (Ordinance No. XVII of 2002), the Authority is pleased to make the following regulations, namely:—

1. **Short title and commencement.**—(1) These regulations may be called the Oil and Gas Regulatory Authority's (Procedure for Appeals) Regulations, 2024.

(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) **“Appeal”** means an appeal filed under section 12 (1) of the OGRA Ordinance, 2002;

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[7006(2024)/Ex.Gaz.]

- (b) “**Appellant**” means a person who files an appeal before the Authority;
- (c) “**Authority**” means the Oil and Gas Regulatory Authority established under section 3 of the Ordinance;
- (d) “**Authorized representative**” means a person who is authorized to appear, plead and act on behalf of the appellant, petitioner or the respondent, as the case may be, before the Authority;
- (e) “**Chairman**” means Chairman of the Authority;
- (f) “**Consumer Affairs Department**” means a department authorized by the Authority to process Appeals;
- (g) “**Department**” means a department of OGRA other than Consumer Affairs Department;
- (h) “**Form**” means form as prescribed in the schedule to these regulations;
- (i) “**HOD**” means Head of Consumer Affairs Department;
- (j) “**Ordinance**” means the Oil and Gas Regulatory Authority Ordinance, 2002 (XVII of 2002);
- (k) “**Respondent**” means a person or party against whom an appeal is filed under these regulations;

(2) The words and expressions used but not defined in these regulations shall have the meanings respectively assigned to them in the Ordinance.

3. **Filing of an Appeal.**— (1) Any person aggrieved by any order or a decision of the delegates of a power delegated by the Authority under section 10 of the Ordinance may, within thirty days of the receipt of such order or decision, file an appeal before the Authority and the Authority shall hear and decide the appeal, within ninety days from the date of its presentation, pursuant to Section 12 (1) of the Ordinance.

(2) An order or a decision against which an appeal is filed shall be deemed to be in field till the same is suspended or set aside by the Authority or court of law, as the case may be.

(3) The concerned Designated Officer shall get implemented his/her order or decision unless the said order or decision is suspended by the Authority or the court of law.

(4) No appeal shall lie against any order or decision given with the consent of the parties.

4. **Limitation for filing an Appeal.**— (1) An appeal shall be filed within a period of thirty days from the date an order or decision is received by the appellant(s);

(2) Subject to anything contrary on the record, the copy of an order or a decision shall be presumed to have been received by the appellant(s) if:

- (a) sent by courier, after three days following the day it is dispatched by the Receipt and issue department of the Authority;
- (b) sent by registered post, after seven days following the date it is dispatched by the Receipt and Issue department of the Authority; and
- (c) sent by hand delivery, on the day mentioned on the acknowledgment of receipt;
- (d) sent by email or fax, on the day it is sent.

5. **Form and procedure of filing Appeal.**— (1) A memorandum of appeal shall be filed, as per forms prescribed in the Schedule-I to these regulations, along-with 3 copies by registered post or through a recognized courier addressed to the HOD or by band in the receipt and issue department of OGRA.

(2) Every appeal shall be supported with a duly verified affidavit and relevant documents signed by the appellant(s) in the manner provided for in the form to these regulations.

6. **Appeal to be in writing.**—Every appeal, application, reply, representation or any document filed before the Authority shall be typed, written neatly on one side of good quality paper of legal size in double space and all sheets shall be stitched together and every page shall be numbered consecutively.

7. **Contents of an Appeal.**—A memorandum of an appeal filed shall set forth concisely under distinct heads, the grounds of such appeal numbered consecutively and shall contain no intemperate or improper language.

8. Other documents to accompany an Appeal.— (1) Apart from other documents, a memorandum of appeal filed by the appellant(s) shall be accompanied by a certified copy of an order or a decision appealed against.

(2) Where an appellant(s) or respondent(s) is represented by an authorized representative, the written authorization in his/her favour signed by the appellant(s) or respondent(s), as the case may be, shall be submitted with an appeal.

9. Presentation and scrutiny of an Appeal.—(1) The Consumer Affairs Department shall endorse on every appeal the date on which it has received an appeal under regulation 5, or deemed to have been presented under that regulation, and shall sign an endorsement to that effect.

(2) If, on scrutiny, an appeal is found to be filed in accordance with these aforesaid regulations, it shall be admitted and duly registered and given a serial number by the Consumer Affairs Department or any other officer authorized in this behalf by the Authority. If an appeal is found not to be filed in accordance with these regulations, the Consumer Affairs Department or any other officer authorized by the Authority, may allow the appellant(s) an opportunity in writing to rectify the same in such time as may deem fit by the Consumer Affairs Department or the authorized officer.

(3) If the appellant(s) fails to rectify the deficiencies within the time allowed in sub-regulation (2), the appeal shall not be admitted by the Consumer Affairs Department or authorized officer and the appellant(s) shall be informed accordingly.

10. Notice of Appeal to all concerned.— Where an appeal is complete in all respects and is admitted under regulation 9(2), a copy of an appeal and paper-book shall be served by the Consumer Affairs Department on the respondent(s) by hand delivery, or by registered post or by courier, as the case may be.

11. Filing of reply to the Appeal and other documents by the respondent.— (1) The respondent(s) may file a para-wise reply in writing of an appeal within a period of fifteen days of receipt of a notice issued pursuant to regulation 10.

(2) Every reply, application or written representation filed before the Authority shall be verified in the manner as provided in Form-B-1 of these regulations;

(3) A copy of every application, reply, document or other written material filed by the respondent before the Authority shall be forthwith served on the appellant(s) by the respondent(s).

(4) The Authority, at its discretion, may allow the filing of reply by the respondent(s) or other interested party after expiry of period provided in sub-regulation (1).

12. **Adjournment.**— (1) If on the day fixed or any other day to which the hearing may be adjourned the appellant(s) does not appear when the appeal is called on for hearing, the Authority may make an appropriate order for disposal of an appeal:

Provided that the Authority may, in case of dismissal of appeal, upon an application submitted by the appellant(s) giving sufficient cause for his non-appearance, make an order for restoration of appeal on payment of such costs as the Authority may determine, the circumstances of the case.

(2) Where any party does not appear when the appeal is called on for hearing, then—

- (a) If it is proved that the notice of hearing was duly served, the Authority may proceed *ex parte* [and pass order or decision without recording evidence];
- (b) If it is not proved that the notice of hearing was duly served the Authority shall direct a second notice to be issued and served on the respondent(s)/defendant(s);
- (c) If it is proved that the notice of hearing was served on the respondent(s)/defendant(s), but not in sufficient time to enable him to appear and answer on the day fixed in the notice, the Authority shall postpone the hearing of the appeal to a future day to be fixed by the Authority and shall direct notice of such day to be given to the respondent(s)/defendant(s).

(3) The appellant(s) or respondent(s) seeking adjournment for a fixed date of hearing shall be required to show sufficient cause in writing along-with evidence of his/her non-appearance or his/her authorized representative before the Authority and the Authority shall decide such application in accordance with law. Maximum of two adjournments shall be granted. No third adjournment shall be granted and appeal shall be decided on basis of available record.

13. **Date of hearing to be notified.**—The Consumer Affairs Department shall notify the date, time and venue of hearing of the appeal to all the parties in such manner as the Chairman may, by general or special order, direct.

14. **Hearing and Decision of Appeal.**—(1) On the day fixed for hearing, or on any other day to which the hearing may be adjourned, the appellant(s) shall be heard personally or through his/her authorized representative(s) by the Authority, in support of the appeal. The Authority shall then hear the respondent(s) or his/her authorized representative(s) against the appeal and in such a case the appellant(s) shall be entitled to reply.

(2) All parties appearing before the Authority may submit a summary of their arguments in writing at the conclusion of the hearing provided that the Authority shall not be bound to admit such arguments which are included in the summary but not pressed before the Authority during the course of hearing.

(3) The hearing of appeal under these regulations shall not be public proceedings, provided that any person not being a party to the proceeding before the Authority may attend such proceedings with the prior approval of the Authority.

(4) The Authority in an appeal may, *inter alia*, confirm, amend, remand, set aside or cancel the order appealed against or enhance or reduce the penalty or make such order it may deem just and equitable in the circumstances of a case.

(5) Hearing of the Appeal and decision thereon shall be taken by the Authority.

15. **Return of Appeal.**—The DDO or any other officer authorized in this behalf by the Authority, as the case may be, shall return the appeal if it is found that:—

- (a) An undertaking on the format prescribed in Schedule of these regulations was not submitted by appellant or petitioner at the time of filing of appeal; or
- (b) An appeal has been filed after expiry of 30 days from the date of receipt of order or decision of the Designated Officer or Authority, as the case may be, and there are no special circumstances to condone the delay; or
- (c) The appellant fails to furnish the necessary information or supply relevant documents, or does not respond despite two reminders and it is not possible to decide the appeal on basis of available record; or
- (d) The relief or cause of action has already been addressed before filing of an appeal; or

- (e) The subject matter of the appeal has become subjudice before the court of law; or
- (f) The subject matter has already been adjudicated by the Court of law or the Authority, unless the same has been remanded by the Court of law.

16. **Facts to be proved by affidavit.**—The Authority may, at any time, for sufficient reasons; order that any particular fact or facts may be proved by affidavit or that the affidavit of any witness may be read at the hearing, on such conditions as it may deem appropriate.

17. **Decision to be signed and dated.**—(1) All decisions in appeals or miscellaneous petitions taken by the Authority, shall be signed and dated by the Authority. The Authority may, subject to recording of reasons in writing, pass interim orders or injunctions in the interest of justice.

(2) The decision shall be pronounced in the sitting of the Authority or at any time as the Authority may deem fit.

18. **Communication of decisions.**—A certified copy of the duly signed decision, or order passed by the Authority shall be communicated to all the parties, within one week of the passing of such order, by the Consumer Affairs Department.

19. **Application to the existing Appeals.**— (1) Notwithstanding anything contained in these regulations, all Appeals filed before the commencement of these regulations and pending for adjudication by the Authority shall be deemed to have been filed pursuant to these regulations and shall be processed and decided accordingly;

(2) In case of any procedural deficiency in such appeals, the appellant will be given time period of forty-five [45] days by Consumer Affairs Department to rectify such deficiencies in accordance with provisions of these regulations, in writing.

(3) The Authority's previous decision(s), if any, for partial payment of penalty/disputed amount at the time of filing appeal stand recalled through these regulations.

20. **Correction of errors, mistakes, mis-representation etc.**—(1) Where through any typographical error, mistake or mis-representation by the appellant(s) or respondent(s), an incorrect figure, fact or position is reflected in the decision, the Authority shall, on its coming to notice and after giving an opportunity of hearing to parties, shall rectified or modified the original decision, as the case may be.

21. **Repeal.**—(1) The OGRA's (Procedure for Appeal and Review) Regulations, 2022 published *vide* SRO No. 1749 (I)/2022 of 20th September, 2022 are hereby repealed.

(2) Nothing in these regulations or any repeal under sub-regulation (1) shall affect or be deemed to affect anything done, action taken, agreement or other instrument, executed, proceedings commenced, order, appointment or conveyance made, fee paid, resolution passed, direction given, in pursuance of the regulations or notification repealed by these regulations and any such thing, action, proceedings, order, appointment, conveyance, agreement, instrument, fee, resolution or direction, if in force at the coming into force of these regulations and not inconsistent with any of the provisions of these regulations, shall continue to be in force and have effect as it is were respectively done, taken, commenced, made, directed, passed, given, executed or issued under these regulations.

(3) Any document referring to the provisions of the repealed regulations shall be construed as referring to the corresponding provisions of these regulations.

[No. OGRA-5-6(1)/2019-PR.]

IMRAN GHAZNAVI,
Sr. Executive Director (C&MA).

Form-A

SCHEDULE-I
[See regulation 5(1)]

This form shall be appended to an appeal by the Appellant(s) giving the following particulars:

- (1) Title: _____ Appellant(s) Versus _____ Respondent(s)
- (2) Particulars of the appellant(s):
- (a) Name of the appellant(s):
 - (b) In case of a company, address of registered office, in other cases mailing address for service of all notices:
 - (c) Telephone/Fax number and E-mail address:
- (3) Particulars of the respondent(s):
- (a) Name of the respondent(s):
 - (b) In case of a company address of registered office in other cases mailing address for service of all notices:
 - (c) Telephone/Fax number and E-mail address:

Signatures of the Appellant(s) or his/her authorized representative(s)

Form-B
BEFORE THE OIL AND GAS REGULATORY AUTHORITY ISLAMABAD
_____ Appellant(s) Versus _____ Respondent(s)
Appeal under section 12(1) of Oil and Gas Regulatory Authority Ordinance, 2002
<p>1. Facts of the case and the details of the order/decision against which appeal is preferred:</p> <p>The facts of the case are given below: (Give a concise statement of facts and grounds of appeal against the specific order or decision in a chronological order, each paragraph containing as nearly as possible a separate issue or fact).</p>
<p>2. Relevant provisions of law: (Reference must be made to all the relevant provisions invoked and to be relied upon in the appeal).</p>
<p>3. Legal grounds: (Give all the legal grounds with reference to the law they are based upon).</p>
<p>4. Interim order, if prayed for: (Give here the nature of the interim order prayed for and reference to the application No. attached with the appeal in this regard).</p>
<p>5. Limitation: The appellant(s) declares that the appeal is within the limitation period as prescribed in section 12(1) of the Ordinance.</p>
<p>6. Relief sought: In view of the facts mentioned in above paras, the appellant(s) prays for the following relief: (Specify the relief(s) sought, explain the grounds for relief(s) and the legal provisions, if any, relied upon).</p>
<p>7. Matter not pending with any other Court etc. The appellant(s) further declares that the matter regarding which this appeal has been made is not pending before the Authority or Court of law.</p>
<p>8. Details of index and list of enclosures: An index containing the details of documents to be relied upon along with enclosures is enclosed.</p>
<p>9. Copy of bank draft/ pay order</p>
<p><u>Name/designation of the Appellant(s)/authorized representative (s):</u></p>
<p><u>Signatures:</u></p>
<p><u>Date</u></p>

Form-B-1

Undertaking by the Appellant(s)

I, (Name in full and block letters) son/daughter/wife of -----

being the appellant(s)* do hereby solemnly declare/undertake that:

- (a) The foregoing constitutes full, true and plain disclosure of all material facts and nothing has been concealed, and that the contents of paras 1-9 are true to my personal knowledge and belief.
- (b) The decision appealed against is passed by the Designated Officer/ D.O.A. namely Mr./Ms. _____ on _____ in complaint/case No. _____. The documentary evidence of the same is also annexed with this undertaking for satisfaction of the Authority.
- (c) If the said information found incorrect later at any stage of the proceedings, the Authority has right to dismiss the appeal without going into merits of the case.

Verified today this _____ day of _____

Signature of the appellant(s)

Place:

Date:

* In case of Utility Companies, undertaking should be signed by Managing Director/authorized officer;

In case of other licensees, undertaking should be signed by owner or Chief Executive Officer.

