



विद्युत नियमन आयोग

सानो गौचरण, काठमाडौं



राय, सल्लाह, सुझाव तथा प्रतिक्रिया उपलब्ध गराईदिने सम्बन्धी सूचना

मिति: २०८३।०४।२८ गते

यस आयोगद्वारा तयार गरिएको **BALANCING & SETTLEMENT DIRECTIVES, 2083** र **GRIEVANCES REDRESSAL MECHANISM FOR OPEN ACCESS CUSTOMERS DIRECTIVES, 2083** को मस्यौदा आयोगको वेबसाइटमा प्रकाशित गरिएको छ। साथै, उक्त मस्यौदाहरू उपर ३० दिन भित्र राय, सल्लाह, सुझाव तथा प्रतिक्रिया उपलब्ध गराइदिनुहुन समेत सम्पूर्ण सरोकारवालाहरूमा अनुरोध छ।

विद्युत नियमन आयोग
सानोगौचरण, काठमाडौं

सम्पर्क नं: +977-1-4522442/4539004/4543390

इमेल: info@erc.gov.np

वेबसाइट: <https://www.erc.gov.np>

DRAFT

**ELECTRICITY REGULATORY
COMMISSION**

**(Grievances Redressal Mechanism for
Open Access Customers) Directives, 2083**

(For Comments and Suggestions)



Electricity Regulatory Commission

Sano Gaucharan, Kathmandu, Nepal

Shrawan, 2083 (August 2026)

Electricity Regulatory Commission
(GRIEVANCES REDRESSAL MECHANISM FOR OPEN ACCESS
CUSTOMERS) DIRECTIVES, 2083

PREAMBLE

Preamble: Having regard to the provisions of Section 50(1) of Directives Relating to Open Access in Electricity Transmission and Distribution System 2082, the Electricity Regulatory Commission is required to establish appropriate mechanisms for grievance redressal of Open Access customer;

Now, therefore, the Commission, in exercise of the powers conferred under Section 43 of the Electricity Regulatory Commission Act, 2074 (2017 AD), hereby makes the following Directives, namely: -

Chapter-I
Preliminary

- I. Short title, extent and commencement: (1) These Directives may be called “The Electricity Regulatory Commission (Grievances Redressal Mechanism for Open Access Customers) Directives, 2083 (2026 AD)”.
- (2) These Directives shall come into force with immediate effect.
2. Definitions: (1) In these Directives, unless the context otherwise requires; -
 - (a) “Act” means the Electricity Regulatory Commission Act, 2074 (2017 AD);
 - (b) “Customer” means any Open Access customer as defined in Section 2(1) (q) of Directives Relating to Open Access in Electricity Transmission and Distribution System 2082;
 - (c) “Defendant” means a party against whom a Complaint is filed for the redressal of a Grievance pursuant to this directive;
 - (d) “Grievant” means any customer of open access who is dissatisfied with a decision, order, action, or inaction of the Nodal Agency, Licensee(s), or the Load Dispatch Centre;

- (e) “Committee” means the Grievance Redressal Committee formed under Section 3 of this Directive;
- (f) “Commission” means the Electricity Regulatory Commission constituted in accordance with the Electricity Regulatory Commission Act, 2074;
- (g) “Complaint” means a written request filed before the Committee by a Grievant, challenging a decision, order, action, or inaction of the Nodal Agency, the Licensee(s), the Load Dispatch Centre, or any other concerned entities, seeking redressal in relation to open access;
- (h) “Grievance” means any decision or order, or any action or inaction taken by the Nodal Agency, the Licensee(s), the Load Dispatch Centre, or any other concerned entities on the following matters, as a result of which a Grievant is aggrieved, namely: -
 - (i) Eligibility criteria for open access;
 - (ii) Categorization and terms of open access;
 - (iii) Allotment priority of open access;
 - (iv) Metering and communication;
 - (v) Curtailment;
 - (vi) Determination of capacity and notification,
 - (vii) Action on application submitted for open access;
 - (viii) Injection and drawal points and related matters;
 - (ix) Non-utilization and under-utilization of open access capacity;
 - (x) Relinquishment of open access;
 - (xi) Terms and conditions of open access agreement;
 - (xii) Open access charges;
 - (xiii) Transmission and Distribution losses, scheduling and accounting;
 - (ivx) Captive Generating Plant and matters;
 - (vx) Balancing and Settlement and matters;

- (xv) Deviation settlement and matters;
- (xvi) Any other matter related to open access.
- (i) “Member” means the Chairperson and other Members of the Committee constituted pursuant to Section 3 of this directive;
- (j) “Petition” means a petition filed to the Commission by a Grievant who is dissatisfied with a decision or order of the Committee;
- (k) “Rules” means Electricity Regulatory Commission Rules, 2075 (2018 AD);

(2) The other words and expressions used and not defined in these Directives, but defined in the Act, Rules and other Directives shall have the meanings respectively assigned to them in the Act, Rules and other Directives issued by the Commission.

Chapter- 2

Grievance Redressal Committee

3. Constitution of Committee: (1) For the purpose of redressal of Grievances in relation to open access, there shall be constituted a Grievance Redressal Committee consisting of the following Chairperson and Members; -

- | | | |
|-----|--|--------------|
| (a) | A Director (Level II or above),
selected from the pool of
Transmission Directorate personnel,
appointed by the Commission on the
nomination of the Nepal Electricity
Authority. | —Chairperson |
| (b) | A Manager (Level IO), drawn from
among the Distribution Licensee(s) on
an alphabetical and rotational basis,
appointed by the Commission on the
nomination of the concerned
Distribution Licensee(s). | —Member |
| (c) | A personnel member nominated by
Association of Independent Power
Producer of Nepal (IPPAN), appointed
by the Commission. | —Member |

- | | | |
|-----|--|-------------------|
| (d) | An independent legal expert member, having requisite experience in the electricity regulatory sector and laws, as appointed by the Commission. | —
Member |
| (e) | A Manager (Level 9 or above) serving in the Nodal Agency, appointed by the Commission on the nomination of the Nodal Agency | —Member—Secretary |

(2) Upon the official announcement of the implementation of open access, the Nodal Agency shall request the Commission, in writing, to constitute the Committee as referred to in sub-section (1).

(3) On receipt of the request pursuant to sub-section (2), the Commission shall constitute the Committee in consultation with the concerned parent organizations and forthwith notify the Nodal Agency therefor.

4. Office of the Committee: (1) The main office of the Committee shall be established within the premises of the Nodal Agency.

(2) The Nodal Agency shall ensure the provision of such staff and other facilities required for its smooth functioning.

(3) The Committee may conduct its sittings at the main office or at such other places, within its area of jurisdiction, as may be considered necessary and proper by it.

5. Tenure of Members:

- (1) Members of the Committee appointed under Section 3 (c) and (d) shall ordinarily hold office for a term of two years, unless otherwise specified.
- (2) The remaining members of the Committee shall serve in an ex officio capacity, and the member appointed pursuant to Section 3 (c) and (d) shall hold office for a term of two years and shall be eligible for reappointment for one additional term of two years only.

6. Replacement of Member: A Member under section 3 (c) and (d) may be replaced by the Commission, on the following grounds:

- (a) Upon request by Association of Independent Power Producer of Nepal (IPPAN) for the replacement of member appointed under 3 (c) after the completion of two years term of the existing member;
- (b) If any member has violated the code of conduct framed by the committee under this directive.

Notwithstanding the above, the Commission may, *Suo motu*, remove any member of the Committee on the grounds of violation of code of conduct and shall request the nominating agency to recommend a replacement.

7. Sitting of the Committee: (1) Sittings of the Committee shall be convened by the Member-Secretary, in consultation with the Chairperson, as and when necessary provided that at least one meeting shall be held in every two months.

(2) At least twenty-four (24) hours before a sitting of the Committee, the Member-Secretary shall provide all Members with a list of agenda to be deliberated.

(3) The Chairperson shall preside over sittings of the Committee, and in his absence, the senior-most Member shall preside over the sitting.

(4) The quorum for a sitting of the Committee shall be three Members.

(5) The decision of the Committee shall be based on the opinion of the majority of Members present and voting, and in the event of a tie, the Chairperson shall exercise a casting vote.

8. Vacancy: (1) No position of a Member of the Committee shall remain vacant for more than forty-five (45) days.

(2) The concerned parent organizations and the Commission shall ensure that any vacancy in the office of a Member is nominated and filled within the period specified in sub-section (1).

(3) Where a nomination of a suitable member is not received from the concerned parent organization within the period referred to in sub-section (1), the Commission may nominate a suitable person to fill the vacancy of member for the intervening period until the official nomination is received from the concerned organization.

9. No act or proceedings to be deemed invalid: No act or proceeding of the Committee shall be deemed invalid solely on the ground of any defect in the constitution of the Committee or the existence of any vacancy among its Members, whether arising from non-receipt of a nomination from the concerned parent organization or from the removal of a Member.

10. Remuneration and other expenses: (1) The Chairperson and Members shall be deemed to be on duty while performing the functions of the Committee, and their salary and other allowances, including per diem and travelling allowances, shall be borne by their parent organizations.
- (2) Notwithstanding anything contained in sub-section (1), the payment of honorarium to attendees of the Committee shall be determined by the Nodal Agency in its Grievance Redressal Procedure; provided that any such payment, if prescribed, shall be made by the Nodal Agency on the basis of the attendance register maintained by the Member-Secretary of the Committee.
11. Expenses for the Committee: (1) The Nodal Agency shall bear or arrange the expenses of the Committee.
- (2) For the purpose under sub-section (1), the Nodal Agency may prescribe an appropriate fee and other mechanism in its grievance redressal procedure for managing the expenses of the Committee.
12. Publication of Committee's particular: The name, location, e-mail, telephone, and fax numbers of the Committee shall be conspicuously published on the websites of the Commission, the Nodal Agency, and the Licensee(s) for the information of all concerned.

Chapter- 3 Complaint Filing Procedure

13. Filing of Complaint: (1) The Grievant may file a Complaint with the Committee in a format prescribed under the Grievance Redressal Procedure, providing details of Grievance arising from any decision or order, or any action or inaction taken by the Nodal Agency, the Licensee (s), or the Load Dispatch Centre.
- (2) While submitting a complaint under sub-section (1), the grievant shall pay the applicable fee as specified by the Nodal Agency in its Grievance Redressal Procedure, subject to prior approval of the Commission.
- (3) Upon the filing of a Complaint under sub-section (1), the Committee shall register it within the time period specified in the Schedule and provide a receipt in the format prescribed under the Grievance Redressal Procedure.
- (4) The Complaint referred to in sub-section (1) may be submitted either in hard copy or through an online platform or official email, as applicable.
14. Development of Online Platform: The Committee shall, within one year of its constitution, develop, install, and make operational an online platform, for filing Complaints in accordance with Section 13.

15. Time for Filing a Complaint: Complaint under Section 13 shall be filed within the following time, commencing from the date of the cause of action giving rise to the Grievance, as defined in Section 2(f) hereof:

(a)	Prospective customer related issues	15 days
(b)	Short Term Open Access	30 days
(d)	Medium Term Open Access	90 days
(e)	Long Term Open Access	180 days
(f)	Metering or billing related issues	30 days
(g)	Operating Procedure or Connectivity Agreement	30 days
(h)	Scheduling related issues	7 days
(i)	Any Other Issues	30 days.

16. Rejection of Complaint: (1) The Committee may reject a Complaint at any stage under any or more of the following circumstances: -

- (a) In cases where a Complaint has been filed after the lapse of the timeframe under Section 15;
- (b) In cases where proceedings in respect of the same matter and between the same parties 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;
- (c) In cases where a Grievance appears: –
 - (i) Frivolous, vexatious, or filed with mala fide intention;
 - (ii) Without any sufficient cause; or
 - (iii) Where there is no prima facie loss or damage or inconvenience caused to a Grievant.

Chapter-4

Service of Notice and Inspection

17. Service of Notice on Defendant: (1) The Committee shall serve a notice, together with a copy of the complaint, on Defendant or its duly authorized representative.

(2) The Defendant, duly served with a notice pursuant to sub-section (1), shall submit a written reply within the time period specified in the notice, in accordance with the Schedule.

(3) Where the defendant fails to submit a written reply within the specified time period, the Committee may proceed with the examination and disposal of the Grievance on the basis of the available records and information and may draw such inferences as it deems appropriate.

18. Call for Records and Documents: (1) The Committee may call for any record, document, or information from the defendant and/ or from the Grievant that is relevant to the examination and disposal of the Grievance, and both parties shall be under an obligation to furnish the same.

(2) Where the Parties fail to furnish any such record, document, or information, and the Committee is of the opinion that the same is being deliberately withheld, the Committee may draw an adverse inference in relation thereto.

19. Inspection: (1) The Committee may undertake an inspection or engage a third party to undertake such inspection with regard to a Grievance as specified in the Complaint, as may be required for expeditious redressal of the grievance; or, it may in special circumstances of a case and after recording reasons thereof, and, at the instance and request of the Grievant, engage a third party (other than the licensee) to undertake inspection and obtain an independent report.

(2) The expenses of such third-party inspection, except expenses of inspection at the request of the Grievant, shall be borne by the Nodal Agency.

Provided further that, if the inspection is undertaken at the request of the Grievant, such party shall deposit the expenses in advance with the Nodal Agency.

20. Settlement of Grievance through Conciliation: (1) The Committee may encourage the parties to settle a grievance through the process of conciliation and, where appropriate, may facilitate discussions between the parties to reach an amicable resolution.

(2) The Committee may designate or appoint a personnel from the roster maintained by Commission having requisite qualification to act as a mediator, to facilitate the process of conciliation between the parties to a Grievance. The cost of such personnel shall be borne by respective parties.

(3) Any settlement reached through conciliation under sub-section (1) shall be recorded in writing, signed by the parties and the Committee, and shall have the same effect as an order of the Committee.

Chapter 5

Procedure for Conduct of Hearings and Decisions

21. Procedure for Conduct of Hearings: (1) The Committee shall conduct hearings on the Complaints filed with the Committee under Section 13, requiring both parties to be present in such hearings.
- (2) The Committee shall ensure that hearings are conducted fairly, impartially, and in accordance with the principles of natural justice.
- (3) The Committee may, during the hearings, summon any documents, evidence, or witnesses it deems necessary for the proper disposal of the Complaint, and the concerned party shall be obliged to produce the same.
- (4) The Committee may issue an interim decision if the Grievant satisfies the Committee, on *prima facie* basis, that the Defendant is likely to contravene any of the provisions of the Act, the Rules, and Directives made thereunder or any order of the Commission.
- (5) Where either party or their representative is unable to appear before the Committee on more than two consecutive scheduled hearing dates, the Committee may, for reasons recorded in writing, dispense with the presence of such party or representative and decide the Complaint *ex parte*.
- (6) No adjournment shall ordinarily be granted by the Committee, unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Committee.
22. Appearance through Legal Practitioner: Both parties to the Complaint in any proceedings before the Committee may either appear in person or authorize a legal practitioner to represent them and to perform all acts necessary for the purpose.
23. Decision to be Issued: 1) The Committee shall issue its decision after receiving the response from the Defendant or, in its absence, after completing such inquiry or inspection as the Committee considers necessary, and after giving both parties a reasonable opportunity to be heard.
- (2) If, after the completion of the hearings, the Committee is satisfied that the claims contained in the complaint are correct, it shall:-
- (a) Issue a decision to the Defendant directing it to do one or more of the following within a specified time frame:
- (i) Remove the cause of the Grievance;
- (ii) Refund to the Grievant any undue charges paid, together with interest at the rate of 1.25% per month or part thereof.

- (b) Pass any other decision that it considers appropriate in the circumstances of the case.

(3) The decision of the Committee shall be speaking and reasoned and the reasons given by the Committee in support of the decision, including those by the dissenting Member, if any, shall form a part of the decision, and the Members who heard the matter shall sign the decision.

(4) The Committee shall take decisions unanimously, and where unanimity is not reached, the decision of the majority of members shall prevail.

(5) The decision of the Committee shall be communicated and delivered to the parties immediately.

(6) Each such decision shall also be displayed on the website of the Nodal Agency and of the Committee.

24. Correction of Errors in Decision: (1) If any error is found in the computation of charges, fines, or other monetary amounts after the issuance of a decision pursuant to Section 22, either the Committee on finding such error on its own motion correct such error or the Grievant may, within thirty days from the date of the decision, request the Committee to correct such error.

(2) Upon a request made by the Grievant, pursuant to sub-section (1), the Committee shall make the necessary correction in the decision after following the proper procedure.

Chapter-6

Execution of Decisions and Filing of Petition

25. Execution of Committee Decisions: (1) The Parties shall execute the decisions of the Committee within the time stipulated in the Schedule, or within such shorter period as may be directed by the Committee, from the date of receipt of the decision.

(2) In appropriate cases, having regard to the nature of the matter, the Committee may, upon the request of the concerned party, extend the period for the execution of its decision for a maximum of three (3) months.

(3) The concerned party shall submit a report on the execution of the Committee's decisions to the Committee under Sub-section (1) within seven (7) days of such execution.

(4) The Committee shall maintain a record of compliance with its decisions and monitor the same on a monthly basis.

(5) In case of non-compliance with the order or decision under Sub-section (1), the Committee shall draw the attention of the concerned party and direct it to execute the order or decision and to submit a compliance report within fifteen (15) days of such direction or within such time as the Committee may determine.

(6) If the decisions remain unexecuted despite such measures, the Committee shall report the non-compliance to the Commission, which shall take action in accordance with the applicable directives.

26. Petition against the Committee's Decision: (1) A Party dissatisfied with an order of the Committee, may file a petition, before the Commission within thirty (30) days from the date of issuance of such order or decision, along with the details of the matter and supporting documents.

Provided that, where any Complaint has been settled through conciliation under Section 20, no petition shall be entertained by the Commission in respect of such grievance.

(2) The petition referred to in sub-section (1) shall be treated as a dispute and dealt with in accordance with the Act, the Rules and other applicable Directives or Bylaws issued by the Commission, as applicable.

Chapter— 7

Miscellaneous

27. Period for Disposal of Complaints and Execution of Decisions: The Committee shall dispose of complaints and ensure execution of its orders within the respective period specified in the Schedule, within which all required actions shall be completed.
28. Reporting Requirements: (1) The Committee shall, within fifteen days from the close of each six-month period to which the report relates, submit to the Commission a half-yearly report setting out the following particulars:

- (a) The number of complaints registered;

- (b) The nature and type of grievances;
- (c) The number of complaints resolved;
- (d) The number of complaints pending hearings;
- (e) The number of complaints disposed of through conciliation; and
- (f) Such other relevant matters as may be prescribed.

(2) The Commission shall:

- (a) Analyse the reports submitted by the Committee under sub-clause (2), duly taking into account the levels of performance achieved; and,
- (b) Facilitate the capacity building of the licensee and the Nodal Agency to develop and implement a comprehensive public awareness and interaction programme, explaining to customers their rights.

29. To render cooperation to the Committee: The Nodal Agency, Licensees, and all concerned parties to a Grievance shall provide necessary cooperation to the Committee in the discharge its functions and duties.

30. To formulate and issue Grievance Redressal Procedure: (1) Upon its constitution pursuant to Section 3, the Committee shall, within the scope of these Directives, formulate and issue a grievance redressal procedure with the prior approval of the Commission within three (3) months from the date of formation of such committee.

(2) The following matters, inter alia, shall be incorporated in the procedure to be formulated pursuant to Sub-section (1):-

- (a) The formats of various documents, including the filing of complaints, acknowledgment of receipt, submission of responses, reporting to the Commission, and other relevant forms to be used by the Committee, the Grievant, Licensees, and other concerned persons;
- (b) The service of notices;
- (c) The procedure for sittings of the Committee;
- (d) The maintenance of the orders register;
- (e) The hearing procedure;
- (f) The execution of orders;

- (g) Reporting to the Commission;
- (h) The code of conduct for the Members; and
- (i) Any other matter deemed necessary.

31. Power to remove difficulties: If any difficulty arises in giving effect to any provision of these Directives, the Commission may, by general or special order, issue such directions to the Committee as it deems necessary or expedient for the removal of such difficulty, by exercising such powers vested in the Commission under the Act and Rules.

Schedule

[Related to Section 26]
Period for Addressing Complaint and Executing Orders

Sr. No.	Details of activities	Timeline
1	On receipt of a Complaint, the Committee shall register it and provide the Grievant with an acknowledgment receipt.	The same day
2	Upon registration, the Complaint shall be transmitted to Defendant.	With two days
3	Submission of Response by the Defendant.	With fifteen days
4	The Licensee or Defendant shall make available the records or furnish any information as required by the Committee.	Within seven days
5	Making of decisions by the Committee: (a) In cases relating to Open Access Agreement, connectivity agreements, or meters and billing-related issues; (b) For all other matters, the Committee shall make such orders as it deems appropriate, having regard to the merits of the case and the applicable legal provisions.	Within 20 days Within 45 days
6	Execution of Orders of the Committee	Within 21 days, or within any shorter time frame indicated in the orders.
7	Reporting of Execution of Orders to the Committee.	Within 7 days of such execution.
8	Filing of Petition before the Commission against the Orders of the Committee.	Within 30 days of receiving the Orders.