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EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B. 3/2009

SRI LANKA ELECTRICITY ACT, No. 20 OF 2009

RULES made by the Public Utilities Commission of Sri Lanka under Section 53 of the Sri Lanka Electricity Act, No. 20 of 2009, read with subsection (1) and (3) of section 39 of the aforesaid Act.

Chairman,
Public Utilities Commission of
Sri Lanka.

Colombo,
24th May, 2011.

Rules

1. These Rules may be cited as the Electricity (Dispute Resolution Procedure) Rules,

PART I

RESOLUTION OF DISPUTES BY THE PARTIES TO THE DISPUTE

2. A party to a dispute who wishes to resolve such dispute may for that purpose send to the other party to that dispute a written request, setting out the matter in dispute between them and any other facts that such party considers to be relevant thereto, including a proposal for the resolution of the same. The request shall also specify a date for a meeting in order to endeavour to resolve such dispute.

3. The request referred to in rule 2 shall be sent by registered post and shall be deemed to have been received by the other party on the next day of delivery of mail immediately following the date of posting, unless the parties have agreed to any other means of services, such as facsimile or electronic mail. Where the parties have agreed upon any other means of service, the request shall be deemed to have been received only upon acknowledgement of the receipt thereof by the other party.

4. Within fourteen (14) days of the date of receipt or the deemed date of receipt, as the case may be, of the request, the parties to the dispute shall meet at a convenient venue and on a date and time as agreed upon between the parties and upon so meeting, make every endeavour to reach a mutually acceptable settlement to the dispute.

5. Where the parties are able to reach a settlement, such settlement shall be put into writing and both parties shall affix their signature to the document signifying their agreement to the terms of such settlement.

6. Where, within fourteen (14) days of the date of the first meeting referred to in rule 4 or within thirty (30) days of the date of receipt or the deemed date receipt, as the case may be, of the request referred to in rule 3, the parties to the dispute having made every effort to resolve the dispute are unable to reach a mutually acceptable settlement, either party to the dispute may, by a signed written communication addressed to the Commission, inform the Commission of the failure to settle the dispute and shall call upon the Commission to resolve the same.

7. The written communication referred to in rule 6, shall include :-

- (a) the names and addresses of all the parties to the dispute ;
- (b) the facts relevant to the dispute ; and
- (c) the resolution sought by the parties, along with copies of any written arrangement that the parties had entered with.

PART II

RESOLUTION OF DISPUTES REFERRED TO THE COMMISSION

8. Where the dispute referred to the Commission under rule 6 is a dispute that is specified in paragraph (b) of subsection (1) of section 39 of the Act and the Commission in terms of the provisions of subsection (2) of that section decides that it is more appropriate for such dispute to be determined by a court or through arbitration, the Commission shall in writing inform the parties whose names are mentioned in the written communication referred to in rule 7, of its decision.

9. Where the Commission decides to resolve any dispute referred to it under rule 6 through mediation, the Commission shall for that purpose appoint a panel mediators consisting of three persons (in these Rules referred to as “the Panel”), one of whom shall function as the Chief Mediator. The Panel shall in mediating and resolving the dispute have the power to hold such inquiries and call for such documents or information as it considers necessary, including the obtaining of advice from any person who has special knowledge or expertise in relation to the subject matter of the dispute.

10. The Panel shall thereafter arrive at a determination of its own for the resolution of the dispute, which shall be reduced to writing and the seal of the Commission shall be placed upon the document.

11. The Panel shall in order to facilitate a resolution to the dispute before them, shall have the power to :-

- (a) notify in writing, to the parties to the dispute and such other parties whose presence is considered by it to be necessary of the purpose of resolving the dispute, to be present as a mediation conference, either together or individually, at a time and place specified in the notification ;
- (b) call upon any person notified to be present at the mediation conference, to bring any witnesses or documents who or which may be of assistance in arriving at a resolution to the dispute ;
- (c) convene such mediation conferences as may be necessary in order to arrive at an amicable settlement to the dispute ;
- (d) maintain confidentiality in respect of all evidence given, documents and information submitted and of any other matters that are revealed or discussed during the conduct of the mediation conference ;
- (e) obtain the advice of any person who has special knowledge or expertise pertaining to the subject matter of the dispute, where the Commission considers such advice to be necessary and helpful in arriving at a settlement ;
- (f) endeavour to cause the parties to the dispute to reach an amicable settlement which is acceptable to both parties ; and
- (g) complete its proceedings and arrive at a settlement to the dispute within ninety (90) days of the date of the reference, referred to in rule 6.

12. It shall be the duty of every party to a dispute brought for resolution by mediation, to :-

- (a) disclose fully and honestly all matter which are relevant and necessary for the Panel to facilities the parties to the dispute to arrive at a settlement to such dispute ; and
- (b) refrain from revealing any information of a confidential nature, disclosed or discussed at a mediation conference.

13. At the conclusion of the mediation conference, the parties to a dispute may, as the case may be :-

- (a) agree to a settlement, in which case the terms of the settlement shall be reduced to writing and be signed by the members of the Panel and all the parties to the dispute. The seal of the Commission shall thereupon be placed upon the document containing the settlement and a copy of the same shall immediately be issued to each of the parties to the dispute ; or
- (b) not agree to a settlement, in which case the members of the Panel shall in the presence of such parties, open the sealed document containing its determination made under rule 10 and submit the same to the parties as the resolution reached by the Commission in regard to that dispute, and issue a copy thereof to each of the parties to the dispute.

14. Where the parties to the dispute do not wish to accept the resolution reached by the Commission as referred to in paragraph (b) of Rule 13 as a resolution to their dispute, the Commission shall have the authority to refer such dispute to be determined either by an appropriate court or to arbitration, as the case may be, in terms of subsection (2) of section 39 of the Act.

15. References, Communications and Submission may be made to the Commission by registered post, facsimile, electronic mail or through any other means of electronic communication made available by the Commission. In the case of facsimile, electronic mail or electronic communication, the reference, communication or submissions shall be deemed to be received, only upon acknowledgement of receipt thereof by the recipient.

16. Where a dispute referred to the Commission is resolved by a mediation process under these rules, the Commission may at the conclusion of all deliberations pertaining to the same, charge as expenses of the Commission, such amount as shall be determined by the Commission and the amount to be paid by the parties to the dispute in equal proportion.

17. In these rules, unless the context otherwise requires :-

“Act” means the Sri Lanka Electricity Act, No. 20 of 2009 ;

“Commission” means the Public Utilities Commission of Sri Lanka, established by the Public Utilities Commission of Sri Lanka Act, No. 35 of 2002 ; and

“dispute” means a dispute arising in connection with the supply or use of electricity as referred to in subsection (1) of section 39 of the Act.