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བསྟན་ཀྱིས་ལྷན་ཁག།

Bhutan Electricity Authority
Department of Energy
Ministry of Trade & Industry

Dispute Resolution

Purpose

- Resolution of disputes -
in accordance with the Act–Part 2,Sec.11 (VII)
To establish a dispute resolution system to settle disputes.

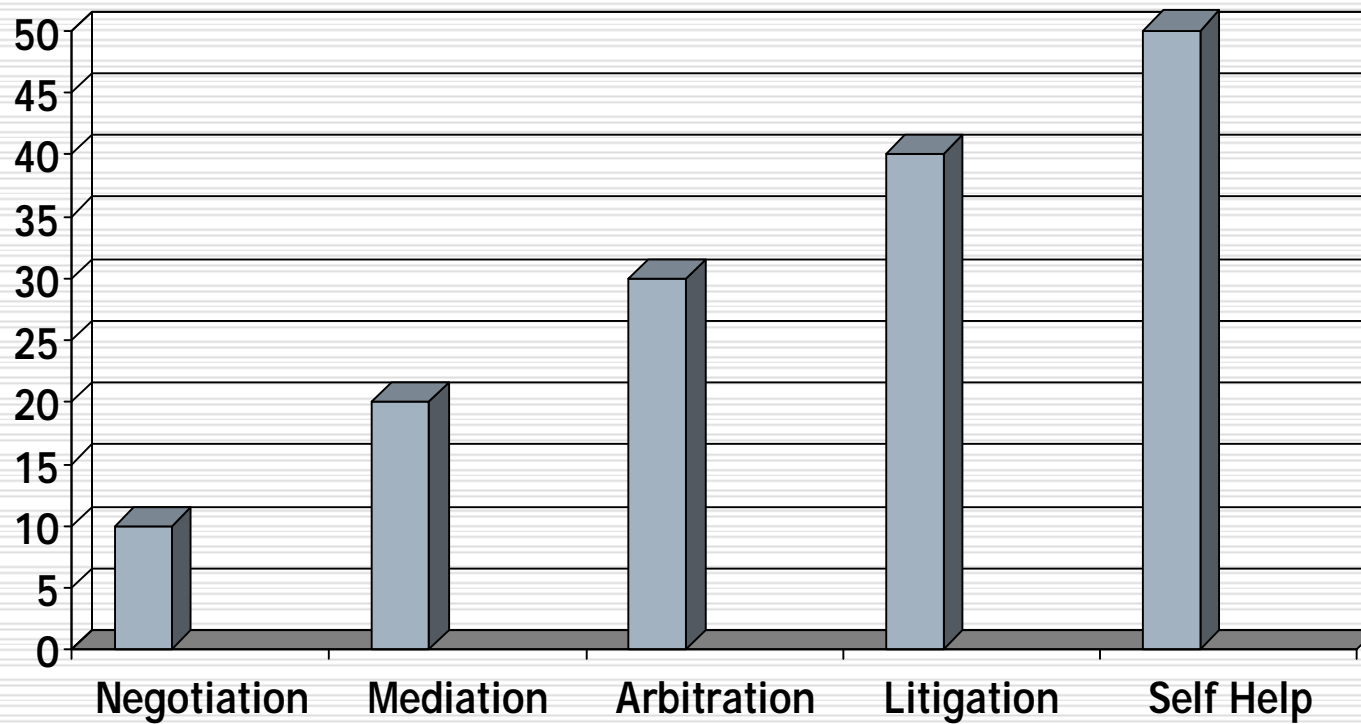
Scope

- All distribution, supply, transmission, generation and system operation licensees

Jurisdiction

- BEA Deals with:
 - n All disputes between Licensees
 - n Disputes between Licensees & Customers
 - Refusal to supply
 - Damages due to negligence
 - Disconnection
- Other Disputes
 - n Licence revocation: To Courts
 - n Water rights: To Minister
 - n Wayleaves & land: As per the Land Act

Dispute resolution process



Dispute resolution process

- Court is not the right place
- Too expensive for litigants
- Relationship is broken
- Too much insisting on rights

Dispute resolution process

○ Splitting the baby

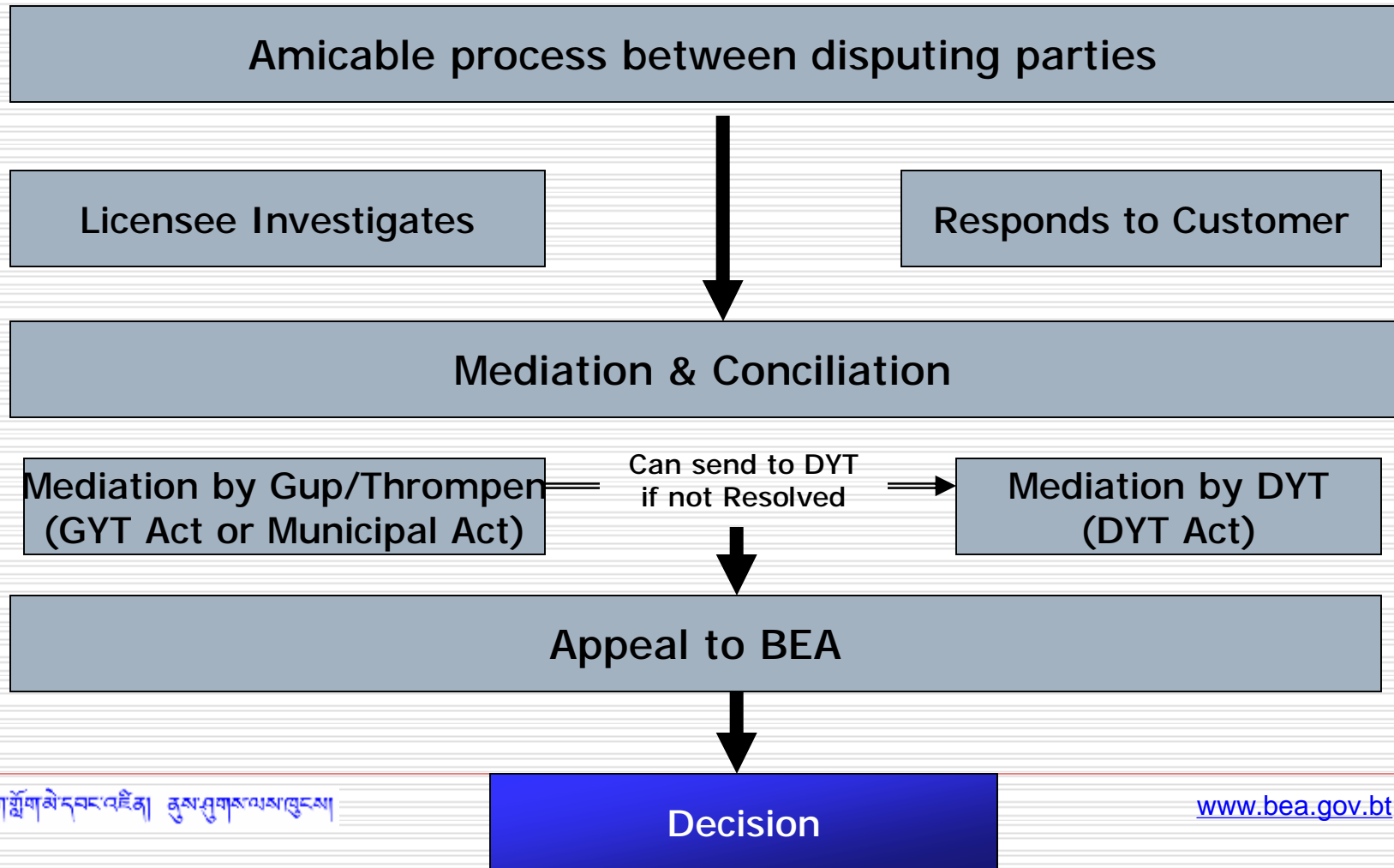
Dispute resolution process

- Most Practical process
- Amicable resolution (Win-Win)
- Referral to local dispute resolution
- Reduced cost & time
- Forum to have technical capacity

Dispute resolution process

- Share the Orange rather than split the baby

Dispute Resolution Process



Dispute resolution procedures

The current complaint process is both time-consuming and costly. It can take from six months to two years to obtain a final decision from FERC. Regardless of the amount in dispute, a complainant must travel to Washington, D.C., if a hearing is to be scheduled. The delays and costs associated with the formal complaint process create barriers that negatively impact the deregulation effort. The consumer in a deregulated marketplace who will ultimately pay for complaint resolution.

(Baker – DR Journal, 1999- ADR in Energy Industry)

Dispute resolution procedures

○ BEA's Procedures

- n May have its own internal rules and procedures
- n May attempt mediation before arbitration
- n May delegate to CEO/other Staffs
- n May form sub-committee for DR
- n May engage the services of expert opinion
- n If mediation fails will follow CDB rules of arbitration procedure

Appeals

- BEA's decision may be appealed to the Minister
- Appeals shall be in writing and set out the grounds for the appeal
- Minister decision is final and binding

Appeals

- Panelist Immunity
- Confidentiality of the Process
- Proposed Alternative Dispute Resolution Act very crucial

Fees

- Handling of disputes - subject to payment of a fee prescribed by the Authority

Any Comments & Suggestions ?