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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND JUSTICE

Islamabad, the 31st July, 2009

No. 2 (I)/2009-Pub.—The following Ordinance Promulgated by the President is hereby published for general information:—

ORDINANCE No. XVIII OF 2009

AN

ORDINANCE

further to amend the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997

WHEREAS it is expedient to further amend the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (XL of 1997) for the purposes hereinafter appearing;

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

(199)

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NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Regulation of Generation, Transmission and Distribution of Electric Power (Amendment) Ordinance, 2009.

(2) It shall come into force at once.

2. **Amendments of section 31, Act XL of 1997.**—In the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (XL of 1997), in section 31,—

(a) in sub-section (1), for the full stop, at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that the Authority shall, on quarterly basis, determine overall electricity tariff and intimate the same to the Federal Government for notification in the official Gazette.”;

(b) in sub-section (4),—

(i) for the word “Authority”, at the end, the words, brackets, figure and letter “Authority within a period of fifteen days of such intimation except where the Federal Government refers the matter to the Authority for reconsideration under sub-section (4A)” shall be substituted; and

(ii) for the first and second proviso the following shall be substituted, namely:—

“Provided further that the Authority shall, on a monthly basis and not later than a period of seven days, review the fuel charges in the approved tariff on account of any variation whatsoever and notify such revision in the official Gazette for the purposes of approved tariff applicable with effect from the said notification”; and

(c) after sub-section (4) amended as aforesaid, the following new sub-sections shall be inserted, namely:—

“(4A) The Federal Government may, as soon as possible but not later than fifteen days of receipt of the Authority’s intimation, require

the Authority to reconsider its determination of tariff, rates, charges and other terms and conditions made under sub-section (1) and the Authority shall reconsider and determine the same anew within a period of fifteen days from the date of the reference by the Federal Government.

- (4B) Within three days of the expiry of the period available to the Authority under sub-section (4A), the Federal Government shall notify in the official Gazette,—
- (a) the tariff reconsidered and determined by the Authority under sub-section (4A), if available; or
- (b) where the Authority has not concluded the reconsideration, the tariff determined by the Authority under sub-section (1).
- (4C) Notwithstanding anything contained in this section, the Authority shall continue to conclude its reconsideration under sub-section (4A) and the effect of such reconsideration shall be adjusted by the Authority in the tariff, rates, charges or other terms and conditions determined by it under sub-section (1) for the subsequent period.”.

FAROOQ H. NAEK,
Acting President.

JUSTICE (RETD.)
RIAZ KAYANI,
Secretary.

CORRIGENDUM

[to the *Gazette of Pakistan, Extraordinary* Islamabad Part-I dated 14th July, 2009, containing Ordinances No. XVI of 2009]

Page 188. In line 5 for “(Ordinance)” read “(Amendment) Ordinance”