

Policy of commission with respect to seeking advice from it. Service of notices, presentation in hearings before the commission and grant of adjournments.

Advice: The advice sought by an undertaking as to whether the action proposed to be taken by it is consistent with the provisions of the Ordinance, rules or orders made there under, shall be provided by the Commission in accordance with the guidelines issued in this regard. The objective is to facilitate the undertakings and provide them business guidance on the basis of disclosed set of facts. In line with the international practice the advisory opinion shall be of non binding nature. Any such advice given by the Commission shall be without prejudice to its right to reconsider the questions involved, and where the public interest so requires, to rescind or revoke the advice. However, the Commission will not proceed against the requesting party with respect to any action taken upon such advice in good faith. Should the facts change, the Commission may revise its position and may proceed in accordance with law. In no event, such advice shall be a substitute for legal advice nor shall it constitute an approval, consent or permission under law. Request for advice shall be accompanied by a copy of the Legal Advice obtained by the undertaking on the subject issue together with a copy of challan, evidencing deposit of prescribed fee which at present is to the tune of rupees 100 thousand. The Commission however, may charge a higher fee in complex matters. The Commission shall endeavour to provide the requested advice within a period of 30 days.

Notices: The Commission shall endeavour that in order to ensure due service to the concerned undertaking(s), notices may preferably be issued through more than one available modes simultaneously i.e., by courier service, email and fax etc. The obligation of the Commission, however, shall stand discharged if a notice has been served in any one of the aforesaid alternative modes of service envisaged under the regulations.

Representation in hearings: An authorized representative(s) appearing for and on behalf of an undertaking is expected to be fully prepared to address all business and legal issues relevant to the case. Accordingly, the undertaking(s) must be represented through such person or persons who are competent to adequately represent the undertaking in all respects. This requirement shall be stated in every notice sent out by the Commission.

Adjournments: Request for adjournments shall be considered where sufficient and cogent grounds are duly submitted. Request for adjournment must be sent at least two days prior to the scheduled date of hearing alongwith an affidavit of an authorized officer verifying the grounds on which such adjournment is sought. Notwithstanding the above, adjournment shall be granted in the sole discretion of the Commission.

In the event hearing takes place out of station where the Commission has travelled for the convenience of the parties, the likelihood of adjournment being granted is remote.