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Government of India

Ministry of Communications

Department of Telecommunications

Office of Controller General of Communication Accounts Ghitorni, NICF Campus, New Delhi – 110 047

Email: aaorev.cgca-dot@gov.in

No.50-6/Guidelines and procedures for handling of appeals of of Decentralized licenses/2021-22

Dated 6.06.2022

To

All Pr.CCAs/CCAs

Sub: Guidelines & Procedures for handling of Appeals against assessment of Decentralized licenses-reg.

As per LF Policy Wing, DoT F. No. 1-90/2012/LF-1 (Pt.1) dated 05.09.2018, Para -III (2), CCA shall be the assessment authority and the appeal against the assessment as done by CCAs lie with CGCA. In this regard, a committee was formed for Guidelines & Procedures for handling of Appeals against assessment of Decentralized licenses. The finalized document of "Guidelines & Procedures for handling of Appeals against assessment of Decentralized licenses" is enclosed herewith.

The procedure includes submission of appeal, format for appeal, time and fees for appeal, forwarding of appeal, action and procedure by revenue section and disposal of appeals.

The guidelines also include TOP(Telecom Outreach Programme) by CCA offices/CGCA office to clarify the doubts of licensees and to provide a formal platform for interaction with licensees. A report on such, held in CCA offices may be addressed to Revenue section along with outcomes.

Apart from the above, it is also to intimate that in case of representations received from the operators, directions issued by this office vide letter no.50-4/ Handling of appeals/Decentralized licenses/22-23 dated 19.5.22 and instructions issued by DoT HQ vide DO no. 1-28/2013/CCAs/LF-II dated 22.8.14 may be followed in this regard. Copy of the letters are enclosed herewith.

Therefore, it is requested to follow the procedure as per document enclosed while handling of appeals and representations received at your end.

This issues with the approval of CGCA.

Encl: as above

Dy.CGCA \
(Revenue)

Copy to:

- 1. PS to Member (F), DoT HQ
- 2. PS to CGCA
- 3. PS to Advisor (F)
- 4. PS to Addl.CGCA
- 5. PS to Sr. Jt.CGCA
- 6. PS to DDG(LFP), DoT HQ

GUIDELINES & PROCEDURE FOR HANDLING OF APPEALS AGAINST ASSESSMENT OF DECENTRALIZED LICENSES

A. INTRODUCTION

As per LF Policy Wing, DoT HQ F No.1-90/2012/LF-1(Pt.1) dated 05.09.2018, Para –III(2), the following is mentioned with respect to discharging the duty of Appellate Authority for assessment done by Pr. CCAs/CCAs:

Appellate Authority for assessment of	CCA shall be the assessment authority.
decentralized licenses	The appeal against the assessment as
	done by CCAs shall lie with CGCA.
	The CGCA may choose to refer extra-
	ordinary cases to DoT if felt necessary.
	•

- 2. The Revenue Section in the office of CGCA is presently assisting CGCA in discharging the work related to appellate jurisdiction of the CGCA.
- 3. Any decentralized licensee, when not satisfied with any assessment by any CCA office, may file an appeal against such order of CCA office to CGCA. As per the existing procedure, the Revenue Section creates a separate file for each case, and after taking the comments of the respective CCA prepares the fact file of the case and put up the same to CGCA through Additional CGCA for appropriate disposal.
- 4. In order to strengthen and streamline the procedure for exercising the appellate jurisdiction of CGCA in respect of decentralized licenses, there is need for formalizing the procedure taking into account the following broad parameters:
- (a) Repetitive nature of the appeals same appeal is / has been raised by multiple licensees or same issue is part of the appeal over many years.
- (b) Non-availability of sufficient resources especially with smaller decentralized licensees to make cogent arguments, which are required to address the issues raised by them,
- (c) Geographical distance between the assessing and appellate authorities, creating an artificial barrier for licenses. The licensees are assessed at the place of their registered office irrespective of the area of license.
- 5. Based on the discussions and deliberations, the following paras (B onwards) provide an outline of the procedure to be followed henceforth in respect of the appellate jurisdiction of CGCA.

B. SUBMISSION OF APPEAL

Any decentralized licensee, not satisfied with the final assessment carried out by the CCAs, may file an appeal against such assessment to CGCA. However, the appeal may be submitted to the concerned CCA for onward transmission to CGCA.

C. FORMAT FOR APPEAL

At this juncture, no particular format of appeal is being prescribed. However, the appeal may contain the details of license, the year of assessment, the point of contention, the financial implications, the documents / orders relied upon, the prayer, etc.

But, the Authorized Signatory should provide an undertaking in the appeal document itself that he/she is himself/herself liable for further accumulation of penal interest on the outstanding dues and shall pay all the dues with interest up to date immediately on the disposal of the appeal.

D. TIME FOR APPEAL

The licensee may raise an appeal against the final assessment order within a period of **3 months** from the date of issuance of the assessment order. However, for any existing cases, this period of 3 months will be reckoned from the date of issuance of these guidelines.

E. FEES FOR APPEAL

At this juncture, the licensees may not pay any fee for filing the appeal. However, where the number of appeals is very large, the CGCA office may prescribe a token appeal filing fee.

F. FORWARDING OF APPEAL

The concerned CCA office, where the appeal is submitted to it for onward transmission to CGCA office, will within a period of **30 days of receipt** of an appeal from a licensee, will forward the appeal in original to the Revenue Section of CGCA. The CCA office is obliged to attach a separate note to the appeal stating the facts cogently, along with the following documents (where these are not part of or attached to the appeal):

- **a.** Copy of the assessment order
- b. Balance Sheet and P&L Account of the company for the concerned financial year(s).
- c. Demand Notice(s) issued by the CCA offices.
- d. Assessment sheets of the concerned financial years showing calculation of amount of AGR / LF.
- e. Any other relevant documents.

G. ACTION BY APPELLATE AUTHORITY

- (i) The Revenue Section will maintain a diary of all cases by assigning a separate number to each case and place the appeal in original and all the relevant orders etc. in a separate folder.
- (ii) The Revenue Section will classify the appeal based on :
 - a. Pertaining to policy issue / matters sub-judice etc.,
 - b. Pertaining to procedure of assessment, like non-acceptance of delayed submission of documents of licensee, delay in assessment, etc.
 - c. Pertaining to assessment like levy of interest, misclassification of revenue, addition to revenue, rate of license fee applied, wrong deduction verification, etc.
- (iii) An acknowledgment containing the broad particulars of the case along with the date of registration of appeal will be sent to the concerned CCA and licensee.

H. PROCEDURE IN REVENUE SECTION

- (i.) For cases covered by Para G (ii) (a) above, the issue would be forwarded to the concerned DoT wing for information and necessary directions with a copy to the licensee. The Revenue Section will carry out this within 15 days from the date of receipt of appeal in Revenue Section, O/o CGCA.
- (ii.) For cases covered by Para G (ii) (b) and (c) above, the issue would be processed by Revenue Section through the appellate jurisdiction of CGCA.

I. DISPOSAL OF APPEAL

- i. As part of natural justice, the appealing licensee will be provided with an opportunity to be heard before disposing off the appeal. A similar interaction is also required with CCA to understand the rationale applied by it in making the assessment.
- ii. In the above process, there is a possibility of arguments and counter arguments, which may require repeated interactions with the licensee and the CCA and hence the need for in-person hearings.
- iii. For cases which require substantive issues or where licensee desires a personal hearing before disposal, Revenue Section will provide a video platform for personal hearing to licensees.
- iv. All cases of appeal will be processed and after detailed examination, will be settled with approval from CGCA, which will be communicated to the licensee as well as the CCA.
- v. The order of CGCA will be in the form of a speaking order which will be all inclusive with facts, orders relied upon, etc.
- vi. The maximum time allowed for final disposal of cases may be within 6 months from the receipt of appeal papers in Revenue Section.
- vii. The disposal of appeals by CGCA will be published on the CGCA website.

J. TELECOM OUTREACH PROGRAMME

A Telecom Outreach Programme(TOP) may be used by CGCA to interact with the licensees by holding the TOP physical meeting in locations where the licensee is located/assessed. This will facilitate quicker redressal of various issues and also create a channel of interaction with licensees, which is an important facet of any stakeholder management. To ensure full benefits of such outreach, a broad outline of the same is mentioned in paras below.

- i. The Telecom Outreach Programme shall be held once a year in each CCA office.
- ii. ii. Respective CCA Offices may issue **advance notice** regarding holding of telecom outreach meeting indicating the date, venue and timing for

information of the licensees who would like to be heard and participate in the same.

- iii. The venue for TOP shall be the respective CCA offices/sub offices/any other district outside office of CCA.
- iv. The TOP shall be headed preferably by CGCA and in his absence by Addl. CGCA, Sr. Joint CGCA (Rev) and respective CCA will participate in the TOP.
- v. The Telecom Outreach Program is not intended to decide the issues under appeal but to clarify the doubts of licensees, provide a formal platform for interaction with licensees, etc. The details of deliberations at each TOP meeting shall be put up to CGCA for information and record, with a copy to LFP wing.
- vi. Apart from CGCA, TOP may be conducted by Pr. CCA on half yearly basis and CCA on quarterly basis in office of CCA/sub offices/any other district outside office of CCA.

K. CONCLUSION

The above guidelines and procedures for handling appeals of decentralized licensees are aimed at methodical and timely disposal of appeal cases of decentralized licenses. This whole process will be a major step towards ease of doing business and reducing the compliance burden on licensees by dealing with the appeal cases of decentralized licensees in an efficient and transparent manner. The above procedure as part of alternate dispute resolution (ADR) process may eventually reduce the litigations.

Contact Details of Revenue section, CGCA:

Ms. Pratima Singh, Dy.CGCA(Rev)

Email: pratima.singh88@gov.in

Government of India Ministry of Communications Department of Telecommunications Office of Controller General of Communication Accounts NICF Campus, Ghitorni, New Delhi – 110047

F.No.50-2/SARAS/Revenue

Dated: 14 .07.2022

To

All Pr. CCAs/CCAs

Sub: Introduction of SOP and KYL Form for setting up of Decentralized Licenses in SUL Module of SARAS.

In pursuance to DoT HQ OM No. 1-6/2021/LFA/Vol.II dated 29.04.2022 and Advisor (Finance) letter dated 29.04.2022, Project Implementation Unit (PIU) for SARAS has been set up and CGCA has been assigned the following modules:

- 1. Bank Guarantee.
- 2. Setting up Of Licenses.
- 3. Grievance.
- 4. Discussion Board.

The Standard Operating Procedure (SOP) for delegation of setting up of Decentralized Licenses in SARAS by the CCA offices, which are being issued by AS/CS/DS/SATELLITE Wing of DoT HQ has been prepared by Revenue Section, CGCA.

Now, all concerned are requested to follow the instructions conveyed in the SOP henceforth while setting up of Decentralized Licenses in SUL module of SARAS. The 'SOP', 'KYL FORM' and 'Instructions/Check List For Filling KYL form' are forwarded herewith for taking necessary action at your end.

This issues with the approval of Competent Authority.

DY.CGCA (Revenue)

Encl: As above.

Copy for information: (through email)

- 1. Sr. PPS to Member (Finance)
- 2. Sr.PPS to Advisor (Finance)
- 3. Sr.PPS to CGCA
- 4. Sr.PPS to Addl. CGCA
- 5. PS to Sr. Jt. CGCA
- 6. All PIU Members

Standard Operating Procedure (SOP) for delegation of Setting up of Decentralized Licenses in SARAS by the CCA offices, which are being issued by AS/CS/DS/SATELLITE Wing of DoT HQ.

Consequent upon LFP Wing, DoT HQ letter No. 1-9/2012/LF-I (Pt-I) dated 05.09.2018 regarding Transfer of work from LFP wing to O/o CGCA, this office was entrusted with the entry of newly issued licenses in LF/WPF software. On the event of non functioning of LF/WPF software and on implementation of SARAS, work flow of entry of new licensee in SARAS is required to be further modified to ease the functioning the 'SUL' module of SARAS. Presently LSAs are uploading the details of licensee, license agreement and Bank Guarantees in SARAL Sanchar and physical copies of BGs are also forwarded to concerned CCAs by the respective LSAs in pursuant to DS wing O.M. issued vide No. DS-11/46/2020-DS-III dated 20.07.2020.

In accordance with the O.M. No. 1-6/2021/LFA/Vol-II dated 17.05.2022 of LFA Wing, DoT HQ, Ms. Pratima Singh, Dy CGCA (Revenue) has been inducted in Project implementation Unit (PIU) for effective operations of BG Module, SUL Module, Grievance Module, Discussion Board Module in SARAS. Previously, DS wing , DoT HQ issued a SOP vide O.M. No. DS-11/46/2020-DS-III dated 20.07.2020 for delegation of signing of Unified License Agreement (UL) and Unified License (virtual Network Operators) (UL VNO) of ISP Authorization of category "A", "B" &"C" at field offices of DoT i.e. at License Service Area (LSA) office of respective telecom service Area.

In present scenario, considering the importance of decentralization for good governance and minimizing the delay in onboarding of license and entry of BG details in SUL/BG Modules, and as a further step in ease of monitoring of decentralized licenses by O/o CGCA an SOP has been devised for smooth onboarding of Decentralized Licensees and details of BGs in SARAS.

The point of contact for email interactions, queries shall be Ms. Pratima Singh, Dy. CGCA (Revenue), email id dycgcarev-dot@gov.in. Alternately, Ms. Rupa Boddu, AO (revenue), email id rupa.boddu@gov.in may also be contacted for clarifications on various modalities of the SOP.

Accordingly, following SOP has been prepared to be followed henceforth for setting up of Licensee and entry of Bank Guarantees in SARAS :

Onboarding of Licensee in SARAS will be done by the CCAs only in respect of all Decentralized licenses issued by AS/CS/DS wing of DoT HQ.

- 3. After receiving the hard copies of License Agreements and BGs from LSAs, concerned CCAs shall check the same from the SARAL SANCHAR. If any discrepancies are found concerned CCA shall take up the matter with concerned LSA for rectifying the same.
- 4. One Nodal Officer from each CCA should be appointed to coordinate with respective LSA and Revenue section, CGCA. Details of the Nodal Officer should be shared by all CCAs with Revenue Section, CGCA.
- 5. Entry of details of Licensee shall be done through the option of 'Approval of Licensee from SARAL' under SUL Module. If license agreement received by CCAs, is not visible in the option of "Approval of License from SARAL" under SUL module, the Nodal officer at CCA may take up this issue with the respective LSAs. If the same has not been fetched in SARAS software from SARAL, CCA has option to enter the License Agreement and Bank Guarantee details manually through SUL Module.
- 6. Know Your Licensee (KYL) (attached in Annexure-I) Form shall be used uniformly by all the CCAs for collection of data from the operators to be feded in SUL module.
- 7.'KYL' should be updated annually by CCAs for all it's operators so that the business data related to the licensee may be updated on regular basis.
- 8. Pr.CCAs/CCAs office shall update the status of Centralized & Decentralized Licensee i.e active/expired/Termination/Surrender/migrated along with the effective date in SARAS. The document for termination/cancellation/surrender received from AS/CS/DS/SATELLITE wing shall also be uploaded in SUL Module.
- 9. Active/expired/Termination/Surrender/migrated status of the Decentralized Licenses will be entered in SARAS on the basis of updation of such data by the concerned issuing wing of DoT HQ through official mail/updation of list on DoT website. CGCA office may also confirm such data from issuing wings of DoT and the same will be forwarded to Pr.CCAs/CCAs for doing entry in SARAS.

		KNOW YOUR LICENSEE (KYL) FORM
	Company/Group Company	
	Registration Detail	
1 (2)	Business Details	
(a) (b)	Group Company / Company Name	
(c)	Name of Licensee*	
107	Constitution of Business*	
(d)	CIN Number (21 Character- alpha , numeric)*	
(e)	GSTN (15 character-alpha , numeric)*	10.70
	PANTAN (10 Character-alpha,	
(1)	numeric))*	
(g)	Assessing Office*	
2	Principle Place of Business	
(a)	Address Line-1 *	
(b)	Address Line-2 *	~~~
(c)	Address Line-3 *	
(e)	City*	
(f)	Pincode*	
(g)	Email ID*	
(h)	Telephone Number*	
(i)	Fax Number	
3	Authorized Signatory	
(a)	Title	
(b)	First Name*	
(g)	Middle Name* Last Name *	
(e)	Mobile Number *	
(1)	Email ID *	
(g)	Designation	
4	Administrator Details	
(a) (b)	Tide First Name*	
(c)	Middle Name*	
(d)	Last Name*	
(e)	Mobile Number *	
(1)	Email ID*	
(g)	Designation	
	License Type/ Authorization Details	
(a)	License Type/ Authorization	
(b)	Area of operation	
(c)	License Number	
(d)	License issue Date	
1 43		D2
(e)	Effective date of License/Authorization License Expiry Date	
(g)	Entry Fee (Rs)	
(h)	CCA office where LF submitted	
6	Contact Person details	
(a)	Tide	
(p)	First name*	
(d)	Middle Name* Last Name *	
(e)	Mobile Number *	12
(f)	Erral id	
(g)	Designation	
1	Account details for Bharat kosh	
7	Payment	· · · · · · · · · · · · · · · · · · ·
(9)	Bank Name	
(b)	IFSC Code Bank Account No.	
101	look ummittee	

Note: * Indicates mandatory fields to be filled by the Licensee.

INSTRUCTIONS/CHECK LIST FOR FILLING KYL FORM

A. IMPOROTANT POINTS:

- 1. Self attested copy of TAN card is mandatory for all licensee.
- 2. Copies of all documents submitted by the applicant should be self attested and accompanied by originals for verification. In case the original of any document is not produced for verification, then the copies should be properly attested by concerned authority.
- 3. Name and address of the Licensee mentioned in KYL form , should match with the documentary proof submitted.
- 4. CIN number, GSTN and TAN are mandatory for all licensee.
- 5. Submission of self attested first page of Bank Pass Book and cancelled cheque are mandatory for all licensee.
- 6. Copy of the Trade License is required to be submitted as Address proof of the licensee so that Registered address shown in the license agreement is agreed with the address as shown in Trade License annually.
- 7. Also it is compulsory to submit the above mentioned documents at the end of each financial year for updation of the record in SARAS.

NOTE:

Documents required to be submitted along with KYL FORM:

- (a) Copy of PAN/TAN Number of the Licensee.
- (b) Copy of CIN Number of the Licensee.
- (c) Copy of GSTN of the Licensee.
- (d) Copy of the Trade License as address proof.

Government of India

Ministry of Communications Department of Telecommunications

Office of Controller General of Communication Accounts Ghitorni, NICF Campus, New Delhi – 110 047

F.No.50-2/SARAS/Revenue

Dated

15.09.2022

To

All Pr.CCAs/CCAs

Sub: SOP for Grievance Module-reg

Ref: 1. DoT HQ letter No. 1-9/2012/LF-I (Pt-I) dated 05.09.2018

2. LFA, DoT HQ OM. No. 1-6/2021/LFA/Vol-II dated 17.05.2022

With reference to reference letter 1 cited above, it is to intimate that O/o CGCA has been entrusted with the work of "Appellate Authority for Appeals raised against assessment done by CCA offices."

With reference to letter cited under reference 2, the operations of BG Module, SUL Module, Grievance Module, Discussion Board Module in SARAS have been entrusted to Revenue Section, CGCA. The SOP for SUL module has already been circulated vide this office email dated 14.07.2022.

Revenue Section has also circulated the Guidelines & Procedures for handling of appeals against assessment of Decentralized licenses to all Pr. CCAs/CCAs vide this office letter no.50-6/ Guidelines & Procedures for handling of Appeals of Decentralized licenses/2021-22 dated 16.6.22. The instructions issued in the SOP mentioned above may be followed while handling of appeals/representations through SARAS.

In continuation, SOP for Grievance module has been prepared for speedy redressal of grievances of licensees against assessments, etc. and enclosed herewith. It is requested to follow the given procedure in case of appeals/representations raised to CCAs against provisional/final assessment and the same may be brought to the notice of all Decentralized licenses through email etc.

This issues with the approval of competent authority

Encl:as above

(Revenue)

Copy for information:

- 1. Sr. PPS to Member(F)
- 2. Sr. PPS to CGCA
- 3. Sr. PPS to Advisor (F)
- 4. PS to Addl. CGCA
- 5. PS to Sr.Jt.CGCA
- 6. PS to DDG(LFA) w.r.t O.M No. OM. No. 1-6/2021/LFA/Vol-II dated 17.05.2022
- 7. Director(LFA-III), DoT HQ for information.

Standard Operating Procedure (SOP) for Grievance Module in SARAS by the CCA offices

A. INTRODUCTION

Consequent upon LFP Wing, DoT HQ letter No. 1-9/2012/LF-I (Pt-I) dated 05.09.2018 regarding Transfer of work from LFP wing to O/o CGCA, this office has been entrusted with the work of "Appellate Authority for Appeals raised against assessment done by CCA offices".

In accordance with the O.M. No. 1-6/2021/LFA/Vol·II dated 17.05.2022 of LFA Wing, DoT HQ, the operations of BG Module, SUL Module, Grievance Module, Discussion Board Module in SARAS have been entrusted to Revenue Section, CGCA. The SOP for SUL module has been already been circulated vide this office email dated 14.07.2022. Now an SOP for Grievance Modulehas been prepared for speedy redressal of grievances of licensees against assessments, etc.

B. POINT OF CONTACT IN CGCA OFFICE

The point of contact for email interactions, queries regarding all the above modules shall beMs. Rupa Boddu,AO (revenue), email id <u>rupa.boddu@gov.in</u>. Alternately, Ms. Pratima Singh, Dy. CGCA (Revenue), email id <u>dycgcarev-dot@gov.inmay</u> also be contacted for clarifications on various modalities of the SOP.

C. STANDARD OPERATING PROCEDURE FOR GRIEVANVE MODULE

The following SOP willbe followed for GrievanceModule (including appeals by licensees) in SARAS:

Appeals againstFinal Assessments

- 1. The operator who is not satisfied with final assessment done by Pr CCA / CCA offices may raise an appeal in sub module "Raise Grievance" under module "Grievance".
- 2. In "Raise Grievance" under sub-category "Appeal against LF Assessment" the appeal may be submitted by the licensee to Pr. CCA / CCA "For Action" and CGCA

"For information". This appeal will be reflected in Pr. CCA / CCA Dashboard for taking further necessary action.

3. Pr CCA / CCA which receives the appeal may need to forward the same to CGCA through SARAS alongwith para-wise comments on appeal, copy of demand notices, calculation sheets and relevant documents, if any for appropriate disposal. Where due to capacity constraints all documents cannot be uploaded on to SARAS then the same may be forwarded to CGCA through email.

Provisional Assessments

4. The operators may also file a representation through this module against the provisional assessment done by Pr. CCAs/CCAs, to concerned Pr. CCAs/CCAs "For Action" and CGCA "For information". The same will be reflected to concerned Pr. CCAs/CCAs Dashboard for taking further necessary action. The Pr CCA / CCA office may take appropriate action and respond to the licensee. Any clarification required from DOT / CGCA may be sought separately through email.

D. EXISTING GUIDELINES

5. Revenue Section has already circulated the Guidelines & Procedures for handling of appeals against assessment of Decentralized licenses to all Pr.CCAs/CCAs vide this office letter no.50-6/ Guidelines & Procedures for handling of Appeals of Decentralized licenses/2021-22 dated 16.6.22. The instructions issued in the letter may be followed while handling of appeals/representations through SARAS.

E. GRIEVANCE CATEGORY: BG, LF, SUC, BHARATKOSH AND OTHER

6. The Grievance raised by operators in respect of other Grievance subcategories – BG, LF, SUC, Bharat-kosh and Other may be handled at Pr.CCA/CCA offices and the same may be resolved within 30 days from the date of raising Grievance. Any clarification needed in respect of any Grievance raised by the licensees for Pr.CCAs/CCAs, may be sought from CGCA/DoT through email along with all relevant documents.

F. DATE OF IMPLEMENTATION

7.No physical Representations/Appeals from operators may be entertained w.e.f. 01.10.22 and all the representations/appeals shall be maintained in SARAS module onlyfor expeditious disposal. A copy of these guidelines are being put up on CGCA website and the knowledge bank module for wider circulation. All Pr. CCA / CCA offices may also intimate all the licensees about this SOP for Grievance redressal through email, etc.

G. GRIEVANCE MIS

8. Grievance status can be seen by all Pr.CCAs/CCAs in MIS module under the sub module "Grievance Status" along with pendency/ period of Resolution. It may be ensured that the grievance may be resolved within 30 days from the date of raising Grievance.