



National Electric Power Regulatory Authority
Islamic Republic of Pakistan

2nd Floor, OPF Building, G-5/2, Islamabad
Ph: 9206500, 9207200, Fax : 9210215
E-mail: registrar@nepra.org.pk

Registrar

No. NEPRA/RTCD 06.15/4386


June 22, 2010

Chief Executive Officer
Faisalabad Electric Supply Company (FESCO)
Abdullah Pur, Canal Bank Road
Faisalabad

Subject: COMPLAINT OF MR HAQ NAWAZ KHAN S/O BARKAT ALI KHAN
AGAINST FESCO REGARDING NON PROVISION OF ELECTRICITY
CONNECTION

Reference is made to the complaint filed by Mr. Haq Nawaz Khan S/o Barkat Ali Khan against FESCO regarding the subject matter.

2. Please find enclosed herewith the decision of the Member (Consumer Affairs) for further necessary action and compliance within 30 days.


(Syed Safer Hussain)

D/A
As stated

CC:

- 1) Advisor (Complaints)
Wafaqi Mohtasib (Ombudsman's)
Head Office, Zero Point
Islamabad { w.r.t No-1(2)/SL/RP/WMS/1SG4/2(09)
dated 3-11-2009 }
- 2) Mr. Azhar Amin Chaudhary
Section Officer { w.r.t F-No. 402/08-Law (WMI)
dated 02.09.2009 }
Law and Justice Division
Government of Pakistan, Islamabad
- 3) Mr. Haq Nawaz Khan S/o Barkat Ali Khan
R/o Madina Town near Mobilink Tower
Karyawala Road Khinranwala, District Faisalabad

No. NEPRA/RTCD 06.15/4387

June 2, 2010

Forwarded for information, please.

Director (CAD)

CC:

1. Vice Chairman / Member (L)
2. Member (CA)

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DD (CAD)
2.25/6
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Registrar



**BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)**

CCR. No: 18/2009

Mr. Haq Nawaz Khan **Complainant**
Versus
Faisalabad Electric Supply Company **Respondent**

Date of Hearing: March 22, 2010

Date of Decision: June 18, 2010

Before : Mr. Shaukat Ali Kundi (Member Consumer Affairs)

On behalf of:

Complainant: Mr. Haq Nawaz Khan

Respondent: 1) Mr. Khalid Rasheed, Manager Operation, First Circle, Faisalabad
2) Mr. Mujahid Chatta, Deputy Manager (Operation), Civil Line, Faisalabad
3) Rao Muhammad Ali, Assistant Manager (Planning)

**IN THE MATTER OF COMPLAINT OF MR. HAO NAWAZ KHAN AGAINST FESCO
REFERRED BY WAFaqI MOHTASIB (OMBUDSMAN) FOR DECISION ON DIRECTION OF
PRESIDENT OF ISLAMIC REPUBLIC OF PAKISTAN REGARDING NON PROVISION OF
ELECTRICITY CONNECTION**

ORDER

1. This Order shall dispose of the complaint of Mr. Haq Nawaz Khan (hereinafter referred to as 'the Complainant') against FESCO (hereinafter referred to as Respondent) referred to NEPRA by Wafaqi Mohtasib on direction of President of Pakistan, for decision.


- (7)
2. The brief facts of the case are that Mr. Haq Nawaz Khan filed a complaint with Wafaqi Mohtasib Secretariat against FESCO complaining that he applied to FESCO for provision of electricity connection but his application was rejected by FESCO on the pretext that his house is located in a sponsored colony. Honorable Wafaqi Mohtasib however decided the case in favor of FESCO. The complainant as a consequence of decision of the Honorable Wafaqi Mohtasi (Ombudsman) made representation before the President of Islamic Republic of Pakistan against the decision of the Honorable Wafaqi Mohtasib (Ombudsman). On instructions from the President of Islamic Republic Pakistan, Law & Justice Affairs Division Government of Pakistan directed Wafaqi Mohtasib Secretariat to transfer the case to NEPRA, for a decision.
 3. To proceed with the matter Consumer Affairs Division (CAD) NEPRA referred the complaint to the FESCO for a detailed report. FESCO in response reported that the house of the complainant is situated in a sponsored colony and as such the electrification of the colony is the responsibility of the sponsor and not theirs. FESCO further stated that some electric connections have been given to the residents of the colony illegally by FESCO officials against whom disciplinary action has been initiated. FESCO also reported that the complainant has also filed a Civil Suit in the court of Civil Judge Jaranwala.
 4. To find out more facts, Consumer Affairs Division, NEPRA deputed its Assistant Director to carry out a physical inspection of the site and submit a report. Accordingly, the said officer of NEPRA carried out a physical inspection of the site on February 13, 2010 and submitted his report. Site Inspection report reveals that there are about 40 constructed houses in the colony and about 80 plots (un-constructed). One 25 kVA transformer is installed in the colony with one LT PC Pole having about 8 PVC wires/meters given from it and that a total of 19 electricity meters are installed in the colony. The inspecting officer further reported that the Distribution System of FESCO stands extended to the area and that the inhabitants of the colony have not paid any development charges. In the inspection report it has also been reflected that the inhabitants of the area on being contacted informed that initially a 10 kVA transformer was installed in the area and later on the same was upgraded with 25 kVA transformer by FESCO in 2005.
 5. After analyzing the contents of the complaint, the comments of FESCO and the Site Inspection Report it was decided to hold a hearing to afford an opportunity to both the parties to offer their point of view which was held on March 22, 2010 at NEPRA Head Office. Both the parties appeared in the hearing and presented their point of view.
 6. The complainant during the course of hearing stated that FESCO has provided electric connections to other houses near to his house in the colony, even to a house adjacent to his house. He further stated that if others have been provided electric connections in the said colony then he is also entitled to a regular connection and the same should also be provided to him because of the existence of FESCO's

7
Distribution System in that vicinity. He further requested that since FESCO has already augmented the 10 kVA transformer to 25 kVA at its own cost therefore the charges pertaining to the cost of transformer may also not be charged to him.

7. FESCO represented by its Manager Operation, First Circle, Faisalabad, Deputy Manager (Operation), Civil Line, Faisalabad and Assistant Manager (Planning) stated that the complainant's house is situated in a sponsored colony and as such electrification of the colony is the responsibility of the sponsor. FESCO's representatives further stated that some electric connections have been installed in the houses of the colony but those have been given illegally by its staff against whom disciplinary action has been initiated for their illegal action, however, they were not quite well aware about the augmentation of the transformer from 10 kVA to 25 kVA as alleged by the complainant. On a question as to why these illegally installed connections have not so far been decided despite a lapse of considerable time, the officials stated that disconnection notices were sent to the concerned consumers but the implementation of disconnection notices were kept pending till the final decision / fate of this case and confirmed that those electric connections which the complainant has mentioned in the complaint still exist at site. In support of their contentions they stated that if certain connections have some how or the other been granted to various neighbors of the complainant illegally and in violation of relevant standing instructions that does not qualify the complainant for the provision of a similar irregular electric connection.
8. On a question as to why action against the delinquent officials/officers was delayed, the Manager (Operation) FESCO stated that the delinquents were served Show Cause Notices after the decision of the Wafaqi Mohatasib (Ombudsman). These cases are to be decided by the Competent Authority, after fulfilling certain procedural formality. A large number of cases are pending with that office and the cases are decided gradually according to the quantum/length of pendency. To another question as to why the illegally installed connections have not been disconnected yet despite a lapse of about 06 years, the respondent FESCO replied that as soon as it was revealed that few connections have been installed by their officials disconnection notices were served to the concerned consumers. Further that since the complainant kept on agitating the matter at different forums, the final fate of the case is yet to be decided and the implementation of these disconnections notices were kept pending till the final decision of the case.
9. Written arguments submitted by Manager (Operation) FESCO in its letter dated April 01, 2010 to Consumer Affairs Division NEPRA has stated at para-1 (i) that "illegal action of any individual cannot be termed as extension of distribution system particularly when those officials have been penalized on account of illegal act in this regard". At para 2 of the same letter, it has been stated that "delinquent officials were served Show Cause Notices after the

decision of the Wafaqi Mohatasib and that these cases are to be decided by the competent authority after fulfilling certain procedural formality. A large number of cases are pending with that office and the cases are decided gradually according to the quantum/length of pendency”.

10. After analyzing the submission of both the parties and the site inspection report it is established that a large number of electric connections existed in the colony since 2005, provided by FESCO. Installation of a transformer and its subsequent augmentation amply proves that the Distribution System of FESCO also exists in the area since 2005. The existence of Distribution System of FESCO in the said colony therefore entitles the complainant to the provision of an electric connection in light of Section 4 (1) (part-II) of Eligibility Criteria For Consumers of Distribution Companies, 2003.
11. Since Distribution System of FESCO already exists in the colony where the house of the complainant is situated, FESCO is under an obligation to provide connection to the instant complainant without even charging him the cost of the transformer. In this regard, reference is made to Regulation 4 of the NEPRA Eligibility Criteria for Consumer of Distribution Companies, 2003, which lays down that Distribution System is required to be reinforced / augmented by the DISCO; hence the complainant cannot be called upon to pay for the transformer cost.
12. In view of the foregoing it is decided that:
 - a. Since the Distribution System of FESCO exists in the area where the house of the complainant is situated, FESCO shall provide electric connection to the complainant at normal rates without charging him the cost of transformer.
 - b. In order to settle the issue of electrification of the abandoned colony forever and to facilitate the allottees of residential plots in this colony, FESCO may generate a proposal for its entire electrification immediately initially at its own cost which shall subsequently be recovered by FESCO from the new consumers applying for electric connections, on equal sharing basis, keeping in view their demanded load.
 - c. Compliance report shall be submitted within 30 days of the receipt of this order.


(Shaukat Ali Kundi)
Member (Consumer Affairs) 18.06.2010

Islamabad, June 18, 2010