



**National Electric Power Regulatory Authority**  
**Islamic Republic of Pakistan**

**Registrar**

NEPRA Tower, Attaturk Avenue (East), G-5/1, Islamabad  
Ph: +92-51-9206500, Fax: +92-51-2600026  
Web: www.nepra.org.pk, E-mail: registrar@nepra.org.pk

No. NEPRA/CAD/TCD 02 / 5336-38

April 14, 2017

Chief Executive Officer  
Islamabad Electric Supply Company (IESCO)  
Street No 40, G-7/4,  
Islamabad.

Subject: **Order in the matter of Complaint filed by Mak Dhedhi Ventures under Section 39 of the NEPRA Act, 1997 against IESCO regarding provision of Electricity Connections(s) at Fortune Residency, Golra, Islamabad**

Please find enclosed herewith the Order of Member (Consumer Affairs) dated 13.04.2017 (04 Pages) regarding the subject matter for necessary action and compliance within thirty (30) days, please.

Encl: As above

14/4/17  
( Iftikhar Ali Khan )  
Director  
Registrar Office

Copy to:

1. C.E. / Customer Service Director  
Islamabad Electric Supply Company Ltd. (IESCO)  
Street No. 40, Sector G-7/4, Islamabad
2. MAK Dhedhi Ventures  
Lobby Floor, Plot No. 2,  
Al-Mustafa Tower, F-10 Markaz,  
Islamabad



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

**Complaint No: IESCO-54/2016**

**MAK Dhedhi Ventures** ..... **Complainant**  
Lobby Floor, Plot No. 2, Al-Mustafa Tower  
F-10 Markaz,  
Islamabad.

**Versus**

**Islamabad Electric Supply Company (IESCO).....** **Respondent**  
Street 40, G-7/4  
Islamabad

**Date of Hearing:** October 24, 2016  
November 08, 2016  
November 18, 2016

**On behalf of**  
**Complainant:** Rizwan Shabbir (Project Director)

**Respondents:** 1). Raja Asghar Ali (S.E. ISB)  
2). Mr. Khalid Zaman (Advocate IESCO)  
3). Mr. Muhammad Naeem Jan (Add. Manager -P&E)  
4). Mr. Imam Baksh (Add. Deputy Manager)  
5). Mr. Usman Haider (Add. XEN)

**Date of Order:** April, 13, 2017

**Subject:** **ORDER IN THE MATTER OF COMPLAINT FILED BY MAK DHEDHI VENTURES**  
**UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION**  
**AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST IESCO**  
**REGARDING PROVISION OF ELECTRICITY CONNECTION(S) AT FORTUNE**  
**RESIDENCY, GOLRA, ISLAMABAD**

**ORDER**

This order shall dispose of the complaint filed by MAK Dhedhi Ventures (hereinafter referred to as the "Complainant") against the Islamabad Electric Supply Company Limited

(Hereinafter referred to as the "Respondent" or "IESCO") under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (the NEPRA, Act)

2. The Complainant in his compliant submitted that, he approached to IESCO for provision of electricity connection at Fortune Residency Golra, Islamabad along with all the required documents except 'No Objection Certificate' (NOC) of CDA demanded by IESCO. The Complainant further added that he has also approached CDA for the said NOC on January 06, 2016 however, the same is still pending on the part of CDA. The Complainant prayed for intervention of the Authority for provision of electricity connection.

3. The matter was taken up with IESCO for submission of para-wise comments. In response, IESCO vide its letter dated June 28, 2016 submitted that the Complainant applied for provision of connection(s) on April 13, 2016. After preliminary scrutiny of the documents provided by the Complainant, it was observed that the project/building of Complainant falls within the exempted area of CDA; wherein the approval of CDA is mandatory and the sponsor was intimated to provide the same. IESCO also highlighted that the Islamabad High Court vide orders dated January 23, 2015 in Writ Petition (WP) No. 4841/2014 has restrained IESCO and SNGPL from provision of connection to high rise building(s) where the applicant fails to produce NOC issued by CDA.

4. The report of IESCO was sent to the Complainant for information. In response, the Complainant vide letter dated August 02, 2016 raised observations over the report of IESCO and informed that Islamabad High Court vide W.P No. 4841/2014 restrained only the specific projects i.e. Fortune Empire Heights, Meridian Heights Luxury Apartment, Apollo Residential and Qurtaba Height. In this regard he also apprised that some restricted projects i.e. Meridian Heights and Qurtaba Heights have already availed the electricity facility. The Complainant added that their building falls under the exempted area of CDA and NOC from CDA is not applicable in their case, though they have applied to CDA for issuance of the said. Moreover, the Complainant stated that legally it is their right to be provided with electricity connection.

5. In view of the above, the matter was again taken up with IESCO. In response, IESCO vide letter dated September 30, 2016 reiterated its earlier submissions and apprised that IESCO is bound by the Court not to provide any electricity connection(s) in the said areas without issuance of NOC by the CDA.

c. In order to examine the matter further, hearings were held on October 24, 2016 and November 08, 2016 wherein the parties i.e. IESCO & Complainant advanced arguments based upon their earlier versions. Subsequently, another hearing of the parties was fixed on November 18, 2016 in which CDA was also invited to present their point of view but the said hearing was not attended by the representatives of CDA. During the course of hearings the representative(s) of IESCO informed that they cannot provide electricity connection(s) to such high rise building without NOC from CDA, because the orders of the High Court dated January 23, 2015 in W.P No. 4841/2014 are applicable to all such buildings. Subsequently, CDA vide its letter dated December 07, 2016 submitted some documents relating to the provision of service connection(s) to the illegal housing schemes in Zone-2, 3, and 4.

7. The case has been analyzed in detail in light of documents made so available by the parties, arguments advanced during the hearings and the applicable law. Following has been concluded:

i). The Fortune Residency Project of the Mak Dhedhi Venture is situated at Golra, Islamabad. The complainant approached IESCO for provision of electricity connection(s). In response, IESCO demanded an NOC in light of the High Court Order dated January 23, 2015 in WP No. 4841/2014. The Complainant is of the view that the requirement of NOC from the CDA is not applicable in the instant case since the relevant building falls in an exempted area. Further he added that there is no link between their case and Order of the Court dated January 23, 2015 in WP No. 4841/2014.

ii). The record / documents submitted by the CDA vide letter dated December 07, 2016 have been examined in detail and it has been observed that the same are not relevant with the instant matter.

iii). The order of the Islamabad High Court in W.P. No. 4841/2014, under which IESCO has purportedly been bound to not grant electricity connections is not applicable to the Complainant. The orders are not generic and rather the same are specific orders, as such the orders are only applicable to the parties who have been arrayed in the said writ petition. Moreover, the Complainant, namely Fortune Residency is not a party in the said WP as such, the orders of the Court are not applicable to the Complainant.



iv). Provision of electricity is a Fundamental Right of all citizens under Article 9 and 14 of the Constitution of Islamic Republic of Pakistan. Non-supply of electricity to a citizen, tantamount to deprivation of this Fundamental Right as well as Article 8 of the Constitution which says that any law, custom or usage having the force of law that is inconsistent or abridges a Fundamental Right is void and inoperable. The provision of electricity has also been interpreted as a Fundamental Right by the Supreme Court of Pakistan. Therefore, deprivation of electric power by any arm of government is unconstitutional and not legally enforceable.

v). The deferment of the application of Complainant for provision of electricity connection(s) is without legal justification and against the provisions of the NEPRA Consumer Eligibility Criteria 2003, NEPRA Performance Standard (Distribution) Rules, 2005 and Consumer Service Manual (CSM).

8. In view of foregoing, IESCO is hereby directed to decide the application for provision of electricity connection(s) to the Complainant on priority in accordance with ibid Rules & Regulations and as per SOP of IESCO for new connection(s).

9. Compliance report be submitted within thirty (30) days.

  
Member (Consumer Affairs) 13/4

Islamabad, April 13, 2017