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

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Registrar

No. NEPRA/TCD 09/10514-16

27-11-2012

Chief Executive Officer  
Karachi Electric Supply Company Ltd. (KESC)  
KESC House, Punjab Chowrangi,  
39 - B, Sunset Boulevard, Phase-II  
Defence Housing Authority  
Karachi.

DD (CAD)  
ML  
28/11

Subject: **Decision of Member (Consumer Affairs) in the matter of Complaint filed by Mr. Abubakar Usman for M/s. Gretex under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 against KESC regarding Demand of Rs.1,233,465/- (A/C No. 2313465790534)**

Please find enclosed herewith the decision of Member (Consumer Affairs) regarding the subject matter for necessary action and compliance within 30 days of the receipt of this decision.

Encl: As above

*sd*  
(Hammad Shamimi)

Copy:

1. Mr. Amer Zia  
Director (Strategy Planning and Compliance)  
Karachi Electric Supply Company Ltd.  
House No. 10-B, St. 65,  
F-8/3, Islamabad.
2. Mr. Abubakar Usman  
M/s. Greytex CI-7, Street 6-B,  
North Karachi

No. NEPRA/TCD 09/10517

27-11-2012

Forwarded for information, please.

*[Signature]*  
Registrar

Senior Advisor (CAD) [w.r.t. Dy. No. 1250 dated 26.11.2012]  
Master File

cc:

Member (Consumer Affairs)



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

**Complaint No. KESC-158-2012**

**Mr. Abubakar Usman** ..... **Complainant**  
M/s Greytex CI-7, Street 6-B,  
North Karachi.

**Versus**

**Karachi Electric Supply Company Ltd** ..... **Respondent**  
KESC House No 39-B  
Sunset Boulevard Phase-II  
Defence Housing Authority,  
Karachi

**Date of Decision:** November 21, 2012

**Date of Hearing:** September 10, 2012

**On behalf of:**

**Complainant:** Mr. Abubakar Usman,  
**Respondent:** Mr. Amer Zia, Director (Strategy, Planning and Compliances)

**Subject:** IN THE MATTER OF COMPLAINT FILED BY MR. ABUBAKER USMAN FOR M/S GREYTEX UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST KESC REGARDING DEMAND OF RS.12,33,465/- (A/C NO. 2313465790534)

**Decision**

1. This decision shall dispose off the complaint dated May 14, 2012 filed by Mr. Abubakar Usman for M/s Greytex, CI-7, Street No.1, 6-B, North Karachi (hereinafter referred to as "the Complainant") against Karachi Electric Supply Company (hereinafter referred to as "the Respondent" or "KESC") under section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997.
2. Precisely, the Complainant in his complaint stated that KESC has illegally raised a demand of Rs.1,233,465/- by serving an estimate challan without narrating the nature of work or breakup of installation of electrical devices. Their connection is already connected with Pole Mounted Transformer (PMT) having capacity of 500 kVA installed on self finance basis jointly by 7 industrial consumers (including the complainant) bearing consumer numbers AP-075585, AP-082182, AP-073746, AP-071883, AP-073754, AP-082829 and AP-073753. The Complainant informed that these 7 consumers paid Rs. 394,676/- for the said PMT vide KESC receipt dated July

27, 2002 and further paid Rs. 162,485/- on July 10, 2003 for replacement of the 500 kVA transformer when got damaged then. The Complainant cited a decision of the Lahore High Court (1988 CLC 1169) as per which a consumer spending amount from his own pocket on purchase of transformer required for electric connection was entitled to adjustment of amount so spent by consumer against estimated cost paid by such consumer. The said PMT is running under load by 30%. The Complainant informed that he had already regularized his load of 13.9 kW and accordingly paid Rs.28,141/- on May 4, 2012. Now KESC has issued demand notice amounting to Rs.1,233,465/- for installation of a PMT while they were already connected on PMT which was installed 100% on self finance basis. KESC had no plausible ground to isolate them from the said dedicated PMT and these 7 shareholders hold bonafide right to utilize its services without interference.

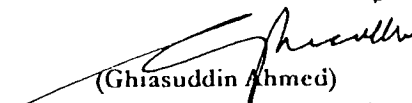
3. To proceed with the matter, the complaint was referred to the KESC vide letter dated May 24, 2012 for submission of para wise report. KESC vide its letter dated June 14, 2012 reported that the Complainant's premises with connected load of 69 kW is being fed from a 500 kVA PMT along with 6 other industrial consumers. The Complainant was issued notice for regularization of load since his connected load is 69 kW against the sanctioned load of 42 kW. As the Complainant applied for load regularization, estimate was issued to him for security deposit and the installation of dedicated PMT appropriate to the quantum of industrial load. The security deposit amount was paid by the Complainant but the estimate on account of installation of PMT is still unpaid. Industrial consumers are fed through dedicated system as per the policy prescribed in the applicable terms and conditions of tariff. If an industrial consumer being fed from a common PMT has extended his load or applies for an extension of load, he has to follow the applicable terms and conditions of tariff and requires a dedicated system. The Complainant may be advised to pay the estimate on account of dedicated PMT so that further steps could be taken accordingly.
4. The report of KESC was forwarded to the Complainant for his information/rejoinder vide letter dated June 28, 2012. In response, the Complainant vide his letter dated July 14, 2012 approached NEPRA and reiterated his earlier version. He further informed that KESC has not denied any point of his complaint, their connected load is 69 kW and KESC regularized 60% of the same and he paid security deposit at the rate of Rs. 6500/- per kW for regularization of load. Notice of KESC regarding regularization of load is illegal. The Complainant requested for withdrawal of the demand notice amounting to Rs.1,233,465/-. The Complainant also submitted that the mark up on consumers' security deposit be increased from 5 % to 15 %.
5. To probe further into the matter, hearing was held on September 10, 2012 at NEPRA Islamabad which was attended by both the parties. During the hearing, the parties stuck to their earlier versions. In addition, the Complainant submitted that initially the PMT was financed by 7 consumers but later KESC provided 3 more connections from that PMT without their consent. Pursuant to the hearing, some information was sought from KESC with respect to sanctioned load of each consumer on the existing PMT, payment of cost of transformer, proportional load share of each consumer and loading position of the existing transformer. The requisite information was submitted by KESC vide letter dated September 26, 2012.
6. The record provided by both the parties has been analysed. It is transpired that a PMT with capacity of 500 kVA was installed on cost deposit basis for the industrial consumers including the Complainant in July 2002. Later on, KESC sanctioned 3 additional industrial connections on the same PMT without consent of the aforesaid 07 consumers who had deposited the cost. On application of the Complainant for regularization of his load from 42 kW to 55.9 kW, KESC issued two demand notices to him for Rs.28,148/- for security deposit and Rs.1,233,465/- as cost of a dedicated PMT. The Complainant paid Rs.28,148/- as security deposit but approached NEPRA against the demand notice of Rs.1,233,465/- being cost of dedicated PMT and pleaded

the same as unjustified. The record provided by KESC reveals that total connected load of all 10 industrial consumers is 346 kW whereas the existing PMT can cater for 400 kW load. This includes the connected load of 69 kW of the Complainant. If KESC assumes that the existing 500 kVA PMT cannot meet the demand of above industrial consumers then it should make arrangement of a dedicated PMT for the additional 03 industrial consumers which were provided connection by KESC from 500 kVA PMT without the consent of the original 07 consumers who had deposited the cost of PMT in violation of rules. There is no justification for recovery of any amount on account of cost of dedicated PMT from the Complainant when the existing PMT can safely meet the load of existing consumers.

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7. Forgoing in view, KESC is directed to :

- i) Remove 03 additional industrial consumers energized from the existing 500 kVA PMT by KESC without consent of original 7 industrial consumers and arrange a separate PMT for them (i.e. 3 additional industrial consumers);
- ii) Regularize the load of the Complainant on existing 500 kVA PMT without demanding any cost for a dedicated PMT from the Complainant and withdraw demand notice of Rs.1,233,465/- served to the Complainant for cost of dedicated PMT provided that the Complainant furnishes 'No Objection Certificate' from the fellow 06 industrial consumers who jointly paid cost of existing 500 kVA PMT.

  
(Ghiasuddin Ahmed)  
Member (Consumer Affairs)

Islamabad, November 21, 2012