

152



National Electric Power Regulatory Authority

Islamic Republic of Pakistan

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Registrar

No. NEPRA/R/TCD.05/3634-39

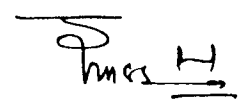
May 24, 2010

Chief Executive Officer,
Lahore Electric Supply Company Ltd. (LESCO)
22-A, Queens Road,
Lahore

Subject: **Complaint of Mirza Aurangzeb Babar S/O Mirza Aslam Baig against LESCO regarding Non-Issuance of Demand Notice for Provision of Tubewell Connection**

Please find enclosed herewith the decision of Member (Consumer Affairs) in the subject matter for compliance within 30 days of the receipt of this letter.

Encl: As above



DD (CAD)

(Syed Safer Hussain)

Copy to:

1. C.E/Customer Service Director
Lahore Electric Supply Company Ltd. (LESCO)
22-A, Queens Road,
Lahore

2. Mr. Shakeel Ahmed
Director (Admn)/Registrar
Wafaqi Mohtasib (Ombudsman)'s
Secretariat Regional Office,
Davis Road 15-A,
Lahore

(with reference to letter No.F.II/REG/WMS/
ROL(13)/2010 dated 06.03.2010)

3. Mr. Muhammad Hashim
Section Officer
Ministry of Law, Justice and
Parliamentary Affairs
Islamabad

(with reference to letter No. 665/2008-Law-I
(WM) dated 25.01.2010)

4. Director (Legal)
President's Secretariat (Public)
Islamabad

(with reference to letter No. 267/WM/2009
dated 24.10.2010)

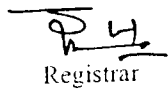
5. Mirza Aurangzeb Babar S/O Mirza Aslam Baig
R/o Tibba Tughraall,
Post Office Mandi Ahmed Abad,
Tehsil Depalpur, District Okara.

AD (G)

No. NEPRA/R/TCD.05/3646

May 24, 2010

Forwarded for information, please.


Registrar

Director (CAD)

CC:

1. Chairman
2. Member (CA)



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

CCR No.22-2010

Mirza Aurangzeb Babar
S/O Mirza Aslam Baig
R/o Tibba, Tugraall, P.O Mandi Ahmed Abad
Tehsil Depal pur, District Okara

..... Petitioner

Versus

Lahore Electric Supply Company (the Respondent)

Respondent

Date of Hearings: April 14, 2010 and May 04, 2010

Date of Decision: May 17, 2010

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

ON BEHALF OF:

Complainant: 1) Mr. Muhammad Safdar
2) Rana Muhamamad Ali

Respondent: 1). Mr. Muhammad Akbar Khan, SE, Okara
2). Engineer Qasem Qureshi, NEN, Hujra
3). Mr.Muhammad Idrees, Tracer

IN THE MATTER OF:

COMPLAINT OF MIRZA AURANGZEB BABAR S/O MIRZA ASLAM BAIG AGAINST
THE RESPONDENT REGARDING NON ISSUANCE OF DEMAND NOTICE FOR
PROVISION OF TUBE WELL CONNECTION.

150

DECISION

1. The background of the case is that Registrar, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Regional Office, Lahore forwarded a complaint vide their letter No.F.II/REG/WMS/ROI/(13)/ 2010 dated March 06, 2010 in respect of Mirza Aurangzeb Babar (hereinafter referred to as "the Complainant") R/o Tibba, Tugraall, P.O Mandi Ahmed Abad, Tehsil Depal pur, District Okara in the light of the orders of President of Pakistan on representation of Lahore Electric Supply Company (hereinafter referred to as "the Respondent") against the decision of the Wafaqi Mohtasib as conveyed by Ministry of Law, Justice and Parliamentary Affairs vide their letter No.665/2008-Law-1 (WM) dated January 25, 2010 asking National Electric Power Regulatory Authority (hereinafter referred to as "the Authority" or "NEPRA") to take appropriate decision on the complaint under intimation to Wafaqi Mohtasib Regional Office, Lahore and Ministry of Law, Justice, Government of Pakistan.

2. It is to place on record that the complaint of the Complainant was already under process with Consumer Affairs Division, NEPRA prior to the receipt of the letter from the Wafaqi Mohtasib Secretariat. The Complainant in his complaint has submitted that the Wafaqi Mohtasib on his complaint had recommended to the Respondent to issue Demand Notice to the complainant and report compliance, but NEN of the Respondent has refused to issue demand notice for connection from existing transformer.

3. The Consumer Affairs Division acting on the complaint referred the complaint to the Respondent for comments vide letter dated July 10, 2009. In response, the Respondent vide letter dated August 01, 2009 reported that the concerned Deputy Manager has been directed to accommodate the applicant by giving connection for 10 HP from the existing 25 kVA transformer exclusively installed for a tube well connection. The report of the Respondent was communicated to the complainant on August 04, 2009. The Complainant vide his letter dated August 27, 2009 approached this office and informed that no demand notice has yet been issued to him. The matter was again taken up with the Respondent vide this office letter dated September 07, 2009. The Respondent vide letter dated November 13, 2009 informed that a representation has been filed before the President of Pakistan against the decision of the Wafaqi Mohtasib which is still pending. As soon as the representation is

and, the required action will be taken immediately. Report of the Respondent was communicated to the complainant on November 23, 2009 and again on January 06, 2010.

4. Precisely, hearings were granted to both the parties which took place on April 14, 2010 and May 04, 2010.

5. The representative of the complainant during the hearing contended that the existing 25 kVA transformer is the property of Mirza Abbas Baig who is the father in law of the complainant and who has also given NOC to the complainant for provision of load from his dedicated transformer but the Respondent denied issuance of demand notice and asked to pay the cost of the transformer. The Complainant further informed that the Respondent, in the past, had provided tube well connections to some people in their area from the existing transformers but are denying me the connection. He further informed that presently there is only one tube well connection of Mirza Abbas Baig on the existing 25 kVA transformer which shows that the existing transformer is a dedicated transformer and is owned by Mirza Abbas Baig but being an old case, the record has been misplaced and not available with the owner.

6. The Respondent, on being asked to prove the ownership of the transformer in question, submitted that the case is about 30 year old, therefore, they have not been able to locate the record regarding the ownership of the transformer. The Respondent further informed that there used to be two domestic connections also fed from the existing transformer but no record is available with the Respondent regarding those consumer/reference numbers and the same had been permanently disconnected due to non payment. The Respondent further informed that at present only one connection of Mirza Abbas Baig of 10 HP is connected to the existing transformer and that there is sufficient load to accommodate the Complainant. On a query, the Respondent informed that in the past some tube well connections have been provided from the general duty transformers on directions of higher offices, however as per policy of PEPCO, tube well connections should not be granted from the transformers meant for electrification of villages/Dera.

7. From the above discussion, it is amply clear that:

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- 1) despite clear instructions from the Headquarters of the Respondent to accommodate the request of the Complaint was not implemented by the ~~XEN~~ concerned;
- 2) none of the parties were able to produce record with respect to the ownership of the transformer;
- 3) two domestic connections were fed from the existing transformer which were permanently disconnected due to non payment of electricity bills., but no proof in this regard like name of the consumer, reference number or copy of bill was provided by the Respondent;
- 4) presently, only one connection of Mirza Abbas Baig is connected to the existing transformer which amply serves that existing transformer is a dedicated transformer for the tube well connection;
- 5) sufficient load is available on the transformer to accommodate the requested load of the petitioner.

8. NEPRA Eligibility Criteria for Consumers of (Distribution) Companies, 2003, Part III, regulation 7 provides as under:

“The dedicated distribution system (DDS), other than service wire and meter, may be converted into common distribution system (CDS) with the written consent of the owner of the dedicated distribution system (DDS) in which case, the cost incurred by its owner shall be reimbursed by the licensee at mutually agreed terms”

9. Mirza Abbas Baig being the owner of the transformer has granted NOC to his son in law for provision of connection therefrom. The requirement of regulation 7 of ECR, 2003 whereby the consent for conversion of the dedicated transformer into general duty transformer is required, has been fulfilled. Since Mirza Abbas Baig himself is willing for conversion of his dedicated transformer into general duty transformer, therefore in this case, owner of the transformer shall not be entitled to any compensation or reimbursement by the Respondent under the ECR, 2003 for conversion of transformer from dedicated distribution system (DDS) to common distribution system (CDS).

147

10. In light of the above discussion, the Respondent is hereby directed to provide connection to the complainant from the existing transformer without any compensation to the owner of the transformer and submit compliance report within thirty (30) days.

Shaukat Ali Kundi
Shaukat Ali Kundi
(Member Consumer Affairs) 17.05.20

Islamabad, May 17, 2010