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National Electric Power Regulatory Authority

Islamic Republic of Pakistan

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Registrar

No. NEPRA/TCD 05 /894-903

February 11, 2011

1. Chief Executive Officer,
Lahore Electric Supply Company Ltd. (LESCO)
22-A, Queens Road,
Lahore
2. ✓ Mr. Usama Tariq Khan (President)
Tariq Gardens Housing Scheme Lahore
12- Ahmed Block, New Garden Town
Lahore

Subject: **Complaint of Mr. Usama Tariq Khan (President) Tariq Gardens Housing Scheme Lahore against LESCO regarding Removal of Old Poles of HT Line**
Complaint # LESCO-1-2010

Please find enclosed herewith the decision of Vice Chairman/Member (Consumer Affairs) on the subject matter for compliance. A report in the matter be submitted to this office within 90 days of the receipt of this letter by LESCO.

Encl: As above


(Syed Safer Hussain)

Copy for information:

1. Chief Executive Officer, Islamabad Electric Supply Co. Ltd., Islamabad.
2. Chief Executive Officer, Gujranwala Electric Power Company Ltd., Gujranwala.
3. Chief Executive Officer, Faisalabad Electric Supply Company Ltd., Faisalabad.
4. Chief Executive Officer, Multan Electric Power Company Ltd., Multan.
5. Chief Executive Officer, Hyderabad Electric Supply Co. Ltd., Hyderabad.
6. Chief Executive Officer, Quetta Electric Supply Company Ltd., Quetta.
7. Chief Executive Officer, Peshawar Electric Supply Company Ltd., Peshawar.
8. Chief Executive Officer, Karachi Electric Supply Company Ltd., Karachi.

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

CCR No. LESCO:1-2010

Mr. Usama Tariq Khan Complainant
Versus
Lahore Electric Supply Company Respondent

Date of final Hearing: October 12, 2010

Date of Decision: January 28, 2011

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

ON BEHALF OF:

- Complainant:
- 1) Mr. Usama Tariq
 - 2) Mr. Aman Mirza
- Respondent:
- 1) Rana Muhammad Ajmal, GM (Technical), LESCO
 - 2) Mr. M. Iqbal Sheikh, Manager GSO, LESCO
 - 3) Ch. Muhammad Ibrahim, Project Director Const. LESCO

**IN THE MATTER OF COMPLAINT OF MR. USAMA TARIQ KHAN AGAINST LESCO
REGARDING REMOVAL OF POLES OF HT LINE FROM HIS LAND**

DECISION

1. The Complainant filed a complaint with Consumer Affairs Division of National Electric Power Regulatory Authority ("NEPRA") alleging that the Respondent i.e. Lahore Electric Supply Company LESCO has erected HT Poles on his property and that it be directed to remove the HT line poles from his land located at Sadhoki Teshil Cantt, District Lahore which were erected by Water And Power Development Authority ("WAPDA") and before the incorporation of the Respondent. In his complaint, the Complainant further stated that only five HT line poles were removed so far and the removal of rest of the said poles were still awaited.

2. On enquiry of NEPRA, the Respondent vide letter dated February 15, 2010 reported that the grievance of the Complainant was not rational. Actually 11 KV line of Coca Cola factory was constructed on 40' spun poles which were installed with the consent of the Complainant. There are

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no old poles of HT line laid for Coca Cola factory on the property of the Complainant. The Respondent further stated that HT poles in question were installed 10 years ago for 11 kV Ali Raza Abad feeder on the road side beyond the boundary of Tariq Gardens Housing Scheme.

3. Accordingly, vide letter dated March 04, 2010, the aforesaid reply from the Respondent was duly communicated to the Complainant. In response, the Complainant vide his letter dated March 10, 2010 informed that the disputed poles were laid down without his consent. He also raised another issue regarding unsatisfactory/substandard work done by LESCO in Tariq Gardens Housing Scheme.

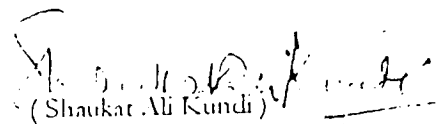
4. Pursuant to the aforesaid reply from the Complainant, Consumer Affairs Division of NEPRA directed the CEO LESCO to constitute a committee for site inspection and submission of report. Chief Engineer (Power), Government of Punjab was also directed to nominate a Member in the committee for joint investigation. Site inspection was carried out and report was submitted by the Respondent dated August 8, 2010. The committee concluded that electrification work in Tariq Gardens Scheme was found to be as per standard and 132 kV Line constructed in 1980-84 lies in the acquired land of WASA Lahore.

5. The aforesaid site inspection report was duly communicated to the Complainant who showed his disagreement with the findings of said report. Consequently, a final hearing in the matter was held on October 12, 2010 in which both the parties participated and presented their point of view. During the course of hearing, the Respondent did not deny that the HT line poles were erected on the land of the Complainant. The Respondent, however, agitated that the compensation of 11 kV lines was not allowed under the Electricity Act, 1910. Respondent further submitted that the Complainant never agitated / protested against the erection of these poles when these were being erected. The Respondent further stated that 05 poles have been removed at its cost because the shifting of poles were possible as right of way was available but the remaining HT poles could not be shifted for operational reasons i.e non availability of the alternative routes for feeders supplying electricity to huge size of consumers (in thousands) residing in different localities in the suburbs of Lahore.

6. After hearing both the parties it is established that :

- (i) the complainant did not agitate the construction of 11 Kv lines with the Respondent nor demanded compensation from the Respondent for construction of these HT Poles on his property at the time when the Respondent was erecting the lines/poles.
- (ii) the complainant had the right then to stop the Respondent from erecting 11 Kv lines / HT poles when the Respondent was constructing it on the complainant's property or could have demanded compensation for it.
- (iii) the respondent was equally obliged to seek the consent of the complainant to allow installation of 11 Kv lines/poles on his property.
- (iv) the parties did not even know the exact date and year of erection of these HT Poles when they were asked to specify the date(s) and year of erection of these HT Poles.

7. In view of the foregoing, this complaint is disposed of with the direction to the Respondent to shift the HT poles from the property of the complainant strictly as provided in Rule 70 of the Electricity Rules - 1937.


(Shaukat Ali Kundi)
Member (Consumer Affairs) / Vice Chairman

Islamabad, January 28, 2011