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National Electric Power Regulatory Authority

Islamic Republic of Pakistan

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Registrar

No. NEPRA/TCD 04 /1888 - 97

15-03-2011

Chief Executive Officer,
Faisalabad Electric Supply Company Ltd. (FESCO)
Abdullahpur, Canal Bank Road
Faisalabad

Mr. Zafar Jalil Khan
C/O Plot No. 86, Street No. 10,
Sector I-9/2, Industrial Area,
Islamabad

DD (CAD)
Link up
18/3

Subject: Complaint of Mr. Zafar Jalil Khan under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 against FESCO regarding Non-Provision of Electricity Connection
Complaint # FESCO-15/2-2010

Please find enclosed the decision of Vice Chairman / Member (Consumer Affairs) on the subject matter for compliance within 60 days of the receipt of this letter by FESCO.

Encl: As above

— Sd —
(Syed Safer Hussain)

Copy for information to:

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

No. NEPRA/TCD 04 /1898

15-03-2011

Forwarded for information, please.

Registrar

Sr. Advisor (CAD)

CC:

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

F.R



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

Complaint No. FESCO-15/2010

Mr. Zafar Jalil Khan Complainant

Vs

Faisalabad Electric Supply Company Respondent

Date of Hearing: February 17, 2011

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

APPEARANCE ON BEHALF OF:

Complainant: None

Respondent: Malik Ishfaq Ahmed, Manager FESCO Sargodha

**IN THE MATTER OF COMPLAINT OF MR ZAFAR JALIL KHAN UNDER SECTION 39 OF
THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF
ELECTRIC POWER ACT, 1997 AGAINST FESCO REGARDING NON PROVISION OF
ELECTRICITY CONNECTION.**

ORDER

1. This order shall dispose of the complaint filed by Mr. Zafar Jalil Khan (hereinafter referred to as, "Complainant") against the Faisalabad Electric Supply Company (hereinafter referred to as, "FESCO" or "Respondent").
2. The background of this case is that the complainant in his complaint addressed to NEPRA stated that he had applied to FESCO for a new tube-well electricity connection in 2006 and at that time he constructed /installed the tube-well under Monawar Jamil CCB scheme, and submitted numerous applications for electricity connection to the respondent's office from time to time but all in vain. The last application bearing registration No.04/T was submitted on 18-03-2010. Further that, after a passage of approximately four years, FESCO officials have neither visited the site nor installed the connection. The complainant further submitted that due to unethical, unprofessional, illogical, unjustifiable and illegal behavior of XEN and SDO Mianwali, he is facing huge losses annually and it has become difficult for him to feed his family because income from agriculture source is the only source of his family's subsistence. The complainant in his complaint has prayed for early installation of tube-well connection.

3. Consumer Affairs Division NEPRA upon receipt of complaint of the complainant referred the complaint to the respondent for filing of parawise comments. Respondent through its letter dated July 15, 2010 submitted that the complainant applied for a tube-well connection under Munawar Jamil CCB to District Officer Social Welfare Women Development and Bairul Mall Mianwali and his application on a simple paper was received in Divisional office at Mianwali on 06-04-2006. Further that, the Deputy Manager (OP) FESCO Mianwali on 08-04-2006 intimated to the District Officer Social Welfare Mianwali that the rough cost estimate for supply of power is approximately Rs. 3,88,910/- which is without bore and site location and the applicant be asked to complete the bore and apply properly. FESCO further reported that no response from applicant/District Officer Social Welfare Mianwali was received up to 17-3-2010. On March 18, 2010, the complainant formally applied with the Deputy Manager FESCO Mianwali and his application was entered vide No. 04/TCCB dated 18-03-2010. Further that the complainant also approached Ministry of Water and Power, GoP, for grant of priority of his case and the same was approved by the Minister. The quota allotted to Mianwali Division by FESCO was only 83 No Tube-wells for the year 2009-2010 which has since been exhausted. According to priority prepared under Minister's cases, the application of the complainant stood at serial No. 79 of pending applications received from the Ministry of Water and Power, GoP and his application will be processed on receipt of new quota for the year 2010-2011.
4. The report of respondent was conveyed to the complainant for his comments/rejoinder but the complainant did not respond. Hearing in the matter was fixed for February 08, 2011 at NEPRA Head office but both the parties failed to attend the hearing. Accordingly, another hearing was fixed for February 17, 2011 which was attended by SE/Manager (Operations) Sargodha FESCO but the complainant failed to attend the hearing second time as well.
5. In the hearing the respondent stated that the complainant applied for the tube-well connection vide his application dated 18.03.2010 and not in 2006 as stated by the complainant in his complaint. The respondent further stated that the complainant managed to get priority approved from Ministry of Water and Power for tube-well connections and has been placed at S.No. 25 of the List of FESCO for cases where priority is approved by the Ministry of Water and Power. Respondent also stated that there is a probability that his turn would come in the next financial year and not before that if Mianwali division gets a target for installing 59 tube-well connections by FESCO Headquarters. Respondent further stated that NEPRA laws are not being followed in case of tube-well connections, instead the priority system introduced and put into operation by the present management is being followed and targets set by the FESCO Headquarters are being met in this regard.
6. Law governing the new electric connection is that Section 21(2)(b) of the NEPRA Act 1997 requires a distribution Company (DISCO) to provide distribution services and make sales of electric power within its territory on a non-discrimination basis to all the consumers who meet the eligibility criteria laid down by the Authority, whereas Rule 4(c) of the NEPRA Performance Standards (Distribution) Rules 2005 also requires a distribution Company to provide electric power service to new connections to its eligible consumers as specified in the Consumer Eligible Criteria laid down by the Authority, and within the time frame, as prescribed therein, which in case of grant of new connection is 53 days from the date of registration of the application for a new connection.
7. Lahore High Court Multan Bench while disposing of 171 writ petitions collectively in its order dated 08.07.2010 in writ petition No.4503-10 titled Muhammad Hassan Vs MEPCO & others ruled and directed the respondent (MEPCO & others) in light of their understanding, to complete the installation

of tube-well connections by complying with the chronological order of the date of deposit of the demand notice amount in the respective region.

- 8. Article 25 of the Constitution of Islamic Republic of Pakistan, inter-alia, lays down very clearly that: "all citizens are equal before law and are entitled to equal protection of law."
- 9. While analyzing the version of complainant, the response of the respondent and taking the relevant law on the subject into consideration it is abundantly clear that the respondent has acted in complete disregard and clear violation of the law, NEPRA rules, and the ruling of the Lahore High Court, Multan Bench, by following the instructions of Pakistan Electric Power Company (PEPCO) issued to all DISCOs vide its letter No.1046-59 GM(C&M)P/CE(O)/Stat-147-P dated 12.06.2008 issued by PEPCO in pursuance to Ministry of Water & Power, Government of Pakistan letter No.PI-6/46/07 dated 07.06.2008 as per which grant of electric connections to tube-wells for agricultural purposes consumers have been "prioritized and quote fixed", which are not backed up by any provisions of law. Therefore, the FESCO is liable to be proceeded against for violation of NEPRA's applicable documents, by the concerned Division of NEPRA.
- 10. In light of the foregoing, it is decided that:
 - i. Electric Connection as requested by the complainant shall be granted to the complainant by the respondent immediately in compliance of Section 21(2)(b) of the NEPRA Act read with NEPRA Performance Standards (Distribution) Rules, 2005, after fulfilling codal formalities and submit a report within 60 days of the receipt of this decision.
 - ii. Compliance with the NEPRA applicable document shall be ensured.

Shaukat Ali Kundi
 (Shaukat Ali Kundi) 10.03.2011
 Vice Chairman/Member (Consumer Affairs)

Dated: Islamabad March 10, 2011