



Registrar

# National Electric Power Regulatory Authority Islamic Republic of Pakistan

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/ADG(CAD)/TCD-03/3148-20

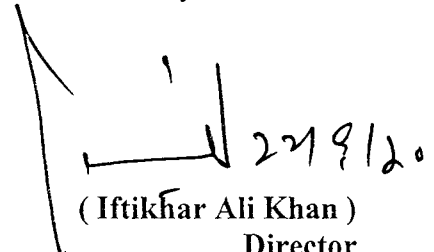
September 22, 2020

Chief Executive Officer,  
Gujranwala Electric Power Company (GEPCO),  
565/A, Model Town GT Road,  
Gujranwala.

Subject: **COMPLAINT FILED BY CHAUDHARY MUHAMMAD KHALIQ S/O JALAL KHAN UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST GEPCO REGARDING NON-PROVISION OF ELECTRICITY CONNECTION**  
COMPLAINT # GEPCO-73/09/2019

Please find enclosed herewith the Decision of the Member (Consumer Affairs) (04 Pages) dated 22.09.2020 regarding the subject matter for necessary action and compliance within (30) days of receipt of this Decision.

Encl: As above

  
( Iftikhar Ali Khan )  
Director  
Registrar Office

Copy to:

1. C.E/ Customer Services Director,  
Gujranwala Electric Power Company (GEPCO),  
565/A, Model Town GT Road Gujranwala.
2. Chaudhary Muhammad Khaliq S/O Jalal Khan  
R/O Dattewaal, Tehsil & District Gujrat.  
Cell # 0343-3319333



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

**Complaint No. GEPCO-73/09/2019**

**Chaudhary Muhammad Khaliq**  
Dattewaal, Tehsil/Zila, Gujrat

..... **Complainant**

**VERSUS**

**Gujranwala Electric Power Company (GEPCO)**  
565/A, Model Town, GT Road,  
Gujranwala.

..... **Respondent**

**Date of Hearing:** September 11, 2019

**On behalf of**  
**Complainant:**

Chaudhary Muhammad Khaliq

**Respondent:**

Mr. Muzaffar Ahmed Ghumman, GEPCO - XEN-2, Gujrat,

**Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY CHAUDHARY MUHAMMAD KHALIQ S/O JALAL KHAN UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST GEPCO REGARDING NON-PROVISION OF ELECTRICITY CONNECTION**

**DECISION**

This Decision shall dispose of the complaint filed by Chaudhary Muhammad Khaliq, (hereinafter referred to as the "Complainant"), against Gujranwala Electric Power Company (hereinafter referred to as the "Respondent" or "GEPCO"), under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (hereinafter referred to as the "NEPRA Act").

2. NEPRA received a Complaint from Chaudhary Muhammad Khaliq dated September 04, 2019, wherein, the Complainant submitted that he had applied to GEPCO on April 24, 2019 for electricity connection for the mosque in New Model Town, Gujrat, where electricity supply exists, however, there was no response from GEPCO. The Complainant further added that he is also constructing house in the said locality, where electricity supply lines are present nearby and requested that GEPCO be directed to provide electricity connections without further delay.

3. In order to proceed further, a hearing was held on September 11, 2019 at NEPRA Head Office, Islamabad, which was attended by both the parties. During the hearing the Complainant

reiterated his earlier version. In response, representatives of GEPCO informed that the Complainant's premises is located in the New Model Town, Gujranwala, which is an un-electrified area which comes under Land Sub-Division/Housing Schemes, therefore, the Colony has to apply to Planning & Engineering (P&E) Directorate – GEPCO, for electrification.

4. In order to proceed further, a joint site inspection was carried out on October 26, 2019, in the presence of the Complainant and GEPCO officials. During the site inspection it was observed that it is not a planned society but a cluster/piece of land which has been divided into a number of plots. It was further observed that a portion of the New Model Town, Gujrat, had already been electrified in the name of New Model Mohalla.

5. In light of the findings of the site inspection, GEPCO was directed to constitute a committee to conduct inquiry and submit a detailed report. In response, GEPCO vide letter dated February 09, 2020 submitted partial information, wherein, it submitted as under:

- i) New Model Mohalla is an old abadi, whereas, New Model Town (Complainant's locality) is a land Sub Division measuring an area of 30-35 Kanals which require proper approval from concerned Civic Authority in the light of Punjab Private Housing Scheme and Land Sub Division Rule, 2010.
- ii) There is no connection provided by field office in new Model Town. However, 21 No. electricity connections were provided by field office in New Model Mohalla adjacent to the Complainant's locality is against departmental SOP since the transformer was sanctioned for tube well connection only.
- iii) No transformer is installed in New Model Town. However, following transformers are installed in New Model Mohalla (abadi) as per field office record :
  - i. 100 kVA General duty Transformer
  - ii. 200 kVA General duty Transformer
  - iii. 100 kVA (Govt. Disposal/Tube well) Transformer
  - iv. Total Nos. of connections = 213
- iv) No. approval of civic agency is required for any Mohall / abadi. However, as per site position, Civic Authority approval is required for New Model Town measuring as area of 30-35 Kanals with proper plotting at site.
- v) In order to get the electricity connection, the Complainant is required to approach concerned Civic Authority/ Local body of Punjab Govt. for proper sanction of "New Model Town" measuring an area of 30-35 Kanals as per Punjab Private Housing Scheme and Land Sub-Division Rule, 2010.

6. GEPCO's report was analyzed in detail and in order to arrive at an informed decision, GEPCO was directed vide letter dated February 13, 2020 for provision of some more information w.r.t Inquiry report, details of existing connections in the New Model Mohalla with ownership proof/registries, details of installed transformers, action taken against the concerned officials of GEPCO for providing connections in the New Model Mohalla, against SOP, etc. In response, GEPCO vide letter dated April 09, 2020, submitted the details which are summarized as under:

- i) Initially at the place of Complainant's area there was an open area with a "Brick Kiln". Now the said location comprising approximately 30-35 Kanals area converted into land Sub-Division after demolishing the "brick kiln" and surrounded by boundary wall.
- ii) At present the Complainant demolished the boundary wall from some places, especially the area facing the Mohalla, to link-up the plotting area with residential

area, which was electrified since 1989. Further, the old Mohalla / Azafi Abadi has no link with the New Model Town, Gujrat which is an un-electrified area.

- iii) District Council, Gujrat has declared New Model Town, Gujrat an un-approved/illegal land sub-division vide advertisement published in daily Express dated October 02, 2019.
- iv) The provision of electricity connection in New Model Mohalla was sanctioned by WAPDA / Chairman Area Electricity Board (AEB), Islamabad in 1980s as per prevailing rules and regulations during that time. Whereas, New Model Town, Gujrat is an illegal Land sub-division and requires proper sanction in the light of Punjab Private Housing Scheme and Land Sub-Division Rule, 2010.

7. In order to finalize the matter, another site inspection was conducted on July 25, 2020, in presence of the Complainant's representatives and GEPCO officials. During the site inspection, it was noted that New Model Town, Gujrat, is not a planned society but a cluster/piece of land which has been divided into a number of plots. It was further observed that the adjacent area, namely New Model Mohalla, had already been electrified. The HT Line was passing opposite to the house of the Complainant and over the mosque for which the connection was required. The areas adjacent to Model Town Gujrat were already electrified. The nearby areas were divided into plots. During the site inspection, representatives of GEPCO produced a public notice published on October 02, 2019, in the daily " Express Gujrat ", whereby, New Model Town, Gujrat has been declared illegal. In response, the Complainant also placed on record, a copy of the letter of Additional Deputy Commissioner (Revenue) Gujrat bearing No. 493/HRC dated May 16, 2019, wherein, it was stated that New Model Town, Gujrat is not a housing scheme and is a Mohalla. The Complainant also produced another letter of the Additional Deputy Commissioner, Gujrat bearing No. 1113/HRC dated December 09, 2019, wherein it was stated that New Model Town, Gujrat is not a housing scheme and it has been developed in the shape of a Mohalla.

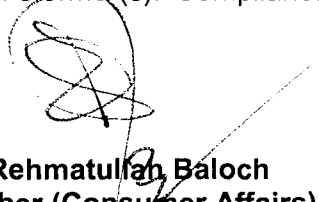
8. The case has been analyzed in detail, in light of the documents made so available by the parties, arguments advanced in the hearing, site inspection and applicable law. The following has been concluded:

- i) The Complainant had applied to GEPCO on April 24, 2019 for provision of electricity connection for mosque situated in New Model Town, Gujrat. The Complainant has informed that GEPCO denied provision of connection to the mosque and his house on the grounds that the same are situated in New Model Town, Gujrat which is an unapproved Land Sub-Division/Housing Scheme.
- ii) GEPCO has informed that the Sponsor of New Model Town, Gujrat has to apply to the Planning & Engineering (P&E) Directorate, GEPCO, for electrification subject to the approval of the local Civic Agency. However, GEPCO never intimated details of sponsor. During the hearing/site inspection the Complainant informed that there is no sponsor of New Model Town, Gujrat, as it is a Mohalla.
- iii) The site inspections revealed that the area of the complainant is developed and not a housing society and adjacent to New Model Mohalla. Common Distribution System of GEPCO is already available near to the Complainant's premises. The nearest house electrified in New Model Mohalla is about 30 feet away from the house of the Complainant.
- iv) Additional Deputy Commissioner (Revenue) Gujrat's letters bearing No. 493/HRC dated May 16, 2019 and bearing No. 1113/HRC dated December 09, 2019, clearly state that New Model Town, Gujrat is a Mohalla and not a housing society. In such a

scenario, GEPCO should have treated New Model Town, Gujrat at par with New Model Mohalla, whereby according to GEPCO, there was no requirement of approval of the local Civic Agency before provision of connection and has allowed various connections by violating the SOP through tube well transformer.

- v) Deputy Commissioner Gujrat vide public notice published in the daily "Punjab, Gujrat" dated June 16, 2020, issued an updated list of unapproved housing societies/LSDs in Gujrat, however, the New Model Town, Gujrat is not in the list.
- vi) The consumers have the right to be supplied with electric power on non-discriminatory basis within the service territory of a licensee, i.e. GEPCO, specified in a distribution license upon full-filling the provisions defined in sections 3 of Consumer Eligibility Criteria, 2003. The time limits for provision of connection is stipulated in Overall Standard 3-Time Frame for New Connections (OS3) of NEPRA Performance Standards (Distribution) Rules, 2005.
- vii) 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 violation of 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.

9. Foregoing in view, GEPCO is directed to provide electricity connection to the Complainant and mosque located in New Model Town Gujrat, in light of the letters of Additional Deputy Commissioner (Revenue), Gujrat dated May 16, 2019 and December 09, 2019, after completion of all codal formalities on cost deposit basis through independent transformer(s). Compliance report be submitted within thirty (30) days.

  
**Rehmatullah Baloch**  
**Member (Consumer Affairs)**

Islamabad, September 22, 2020