



Registrar

National Electric Power Regulatory Authority Islamic Republic of Pakistan

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No. NEPRA/ADG(CAD)/TCD-02/ 21308-11

August 12, 2020

Chief Executive Officer
Islamabad Electric Supply Company (IESCO)
Street No. 40, G-7/4,
Islamabad

Subject: **DECISION IN THE MATTER OF CASE REFERRED BY LAHORE HIGH COURT, RAWALPINDI BENCH, IN WRIT PETITION NO. 635/2020: AIRPORTS EMPLOYEES COOPERATIVE HOUSING SOCIETY VS MINISTRY OF POWER & OTHERS**

Please find enclosed herewith the decision of Member (Consumer Affairs) dated 11.08.2020 (04 Pages), regarding the subject matter, for compliance within thirty (30) days.

Encl: As above

12/8/20
(Iftikhar Ali Khan)

Copy to:

1. C.E/Customer Services Director
Islamabad Electric Supply Company (IESCO)
Street No. 40,
G-7/4,
Islamabad
2. Chairman, Rawalpindi Development Authority (RDA)
Liaqat Bagh, Murree Road,
Rawalpindi,
051-5555490-2 Ext: 110
3. Secretary, Airports Employees Cooperative
Housing Society,
Chaklala,
Rawalpindi
051-5954249



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No. IESCO-34/03/2020

Secretary, Airports Employees Cooperative **Petitioner**
Housing Society (AECHS), Chaklala
Rawalpindi.

VERSUS

Chief Executive Officer **Respondent**
Islamabad Electric Supply Company (IESCO)
Street No. 40, G-7/4
Islamabad.

Date of Hearings: April 22, 2020
May 13, 2020

On behalf of:

Complainant:

- 1). Col @ Saadullah (President)
- 2). Mr. Tahir Jamil Butt (Advocate)
- 3). Mr. Javed Akhtar (Secretary)

Respondent:

- 1). Syed Ghazanfar, Deputy Manager (Planning)
- 2). Mr. Sardar Liaquat, XEN (Operations)
- 3). Syed Munawar Ali Shah, SDO (Operations)

Subject: **DECISION IN THE MATTER OF CASE REFERRED BY LAHORE HIGH COURT, RAWALPINDI BENCH IN WRIT PETITION NO. 635/2020: AIRPORTS EMPLOYEES COOPERATIVE HOUSING SOCIETY VS. MINISTRY OF POWER & OTHERS**

DECISION

Pursuant to the Order of the Honorable Lahore High Court, Rawalpindi Bench dated March 03, 2020 in Writ Petition No. 635/2020, this decision shall dispose of the complaint of Secretary, Airports Employees Cooperative Housing Society (AECHS), Chaklala, Rawalpindi (hereinafter referred to as "the Complainant" or "the Petitioner" or "the

Society”) against Islamabad Electric Supply Company Limited (hereinafter referred to as “IESCO” or “the Respondent”).

2. The Honorable Lahore High Court, Rawalpindi Bench vide its Order dated March 03, 2020 in Writ Petition No. 635/2020 referred the matter to NEPRA for decision. The operative part of the Order is reproduced as under:

“... NEPRA shall treat it as an application of the Petitioner and shall decide the same considering the grievance of the Petitioner in accordance with Law within a period of eight weeks from the date of production of certified copy of this Order by the Petitioner. Disposed of as such ”

3. In pursuance of the Order of the Honorable Lahore High Court, Rawalpindi Bench, a hearing was scheduled for March 30, 2020 at NEPRA Head Office, Islamabad, however, the same was adjourned on request of the Complainant. Further, two hearings in the matter were held on April 22, 2020 and May 13, 2020 at NEPRA Head Office, Islamabad which were attended by both the parties, wherein the matter was discussed in detail. During the proceedings, the Petitioner submitted that the issue pertains to the provision of connection in Blocks G,H & I of sector 4 of AECHS. Further, they provided a copy of NOC dated March 18, 2019 issued by Rawalpindi Development Authority (RDA) for provision of connections in AECHS. However, IESCO refused to grant connections. In response, the representatives of IESCO submitted that the Society has not provided the required approved Layout Plan (LOP). The representatives of AECHS informed that the Layout Plan (LOP) of sector 4 of AECHS is under process of approval and RDA has already issued NOC to IESCO for provision of connection in AECHS.

4. In order to arrive at an informed decision, RDA was requested vide this office letter dated May 14, 2020 to look into the matter and advise that whether the NOC dated March 18, 2019 produced by the representatives of AECHS is applicable to Blocks G,H & I of sector 4 of AECHS or otherwise. In response, RDA vide its letter dated June 20, 2020, submitted that it has already intimated IESCO vide letter dated March 18, 2019 that IESCO may extend the electricity connections to the houses / plots in the scheme where IESCO has already provided facility including AECHS. Blocks G, H & I of sector 4 of

AECHS have been visited for the verification that whether IESCO has laid electricity network in these blocks. The field staff has reported that the electricity network has already been laid in these blocks by IESCO, therefore, "*IESCO may proceed for provision of electricity connections to the individual houses accordingly as per the Law/Rules.*"

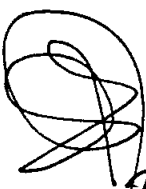
5. The case has been analyzed in detail in light of the documents made so available by the parties, arguments advanced in the hearing(s) and applicable law. Following has been concluded:

- i. The issue pertains to non-provision of electricity connections in Blocks G, H & I of sector 4 of the Airports Employees Cooperative Housing Society, Chaklala, Rawalpindi. The area has already been electrified by IESCO on cost deposit basis. IESCO has demanded approval of LOP of the said Blocks by the RDA.
- ii. RDA had already issued an NOC on March 18, 2019 to IESCO that it may extend electricity connections to the houses / plots in the scheme(s), where IESCO has already provided facility.
- iii. Recently, RDA vide letter dated June 20, 2020 has intimated that IESCO may proceed for provision of electricity connections to individual houses as per the Law/Rules in the Airports Employees Cooperative Housing Society in the areas where electrification has already been carried out.
- iv. 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.
- v. NEPRA Consumer Service Manual (CSM) and NEPRA Consumer Eligibility

Criteria, 2003 envisage provision of certain requirements/documents for provision of electricity connection. As per the relevant provisions of CSM, the approved map /site plan /layout plan or NOC by the civic agency is required for provision of connection. In the instant case, the concerned civic agency i.e. RDA has provided NOC.

6. In view of the foregoing, IESCO is directed to proceed in light of RDA's letters dated March 18, 2019 & June 20, 2020 and provide connections in Blocks G,H & I of the sector 4 of Airports Employees Cooperative Housing Society, Chaklala, Rawalpindi subject to fulfillment of other codal formalities.

7. Compliance report be submitted within thirty (30) days.


(Rehmatullah Baloch)
Member (Consumer Affairs)
21/11/20

Islamabad, August // , 2020