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National Electric Power Regulatory Authority

Islamic Republic of Pakistan
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Registrar

No. NEPRA/R/TCD.10.1/3628-32

24-05-2010

Mst. Hawas Noor Begum
W/o Malik Sher Bahadur
R/o House No. 0/180, Street No. 11
Murree Road,
Rawalpindi

Subject: **Complaint of Mst. Hawas Noor Begum W/o Malik Sher Bahadur (Late) against IESCO regarding Non-Provision of Electricity Connection**

Please find enclosed herewith the decision of Member (Consumer Affairs) in the subject matter for necessary action please.

Encl: As above

(Syed Safeer Hussain)

Copy to:

1. Chief Executive Officer
   Islamabad Electric Supply Co. Ltd.
   Street # 40, Sector G-7/4, Islamabad.
2. Sheikh Bashir Ahmed
   (Director General (INV)
   Wafaqi Mohtasib (Ombudsman)'s
   Secretariat, Zero Point, Islamabad.
   (with reference to letter No. H/322/07 dated 04.11.2009)
3. Deputy Director (Legal)
   President's Secretariat (Public),
   Islamabad
   (with reference to letter No. 536/ WM/2008 dated 16.07.2009)
4. Mr. Azhar Hussain Chaudhary
   Section Officer
   Ministry of Law, Justice and
   Parliamentary Affairs
   Government of Pakistan
   Islamabad.
   (with reference to letter F. No. 207/2008-Law(WM) dated 19.08.2009)

No. NEPRA/R/TCD.10.1/3633

DD(CAD) 24-05-2010

Forwarded for information, please.

for record.

Registrar

Director (CAD)

CC:

1. Chairman
2. Member (CA)

BEFORE THE

NATIONAL ELECTRIC POWER REGULATORY AUTHORITY

(NEPRA)

CCR. No: 51-2009

Mst Hawas Noor Begum w/o Late Malik Sher Bahadur..... Complainant

Versus

Islamabad Electric Supply Company (IESCO)..... Respondent

Date of Hearing: March 24, 2010 and April 01, 2010

Date of Decision: May 17, 2010

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

On behalf of:

Complainant: 1. Malik Tariq Mehmood

Respondent:
1. Mr. Muhammad Najeeb Akhter, Superintending Engineer, Jehlum
2. Mr. Anaar Khan, XEN, Tariqabad, Rawalpindi
3. Mr. Muhammad Kaleem, XEN, Gujar Khan

Punjab Housing and Town Planning Agency, Government of Punjab:

1. Mr. Tariq Mehmood, Deputy Director (Sub Region, Rawalpindi)
2. Mr. Fida Hussain, Assistant Director (Sub Region, Rawalpindi)

IN THE MATTER OF:

COMPLAINT OF MST. HAWAS NOOR BEGUM W/O MALIK SHER BAHADUR (LATE) AGAINST IESCO REGARDING NON PROVISION OF ELECTRICITY CONNECTION.

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DECISION

1. This Order shall dispose of the complaint of Mst. Hawas Noor Begum (hereinafter referred to as "the Complainant") dated 10 November, 2009 received from Mr. Sheikh Bashir Ahmed, Director General, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad vide their letter No.H/322/07 dated November 04, 2009 in respect of Mst Hawas Noor Begum W/o Malik Sher Bahadur (Late) against M/s Islamabad Electric Supply Company (hereinafter referred to as the "Respondent") regarding non provision of connection. The case was referred to NEPRA for decision on the directions of Honorable President of Pakistan through the Wafaqi Mohtasib Secretariat.

2. Precisely, the Complainant in her complaint has alleged that she was allotted 02 plots No. 11 & 21 in Block B and C in Area Development Scheme, Gujar Khan-II by Punjab Housing and Town Planning Agency, District Rawalpindi, and that the Respondent failed to provide electric connection for her plot. She further alleged that she approached the Respondent IESCO for the needful but of no avail. In the complaint she has requested for electrification of the above scheme (Gujar Khan Scheme No. II) under the auspices of Housing & Planning Department, Govt. of Punjab.

3. Accordingly, Consumer Affairs Division, NEPRA forwarded the complaint to the Respondent for a detailed report thereon. The Respondent in its reply vide its letter No.66837/39/CEO/IESCO/CSD dated December 30, 2009 submitted a detailed report and denied the allegations leveled against it. The Respondent further submitted that the electrification of the colony was the responsibility of the sponsor (Housing and Physical Planning Department, Govt. of Punjab), and that the Respondent under no circumstances were responsible for energizing the abundant housing scheme. The Respondent further reiterated its stand that they have already sent an estimated cost of Rs.4,137,140/- in August 2007 which has not been deposited by the sponsor of the housing scheme.

4. To arrive at a logical conclusion, it was decided to hold a hearing inviting all the parties involved. Accordingly, notices were sent to the Respondents and the sponsor of the housing colony. The hearing was conducted on March 24, 2010 and April 01, 2010. The Complainant did not appear on 24 March 2010 because she did not receive the notice. However, all the parties including the representative of Housing and Physical Planning Department, Govt. of Punjab appeared on 01 April 2010 before the undersigned.

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5. The Complainant, Mst. Hawas Noor Begum was represented by her Attorney, Mr. Malik Tariq Mahmood who submitted that the Complainant has filed a Writ Petition in the Lahore High Court, Lahore against the order of the President of Pakistan for referring the case to NEPRA for decision and is not interested in pursing her case in NEPRA. The Attorney of the Complainant was asked whether or not the Honorable High Court has issued any Stay Order/Restraining Orders on her Writ Petition. The Complainant responded in negative. On being asked the same question the Respondent (IESCO/Punjab Housing and Town Planning Agency) who are also respondent in the said Writ Petition also confirmed that the Honorable High Court has not issued any Restraining Order.

6. Pursuant to the statement of the Complainant during the course of hearing the Complainant was asked upon to submit in writing that she was not interested in pursuing her case before NEPRA. The Complainant vide its letter dated April 17, 2010 instead of stating that she was not interested in pursuing her case before NEPRA, requested that as the Writ Petition is pending adjudication before the High Court, the proceedings may be kept pending till its decision.

7. Because of the request of the Complainant to pend the Complaint till the decision of the Honorable High Court; the fact that the Complainant has challenged the very decision of the President of Pakistan in the Lahore High Court, Rawalpindi Bench through which the case was referred to NEPRA for decision; and that the Honorable High Court has not stayed the proceedings before NEPRA, I do not consider this a fit case to be kept pending because: (i) there is no such provision in the NEPRA rules where it provides for pending the complaint for unspecified period on the request of the Complainant; and (ii) the matter has been agitated before a higher forum, as such the Complaint stands dismissed. The Complainant may, however, approach NEPRA in the light of forthcoming decision of the Honorable Lahore High Court, Rawalpindi Bench.

Shaukat Ali Kundi

(Shaukat Ali Kundi)
Member (Consumer Affairs) 17.05.20

Islamabad, May 17, 2010