



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.nepa.org.pk, E-mail: registrar@nepa.org.pk

No. NEPRA/DG(CAD)/TCD-04/24727-30


May 6, 2021

Chief Executive Officer
Faisalabad Electric Supply Company Limited (FESCO)
Abdullah Pur, Canal Bank Road,
Faisalabad.

Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY M/S ELAHI DEVELOPERS UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST FESCO REGARDING ELECTRIFICATION OF HOUSING SOCIETY "EDEN ORCHARD" SARGODHA ROAD, FAISALABAD**
Complaint No. FESCO-16/02/2021

Please find enclosed herewith the Decision of the Member (Consumer Affairs) dated May 03, 2021 (04 Pages) regarding the subject matter for necessary action and compliance within thirty (30) days, positively.

Encl: As above


(Iftikhar Ali Khan)
Director
Registrar Office

Copy to:

1. C.E/Customer Services Director FESCO, Abdullah Pur, Canal Bank Road, Faisalabad.
2. Chief Engineer (Planning) FESCO, Abdullah Pur, Canal Bank Road, Faisalabad.
3. Director (Commercial) FESCO, Abdullah Pur, Canal Bank Road Faisalabad.
M/s Elahi Developers, Riasat Ali Dogar, S/o Elahi Buksh, Eden Valley, East Canal Road, Faisalabad. Ph: 041-8520376



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No. FESCO-16/02/2021

M/s Elahi Developers
Riasat Ali Dogar, S/o Elahi Bukhsh,
Eden Valley, East Canal Road, Faisalabad.
Ph: 041-8520376

.....Complainant

Versus

Faisalabad Electric Supply Company (FESCO)
Abdullah Pur, Canal Bank Road Faisalabad.

..... Respondent

Date of Hearing:

23rd February, 2021

On behalf of:

Complainant: Mr. Riasat Ali Dogar

Respondent: Mr. Mazhar Naveed, C.E (P&D), FESCO

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY M/S ELAHI DEVELOPERS -
UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION
AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST FESCO
REGARDING ELECTRIFICATION OF HOUSING SOCIETY "EDEN ORCHARD"
SARGODHA ROAD, FAISALABAD.

DECISION

Through this decision, the complaint filed by M/s Elahi Developers, Faisalabad (hereinafter referred to as the "Complainant" or "Sponsor") against Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Respondent" or "FESCO"), under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (hereinafter referred to as the "NEPRA Act"), is being disposed of.

2. NEPRA received the subject complaint, wherein the dispute agitated by the Complainant was that he had applied to FESCO for external electrification of Eden Orchard, Sargodha Road, Faisalabad (hereinafter referred to as the "Housing Society") during 2017. Initially, load was assessed as 4,800 kW by the consultant and electrification was proposed through 11 kV feeders from the nearest grid station. During processing of the application, FESCO reviewed the policy of external electrification of housing societies and the load was also revised, resulting in an increase in the proposed load from 4,800 kW to 9,200 kW. Further, according to the revised Consumer Service Manual (hereinafter referred to as the "CSM"), proposed load of the Housing Society has been increased from 9,200 kW to 13,000 kW. Accordingly, the Complainant is bound to provide 20 Kanal land to FESCO for construction of grid station inside the Housing Society. However, all the plots have already been sold, and 50 % houses have been constructed; due to which a piece of compact land cannot be provided to FESCO. The Complainant has requested that FESCO may be directed to issue demand notice for electrification of the Housing Society through proposed 11 kV feeders from the nearby grid station and the proportionate cost of grid station may be recovered from the Complainant as per CSM or the Complainant shall provide 20 Kanals land for grid station in the radius of 10 KM from the Housing Society and it may be electrified accordingly.

3. The matter was taken-up with FESCO. A hearing was held at NEPRA Head Office, Islamabad on February 23, 2021, wherein both the parties (i.e. FESCO and the Complainant) participated and advanced their arguments. FESCO officials submitted that the load of the Housing Society was first assessed as 4,519 kW by the consultant of the sponsor which was had some discrepancies. Accordingly, FESCO issued notices to the sponsor for submission of revised design book. In the revised design book, the load of the Housing Society was assessed as 9,141 kW which requires a piece of land within the Housing Society for construction of grid station. The Complainant reiterated his earlier version.

4. Further, FESCO submitted a report vide letter dated March 01, 2021, therein stating that the case for electrification of the Housing Society was submitted to FESCO on October 09, 2017 and while processing the case some discrepancies were pointed out. The consultant of the Housing Society had considered commercial plots in the approved lay put plan as residential plots and the load of commercial markets have been assessed as single storey whereas at site double storey buildings have been constructed. Accordingly, notices were issued to the sponsor of the Housing Society for provision of revised design book. The revised design book was provided by the sponsor in August 2019 with assessed load as 9141 kW for which 132 kV grid station or 32 kanal land for grid station was required; which was not provided by the sponsor which resulted in cancellation of the application for external electrification of the Housing Society. Moreover, with

regards to provision of land within 10 KM radius of the Housing Society, it is contradictory to the applicable law and technical parameters does not allow construction of 11 kV feeders from the distant grid station to the Housing Scheme.

5. The case has been examined in detail in light of written/verbal arguments of the parties, documents placed on record and the applicable law. The following has been concluded:


- i). The Sponsor applied to FESCO for electrification of Eden Orchard, Sargodha Road, Faisalabad on October 09, 2017 with assessed load as 4830 kW. During the processing, FESCO noticed that the load assessed by the consultant is not as per lay out plan approved by Faisalabad Development Authority as the consultant considered commercial plots as residential plots for assessment of ultimate load of the Housing Society. Accordingly, FESCO asked the Sponsor for submission of revised design book.
- ii). The Sponsor submitted the design book with assessed load as 9141 kW. FESCO asked the sponsor for provision of 32 kanal land for construction of grid station within the boundary of the Housing Society. The Sponsor is of the view that there is no land available inside the Housing Society for construction of grid station.
- iii). The Consumer Service Manual provides that housing societies having load between 5 MW to 10 MW, have to be provided connection from DISCOs own grid station with dedicated transformers, dedicated 11 kV feeders and DISCO shall charge 50% grid sharing charges including transmission line charges and 100 % cost of land proportionate to load.
- 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). According to the Consumer Eligibility Criteria (2003), every person has right to be provided with electric power services subject to the fulfillment of the eligibility criteria.

Further, as per NEPRA Performance Standards (Distribution) Rules, 2005; certain time period is specified for provision of electricity connection. In the instant case, more than three years have lapsed but the case for provision of electricity supply has not yet been approved due to one reason or other.

- vi). According to FESCO in the revised design book, the ultimate load has been assessed as 9141.5 kW. FESCO cancelled the case for external electrification of the said Housing Society on December 08, 2021 due to non provision of land for construction of grid station whereas in the revised CSM housing societies having load between 5 MW to 10 MW, have to be provided with connection from DISCOs own grid station with dedicated transformers, dedicated 11 kV feeders and in this regard; DISCO shall charge 50% grid sharing charges including transmission line charges and 100 % cost of land proportionate to load.
- vii). NEPRA has also issued clarification vide letter dated NEPRA/DG(CAD)/TCD-10/17187-13 dated March 26, 2021 for implementation of Consumer Service Manual whereby Diversity and Development factors have to be applied for assessment of ultimate load and accordingly the relevant charges are to be recovered.

5. Foregoing in view, FESCO is directed to process the electrification case of the Eden Orchard, Sargodha Road, Faisalabad in accordance with the provisions laid down in Consumer Service Manual after completion of codal formalities. Compliance report in the matter be submitted within thirty (30) days.

Islamabad, May 03, 2021.


(Rehmatullah Baloch)
Member (Consumer Affairs)
3/5/21