



National Electric Power Regulatory Authority

ISLAMIC REPUBLIC OF PAKISTAN

Ataturk Avenue (East) Sector G-5/1, Islamabad.

Ph: 051-2013200, Fax: 051-2600021

Consumer Affairs Department

TCD.04/ 63812 -2022
December 13, 2022

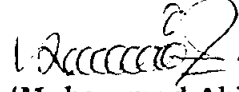
Chief Executive Office

Faisalabad Electric Supply Company Limited (FESCO)

Abdullah Pur, Canal Bank Road, Faisalabad.

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. NOMAN SHAHID UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST FESCO REGARDING ISSUANCE OF ADDITIONAL DEMAND NOTICE
FESCO-NHQ-13035-05-22 & FESCO-NHQ-12983-05-22

Please find enclosed herewith the decision of the NEPRA Consumer Complaints Tribunal dated December 13, 2022 regarding the subject matter for necessary action and compliance within twenty (20) days, positively.


(Muhammad Abid)
Assistant Director (CAD)

Encl: As above

Copy to:

1. C.E/Customer Services Director, FESCO, Abdullah Pur, Canal Bank Road, Faisalabad.
2. Mr. Ubaid Khan Rana, Assistant Director,
NEPRA Regional Office, 1st floor, Plaza No. C-613,
Opposite National Bank, College (Hockey Stadium) Road,
Kohinoor City, Faisalabad
3. Mr. Noman Shahid S/o Shahid Farooq,
Faazil Town, Sargodha
Cell: 0300 8706 108



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

Complaint No. FESCO-NHQ-13035-05-22 & FESCO-NHQ-12983-05-22

Mr. Noman Shahid S/o Shahid Farooq,
Faazil Town, Sargodha
Cell: 0300-8706408

..... **Complainant**

VERSUS

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

..... **Respondent**

Date of Hearing: August 18, 2022
August 26, 2022

**On behalf of
Complainant:**

1) Mr. Noman Shahid

Respondent:

1) Mr. Abrar Ahmed Khan, SDO (Operation), FESCO

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. NOMAN SHAHID UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST FESCO REGARDING ISSUANCE OF ADDITIONAL DEMAND NOTICE

DECISION

This decision shall dispose of the complaint filed by Mr. Noman Shahid S/o Shahid Farooq (hereinafter referred to as the "Complainant") against Faisalabad Electric Supply Company (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").

2. NEPRA received a complaint from Mr. Noman Shahid through Wafaqi Mohtasib Secretariat Regional Office Sargodha against FESCO wherein the issue agitated by the Complainant was that he applied to FESCO for provision of new industrial connection whereby a demand notice dated May 25, 2021 amounting to Rs. 772,660/- was issued by FESCO which was subsequently paid during June, 2021. The Complainant further submitted that the connection remained pending for installation due to non-issuance of transformer. The Complainant added that FESCO issued revised/second demand notice on January 24, 2022 amounting to Rs. 345,920/- for payment, however being aggrieved with the revised/second demand notice, he requested to direct FESCO to install the connection as per the already paid demand notice.

3. The subject matter was taken up with FESCO. In response, FESCO vide a report dated April 07, 2022 stated that the Complainant submitted an application for an industrial connection vide application No. 21-00016-1342B2b(12)T dated May 24, 2021 for 36kW load for which a demand notice No. FNC-DN 206829 dated May 25, 2021 amounting to Rs. 772,660/- was issued and the same was paid by the Complainant on June 22, 2021. FESCO further submitted that the connection remained pending for installation due to

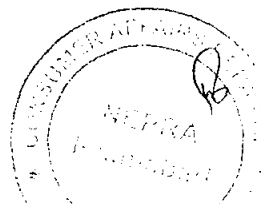


increase in rates of different items required for energizing the connection and an additional demand notice No. 909 dated January 24, 2022 amounting to Rs. 345,920/- was issued to the Complainant due to revision of material rates w.e.f. December 29, 2021. The connection will be installed as and when applicant will pay the amount of revised demand notice.

4. In order to probe into the matter, hearings were held at NEPRA Head Office, Islamabad wherein both the parties participated and advanced their respective arguments. During the hearing, FESCO officials submitted that sufficient number of transformers and material was available, however, the connection was not installed due to non-provision of wiring test report duly issued by the concerned Electric Inspector. The Complainant was served with a notice No. 210093 dated August 05, 2021 to provide the same and he provided the required test report on August 16, 2021. Meanwhile, the stock of transformers exhausted and connection remained pending for installation due to non-availability of 50kVA transformers in stores of FESCO. FESCO was also directed vide hearing notice dated August 17, 2022 to provide inventory list of 50kVA transformers and other allied material available in the stores of FESCO at the time of payment of demand notice i.e. June 22, 2021 till date of revision of material rates alongwith the price bulletins issued w.e.f. June 01, 2021, however, the same was not provided by FESCO.

5. The case has been examined in detail in light of the record made so available by parties, arguments advanced during the hearing and applicable law. Following has been observed:

- (i) The Complainant approached FESCO for a new industrial connection vide application No. 21-00016-1342 B2b(12)T dated May 24, 2021 for load of 36 kW. In response, FESCO approved the application and accordingly issued a demand notice amounting to Rs. 772,660/- dated May 25, 2021 which was paid by the Complainant on June 22, 2021 within prescribed time period. However, according to FESCO the connection remained pending for installation due to non-provision of wiring test report by the Complainant and non-availability of 50 kVA distribution transformer etc. Later, another/second demand notice amounting to Rs. 345,920/- dated January 24, 2022 was issued to the Complainant for payment.
- (ii) Perusal of the documentary evidence and arguments by FESCO official during the hearing reveals that the Complainant was charged difference of cost of the material due to its non-availability in the stores of FESCO and the material was procured with enhanced rates, therefore, the revised/second demand notice was issued on the pretext of revision of material rates. Furthermore, FESCO is of the view that the Complainant did not provide test report in time; which caused delay in installation of connection. Consumer Service Manual (CSM) provides that the report is to be submitted alongwith application form. FESCO should not have processed the case (issuance of demand notice) until submission of test report by the Complainant.
- (iii) According to time frame for new connections given in NEPRA Performance Standards (Distribution) Rules-2005 read with Consumer Service Manual (CSM) DISCOs are required to provide electricity connection for load above 15 kW but not exceeding 70 kW maximum within thirty four (34) days after payment of demand notice. According to the provision of law; the connection should have been provided by July 26, 2021. However, in the instant case, instead of provision of connection within the stipulated time period i.e. 34 days, FESCO issued a notice to the Complainant for submission of test report after lapse of 43 days of payment of demand notice which shows sheer incompetency on the part of FESCO officials and caused delay for provision of connection.
- (iv) Furthermore, if 50 kVA transformers were not available at the time of payment of 1st demand notice i.e. June 22, 2021 or at the time of provision of wiring test report i.e. August 16, 2021, FESCO should have informed the Complainant for procurement of the transformer from market in accordance with the Clause 2.7.1 of Consumer Service Manual (CSM) which provides that in the cases where there is shortage/non-availability of material; DISCOs can



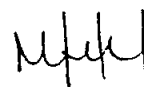
ask the applicant to procure required material as per the specifications of DISCOs. However, FESCO neither installed the connection after payment of full demand notice/provision of wiring test report nor informed the Complainant for procurement of material.

- (v) The applicant is responsible to submit application alongwith supportive documents wherein test report is a mandatory document. The Complainant did not submit the same alongwith application form. Therefore, FESCO should not have processed the case without test report, however, FESCO approved the case and issued demand notice which was paid by the Complainant on June 22, 2021. Later on, FESCO issued a notice on August 05, 2021 to the Complainant for provision of test report which was provided by the Complainant on August 16, 2021. FESCO failed to install connection within the stipulated time period i.e. thirty four (34) days after provision of test report. In the meanwhile, rates of the material were enhanced. Therefore, the Complainant is liable to pay the cost of escalation of material if occurred during thirty four (34) days after provision of test report and not liable for escalation cost if occurred after the prescribed time frame. In this case, test report was provided to FESCO on August 16, 2021, therefore, the Complainant is liable for payment on account of escalation of material if occurred by September 19, 2021.


6. From the above, it is concluded that FESCO issued demand notice to the Complainant on May 25, 2021 which was paid by the Complainant on June 22, 2021. According to the provision of law connection was required to be installed within thirty four (34) days of payment of demand notice, however, FESCO did not install the connection and issued a notice to the Complainant on August 05, 2021 for provision of test report which was not provided by the Complainant alongwith initial application form. The Complainant submitted the test report to FESCO on August 16, 2021, therefore, FESCO was required to install the connection within thirty four (34) days of provision of test report but FESCO failed to install the connection within the stipulated time period. In this way the Complainant is liable to pay escalated charges if occurred within thirty four (34) days of provision of test report i.e. upto September 19, 2021 (the time period under which FESCO was obligated to energize the connection). Foregoing in view, FESCO is directed to issue revised demand notice to the Complainant as per the rates applicable as on September 19, 2021. Upon payment of difference of cost (if any) FESCO shall provide connection without further delay. FESCO is further required to direct all concerned officials to issue demand notices after completion of all codal formalities and obtaining all required documents i.e. test report etc. Compliance report be submitted within twenty (20) days.

 13/12/22

(Lashkar Khan Qambrani)
Member Consumer Complaints Tribunal
Director (CAD)



(Moqem ul Hassan)
Member Consumer Complaints Tribunal
Assistant Legal Advisor (CAD)

 13/12/22
(Naweed Illahi Shaikh)
Convener Consumer Complaints Tribunal/
Director General (CAD)

Islamabad, December 13, 2022

