



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-04/4347-51

March 18, 2022

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

Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY MR. TANVEER SHAHZAD, MD (BUILTTECH PLASTICS PVT. LTD) UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST FESCO REGARDING DELAY IN INSTALLATION OF CONNECTION**
Complaint # FESCO-NHQ-8962-11-21

Please find enclosed herewith the Decision of Member (Consumer Affairs) dated March 17, 2022 (03 Pages) regarding the subject matter for further necessary action and compliance within Thirty (30) days.

Encl: As above

18/3/22
(Iftikhar Ali Khan)
Director

Copy to:

1. C.E./Customer Services Director, FESCO, Abdullah Pur, Canal Bank Road, Faisalabad.
2. Chief Engineer (P&D), FESCO, Abdullah Pur, Canal Bank Road Faisalabad.
3. Director (Commercial), FESCO, Abdullah Pur, Canal Bank Road, Faisalabad.
4. Mr. Tanveer Shahzad, Managing Director, Builttec Plastics (Pvt) Ltd, 11-KM, Satiana Road, Faisalabad.



National Electric Power Regulatory Authority

ISLAMIC REPUBLIC OF PAKISTAN

NEPRA Head Office

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

Ph:051-2013200, Fax: 051-2600021

Registrar

TCD.04/ -2022
March 18, 2022

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

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. TANVEER SHAHZAD, MD (BUILTTECH PLASTICS PVT LTD) UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST FESCO REGARDING DELAY IN INSTALLATION OF CONNECTION
Complaint # FESCO-NHQ-8962-11-21

Please find enclosed herewith the Decision of Member (Consumer Affairs) dated March 17, 2022 regarding the subject matter for further necessary action and compliance within Thirty (30) days.

Encl: As above

(Registrar)

Copy to:

1. C.E./Customer Services Director, FESCO, Abdullah Pur, Canal Bank Road, Faisalabad.
2. Chief Engineer (P&D), FESCO, Abdullah Pur, Canal Bank Road Faisalabad.
3. Director (Commercial), FESCO, Abdullah Pur, Canal Bank Road, Faisalabad.
4. Mr. Tanveer Shahzad, Managing Director, Bultec Plastics (Pvt) Ltd, 11-KM, Satiana Road, Faisalabad.



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)
Complaint No. FESCO-NHQ-8962-11-21

Mr. Tanveer Shehzad

MD, BUILTEC Plastic Industries Private
Limited 11 kM, Satiana Road, Faisalabad.

..... **Complainant**

VERSUS

Faisalabad Electric Supply Company (FESCO)

Abdullah Pur, Canal Bank Road, Faisalabad.

..... **Respondent**

Date of Hearing: February 22, 2022

**On behalf of
Complainant:**

1) Mr. Tanveer Shahzad

Respondent:

1) Mr. Abrar Ahmed Khan XEN (Operation), FESCO
2) Mr. Talat Bashir, SDO (Operation), FESCO

SUBJECT: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. TANVEER SHAHZAD MD BUILTEC PLASTIC PVT LTD UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST LESCO REGARDING DELAY IN INSTALLATION OF CONNECTION

DECISION

This decision shall dispose of the complaint filed by Mr. Tanveer Shahzad (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. Brief facts of the matter are that the Complainant applied to FESCO for provision of new industrial connection whereby a demand notice was issued by FESCO which was subsequently paid by the Complainant. However the same was cancelled upon the report of a standing committee of FESCO that two electricity connections already exist in the same premises for similar type of industry. Accordingly, the issue was disputed by the Complainant before the Wafaqi Mohtasib and the case was remanded back to FESCO to constitute an inquiry committee and submit report in the matter within stipulated time period. The Complainant being aggrieved with the findings of FESCO's committee, has requested NEPRA to intervene in the matter.

↓

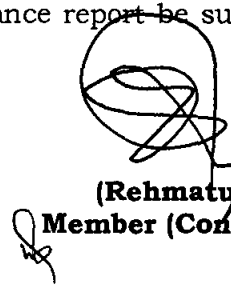
3. The subject matter was taken up with FESCO. In response, FESCO vide letter dated January 05, 2022 replied that the Complainant submitted an application for an industrial connection vide No. 65/B2 (B) dated June 16, 2021 for load of 490 kW. The demand notice was issued vide No. 19 dated June 19, 2021 which was paid by the Complainant. Later, the Standing Committee comprising upon FESCO officials visited the premises on September 25, 2021 for installation of energy meter whereby it was revealed that two industrial connections against Reference Nos. 28-13415-5501305 & 24-13145-5501302 already exist at the same premises. FESCO further submitted that all sections of the factory are interconnected with each other having minor separations and accumulative load comes out to the tune of 1,466 kW in case of installation of 3rd connection i.e. 490 kW which ensues requirement of an independent 11 kV feeder as per SOPs. The demand notice was cancelled on the basis of the said observations. FESCO added that all products being made in the premises of the Complainant fall largely in the ambit of plastic products i.e. similar nature of industry; therefore, 3rd connection in the same premises cannot be provided.

4. In order to probe into the matter, a hearing was held on February 22, 2022 at NEPRA Head Office, Islamabad wherein both the parties participated and advanced their arguments.

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

- i. The Complainant approached FESCO for a new industrial connection at his premises located at 11 km, Awanwala, Chak No. 239 RB Jaranwala vide application No. 65/B2 (B) dated June 16, 2021 for tentative load of 490 kW. In response, FESCO approved the application and accordingly issued a demand notice on June 19, 2021 which was paid by the Complainant on the same day. Later, a standing committee comprising of FESCO officials visited the premises for installation of meter on September 25, 2021, however, the committee raised observations on the eligibility of the Complainant for the new connection.
- ii. The application for new connection was rejected by FESCO on the basis that two Nos. industrial connections already exist at the premises of the Complainant having similar nature of industry i.e. plastic products along with negligible separations between them. According to FESCO, an independent 11 kV feeder will be required for provision of new/3rd connection i.e. 490 kW as the accumulative load of the whole premises becomes 1,466 kW. The detail of connections already installed is as under:
 - (a) B3 connection having sanctioned load of 522 kW against reference No. 28-13415-5501305 in the name of Mr. Khushi Muhammad.
 - (b) B2 connection having sanctioned load of 454 kW against reference No. 24-13145-5501302 in the name M/s GM Cottex Limited.
- iii. FESCO is of the point of view that the Complainant does not fall under the relevant Clause 2.8.1 of Consumer Service Manual (CSM) which provides that DISCOs shall allow more than one industrial connection at the same premises subject to the following:
 - (a) Having different nature of industries
 - (b) Having same tariff category. However, different tariff category connections may be allowed subject to satisfaction of DSISO that no misuse of tariff will take place.
 - (c) In case the consolidated load of the premises approaches the threshold required for an independent 11 kV feeder, then connection will be provided through an independent feeder on cost deposit basis. The existing connection will also be supplied from the independent feeder.

- iv. Perusal of documentary evidence provided by the Complainant reveals that all three premises whereby two industrial connections are already installed; are separate companies having separate Incorporation Certificates issued by Securities and Exchange Commission (SECP), separate Taxpayer Registration (NTN) and Fard/Registry of the land. The premises are also physically separate from each other. Hence, it is clearly established that the instant matter does not fall under the Clause (2.8.1) of the Consumer Service Manual (CSM) i.e. multiple connections as all three premises are separate entities in terms of business documentation, however, physical separation through boundary wall between the premises should be of full scale to prevent any misuse of electricity connection.
- v. Even if we consider the contention of FESCO; there is a requirement of an independent feeder for provision of new connection. The Complainant has obtained NOC from T&N Pakistan Pvt. Ltd to shift load upto 1500 kW. The connection under discussion can be installed on proposed feeder which will become Sponsored Dedicated Distribution System (SDDS) after energizing the connection of the Complainant.
- vi. Clause 2.6 of CSM provides that DISCO may grant connection to an applicant from the existing Dedicated Distribution System (DDS), provided that it is technically feasible and the prospective consumer has obtained no objection certificate from the owner of the DDS.
- vii. In case connection is installed through an independent feeder then there is no requirement of separate boundary wall etc. for provision of more than one connection at any premises. The condition of separate premises is to discourage the consumers from bifurcation of load.
- viii. Moreover, provision of electricity is a Fundamental Right for all citizens under Article 9 and 14 of 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 been interpreted as Fundamental Right by the Supreme Court of Pakistan.
6. Foregoing in view, FESCO is directed to install a new connection at the premises of the Complainant after completion of all the codal formalities and energize it from the independent feeder of T&N Pakistan Pvt. Ltd. Compliance report be submitted within thirty (30) days.


(Rehmatullah Baloch)
Member (Consumer Affairs)

Islamabad, March 17, 2022