



National Electric Power Regulatory Authority

Islamic Republic of Pakistan

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OFFICE OF THE
REGISTRAR

No: NEPRA/ADG(CAD)/TCD-04/ 9286-09

March 20, 2020

Chief Executive Officer

Gujranwala Electric Power Company Limited (GEPCO)

565/A, Model Town, G.T Road, Gujranwala

Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY MR. NAZAR MUHAMMAD S/O GUL MUHAMMAD UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST GEPCO REGARDING PROVISION OF CONNECTION FROM DEDICATED DISTRIBUTION SYSTEM**
(Reference # 29 12235 1062060 R)

Complaint No. GEPCO-62/08/2019

Please find enclosed herewith the Decision of Member (Consumer Affairs) dated March 20, 2020 (03 pages) regarding the subject matter for necessary action and compliance within thirty (30) days.

Encl: As Above

20/3/20
(Iftikhar Ali Khan)
Director
Registrar Office

Copy to:

1. **C.E./Customer Service Director, GEPCO**
565/A, Model Town, G.T Road, Gujrawala
2. **Executive Engineer (O), Wazirabad Division**
Gujranwala Electric Power Company Limited (GEPCO), Wazirabad
3. **Mr. Nazar Muhammad**
R/o Behram, Tehsil Wazirabad, District Gujranwala
Cell # 0300-6289912
Cell # 0333-4254538



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

Complaint No. GEPCO-62/08/2019

Mr. Nazar Muhammad,
R/o Behram, Tehsil Wazirabad,
District Gujranwala
Cell #0300-6289912

..... **Complainant**

Versus

Chief Executive Officer
Gujranwala Electric Power Company Limited (GEPCO)
565/A, Model Town GT Road
Gujranwala.

..... **Respondent**

Date of Hearings: 19th October 2019
18th December 2019

On behalf of:

Complainant:

- 1) Mr. Nazar Muhammad (Complainant)
- 2) Mr. Zahid Fazal Warraich (Advocate)

Respondent:

Mr. Habibullah Executive Engineer (Operation)

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. NAZAR MUHAMMAD S/O GUL MUHAMAD UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST GEPCO REGARDING PROVISION OF CONNECTIONS FROM DEDICATED DISTRIBUTION SYSTEM (REFERENCE # 29 12235 1062060 R)

DECISION

This decision shall dispose of the complaint filed by Mr. Nazar Muhammad S/o Gul Muhammad (hereinafter referred to as the "Complainant") against Gujranwala Electric Power Company (hereinafter referred to as the "Respondent" or "GEPCO"), 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 case are that NEPRA received a complaint from the Complainant, dated August 01, 2019, wherein the Complainant submitted that he had paid a Demand Notice amounting to Rs. 444,160/- (Capital Cost Rs. 429,160/- & Security Deposit Rs. 15000/-) for installation of 11 kV line/transformer for obtaining a tube well connection. Accordingly, GEPCO provided connection to him on June 30, 2012. Later, GEPCO provided connections to some other consumers from his dedicated line without his consent. The Complainant further informed that GEPCO still intends to provide some more connections from his dedicated line for which the Complainant filed a Suit in Civil Court, Wazirabad. GEPCO counsel appeared before the court with an assurance that GEPCO will not provide further connections from the dedicated line of the Complainant. In view thereof, the Complainant withdrew the suit in 2013. The Complainant further stated that in 2016 GEPCO gave three (03) Nos. Tube Well connections from the Complainant's Dedicated Distribution System (DDS) without his consent violating the undertaking submitted in the court and NEPRA Rules as well. After that the Complainant again approached the Court and filed a contempt of Court against GEPCO along with another Suit for restraining GEPCO for providing further connections until decision by the Court. However the Complainant stated that GEPCO continued to provide connections despite issuance of restraining order of the court. The Complainant requested NEPRA to intervene in the matter.

3. The matter was taken-up with GEPCO for submission of parawise comments/report. In response, GEPCO, vide its letter dated September 04, 2019 reported that the Complainant paid the cost of material and connection was given by extending the existing line which was installed by GEPCO. The existing 11 kV line installed is the ownership of GEPCO and as per the SOP it can give connection to other consumers from existing 11 kV line in the interest of company as per abridged conditions of supply. The consumer had signed the agreement at the time of applying for connection. GEPCO further submitted that Tubewell connection installed at the Dera of the Complainant was provided from line to line and not independently from Grid Station and 03 Nos. connections to other consumers have been installed as per SOP..

4. In order to probe further into the matter, a hearing was held on October 19, 2019 at NEPRA Regional Office, Lahore wherein both the parties participated and advanced their arguments. During the hearing, it was revealed that the matter is subjudice before a Court of law therefore; the Complainant was advised vide letter dated October 31, 2019 to pursue his case at the same forum. In response, the Complainant informed that he has withdrawn his case from the court. Accordingly, another hearing in the matter was held on December 18, 2019 at NEPRA Head Office, Islamabad wherein both the parties participated. During the hearing, GEPCO officials informed that another case has been filed by the Complainant in the court. Accordingly, the Complainant was again advised vide letter dated January 06, 2020 to pursue the case at the same forum. However, the Complainant has again approached this office and provided an affidavit to the



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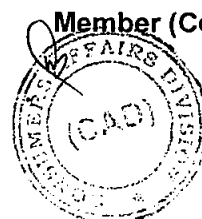
effect that he has withdrawn the suit filed in the Civil Court pertaining to instant matter and no case is under adjudication in any court of law. He requested NEPRA for finalization of the case.

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

- i. The Complainant applied to GEPCO for a Tube well connection and accordingly GEPCO issued demand notice to the Complainant amounting to Rs. 429,160/- for capital cost and Rs.15000/- for security deposit. The Complainant paid the demand notice on April 06, 2012, and the connection was installed by GEPCO on June 30, 2012, from the existing 11 kV M.Z.A. Khan Feeder. The Complainant paid cost of Transformer and HT line consisting of 6 HT poles.
- ii. GEPCO provided connections to some other consumers of the area from the said dedicated HT line without the consent of the Complainant. GEPCO has utilized 4 poles of the dedicated HT line for provision of connections to other consumers.
- iii. The argument of GEPCO that it has utilized the dedicated HT Line in accordance with the Abridged Conditions of supply has no basis. This argument of GEPCO has no force because the said condition is in contradiction to the provision of Consumer Eligibility Criteria. Further, Abridged Conditions of Supply does not exist anymore.
- iv. NEPRA Consumer Eligibility Criteria (CEC), 2003, envisages that Dedicated Distribution System (DDS) means a part of the distribution system that is required to supply power for the sole consumption of an applicant and not for supplying power to any other consumer. According to CEC, the DDS may be converted into Common Distribution System (CDS) by the Licensee with the written consent of the owner of the DDS, in which case, the cost incurred by its owner shall be reimbursed by the licensee at mutually agreed terms. However, prima facie GEPCO has converted the DDS of the Complainant into CDS without consent of the Consumer which is in violation of CEC.
- v. GEPCO has not reimbursed the cost of the HT line of the Complainant; which has been converted into Common Distribution System (CDS)

6. In view of foregoing, the complaint is accepted and it is held that GEPCO should reimburse the cost paid by the Complainant for 4 HT poles which have been converted into Common Distribution System and submit compliance report within thirty (30) days.

Rehmatullah Baloch
Member (Consumer Affairs)



Islamabad, March 20, 2020