



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

Consumer Affairs Department

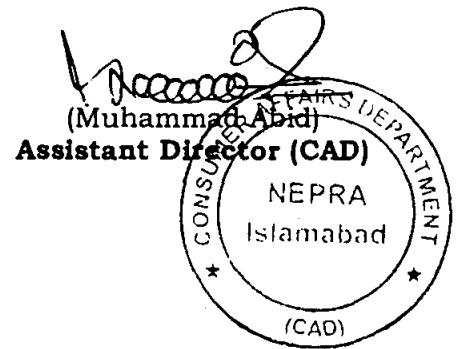
TCD.03/ ³²⁹² -2023
August 09, 2023

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

Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY MR. ATTIQ-UR-REHMAN
S/O MUSHTAQ HUSSAIN UNDER SECTION 39 OF THE REGULATION OF
GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT,
1997 AGAINST GEPCO REGARDING NON-PROVISION OF ELECTRICITY
CONNECTION**
Complaint No. GEPCO-GJW-14558-07-22

Please find enclosed herewith the decision of the NEPRA Consumer Complaints Tribunal dated August 09, 2023 regarding the subject matter for necessary action. Compliance report be submitted within fifteen (15) days.

Encl: As above



Copy to:

1. C.E/ Customer Services Director,
Gujranwala Electric Power Company (GEPCO),
565/A, Model Town GT Road, Gujranwala.
2. Mr. Ghulam Rasool, (Assistant Director),
NEPRA Regional Office, Office # 87, Block M,
Trust Plaza, Gujranwala. Ph: 055-3822766
3. Mr. Atiq-ur-Rehman S/o Mushtaq Hussain,
Sadkal, Tehsil Kharian, District Gujrat.
0343-8495108/ 0344-1052192



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No. GEPCO-GJW-14558-07-22

Mr. Attiq ur Rehman S/O Mushtaq Hussain
Village Sadkal, P/O Chak Bakthawar,
Tehsil Kharian, District Gujrat
Cell# 0344-1052192

.....Complainant

Versus

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

..... Respondent

Date of Hearings: 28th February, 2023
19th June, 2023

On behalf of:
Complainant: Mr. Mushtaq Hussain

Respondent: Mr. Syed Qadim Jan, SDO (Operation) Guliana, GEPCO

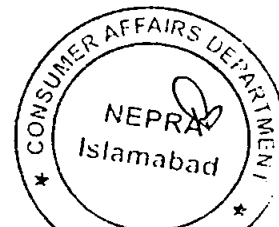
Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY MR. ATTIQ-UR-REHMAN S/O MUSHTAQ HUSSAIN UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST GEPCO REGARDING NON-PROVISION OF ELECTRICITY CONNECTION**

DECISION

This decision shall dispose of the Complaint filed by Mr. Atiq ur Rehman S/o Mushtaq Hussain Village Sadkal, P/O Chak Bakthawar, Tehsil Kharian, District Gujrat (hereinafter referred to as "the Complainant") against Gujranwala Electric Power Company Limited (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 in which dispute agitated by the Complainant was that he applied for a new domestic connection on September 20, 2020 in Sub-Division Guliana but his application was not processed. He applied again in September 13, 2021 for the same connection upon which he was provided a demand notice (DN) amounting to Rs.44,769/- on May 09, 2022 which was paid by him on June 06, 2022 but the connection was not installed. The Complainant in his complaint prayed that GEPCO be directed to install his connection.

3. The matter was taken-up with GEPCO for submission of parawise comments/report. In response, GEPCO vide letter dated November 07, 2022 submitted that the Complainant applied for domestic connection but after approval and issuance of demand notice, the Complainant constructed Commercial building at the said



premises. Upon which, Mr. Attiq-ur-Rehman was advised to apply for external electrification of commercial building and his already deposited amount will be adjusted accordingly. A notice in this regard was also served to the Complainant vide SDO Guliana Sub Division Memo No. 1173-74 dated October 13, 2022.

4. In order to proceed further into the matter a hearing was held at NEPRA Head Office, Islamabad on February 28, 2023 wherein both the parties (i.e. GEPCO and the Complainant) participated and advanced their arguments. After detailed deliberation and keeping in view the facts presented by both parties, the directions were issued by Director General (Consumer Affairs Department), NEPRA vide letter dated April 06, 2023 to GEPCO to provide a single phase commercial connection to the Complainant against already paid Demand Notice for domestic connection and difference of security deposit if any be recovered from the Complainant.

5. Being aggrieved with the aforementioned directions of NEPRA, GEPCO filed an appeal before Appellate Tribunal (NEPRA). Subsequently, the Appellate Tribunal (NEPRA) disposed of the Appeal vide decision dated June 09, 2023. The operative part of order of the Appellate Tribunal (NEPRA) is produced below:

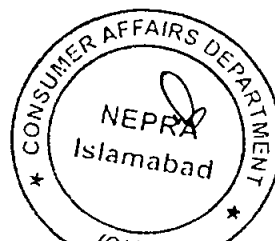
"In view of the legal position, the instant appeal succeeds, the impugned order is set aside, and complaint of the respondent No. 02 will be deemed pending before legally constituted Consumer Complaints Tribunal, who will decide it afresh in accordance with law, of course after right of audience to both the parties/their authorized representatives, as the case may be.

For the purpose, the parties and their representatives will appear before said tribunal on 19th June, 2023"

6. In light of the orders passed by the Appellate Tribunal (NEPRA), hearing was held at NEPRA Head Office, Islamabad on June 19, 2023 wherein both the parties (GEPCO official and the Complainant) participated and advanced their arguments. The Complainant submitted that he has already paid demand notice and he is also interested to apply for more connection(s) to GEPCO at his property. GEPCO informed that the Complainant constructed the building after issuance of demand notice, therefore, proper electrification of building is required. According to the provisions of Consumer Service Manual (CSM) site survey is required prior to issuance of demand notice. From the arguments of GEPCO it appears that either GEPCO officials did not carry out survey prior to issuance of demand notice or connection is deliberately being delayed. However, the Complainant submitted that he applied to GEPCO for connection after completion of construction.

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

- (i) The Complainant applied for a new domestic connection to GEPCO, upon which GEPCO approved the case and issued a demand notice on May 05, 2022, amounting to Rs.44,769/- (Cost of material and Security), which was paid by the Complainant on June 06, 2022, however, the connection was not installed.
- (ii) During the hearing, the Complainant further submitted that he intends to apply to GEPCO for more connection(s) at his already constructed building. According to Clause-2.8.2 of Consumer Service Manual (CSM) for more than one electricity connection separate entrance/access, kitchen and separate electric circuit are required. However, the evidences provided by GEPCO revealed that the Complainant constructed the commercial



commercial building i.e. shops, godown etc. which does not fulfill the requirements of domestic connection.

- (iii) According to Clause-2.6 of Consumer Service Manual (CSM) commercial connection upto 15 KW load can be provided from common distribution transformer. The Complainant has applied for 1 KW load whereby an amount of Rs. 44,769/- on account of demand notice for domestic connection has already been paid by the Complainant. As mentioned above there could be no domestic utilization of the premises at present rather than premises could be used for commercial activity. Therefore, the Complainant can be provided a commercial connection against the already paid demand notice.
- (iv) According to NEPRA Consumer Eligibility Criteria (Distribution Licensees) Regulations-2022, a distribution licensee shall ensure that all applicants and consumers are treated in a non-discriminatory, fair, transparent and just manner for provision of electricity.
- (v) Under Article 9 and 14 of the Constitution of Islamic Republic of Pakistan provision of electricity is a Fundamental Right of all citizens. 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.

8. Foregoing in view, GEPCO is directed to provide a single phase commercial connection to the Complainant against already paid demand notice. Compliance report be submitted within fifteen (15) days.



(Lashkar Khan Qambrani)

Member, Consumer Complaints Tribunal/
Director (CAD)



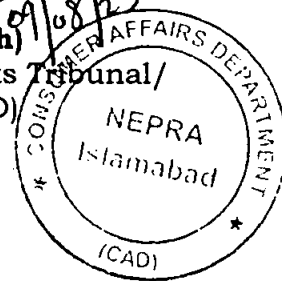
(Moqees-ul-Hassan)

Member, Consumer Complaints Tribunal/
Assistant Legal Advisor (CAD)



(Naweed Illahi Shaikh)

Convener, Consumer Complaints Tribunal/
Director General (CAD)



Islamabad, August 09, 2023.