



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

No. NEPRA/ADG(CAD)/TCD 02/16218-20


June 25, 2020

Chief Executive Officer  
Islamabad Electric Supply Company (IESCO)  
Street No 40, G-7/4,  
Islamabad.

SUBJECT: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. KHURSHID AHMAD KHAN UNDER 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST IESCO REGARDING PROVISION OF CONNECTION  
Complaint # IESCO-109/07/2019

Please find enclosed herewith the Decision of the Member (Consumer Affairs) NEPRA dated June 23, 2020 (04 Pages), regarding the subject matter for necessary action and compliance within thirty (30) days.

Encl: As above

 25/6/20  
(Iftikhar Ali Khan)  
Director  
Registrar Office

Copy to:

1. C.E/Customer Services Director  
Islamabad Electric Supply Company (IESCO)  
Street No 40, G-7/4, Islamabad.
2. Mr. Khurshid Ahmad Khan  
House No. 10-A, Street No. 63,  
Sector F-8/4, Islamabad  
Cell # 0307 - 84444 22



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

**Complaint No. IESCO-109/07/2019**

**Mr. Khurshid Ahmad Khan** .....

House No. 10-A, Street No. 63, F-8/4  
Islamabad.

**Complainant**

**Versus**

**Islamabad Electric Supply Company (IESCO) .....**

Head Office IESCO, Street No. 40,  
Sector G-7/4  
Islamabad.

**Respondent**

**Date of Hearing:** 2<sup>nd</sup> December 2019

**On behalf of Complainant:**

Mr. Khurshid Ahmad Khan

**On behalf of Respondent:**

- 1) Mr. Imam Buksh, DD (P&E)
- 2) Syed Ghazanfar (DM Planning)
- 3) Mr. Sajid Hanif (Adll. XEN)

**Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. KHURSHID AHMAD KHAN UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST IESCO REGARDING PROVISION OF CONNECTION**

**DECISION**

This Decision shall dispose of the complaint filed by Mr. Khurshid Ahmad Khan (hereinafter referred to as the "Complainant") against Islamabad Electric Supply Company (hereinafter referred to as the "Respondent" or "IESCO"), filed 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 the Complainant through his complaint dated July 29, 2019 submitted that he approached IESCO for provision of a connection for his commercial building i.e. Plot No. 15, Tele Garden, Sector F-17, Multi-Professional Cooperative Housing Society (MPCHS) on September 06, 2016. On pursuing his case, IESCO informed him that his connection is on hold due to delay in issuance of No Objection Certificate (NOC) from Capital Development Authority (CDA). The Complainant informed that IESCO is using delaying tactics as the said building has been constructed as per the requirements of CDA bylaws and the Layout Plan (LOP) of subject building is approved by MPCHS & CDA.

3. The matter was taken up with IESCO vide this office letter dated August 01, 2019. In response, IESCO vide its letter dated October 16, 2019 submitted that the said premises is a multi-story building having 23,000 square feet covered area and the connection of the Complainant is pending due to non provision of approved building plan from the CDA and submission of required documents. The connection will be installed after completion of codal formalities as and when the required documents are provided by the complainant. The report of IESCO was forwarded to the Complainant. In response, the Complainant vide his letter dated November 14, 2019 negated the facts stated in the said report and further submitted that the LOP of the subject society has already been signed and approved by CDA and after inspection of the subject building, CDA has granted NOC for utility connections.

4. In order to proceed further into the matter, a hearing was held on December 02, 2019 at NEPRA Head Office, Islamabad which was attended by both the parties. The Complainant submitted that the CDA vide its letter dated November 05, 2019 has already intimated IESCO that "CDA has no objection, if IESCO provides electric connection at plot No. 15, Tele Gardens, Sector F-17, MPCHS, Islamabad in the name of Mr. Khurshid Ahmed Khan, the owner of said premises" but IESCO is reluctant to provide connection. On the said, IESCO submitted that the building falls in T&T Housing Society and the Society was approved from CDA on February 04, 2010. The said copy of NOC was provided by the Complainant for new connection instead of providing the LOP of the building duly approved from CDA. IESCO was directed to seek clarification from CDA in

A handwritten signature in blue ink is written over a circular official stamp. The stamp contains the text "CAPITAL DEVELOPMENT AUTHORITY" and "ISLAMABAD" around the perimeter, with "CDA" in the center. To the right of the stamp is another small handwritten mark.



this regard for its satisfaction. In response, IESCO intimated that it has requested CDA for clarification however, the same is still awaited.

5. The case has been analyzed in detail in light of the documents made so available by the parties, arguments advanced in the hearing and applicable law. Following has been concluded:

- i. The Complainant applied for a connection on September 06, 2016 for his multi story building located at plot No. 15 Tele Garden Housing Society, Sector F-17, Islamabad. The said housing society was approved by CDA vide letter No. CDA/PLW-UP(90)HS/T&TCJS93/105 dated February 04, 2010.
- ii. IESCO refused to grant connection on the basis of non provision of approved building plan (LOP) from CDA. The Complainant approached CDA in this regard. Accordingly, CDA vide its letter dated November 05, 2019 issued NOC to IESCO and intimated that it has no objection if IESCO provides electricity connection at the said premises.
- iii. IESCO is of the view that after Interim Order of the Supreme Court of Pakistan, the LOP duly approved from the concerned Administrative society is mandatory for processing the case for provision of electricity connections which in the subject case has not been provided and only copy of NOC of the Society has been provided.
- iv. IESCO was directed to seek clarification from CDA about issuance of NOC for the said building. Accordingly, IESCO sent letter to CDA and also issued reminder, but there is no response from CDA. From this it can be construed that CDA has no objection otherwise, it would have immediately intimated IESCO not to provide connection to the said building.
- v. 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 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.

- vi. NEPRA Consumer Service Manual (CSM) and NEPRA Consumer Eligibility Criteria, 2003 envisage provisions of certain requirements/documents for provision of electricity connection. Provision of NOC from CDA or any other such department is not required under the ibid applicable documents.
  - vii. The Islamabad High Court vide its Order dated January 23, 2015 in W.P No. 4841 restrained IESCO and Sui Northern Gas Pipeline Limited (SNGPL) from giving connection till issuance/permission of NOC by CDA.
  - viii. The Supreme Court of Pakistan vide its Orders dated April 24, 2017 in Human Rights Case No. 6455-G of 2017 directed IESCO & SNGPL not to provide electricity and gas connections to any building which has not been sanctioned by the competent authority in accordance with law. The said Orders were also maintained by the Supreme Court of Pakistan vide Orders dated February 13, 2018 in the said Human Rights Case No. 6455-G of 2017.
  - ix. In the instant case CDA has categorically issued NOC to IESCO for provision of connection for the said premises.
6. In view of foregoing IESCO is directed to provide connection to the Complainant subject to completion of other codal formalities. However, IESCO is further directed to obtain an undertaking from the Complainant that in future, if observation are raised by CDA, IESCO shall disconnect the electricity supply without issuance of any notice.
7. Compliance report be submitted within thirty (30) days, positively.

(Rehmatullah Baloch)  
Member (Consumer Affairs)

Islamabad, June 23, 2020