

National Electric Power Regulatory Authority

NEPRA Tower

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

Ph:051-2013200, Fax: 051-2600021

Consumer Affairs Department

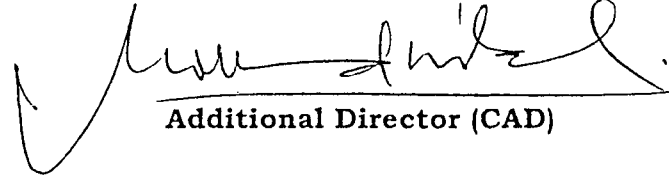
TCD 11/6512-2022
December 22, 2022

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

Subject: **DECISION IN THE MATTER COMPLAINT FILED BY MR. MUZAFFAR YASIN
UNDER SECTION 39 OF THE REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST IESCO REGARDING DELAY IN PROVISION OF CONNECTION**
Complaint# IESCO-NHQ-13515-06-22

Please find enclosed herewith the decision of the NEPRA Consumer Complaints Tribunal dated December 07, 2022 regarding the subject matter for necessary action and compliance within thirty (30) days, positively.

Encl: As above


Additional Director (CAD)

Copy to:

- 1) C.E/Customer Services Director,
Islamabad Electric Supply Company (IESCO),
Street No 40, G-7/4, Islamabad.
- 2) Mr. Muzaffar Yasin,
HOUSE No. DK-61/58, Street No.1,
Bilal Colony, Shamsabad,
Rawalpindi
Cell. 0333-6577723



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

Complaint No. IESCO-NHQ-13515-06-22

Mr. Muzaffar Yasin

House No. DK-61/58, Street No. 1,
Bilal Colony, Shamsabad, Rawalpindi.

..... **Complainant**

VERSUS

Islamabad Electric Supply Company (IESCO)

Street No 40, G-7/4, Islamabad.

..... **Respondent**

Date(s) of Hearing: September 15, 2022 & October 11, 2022

Complainant: Mr. Muzaffar Yasin

Respondent: Mr. Rana Usman Ali. Adl. XEN (Opt.) IESCO
Mr. Azmat Ali Shah, SDO (Opt.) IESCO

SUBJECT: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. MUZAFFAR YASIN UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST IESCO REGARDING DELAY IN PROVISION OF CONNECTION

DECISION

This decision shall dispose of the complaint filed by Mr. Muzaffar Yasin (hereinafter referred to as the "Complainant" or "Consumer") against Islamabad Electric Supply Company (hereinafter referred to as "Respondent" or "IESCO"), 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 against IESCO from Mr. Muzaffar Yasin, wherein it was submitted that the Complainant vide ID No. 14357032623 applied for a new domestic electricity connection from IESCO at Mouza Katarian, Rawalpindi. However, IESCO rejected the application of the Complainant on the basis that IESCO does not have a distribution network near the premises of the Complainant where the connection is required. In this regard, the Complainant submitted that the objection of IESCO is baseless as the Complainant has completed all the codal formalities w.r.t provision of a dedicated connection and Complainant is also ready to pay all the associated cost required for a new electricity connection. The Complainant further requested NEPRA to decide the case on merits as the matter pertains to fundamental rights of Pakistani Citizens prescribed under the constitution of Pakistan.

By
Islamabad

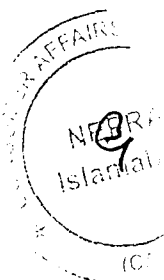
3. In relation to the contentions of the Complainant, IESCO was directed to submit its comments. In response, IESCO vide report dated August 16, 2022 submitted that the new connection application of the Complainant was cancelled due to non-availability of the distribution network and the area where the Complainant has applied for a connection may be converted into the plotting area in near future. Thereafter, the report of IESCO was shared with the Complainant for its comments. In response, the Complainant vide his letter dated August 29, 2022 submitted a rejoinder and rejected the aforementioned stance of IESCO. In addition, the Complainant requested for an opportunity of hearing in the instant matter.

4. In order to further probe the matter, two hearings dated September 15, 2022 & October 11, 2022 were held at NEPRA Head Office, Islamabad, wherein the parties participated and reiterated their arguments on the basis of earlier submissions. In order to arrive at an informed decision, the representative of IESCO i.e. (SDO) was directed to visit at premises of the Complainant personally along-with the complainant and explore the possibility/way forward for provision of electricity connection on cost deposit basis as per the provisions of NEPRA Consumers Service Manual and other relevant rules/regulations and submit a detailed report.

5. In compliance, IESCO vide its report dated September 30, 2022 submitted that the extension of LT/HT cannot be allowed from the housing society (New Airport Town) situated close to the Complainant's premises as the said housing society is declared illegal by CDA. In addition, IESCO also submitted three (3) proposals/options along with relevant drawings for processing the application of the Complainant for provision of electricity connection and possibility of electrifying the area of the applicant on cost deposit basis (Copies are enclosed).

6. The case has been examined in light of the record made so available by both the parties, arguments advanced during the hearings and applicable law. Following has been concluded:

- (i) The Complainant applied for a new domestic electricity connection and completed all of the codal formalities in accordance with the relevant provisions of the CSM. The Complainant also submitted an NOC of the Metropolitan Corporation, Rawalpindi (Local Government). However, IESCO stated that no HT/LT distribution network of IESCO exists near the Complainant's premises and the said premises is adjacent to a "New Airport Town" which has been declared illegal society by CDA, therefore, the application of the Complainant for electricity connection cannot be proceeded. The said objection of IESCO is not based on any legal & technical grounds as the CSM clearly envisages that when an applicant moves an application in the form prescribed by the distribution company (DISCO), along with such other supporting documents as approved by the Authority and fulfilment of all the relevant formalities w.r.t provision of connection in accordance with the applicable rules & regulations then in such cases, the DISCO is under an obligation to provide electricity connection to the applicant.
- (ii) Moreover, Clause 2.6 of the CSM explicitly states that in areas where Common Distribution System is not available, the electricity connection will be granted on cost-deposit basis and if in future the system is converted into Common Distribution System by DISCO, the cost so incurred i.e. Transformer, LT line etc. except HT line shall be reimbursed to the owner as per Regulation 5 of the




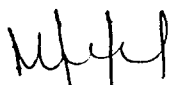
Consumer Eligibility Criteria (Distribution Licensees) Regulations 2022. IESCO is under an obligation to facilitate such applicants who fulfill all the required formalities in accordance with ibid Law, Rules & Regulations. However, the provision of Right of Way will be the sole responsibility of the applicant.


- (iii) IESCO has not provided a new electricity connection to the Complainant even after conducting the numerous surveys of the Complainant's premises, and despite of the fact that IESCO itself submitted 03 Nos of technically feasible proposals for processing of a dedicated connection on the cost deposit basis based upon the facts that the Complainant's premises is not a part of any illegal housing society though it is situated near an illegal housing society. Now, it is the prerogative of the applicant/complainant to choose any feasible proposal of IESCO for obtaining the electricity connection as the complainant is willing to pay for all the electrification charges of a dedicated connection as per the law whereas despite of the above the matter stands unresolved which shows negligence/incompetency on the part of concerned IESCO officials. (Copies are enclosed)
- (iv) The stance of IESCO with regards to non-provision of connection to the complainant is not only the violation of NEPRA Rules & Regulations made under the NEPRA Act, it is also contravention of the fundamental rights guaranteed by Constitution of Pakistan.

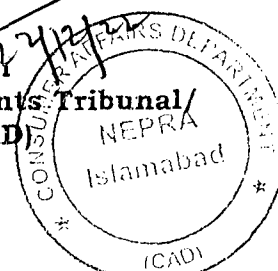
7. In consideration of the above facts, IESCO is directed to process the application of the Complainant for provision of a domestic electricity connection on cost deposit basis as per the relevant rules, regulations and in light of the 03 proposals put forward by IESCO. However, the provision of Right of Way will be the sole responsibility of the Complainant. Additionally, prior to process of the case of the Complainant, IESCO must verify the NOC provided by the Complainant from the relevant civic agency.

8. Compliance report be submitted in this regard within thirty (30) days.


Ubed Ullah Memon
Member Consumer Complaints Tribunal/
Director (CAD)


Moqees Ul Hassan
Member Consumer Complaints Tribunal/
Assistant Legal Advisor (CAD)


Naveed Hahai Shaikh
Convener of Consumer Complaints Tribunal/
Director General (CAD)


CONSUMER AFFAIRS DEPARTMENT
NEPRA
Islamabad
(CAD)

Islamabad, December 22, 2022