



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

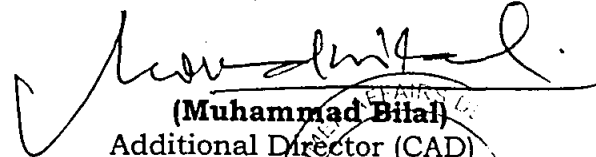
2353
TCD.01/ -2023
June 14, 2023

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

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

Please find enclosed herewith the decision of the NEPRA Consumer Complaints Tribunal dated June 13, 2023 regarding the subject matter for necessary action and compliance within thirty (30) days, positively.

Encl: As above


(Muhammad Bilal)
Additional Director (CAD)
NEPRA
Islamabad
(CAD)

Copy to:

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



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: March 9, 2023 & May 9, 2023

Date of Site Inspection: May 11, 2023

Complainant: Mr. Muzaffar Yasin

Respondent: Mr. Muhammad Aslam Khan, Chief Engineer (Operation)
Mr. Shahzad Ahmad Jalil, SE(Opt.)
Mr. Ghazanfar, Deputy Director (Planning),
Rana Usman Ali, XEN(Opt.)

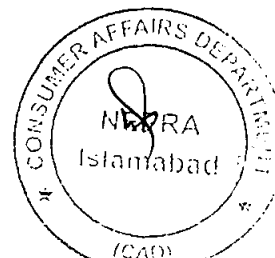
SUBJECT: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. MUZAFFAR YASIN UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST IESCO REGARDING DELAY IN PROVISION OF CONNECTION

DECISION

This decision shall dispose of the matter referred by Honourable Lahore High Court, Rawalpindi Bench vide order, dated April 12, 2023 in Writ Petition No.1024 of 2023 titled Muzaffar Yasin Vs. Federation of Pakistan, etc.

2. Brief facts of the case are that NEPRA received a complaint from Mr. Muzaffar Yasin, wherein the Complainant submitted that he applied to IESCO for a new domestic electricity connection at Moza Katarian, Rawalpindi, however, his request was rejected by IESCO due to non-availability of the distribution network of IESCO near premises of the Complainant. The matter was taken up with

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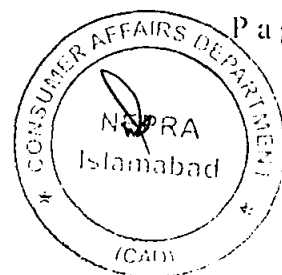


IESCO and finally decided by NEPRA Consumer Complaints Tribunal on December 22, 2022, whereby IESCO was directed to process the application of the Complainant for provision of domestic electricity connection on cost deposit basis as per the relevant Rules & Regulations subject to verification of NOC provided by the Complainant from the relevant Civic Agency and submit report within thirty (30) days. In response, IESCO vide letter No.913-15/CE/IESCO/CSD(S), dated January 27, 2023 intimated that the concerned office has approved the case on cost deposit basis amounting to Rs.34,19,877/- as and when the Complainant deposits the payment, the new connection work will be executed. Subsequently, the Complainant approached this office vide letter, dated nil and submitted that IESCO is delaying execution of work despite payment of the demand notice. In order to proceed further, a hearing was held on March 9, 2023 which was attended by both the parties, wherein the representative of IESCO i.e. SE(Opt.) committed to implement the decision of NEPRA.

3. Subsequently, the Complainant approached the Honourable Lahore High Court, Rawalpindi Bench vide Writ Petition No.1024 of 2023 for implementation of decision of NEPRA dated December 22, 2022. The Court vide order, dated April 12, 2023 disposed of the said writ petition with the directions to NEPRA for early hearing of the proceedings which shall preferably be concluded within forty five (45) days from the date of receipt of instant order. The Complainant submitted the above orders of the Court on April 17, 2023 to NEPRA vide letter dated April 17, 2023. In order to proceed further, in light of directions of the court, a hearing was held on May 9, 2023 which was attended by both the parties. During the hearing, IESCO representative informed that the Complainant's premises is very next to illegal housing society named i.e. "New Airport Town" and extension of HT Network cannot be allowed from the premises of New Airport Town.

4. In order to arrive at an informed decision and in view of the latest submissions of IESCO, a joint site inspection was conducted by NEPRA in presence of both the parties on May 11, 2023. During the site inspection, it revealed that there was no construction activity and the Complainant required connection on an open plot. On a query; the Complainant informed that he intends to start construction at the said plot. During the site inspection, the concerned XEN(Opt.) submitted that previously, the Complainant indicated another place where already a house was constructed, therefore, the case was sanctioned. It appears that approval was granted by XEN(Opt.) on the basis of another place(s) indicated by the Complainant. During the site inspection, it transpired that the Complainant's property was a part of plotting area/housing scheme, as the road leading to the said property was passing through the housing scheme and the said road was part of the housing scheme, however, the Complainant denied existence of his property in any housing scheme.

5. In view of foregoing, the matter was referred to Chief Officer, Metropolitan Corporation, Rawalpindi to verify whether the premises for which building plan has been approved vide letter No.103, dated June 18, 2022, B.F. No.532/khasra No.444 Mouza Katarian, Rawalpindi read with NOC dated June 21, 2022 is part




of New Airport Town, Rawalpindi or any other housing society or it is not part of any housing society. In response, a letter No.138/SP/MCR, dated June 7, 2023 issued by Superintendent (Planning), Municipal Corporation, Rawalpindi was received to this office on June 09, 2023, whereby it has been intimated that the plot/site for which the building plan No.BF-532, dated June 10, 2022 is approved and approval letter issued vide No.103, dated June 18, 2022 does not fall in any approved or unapproved housing scheme.

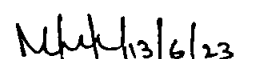
6. The above facts revealed that there is no constructed house at site, therefore, a temporary connection is required to be installed for construction purposes. However, a transformer capacity of minimum size i.e. 10 kVA be installed against the said connection as there is no common distribution system of IESCO nearby the plot.

7. According to Consumer Eligibility Criteria (Distribution Licensees) Regulations 2022, a distribution licensee shall ensure that all applicants and consumers are treated in a non-discriminatory, fair, transport and just manner. Further, 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. In consideration of above, IESCO is directed to provide a temporary connection at site by installing a transformer capacity of minimum size i.e. 10 kVA after verification of the letter No.138/SP/MCR, dated June 7, 2023 of Metropolitan Corporation, Rawalpindi and completing other codal formalities. IESCO shall obtain an undertaking from the Complainant to the effect that the electricity supply shall not be extended to any other person/premises/plot in the New Airport Town or any other housing scheme nearby. In case of any violation, electricity supply of the Complainant shall be disconnected without any notice. Moreover, the amount already paid by the Complainant for 100 kVA transformer be adjusted/ refunded if any. Upon completion of construction work, the temporary connection be converted into regular connection.

9. A compliance report be submitted to this office within thirty (30) days.


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


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


(Naveed Ilahi Shailkh)
Convener, Consumer Complaints Tribunal/
Director General (CAD)

Islamabad, June 13, 2023

