



Registrar

National Electric Power Regulatory Authority Islamic Republic of Pakistan

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No. NEPRA/DG(CAD)/TCD-09/ 6552-55

April 28, 2022

Chief Executive Officer,
K-Electric Limited, KE House No 39-B,
Sunset Boulevard Phase-II,
Defence Housing Authority,
Karachi.

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MALIK KHURSHID AWAN, SENIOR VP (FIXIT) UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED (KEL) REGARDING RELOCATION OF PMT
Complaint No. KE-NHQ-8965-11-21

Please find enclosed herewith the Decision of the Member (Consumer Affairs) dated April 25, 2022 (03 Pages) regarding the subject matter for necessary action.

Encl: As above

(Iffikhar Ali Khan)
Director

Copy to:

1. Mr. Ayaz Jaffar Ahmed, Director (Finance and Regulations), K-Electric Limited, KE House No 39-B, Sunset Boulevard Phase-II, Defence Housing Authority, Karachi.
2. Mr. Abid Hussain, Advisor, Provincial Office Consumer Affairs, Office # 101, 1st Floor, Balad Trade Centre, Aalamgir Road, B.M.C.H.S., Bahadurabad, Karachi.
3. Malik Khurshid Awan, Senior VP (Fixit), # 35/1, Block 4-A, Adjacent Mabina Town Police Station, Abul Hassan Isphahani Road, Gulshan-e-Iqbal, Karachi
Cell: 0301-2252193



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY

Complaint No. KElectric-NHQ-8965-11-21

Malik Khurshid Awan
Senior VP (Fixit), # 35/1, Block +A,
Adjacent Mabina Town Police Station,
Abul Hassan Isphahani Road,
Gulshan-e-Iqbal, Karachi.

..... Complainant

VERSUS

Chief Executive Officer,
K-Electric Limited (KE),
KE House No.39B, Sunset Boulevard
Defence Housing Authority, Karachi.

..... Respondent

Date of Hearing: January 20, 2022
February 18, 2022

On behalf of

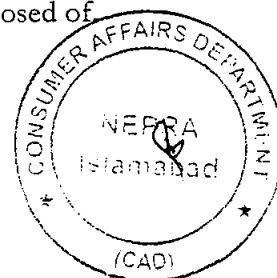
Respondent:

1. Mr. Asif Shajer, GM Regulations KE
2. M Azam Sheikh, Manager PM KE
3. Mr. Anil Kumar, Manager CM KE
4. Mr. Israr Ahmed, DM KE

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. MALIK KHURSHID AWAN UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED REGARDING RELOCATION OF PMT

DECISION

Through this decision, complaint filed by Mr. Malik Khurshid Awan (hereinafter referred to as the "Complainant") against K-Electric Limited (hereinafter referred to as the Respondent" or KE"), under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (hereinafter referred to as the "NEPRA Act"), is being disposed of



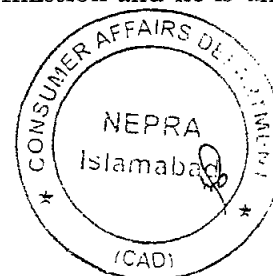
2. Brief facts of the case are that NEPRA received the subject complaint dated November 6, 2021 wherein the dispute agitated by the Complainant was that KE installed Pole Mounted Transformer (PMT) in front of plot bearing No. L-408, Sector 9, Baldia Town Saeedabad, Karachi without legal requirements and permission from the owner of the plot i.e. the Complainant. The Complainant added that he is unable to start construction on the plot due to the installed PMT. The Complainant prayed that KE be directed to shift the PMT from his plot.

3. The matter was taken-up with KE for submission of parawise comments/report. In response KE vide letter dated December 03, 2021 submitted that KE is willing to facilitate the Complainant's request for relocation of said PMT, however, the cost of relocation is required to be borne by the Complainant along with provision of alternate space and necessary right of way (ROW). The report of KE was sent to the Complainant for information/comments. The Complainant vide letter dated December 23, 2021 raised observations over the report of KE and submitted that the PMT did not exist when he bought the plot and the same was installed right next to his plot without permission, KMC master plan and NOC.

4. In order to further probe into the matter, a hearing was held on January 31, 2022 at NEPRA Regional office, Karachi. The hearing was attended by the Complainant in person and representatives of K-Electric via video link. Accordingly, a joint site inspection of the Complainant's plot was conducted on January 31, 2022 in presence of both the parties. During the site inspection, it has been observed that the Complainant's plot comprise of about 80 sq. yards area, 24 x 30 feet, in a katchi abadi. A 250 kVA PMT was found installed at a distance of about 3.5 feet from the proposed boundary wall of the Complainant's premises. In order to finalize the matter, another hearing was held on February 18, 2022 at NEPRA Regional office, Karachi which was attended by both the parties. During the hearing the representative of KE informed that the PMT was installed prior to the year 2010 and no one raised objection on installation of the PMT at the same location at that time. The Complainant informed that the plot was purchased in the year 2008 and he did not approach KE at the time of installation of the PMT because he lives at some other area and installation of PMT was not in his knowledge.


5. The case has been examined in detail in light of the record made available by the parties, arguments advanced during the hearing, joint site inspection and applicable law. The following has been observed:

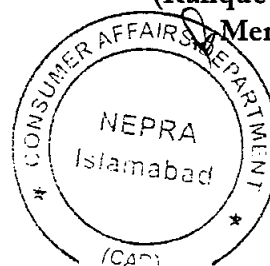
- i. The instant matter pertains to relocation of 250 kVA PMT installed nearby plot L-408, Sector 9, Baldia Town Saeedabad, Karachi. The Complainant is of the view that KE had installed the PMT in front of his plot without any permission and he is unable to start construction due to existence of the PMT.



- ii. KE submitted that it is willing to facilitate the Complainant's request for relocation of said PMT, however, the cost of relocation is required to be borne by the Complainant along with provision of alternate space and necessary right of way (ROW).
- iii. As per chapter # 03 of the Consumer Service Manual (CSM), if an applicant/consumer requires the relocation of a distribution facility i.e. HT/LT lines, transformers, structures, etc. for convenience, because of construction, or otherwise KE shall, at the consumer's expense, relocate the distribution facility, if found feasible. In such case, the provision of right of way will be the responsibility of the applicant/consumer. Moreover, the Complainant did not approach KE at the time of installation of the PMT. CSM further envisages that if any person constructs a house, shop or a building etc. near /under any existing distribution facility and subsequently applies for relocation of the same, it shall be relocated at the applicant's expense along with provision of right of way of by the applicant. In the instant case, the Complainant intends to construct building on the plot, therefore the Complainant is required to proceed further for shifting of PMT in accordance with provisions of CSM.
- iv. Further, the Complainant has referred a similar nature of case for shifting of PMT i.e. Rochi Ram Dara Vs KE; which was decided by NEPRA and requested this office to treat his case in light of the said decision. Both cases are different from each other. The PMT in that case was an independent/dedicated PMT feeding electricity to some other buildings away from the site but was installed near to Complainant's property. It was held in that decision that KE should not have installed the said PMT at the said location when it was in their knowledge that the said PMT will feed electricity to some other buildings. Moreover, the gas connections/pipeline/valves were installed under the PMT which were in close proximity which could have caused accident and the PMT was installed in violation of the safety standards whereas in this case there is no construction nearby the PMT. Further, the cost of shifting of the PMT was required to be paid by the consumers for whom the PMT was installed. In the instant case, the PMT pertains to Common Distribution System (CDS) of KE and was installed in the year 2010. The said PMT is feeding electricity to the Complainant's area and in future, the connection to the Complainant's premises will also be provided through this PMT.
6. Foregoing in view, the Complainant is hereby advised to approach KE for relocation of the PMT in accordance with provisions of Consumer Service Manual (CSM).

Islamabad, April 25, 2022


(Rafique Ahmad Shaikh)
Member (CA)


NEPRA
Islamabad
CONSUMER AFFAIRS DEPARTMENT
★ ★
(CA)