



National Electric Power Regulatory Authority
ISLAMIC REPUBLIC OF PAKISTAN
NEPRA TOWER
Attaturk Avenue (East) Sector G-5/1, Islamabad.

**Consumer Affairs
Department**

4788
TCD.04/ -2023
October 17, 2023

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

Subject: COMPLAINT FILED BY MR. ABDUL WAHID (M/S JAVERIA BUILDERS & DEVELOPERS) UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC REGARDING DELAY IN PROVISION OF ELECTRICITY CONNECTION

Complaint No. K-Electric-NHQ-26971-07-23

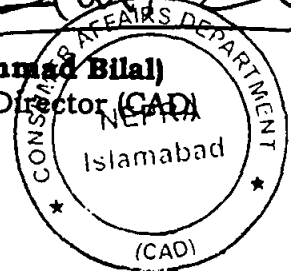
Please find enclosed herewith the decision of NEPRA Consumer Complaints Tribunal dated October 17, 2023 regarding the subject matter for necessary action and compliance within thirty (30) days, positively.

Encl: As above

Copy to:

1. Mr. M. Imran Hussain Qureshi
Chief Regulatory Affairs Officer & Govt. Relations Officer,
K-Electric Limited Office, 56 A, Street No. 88, G-6/3, Islamabad.
2. Mr. Abid Hussain, Advisor,
Provincial Office Consumer Affairs,
Office #101, 1st Floor, Balad Trade Center,
Alamgir Road, B.M.C.H.S, Bahadurabad, Karachi.
3. Mr. Abdul Wahid
M/s Javeria Builders & Developers
Flat No. ET/1, Raja Ghazanfar Ali Road near Sarwar Hotel
Saddar, Karachi.

(Muhammad Bilal)
Additional Director (CAD)





BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No. Kelectric-NHQ-26971-07-23

Mr. Abdul Wahid

..... **Complainant**

M/s Javeria Builders & Developers

Flat No. ET/1, Raja Ghazanfar Ali Road near Sarwar Hotel

Saddar, Karachi

VERSUS

K-Electric Limited (KE)

..... **Respondent**

KE House No. 39-B,

Sunset Boulevard Phase-II, Defense Housing Authority

Karachi.

Date of Hearing:

August 24, 2023

September 22, 2023

On behalf of

Complainant:

1) Mr. Abdul Rauf

Respondent:

1) Mr. Anas Lakhani, KE

2) Mr. Jam Mohsin, KE

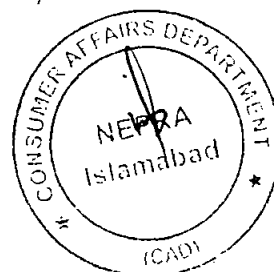
3) Mr. Shafqat Amin, KE

SUBJECT: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. ABDUL WAHID (M/S JAVERIA BUILDERS & DEVELOPERS) UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC REGARDING DELAY IN PROVISION OF CONNECTION

DECISION

This decision shall dispose of the complaint filed by Mr. Abdul Wahid, Javeria Tower (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").

2. NEPRA received a complaint from Mr. Abdul Wahid dated July 19, 2023 wherein the Complainant submitted that he applied to KE for electricity connection which has not yet been provided by KE. The Complainant further submitted that a temporary electricity connection has been installed by KE at the premises i.e. Javeria Tower and the majority load of approximately 270 number of shopkeepers/residents of the Tower is being catered by the stand alone generators.

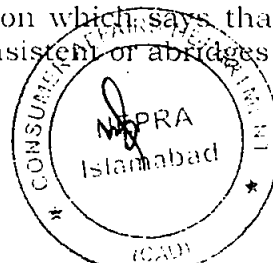


3. The matter was taken up with KE. In response, KE vide letter dated August 08, 2023 quoted a reference raised before the Evacuee Trust Property Board (ETPB) for declaring the disputed premises as an Evacuee Property while restraining KE to provide electricity connection at the premises. Consequently, the temporary connection at the premises was disconnected by KE, however, the Complainant approached Sindh High Court in Suit No. 1088 of 2020 whereby the Court suspended the show cause notice issued to the Complainant by ETPB while maintaining the status quo on provision of electricity connection at the premises. Later, the Honorable Sindh High Court in Suit No. 1187 of 2020 directed KE to restore the electricity supply at the Complainant's premises. KE further submitted that in addition to the above, the new connection case was not processed by KE due to non-submission of the completion plan issued by Sindh Building Control Authority (SBCA).

4. In order to analyze the matter, a hearing was held at NEPRA Regional Office, Karachi on August 24, 2023 wherein the matter was discussed in detail in presence of both the parties. During the hearing, KE and the Complainant were directed to provide documentary evidence in connection with the court cases related to the instant matter. However, the same was not submitted despite lapse of considerable time period and another hearing was held at the same venue on September 22, 2023 wherein the Complainant while reiterating the previous version and submitted that they own the building and possess ownership proof. KE also repeated its earlier stance.

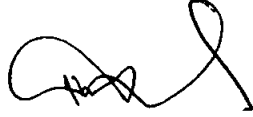
5. The case has been examined in detail in light of the record made so available by parties, arguments advanced during the hearing and applicable law. Following has been observed:

- i. The Complainant approached KE for provision of a new electricity connection at Javeria Tower located at Saddar, Karachi. However, the application was not processed by KE citing an ongoing property dispute raised between ETPB and the Complainant. Following which the temporary connection installed at the premises was also disconnected by KE. In addition, the Complainant's application was also not processed by KE in default of completion certificate to be issued by SBCA.
- ii. The Complainant claimed that they purchased the plot in the year 2003 and constructed the building as per approved building plan dated 19.12.2007 from the Sindh Building Control Authority (SBCA) for basement, ground plus 13 upper floors which have been sold in the form of residential apartments and shops etc. to approximately 270 number of occupants. It is pertinent to mention here that the same premises remained a subject of civil litigation before ETPB and the honorable High Sindh High Court whereby the temporary connection was disconnected by KE on the direction of ETPB and later, KE was directed to restore the temporary connection by the order of the honorable Sindh High Court.
- iii. Currently, the disputed premises is still without regular electricity connection(s). There is no restriction upon KE from any Court of Law for providing regular connection(s). This furnishes eligibility to provide electricity connection at the premises based on current status, however, the same may be disconnected in case of any change in status of the premises as and when decided by the court(s) at any belated stage.
- iv. 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, transparent and just manner for provision of electricity. 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.

6. Foregoing in view, KE is directed to provide connection(s) after completion of all the codal formalities as enshrined in CSM and verification of documents. Moreover, KE shall obtain an undertaking from the sponsor(s) to the effect that the electricity connection so provided shall be dealt with in accordance with the final decision of the court of competent jurisdiction regarding status of the premises as and when decided. Compliance report be submitted within thirty (30) days.



(Lashkar Khan Qambrani)

Member, Consumer Complaints Tribunal
Director (CAD)



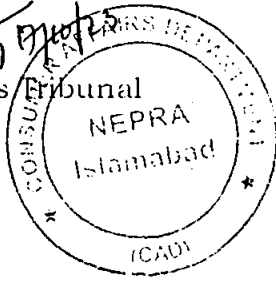
(Moqees-ul-Hassan)

Member, Consumer Complaints Tribunal
Assistant Legal Advisor (CAD)



(Naweed Mahi Shaikh)

Convener, Consumer Complaints Tribunal
Director General (CAD)



Islamabad, October 17, 2023