

Islamic Republic of Pakistan
Ataturk Avenue (East) Sector G-5/1, Islamabad.
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Consumer Affairs
Department

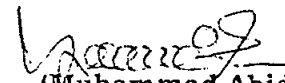
TCD 05/ ⁴³⁰² -2022
August 04, 2022

Chief Executive Officer,
Lahore Electric Supply Company (LESCO),
22-A, Queen's Road Lahore.

Subject: WRIT PETITION NO. 43000-22 FILED BY VS MR. MUZAMMAL HUSSAIN VS
NEPRA BEFORE LAHORE HIGH COURT, LAHORE.
LESCO-NHQ-14347-07-22

Please find enclosed herewith the decision of the NEPRA Complaints Tribunal dated August 04, 2022 regarding the subject matter for necessary action.

Encl: As above


(Muhammad Abid)
Assistant Director

Copy to:

1. Assistant Registrar (Write-I)
Lahore High Court, Lahore. w.r.t. Writ No. 43000
dated July 15, 2022.
2. Chief Engineer/Customer Services Director,
LESCO, 22-A, Queen's Road, Lahore.
3. Rana Rizwan Sibghatullah, Director Commercial,
Lahore Electric Supply Company (LESCO),
Credit Management Unit (Focal Person for NEPRA)
LESCO, 22-A, Queens Road, Lahore.
4. Dr. Bilal Masood, Additional Director/ Incharge,
NEPRA Regional Office, N-212, National Towers,
Opposite LDA Plaza, Egerton Road, Lahore.
5. Mr. Rehan Ahmad Khan, Advocate High Court,
Sampat & Sampat Law Associates,
Advocates & Solicitors,
Kapoor Thala House, Old Anarkali, Lahore.
0300-4473688
6. Mr. Muzammal Hussain S/o Taj Din,
R/o 381-A, Eden City, Lahore.

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

Complaint No. LESCO-NHQ-14347-07-22

Mr. Muzammal Hussain s/o Taj Din
R/o 381-A, Eden City, Lahore.

..... **Complainant**

VERSUS

Lahore Electric Supply Company (LESCO)
LESCO, 22-A, Queen's Road, Lahore.

..... **Respondent**

Date of Hearing: July 26, 2022

**On behalf of
Complainant:**

(i) Mr. Muzammal Hussain

Respondent:

(i) Mr. Ashfaq Ahmed DM (O), LESCO

Subject: **DECISION IN THE MATTER OF WRIT PETITION NO. 43000-22 FILED BY
MR. MUZAMMAL HUSSAIN VS NEPRA BEFORE LAHORE HIGH COURT,
LAHORE REGARDING NON PROVISION OF ELECTRICITY CONNECTION
BY LESCO**

DECISION

This decision shall dispose of the complaint filed by Mr. Muzammal Hussain (hereinafter referred to as the "Complainant") against Lahore Electric Supply Company (hereinafter referred to as the "Respondent" or "LESCO"), 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. Muzammal Hussain on June 09, 2022 wherein the issue agitated by the Complainant was that he applied to LESCO for provision of new domestic connection whereby a demand notice dated December 06, 2021 amounting to Rs. 38,274/- was issued by LESCO which was subsequently paid on December 07, 2021. The Complainant further submitted that during the pendency of installation of his connection by LESCO, another connection bearing reference No. 14115644210700U was installed in the same vicinity by LESCO on October 25, 2021. However, LESCO is not providing him electricity connection even the demand notice has been paid in full on December 07, 2021.

3. The subject matter was taken up with LESCO vide this office letter dated June 13, 2022. In response LESCO appraised that the connection applied for new connection vide the application No. 14526011014 and also filed a case in Civil Court, Lahore for enforcement of demand notice, therefore, the demand notice was issued against above application with condition that meter will be installed after availability of load.

4. During the process of complaint at NEPRA, the Complainant approached the Honorable Lahore High Court, Lahore vide W.P No. 43000 of 2022 for issuance of directions to NEPRA for early disposal of the Complaint. The honorable court vide decision dated July 04, 2022 directed NEPRA to decide the pending application strictly in accordance with law after hearing petitioner and all concerned, through a speaking order within a period of seven days from the date of receipt of certified copy of the order.



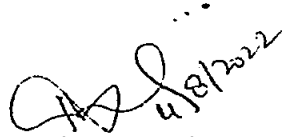
5. Accordingly, a hearing was held on July 26, 2022 at NEPRA Head Office, Islamabad wherein both the parties participated and advanced their respective arguments. During the hearing LESCO submitted that the Complainant is a resident of Eden City Housing Scheme, Lahore (a private housing society) which is being temporality fed by Nishat Colony Feeder emanating from Ghazi Grid Lahore. Dedicated feeder of said society is under construction and is not completed yet. The delay is on the part of Eden City Housing Scheme Management because they did not provide 11 kV panel at grid station and also did not settle the litigation with Lahore Ring Road Management. LESCO has installed connections according to approved 2400 kW load, therefore, no new connection can be provided till construction of the independent feeder.

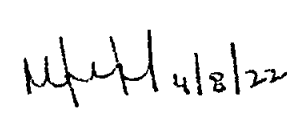
6. The case has been examined in detail in light of the record made so available by parties, arguments advanced during the hearing and applicable law. Following has been concluded:


- (i) The Complainant approached LESCO for a new domestic connection at his premises located at Eden City Housing Scheme, Lahore on July 10, 2020 under tracking Number 11526011014, however, LESCO did not provide electricity connection to the consumer.
- (ii) Later on, the Complainant filed a case with Civil Court, Lahore. The court vide decision dated November 15, 2021 directed LESCO to issue demand notice to the Complainant subject to all just and legal exceptions upon the deposit of requisite fee/dues. Subsequently, LESCO issued a demand notice amounting to Rs. 38,274/- dated December 06, 2021 which was paid by the Complainant on December 07, 2021. The complainant approached LESCO for installation of connection against paid demand notice, however, LESCO did not install the connection.
- (iii) The Complainant approached NEPRA to intervene in the matter and to issue necessary directions to LESCO for provision of electricity connection. The case was under process at NEPRA and meanwhile the Complainant approached the Honorable Lahore High Court, Lahore vide W.P No. 43000-22 to direct NEPRA for early decision regarding his application at NEPRA. Subsequently, Lahore High Court directed NEPRA vide decision dated July 04, 2022 to decide the pending application strictly in accordance with law, after hearing petitioner and all concerned, through speaking order within a period of seven days.
- (iv) It has been observed that LESCO is not providing new connection on the basis that Eden City is being fed temporarily through Nishat Colony Feeder emanating from Ghazi Grid Station Lahore and the load of the scheme has reached its maximum sanctioned load i.e. 2400 kW, therefore, new connections cannot be provided till completion of under constructed independent feeder of Eden City. The delay for this under construction feeder is on the part of Eden City Housing Scheme Management due to litigation with Lahore Ring Road Management and non-provision of 11kV penal for grid station.
- (v) Contrary to the issue of capacity/load on the said feeder, LESCO issued demand notice to the Complainant on the directions of Civil Court Lahore which had been paid by the Complainant in full on December 07, 2021. Apparently LESCO agreed to provide electricity connection to the Complainant and did not challenge the said decision of Civil Court or the higher court of law.
- (vi) According to time frame for new connections given in NEPRA Performance Standards (Distribution) Rules 2005 read with Annexure-III of Consumer Service Manual (CSM) DISCOs are required to provide electricity connection within time period of twenty (20) days from the date of payment of demand notice in case of load upto 15 kW. However, in the instant case more than six months have lapsed but LESCO has not yet provided connection to the Complainant for 9 kW load.



7. LESCO is not able to provide connections to other applicants due to constraints of load in existing feeder and has not filed appeal against the decision of Civil Court, Lahore w.r.t. issuance of demand notice and demand notice has been issued and paid. Foregoing in view, LESCO is directed to provide electricity connection to the Complainant against the paid demand notice which was issued on directions of the Civil Court, Lahore. Please note that these directions are applicable in the instant case only, and the same shall not be taken as precedent in other likewise cases which shall be decided on case-to-case basis keeping in view the ground realities/facts of the case.


(Lashkar Khan Qambrani)
Member Consumer Complaints Tribunal


(Moqcem-UI-Hassan)
Member Consumer Complaints Tribunal


(Naweed Illahi Shaikh)
Convener Consumer Complaints Tribunal

Islamabad, August 4, 2022

