



National Electric Power Regulatory Authority
ISLAMIC REPUBLIC OF PAKISTAN
NEPRA Head Office,
Attaturk Avenue (East), Sector G-5/1, Islamabad.
Ph: 051 201 3200, Fax: 051 260 0021

**Consumer Affairs
Department**

TCD.06/3124/-2019
March 27, 2019

Chief Executive Officer
Multan Electric Power Company (MEPCO)
MEPCO Complex, WAPDA Colony,
Khanewal Road, Multan.

Subject: **ORDER OF NEPRA CONSUMER COMPLAINTS TRIBUNAL IN THE MATTER OF CASE REFERRED BY LAHORE HIGH COURT, MULTAN BENCH IN WRIT PETITION NO. 234/2019 IN THE MATTER OF COMPLAINT OF MR. MUHAMMAD ASLAM MALKANI AGAINST MEPCO REGARDING UPGRADATION/REPLACEMENT OF TRANSFORMER MEPCO-103/02/2018**

Reference is made to Judgment of the Honorable Lahore High Court, Multan Bench dated 11th February 2019 in Writ Petition No. 234/2019 titled "Mohammad Aslam Malkani, etc vs MEPCO etc".

2. Enclosed find herewith Order of the NEPRA Consumer Complaints Tribunal for compliance within sixty (60) days, please.

Encl: As above

(Danish Ali Shah)
Deputy Director

27/3/19

Copy to:

- i. Deputy Registrar (Judicial),
Lahore High Court,
Multan Bench, Multan.
- ii. C.E/ Customer Services Director, MEPCO,
MEPCO Complex, WAPDA Colony,
Khanewal Road, Multan.
- iii. Mr. Muhammad Aslam Malkani, H.No.
2/4, Chah Bharo Wala, Behind Baloom
Field, Upper School, Multan Public
School Road, Multan.
- iv. Ms. Amna Saleem W/o Sheikh Tariq
Zulqarnain, Chah Bharo Wala,
Behind Baloom Field, Upper School,
Multan Public School Road, Multan.
- v. Mr. Shahbaz Ali S/o M. Asad Raza
Naqvi, Chah Bharo Wala, Behind
Baloom Field, Upper School, Multan
Public School Road, Multan.
- vi. Mr. Jameel Kousar S/o Haji Umar
Hayat, Chah Bharo Wala, Behind
Baloom Field, Upper School, Multan
Public School Road, Multan.
- vii. Sheikh Tariq Zulqarnain S/o Sheikh
Zafar Hussain, Chah Bharo Wala,
Behind Baloom Field, Upper School,
Multan Public School Road, Multan.
- viii. Mr. Kashif Imran S/o Amanullah,
Chah Bharo Wala, Behind Baloom
Field, Upper School, Multan Public
School Road, Multan.

(for information w.r.t. orders dated
11.02.2019 in W.P. No. 234/2019.)



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

Complaint No. MEPCO-103/02/2018

Mr. Muhammad Aslam Malkani and Others

Complainant

H.No. 2/4, ChahBharo Wala,
Behind Baloom Field, Upper School,
Multan Public School Road, Multan.

Versus

Multan Electric Power Company (MEPCO),

Respondent

MEPCO Complex, WAPDA Colony,
Khanewal Road, Multan.

Date of Decision: March 27, 2019

Date of Hearings: 15th March 2018
3rd July 2018
12th January 2019
14th March 2019

On behalf of:

Complainant: 1) Mr. Muhammad Aslam Malkani
2) Mr. Amin Hussain
3) Mr. Noman Khalid

Respondent: 1) Mr. M. Umer Lodhi, Addl. Chief Engineer
2) Mr. Muhammad Arif, XEN
3) Engr. Mushtaq, XEN
4) Mr. Muhammad Saleem, Addl. XEN
5) Mr. M. Asghar Khan, Additional Manager (P&E)
6) Mr. Javed Iqbal Gill, Additional Manager (P&E)
7) Mr. Sikandar Hayat, Addl. Deputy Manager (P&E)
8) Mr. Shakeel Ahmed Pasha, SDO

Subject: ORDER OF NEPRA CONSUMER COMPLAINTS TRIBUNAL IN THE MATTER OF CASE REFERRED BY LAHORE HIGH COURT, MULTAN BENCH IN WRIT PETITION NO. 234/2019 IN THE MATTER OF COMPLAINT OF MR. MUHAMMAD ASLAM MALKANI AGAINST MEPCO REGARDING UPGRADATION/REPLACEMENT OF TRANSFORMER

ORDER

1. Pursuant to the Judgement of the Honorable Lahore High Court, Multan Bench dated 11th February 2019 in Writ Petition No. 234/2019 titled "Mohammad Aslam Malkani, etc vs MEPCO etc", this order shall dispose of the representation of Mr.

Muhammad Aslam Malkani (hereinafter referred to as the "Complainant") against Multan Electric Power Company Limited (hereinafter referred to as "Respondent" or "MEPCO") under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (hereinafter referred to as the "NEPRA Act").

2. Brief facts of the case are that the residents in the vicinity of Chah Bharoo Wala, Multan, in their Complaint to Wafaqi Mohtasib, stated that the population in their area has increased manifold, due to which the existing 100 kVA transformer has become over loaded. The connections have been provided in the area through LT line and they are facing low voltage issues. The Complainant added that an LT proposal was approved and he requested for execution of the work. Accordingly, the Wafaqi Mohtasib vide its findings dated 2nd June 2017, directed MEPCO to redress the complaint. MEPCO filed review before the Wafaqi Mohtasib on the grounds that the site has been revisited, whereby it was revealed that the area is a private housing scheme and does not fulfill the criteria of execution and it would give undue benefit to the private housing scheme and is not in the best interest of general public. The review petition was turned down by the Wafaqi Mohtasib on the basis of time limitations, as it was a time barred case. MEPCO preferred a representation before the President of Pakistan. Accordingly, the President of Pakistan, vide order dated 29th January 2018, disposed of the representation and directed the parties to approach NEPRA under the provisions of NEPRA (Complaint Handling & Dispute Resolution Procedure) Rules, 2015 for redress of the grievance. A copy of the same was also endorsed to NEPRA.

3. In pursuance of the directions of the President's Secretariat, the matter was taken-up with both the parties (i.e. MEPCO and the Complainant) for submission of comments. In response, the Complainant, vide letter dated 8th February 2018, submitted that in order to streamline the electricity supply system and due to overloading of 100 kVA transformer installed at Chah Bharoo Wala, an LT proposal was approved by S.E. MEPCO, Multan on 19th September 2018 and sent to Project Director (Construction), XEN (Construction) and SDO (Construction) for execution of work. However, the matter remained pending with the SDO despite several requests.

4. In order to further probe into the matter, a hearing was scheduled for 15th March 2018 at NEPRA Head Office, Islamabad. Only the Complainant appeared for the hearing. The hearing was adjourned and re-scheduled for 10th April 2018. However, MEPCO, vide its letter dated 9th April 2018, reported that MEPCO and the Complainant have decided to resolve the issue amicably.

5. Thereafter, the Complainant, vide letter dated 16th April 2018, again approached NEPRA and informed that as per the commitment of XEN (Construction), the execution of work was awaited, however, the present/serving S.E. Operation cancelled the LT proposal on 12th April 2018, which was previously sanctioned by the then-S.E. (Operation) on 19th September 2016. Meanwhile, MEPCO, vide its letter dated 30th April 2018, reported that a site inspection was conducted, whereby it revealed that the complainants are in private housing scheme / colony where 19 houses of same design were constructed and sold out by a developer. Further extension of the colony was also under process. Moreover, initially when the LT proposal was prepared, the signs of a private colony were not identified, and developed later on. The residents of this colony are using electricity through lengthy extensions and the LT system exists in the area. The LT proposal is used to set right the existing LT system, and it does not cover un-





electrified area. Therefore, the LT proposal was cancelled as the same was not in line with relevant rules and regulations. Further, the responsible officials have been placed under suspension and charge sheeted.

6. The report of MEPCO was forwarded to the Complainant for information/comments. In response, the Complainant, vide his letter dated 24th May 2018, raised observations over the report and submitted that the houses have been energized since long and some other houses are under construction in the surroundings of Chah Bhaaroo Wala. MEPCO installed two LT poles from the existing 100 kVA overloaded transformer in 2017 in a newly constructed area called Labar Block. The complainant added that it is the responsibility of MEPCO to upgrade the system and he requested for physical verification of site.

7. In order to further probe into the matter, hearings were held on 3rd July 2018 and 6th July 2018 at NEPRA Head Office, Islamabad, wherein both the parties participated and advanced their arguments. A final hearing in the matter was held on 12th January 2019 at MEPCO Head Office, Multan wherein both parties participated and reiterated their earlier versions. Subsequently, a site inspection was also conducted on 12th January, 2019. The site inspection revealed that the area consists of newly developed plots and requires proper electrification. Instead of applying for proper electrification, the plot owners are also using existing transformer installed in the nearby area through lengthy PVCs. During the site inspection, it was also revealed that the Complainant had also filed Writ Petition No. 234/2019 before Lahore High Court, Multan Bench. In view thereof, decision in the matter was reserved till adjudication by the Honorable High Court.

8. The Honorable Lahore High Court, Multan Bench, vide its Order dated 11th February 2019, decided the Writ Petition No. 234/2019, whereby the case was referred to NEPRA for decision, through a speaking order, within thirty (30) days, after hearing all concerned parties. The orders of the court were received at NEPRA on 27th February, 2019. In pursuance of the directions of the Honorable High Court, a hearing was held on 14th March 2019 at NEPRA Head Office, Islamabad, wherein MEPCO and the petitioners were invited to attend, however, MEPCO representatives and the complainant attended the hearing wherein they advanced arguments. During the hearing, representatives of MEPCO argued that the said 38 connections were sanctioned for some other area, and these consumers have been using these connections illegally through lengthy PVCs/extensions. In this regard, MEPCO was asked to provide documentary evidence in support of this argument. However, no such evidence has been provided by MEPCO. Moreover, MEPCO representative submitted that it is a planned housing colony and requires proper electrification after issuance of NOC by the concerned civic agency.

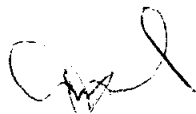
9. Foregoing in view, following has been concluded:

- i. MEPCO has sanctioned 38 connections in violation of its standards through lengthy PVCs from the existing transformer installed in the locality.
- ii. The area is not part of any planned housing society/scheme/colony. The local people of the area are selling their lands in shape of plots and buyers are constructing houses. There is no sponsor of the area.

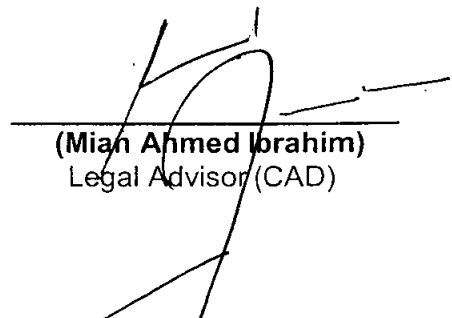
- iii. The issue is regarding regularization of 38 connections which have been illegally sanctioned. The connections are running against the prescribed standards due to which MEPCO is sustaining losses. Once the connections are sanctioned and installed, these cannot be disconnected except in case of default in payment, theft of electricity, etc.
- iv. In order to regularize these 38 connections, MEPCO is required to install a transformer, HT/LT network in accordance with load requirement of these consumers. Expenditure with regards to the transformer, HT/LT line, etc shall be borne by these 38 consumers on the basis of their load.

10. Foregoing in view, MEPCO is directed to regularize the above mentioned 38 connections by energizing them through a new transformer, HT/LT network on cost deposit basis after fulfilling all codal formalities. The expenditure/cost be recovered from the 38 consumers on the basis of their load demand by issuance of individual demand notices. Action be taken against the delinquents who sanctioned connections in violation of standards of MEPCO. It shall be ensured that in future the connections are sanctioned as per standards.

11. Compliance report be submitted within sixty (60) days.



(Lashkar Khan Qambrani)
Deputy Director (CAD)



(Mian Ahmed Ibrahim)
Legal Advisor (CAD)



(Naweed Illahi Shaikh)
Additional DG (CAD)

Dated: March 27, 2019