



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**

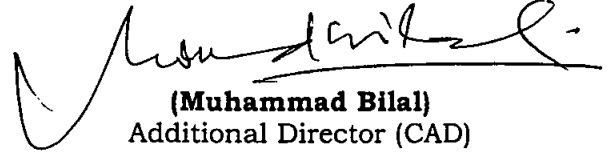
TCD.01/ 799 -2024
February 15, 2024

Chief Executive Officer, PESCO,
WAPDA House, Sakhi Chashma Shami Road,
Peshawar.

Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY MR. SHAHID BUTT,
MANAGER RETAIL DEVELOPMENT, M/S ATTOCK PETROLEUM LIMITED,
UNDER SECTION 39 OF THE REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST PESCO REGARDING REMOVAL OF 132 KVA GRID LINES &
POLES.**
PESCO-NHQ-25269-06-23

Please find enclosed herewith the decision of NEPRA Consumer Complaints
Tribunal dated February 15, 2024, regarding the subject matter for necessary action.

Encl: As above


(Muhammad Bilal)
Additional Director (CAD)

Copy to:

- 1) Chief Commercial Officer, PESCO,
WAPDA House, Sakhi Chashma Shami Road,
Peshawar.
- 2) Incharge Complaint Cell, PESCO,
WAPDA House, Sakhi Chashma Shami Road,
Peshawar.
- 3) Mr. Shahid Butt, Manager Retail Development,
M/s Attock Petroleum Limited, 2nd, 7th & 8th Floor,
Attock House, Morgah, Rawalpindi.
☎ 0515127250

Note: In case of any complaint, the consumers are advised to approach their respective distribution company in the first instance. In case of non-redressal of their grievances, the consumers can file ONLINE complaint on NEPRA's website at <https://nepra.org.pk/CAD-Database/CMS-CAD/home.php>



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No. PESCO-NHQ-25269-06-23

Mr. Shahid Butt
Manager Retail Development
Attock Petroleum Limited, Attock House
Morgah, Rawalpindi.

..... **Complainant**

VERSUS

Peshawar Electric Supply Company (PESCO)
WAPDA House, Sakhi Chashma, Shami Road
Peshawar.

..... **Respondent**

Date of Hearing: September 28, 2023
October 17, 2023

On behalf of:

Complainant:

- 1) Mr. Shahid Butt
- 2) Mr. Zuhair Kazmi

Respondent:

- 1) Mr. Zafar Ali, Addl. Director (GSC), PESCO.

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. SHAHID BUTT
MANAGER RETAIL DEVELOPMENT, ATTOCK PETROLEUM LIMITED, UNDER
SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND
DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST PESCO REGARDING
REMOVAL OF 132 KV GRID LINES & POLES.

DECISION

This decision shall dispose of the complaint filed by Mr. Shahid Butt, Manager Retail Development Attock Petroleum Ltd. (hereinafter referred to as "the Complainant") against Peshawar Electric Supply Company Limited (hereinafter referred to as the "Respondent" or "PESCO") 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 NEPRA received a complaint dated May 26, 2023 wherein the Complainant disputed the existence of 3 Nos. of 132 kV transmission line poles pertaining to PESCO within the part of rest area being acquired by Attock petroleum Limited (APL) for the construction purposes from National Highway Authority (NHA). Upon non-cooperation of the concerned PESCO officials, the Complainant requested NEPRA to intervene in the matter and instruct PESCO for relocation /shifting of the poles in consideration of safety concerns posed by the already installed poles. The matter was taken up with PESCO whereby PESCO vide letter dated August 28, 2023 submitted that the currently operational 132kV Hariput-Hattar transmission line was designed and constructed in close liaison with the local administration and the impugned poles were installed eight (8) meters away from the Right of way (ROW) as advised by National Highway Authority (NHA) at the time of installation of poles.

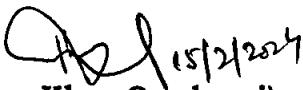
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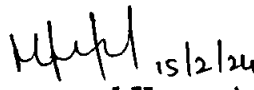
3. In order to analyze the matter, hearings were also held at NEPRA Head Office, Islamabad which were attended by both the parties i.e. PESCO and the Complainant wherein the matter was discussed in detail. PESCO submitted that during execution of the transmission line neither NHA nor Land Revenue Authorities Haripur had identified/notified that the land had been acquired for establishment of Hazara Mini Service area and after lapse of one and half year upon completion of the transmission line, Attock Petroleum Limited has approached PESCO for relocation of 03 No. of tubular poles in order to construct Mini Service Area. Moreover, an NOC has already been issued by NHA for Motorway crossing even at that time the issue had not been brought in the notice of PESCO. The project of the T/Line has already been completed and the associated Grid Station at Hattar Economic Zone has been energized.


4. The case has been examined in detail in light of the record made so available by both the parties, facts revealed during joint investigation, arguments advanced during the hearing and applicable law. Following have been observed:

- (i) PESCO had installed three (3) Nos. of tubular poles during the construction of 132 kV Haripur-Hattar transmission line on the locations designated as (74-76) along with E-35 Hazara Expressway having an offset of approximately eight (8) meters from the Right of Way (ROW) as claimed by NHA. The Complainant is of the view that these poles have been creating hindrance and safety concerns for construction of petrol pump and allied services being developed inside the Mini Rest Area located in close proximity of the impugned poles.
- (ii) Pursuant to the documentary evidences submitted by PESCO officials the impugned poles were installed as per the approved design in close coordination with relevant departments i.e. NHA and land revenue department etc. outside the safety fence in accordance with the claimed ROW during the year 2021. However, later the same fence was extended by NHA from the actual ROW essentially encaving the disputed poles inside the fence during the year 2022 which caused the ambiguity. However, the poles are installed at the designated area approximately eight (8) meters from the Right of Way (ROW) and as such no violation has been found on part of PESCO.
- (iii) Clause 3.1.2 of Consumer Service Manual provides that if an applicant/consumer requires the relocation of a distribution facility/ transmission facility for convenience, because of construction, or otherwise DISCO shall, at the consumers expense, relocate the same, if found feasible. Moreover, in such case the provision of right of way will also be the responsibility of applicant/consumer. Accordingly, the Complainant shall bear the cost of shifting of poles/lines besides provision of ROW.

5. Foregoing in view, the Complainant is advised to approach PESCO for the fulfillment of codal formalities with respect to the shifting/relocation of said 132 kV poles/lines on cost deposit basis.


(Lashkar Khan Qambrani)
Member, Consumer Complaints Tribunal/
Director (CAD)


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


(Naveed Illahi Shaikh)
Convener, Consumer Complaints Tribunal/
Director General (CAD)

Islamabad, February 15, 2024.