



Registrar

National Electric Power Regulatory Authority Islamic Republic of Pakistan

NEPRA Tower, Attaturk Avenue (East), G-5/1, Islamabad

Ph: +92-51-9206500, Fax: +92-51-2600026

Web: www.nepra.org.pk, E-mail: registrar@nepra.org.pk

No. NEPRA/ADG(CAD)/TCD-08/10/25-27

April 7, 2020

1. Chief Executive Officer,
Quetta Electric Supply Company (QESCO),
Zarghoon Road, Quetta.
2. Mr. Saifullah Khan Domar,
C/o Saifullah Tall nearby Shalimar Hotel,
Ziarat Bazar, Ziarat, Balochistan


Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY MR. SAIFULLAH KHAN DOMAR AND OTHERS UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST QESCO REGARDING REMOVAL OF CONNECTIONS.**

Please find enclosed herewith the Decision of Member (Consumer Affairs) (03 Pages) regarding the subject matter, please.

Encl: As above

Copy to:

C.E/ Customer Services Director,
Quetta Electric Supply Company (QESCO),
Zarghoon Road, Quetta.


(Hafeez Ullah Khan)
Deputy Registrar
7/4/2020



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint # QESCO 107/04/2019

Mr. Saifullah Khan Domar

C/o Saifullah Tall nearby Shalimar Hotel,
Ziarat Bazar, Ziarat

..... **Complainant**

Versus

Quetta Electric Supply Company (QESCO),
Zarghoon Road, Quetta.

..... **Respondent**

Date of Hearing: November 26, 2019

**On behalf of
Complainant:**

- | | | |
|----|--------------------------------|-----------------|
| 1) | Mr. Saifullah Khan | (Complainant) |
| 2) | Mr. Waheed ur Rahman, Advocate | (Legal Counsel) |
| 3) | Mr. Shahbaz Amin | |
| 4) | Mr. Muhammad Shamim | |

Respondent: 1) Engr. Abul Sattar (SDO QESCO)

Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY MR. SAIFULLAH KHAN DOMAR AND OTHERS UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST QESCO REGARDING REMOVAL OF CONNECTIONS.**

DECISION

This Decision shall dispose of a complaint filed by Mr. Saifullah Khan Domar and others (hereinafter referred to as the "Complainant") against Quetta Electric Supply Company (hereinafter referred to as the "Respondent" or "QESCO"), 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 from Mr. Saifullah Khan Domar and others, against QESCO, wherein, the Complainant submitted that the unrecorded lands adjacent to the Complainants' lands were allotted to other persons in 2007, whereas, land owners of the adjacent lands have the first right over lands which have not been recorded or measured. The



Complainant further submitted that the said settlements have been declared illegal vide Provincial Government notification dated March 05, 2019 and that the settlers in these lands have been illegally granted electricity connections by QESCO. In view of the said, the Complainant prayed for the removal of the electricity connections granted to these settlers.

3. A hearing into the matter was held on November 26, 2019 at NEPRA Regional Office, Quetta, which was attended by both the parties. During the hearing, the Complainant reiterated his earlier version. In response, QESCO officials informed that the electricity connections have been provided after completion of all codal formalities and the consumers are paying their bills on time, therefore, it is not possible for them to disconnect electricity supply of these consumers.

4. The case has been analyzed in the light of written/verbal arguments submitted by the parties; the following has been concluded:

- i. The Regulation of Generation, Transmission and Distribution of Electric Power Act (the NEPRA Act) obligates the distribution companies to supply power to all consumers on a non-discriminatory basis. NEPRA has prescribed the Consumer Eligibility Criteria 2003 which provides that every person has the right to be supplied with electric power, subject to fulfillment of prescribed eligibility criteria.
- ii. According to provisions of Consumer Service Manual, a premises is liable to be disconnected if a consumer is defaulter in making payments of the energy consumption bills, or is involved in theft of electricity or illegally extends the load beyond the sanctioned load or uses the electricity connection for the purpose other than for which it was sanctioned.
- iii. QESCO officials have submitted that all the connections granted to the subject settlers have been provided after fulfillment of all codal formalities. Furthermore, these consumers are paying their bills regularly, as such, QESCO has no legal grounds to disconnect the electricity supply of the subject consumers.
- iv. Furthermore, the definition of "consumer" as provided in the NEPRA Act, defines a consumer as a person who purchases or receives electricity, and does not necessarily need to be the owner of the premises or his ownership of premises may even be disputed; neither of these conditions will affect his right to electricity connection.



- v. The provision of electricity is a fundamental right guaranteed to all citizens under Article 9 of the Constitution of Pakistan.

Foregoing in view, the complaint is not maintainable as per the NEPRA Act, Consumer Eligibility Criteria and the applicable law; therefore, the complaint is dismissed


2/2/2020
Rehmatullah Baloch
Member (Consumer Affairs)

Islamabad, April 02, 2020

