



National Electric Power Regulatory Authority

ISLAMIC REPUBLIC OF PAKISTAN

NEPRA Tower, Ataturk Avenue (East), Sector G-5/1,

Islamabad. Ph:051-2013200, Fax: 051-2600021

Consumer Affairs Department

65/6

TCD.08/ -2022

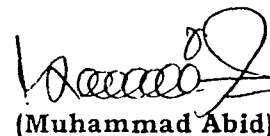
December 22, 2022

Chief Executive Officer,
Quetta Electric Supply Company (QESCO),
Zarghoon Road, Quetta.

Subject: DECISION IN THE MATTER OF COMPLAINT OF MR. ZIA UDDIN UNDER SECTION 39 OF THE REGULATION OF GENERATION TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST QESCO REGARDING DELAY IN PROVISION OF INDUSTRIAL CONNECTION (REFERRED BY WAFAQI MOHTASIB)

Complaint No. QESCO-QET-8377-10-21

Please find enclosed herewith the decision of the NEPRA Consumer Complaints Tribunal dated December 22, 2022 regarding the subject matter for necessary action and compliance within thirty (30) days, positively.


(Muhammad Abid)

22/12/2022

Assistant Director (CAD)

Encl: As above

Copy to:

1. C.E/Customer Services Director, QESCO, Zarghoon Road, Quetta.
2. C.E (Planning), QESCO, Zarghoon Road, Quetta.
3. Director Commercial, QESCO, Zarghoon Road, Quetta.
4. Superintending Engineer (Operations), Quetta Circle, Block 4, Satellite Town, Quetta.
5. Mr. Zia Uddin, Managing Partner – Mehmood Agricultural Foundary, Industrial Area, Eastern Bypass, Quetta.
Contact: 0333-7889093



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

Complaint No. QESCO-QET-8377-10-21

Mr. Zia Ud din,
Managing Partner-Mehmood Agricultural Foundry,
Industrial Area Eastern By-Pass,
Quetta. Contact: 0333-7889093.

..... **Complainant**

VERSUS

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

..... **Respondent**

Date of Hearing:

- 1) January 31, 2022
- 2) April 27, 2022
- 3) August 01, 2022
- 4) October 28, 2022

**On behalf of
Complainant:**

- 1) Mr. Abdul Samad
- 2) Mr. Zia- Ud- Din
- 3) Mr. Jahanzib Khan

Respondent:

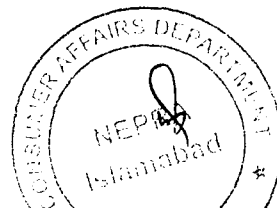
- 1) Mr. Muhammad Naeem, C.E (Planning), QESCO
- 2) Mr. Abdul Nasir, Superintending Engineer (Operations)
- 3) Mr. Obaid-Ur-Rehman, Deputy Manager (P&I)
- 4) Mr. Muhammad Naeem, Executive Engineer (Operations)
- 5) Mr. Qamar-Ul-Hussain, Deputy Manager P&D QESCO
- 6) Mr. Abrar Ahmed Shirzai, DD Technical (MM)
- 7) Mr. Mumtaz Sher, DD Technical (MM), QESCO
- 8) Mr. Ghulam Mujtaba Rind, SDO (Operations)

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. ZIA UDDIN UNDER SECTION 39 OF THE REGULATION OF GENERATION TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST QESCO REGARDING DELAY IN PROVISION OF INDUSTRIAL CONNECTION (REFERRED BY WAFAQI MOHTASIB)

DECISION

Through this decision, the complaint filed by Mr. Zia Uddin, Managing Partner-Mehmood Agricultural Foundry Quetta (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), is being disposed of.

2. NEPRA received the complaint of the Complainant from Wafaqi Mohtasib (Obudsman)'s Secretariat on October 18, 2021 wherein the issue agitated by the Complainant was that he applied to QESCO for provision of new industrial connection whereby demand notices dated February 22, 2021 amounting to Rs. 5,610,097/- were issued by QESCO which were subsequently paid on February 25, 2021. The Complainant further submitted that he has purchased necessary machinery and raw material for his industry and due to delay in provision of connection he is facing loss in lieu of damages of raw material and machinery. Therefore, he requested to direct QESCO for installation of connection without further delay.

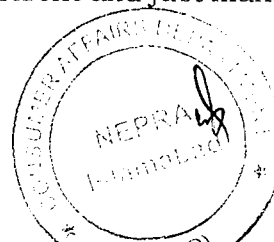


3. The subject matter was taken up with QESCO and hearings were held at NEPRA Regional Office, Quetta wherein both the parties participated and advanced their arguments. QESCO officials submitted that there are some technical matters that need to be rectified before provision of electricity connection to the Complainant i.e. separate access to panel room needs to be arranged, the panel room should be RCC as per Standard and specification, testing of the panel etc. The Complainant apprised that panels were purchased after issuance of NOC by QESCO, however, no testing took place due to covid-19 lock down. The Complainant further highlighted that several other consumers in Spezand Sub Division have constructed panel rooms having construction without fulfilling RCC requirements. However, he has fulfilled his obligations but still QESCO is reluctant to energize the connection. Therefore, NEPRA vide letter dated August 05, 2022 directed QESCO to energize the connection. In response QESCO officials reported that a team visited the site for energization of connection, however, the 11 KV panel was doubtful. The PTs had bubbled surface instead of flat surface, therefore, the connection was not energized. NEPRA vide letter dated September 08, 2022 directed QESCO to check the CTs/PTs, 11 kV panel in presence of the applicant and clear its doubt. If the CTs/PTs etc are found OK then QESCO shall install CTs/PTs at its own cost and energize the connection without further delay. In case CTs/PTs are found tempered then energization of the connection be withheld and the same be reported to this office alongwith evidence, however, QESCO neither energized the connection nor reported any discrepancy.

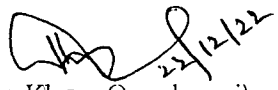
4. The last and final hearing was held on October 28, 2022 at NEPRA Regional Office, Quetta wherein representatives from relevant departments of QESCO (i.e. Operation, M&T, Planning, Material Management/procurement and GSO-P&I) participated wherein the case was discussed in detail. During the hearing QESCO officials showed their satisfaction regarding construction of panel room and installation of other material required for provision of connection except PTs which have bubbled surface instead of flat surface.

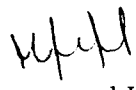
5. The case has been examined in detail in light of record made so available by both the parties, arguments advanced during the hearing and applicable law. The following has been concluded:


- (i) The Complainant approached QESCO for provision of an industrial connection at his premises located at Industrial Area, Quetta with prospective load of 1000 kW during February, 2021. After due process, QESCO issued demand notices on February 22, 2021 amounting to Rs. 5,610,097/- which were subsequently paid by the Complainant on February 25, 2021. However, QESCO did not install connection on the pretext of procedural deficiencies/discrepancies on account of construction of panel room and testing of 11 KV panel etc.
- (ii) Initially, QESCO issued No Objection Certificate (NOC) to the Complainant for purchase of 1x11 KV Industrial Panel & 1500 kVA transformer which were subsequently purchased by the Complainant. According to the policy in vogue 11 KV panel should have been secured and inspected by NTDC in accordance with specification. However, the Complainant submitted that testing could not take place due to covid-19 lock down. Therefore, NEPRA vide letter No. TCD.08/38601-2022 dated July 05, 2022 directed QESCO to get checked the 11 KV panel of the Complainant through its P&I Department before energization of connection.
- (iii) The Complainant was directed to construct panel rooms in accordance with specified design i.e. RCC and close access from inside the premises and provide proper access/door from outside. The Complainant fulfilled the requirement which was verified during a joint visit of NEPRA and QESCO officials on August 02, 2022.
- (iv) In August, 2022 QESCO constituted a committee duly headed by S.E (Operations) Central Circle, QESCO for energization of new connection of the Complainant. During the hearing held on October 28, 2022 QESCO officials informed that PTs purchased by the Complainant had bubbled surface instead of flat surface, therefore, the Complainant's connections was not energized. The panel installed at site have also been checked and no problem was identified by the committee during their inspection.
- (v) Consumer Eligibility Criteria (Distribution Licensees) Regulations-2022 envisages that distribution licensee shall ensure that all applications and consumers are treated in a non-discriminatory, fair, transparent and just manner.



- (vi) Moreover, provision of electricity is a Fundamental Right for all citizens under Article 9 and 14 of Constitution of Islamic Republic of Pakistan. 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 been interpreted as Fundamental Right by the Supreme Court of Pakistan.
- (vii) The Complainant filed two other cases against detection bills issued by QESCO against reference Nos. 24-48134-0361203 & 24-48134-0361208 before High Court of Balochistan, however, the honourable court vide order dated June 17, 2021 directed that upon submission of the surety, QESCO should restore electricity and further directed the Complainant to avail his remedies before the concerned court/forum. Accordingly, the Complainant submitted the surety equivalent to the amount of detection bills before Additional Registrar High Court of Balochistan which was confirmed by the honourable court vide Memo No. 17259/Judl:C.P No. 736/2021 dated July 8, 2021 and subsequently both the electricity connection were restored by QESCO during the month of July, 2021. The Complainant further lodged his complaints against the said detection bills before NEPRA which are being decided separately.
6. Foregoing in view, QESCO is directed to:
- Issue demand notice to the Complainant for new PTs.
 - Provide CTs to the Complainant from its own stock.
 - Thoroughly check/test the 11 kV panel of the Complainant through P&I Department, QESCO & seal the same properly in presence of the Complainant and energize the connection after completion of other codal formalities at the earliest.
 - Issue Notices to the other industrial consumers of Spezand Sub Division, QESCO who have constructed the panel rooms in violation of prescribed standards and all necessary actions be taken to rectify the anomalies, if any.
 - To Observe consumption of the Complainant in future and carry out periodic checking/inspections of the metering equipment.
 - Two other cases of detection bill are under process at NEPRA which are being decided shortly. The decisions could be in favour of the Complainant or QESCO, as the case may be, therefore, till final outcome of those cases and settlement of the disputed amount; QESCO is directed to ensure that the guarantee/surety submitted by the Complainant before Additional Registrar High Court of Balochistan shall remain intact/effective.
7. Compliance report be submitted within thirty (30) days.


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


(Moqem ul Hassan)
Member Consumer Complaints Tribunal
Assistant Legal Advisor (CAD)


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

Islamabad, December 22, 2022

