



National Electric Power Regulatory Authority

ISLAMIC REPUBLIC OF PAKISTAN

NEPRA TOWER

Attaturk Avenue (East) Sector G-5/1, Islamabad.

Ph:051-2013200, Fax: 051-2600021

**Consumer Affairs
Department**

TCD 08/4194-2024
September 20, 2024

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

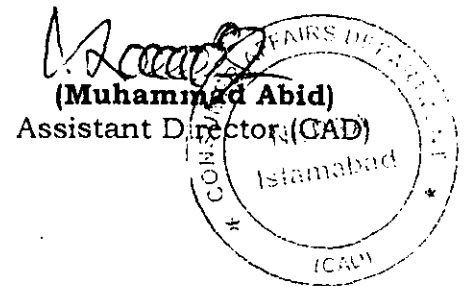
Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY MR. AHMED KHAN UNDER SECTION 39 OF THE REGULATION OF GENERATION TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST QESCO REGARDING SHIFTING OF 11KV TRANSMISSION LINE**
QESCO-QET-21634-05-23

Please find enclosed herewith the decision of the NEPRA Complaint Resolution Committee dated September 20, 2024 regarding the subject matter for necessary action and compliance within thirty (30) days, positively.

Encl: As above

Copy to:

- 1) C.E/ Customer Services Director,
Quetta Electric Supply Company (QESCO),
Zarghoon Road, Quetta.
- 2) Director (Commercial)
Quetta Electric Supply Company (QESCO),
Zarghoon Road, Quetta.
- 3) Mr. Muhammad Rehan,
Assistant Director (CAD),
NEPRA Regional Office, Room#1, 2nd Floor,
Model Town, Hali Road, Quetta.
- 4) Mr. Ahmed Khan
AlNazar General Store,
Samungli Road Kharotabad, Quetta.
Contact# 0307-0891988



Please follow up with QESCO



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No. QESCO-QET-21634-05-23

Mr. Ahmed Khan,
AlNazar General Store,
Samungli Road Kharotabad, Quetta.
Contact# 0307-0891988

.....Complainant

Versus

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

..... Respondent

Date of Hearing(s):

- 1) June 01, 2023
- 2) August 03, 2023
- 3) November 03, 2023

**On behalf of:
Complainant:**

Mr. Ahmed Khan

Respondent:

- 1) Syed Ali Shah, Executive Engineer (Operation) Sariab
- 2) Mr. Hameed Awaan, SubDivision Officer (Operation) Sheikhmanda
- 3) Mr. Faisal Kajeer Khan, RESD-I (RED-I) Construction

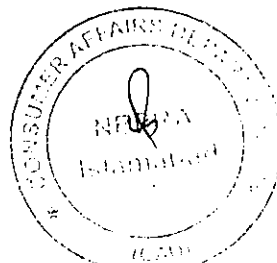
Subject:

**DECISION IN THE MATTER OF COMPLAINT FILED BY MR. AHMED KHAN
UNDER SECTION 39 OF THE REGULATION OF GENERATION TRANSMISSION
AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST QESCO
REGARDING SHIFTING OF 11KV TRANSMISSION LINE**

DECISION

This decision shall dispose of the complaint filed by Mr. Ahmed Khan (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").

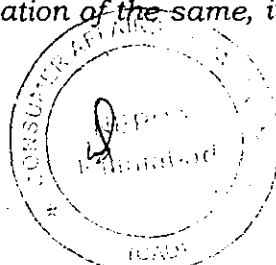
2. The brief facts of the case are that the Complainant in the complaint apprised that an amount of Rs. 510,500/- was paid to QESCO on December 02, 2021 for shifting of two High Tension poles of 11kV Old Samungli Feeder and two High Tension poles of 11kV PAF Feeder, which posed a safety hazard as the 11kV lines were passing above houses with very low ground clearance. Despite the passage of considerable time, the shifting of the 11kV lines had not been carried out. Subsequently, QESCO was demanding additional payment due to the escalation of material rates. The Complainant requested that the required work be completed without further delay and that no additional payment be required, as the delay was caused through no fault of their own.



3. The subject matter was taken up with QESCO. However, QESCO failed to submit report regarding the matter within the stipulated time. In order to discuss the matter, hearings were held at NEPRA Regional Office-Quetta which were attended by both the parties i.e. QESCO as well as the Complainant. During the hearings, QESCO submitted that delay had been caused due to right of way issues. In this regard, the site was visited several times to carry out the required work but was halted due to dispute. Subsequently, the case was referred back to the Subdivision office without drawl of material. Due to the delay in work, the shifting of 11kV line could not be executed due to escalation of rates and it became necessary to revise the estimate as per new store material rates. The Complainant submitted that the right of way issue was resolved immediately after discussion with the neighbors and although they visited the QESCO offices several times for execution of work, QESCO failed to take any action and stated that work cannot be carried out due to non-availability of poles. The Complainant and QESCO submitted contradictory statements regarding reasons for delay in work and both the parties were required to provide documentary evidence against their claims. QESCO failed to submit any letter issued to the Complainant wherein the Complainant was informed that the work had been suspended due to right of way issue while the Complainant provided a copy of application with receiving date of March 13, 2023 addressed to Sub Division Officer QESCO wherein the Complainant had submitted that the payment against shifting of 11kV line was paid but at that time, work had been delayed due to non-availability of poles. He further stated that at the time of submission of application QESCO is demanding additional payment due to escalation of rates and they had requested that they could not pay any additional demand notice because delay was not on the part of the Complainant.

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

- (i) The Complainant approached QESCO for shifting of two High Tension poles of 11kV Old Samungli Feeder and two High Tension poles of 11kV PAF Feeder as the 11kV lines were passing above the houses and posed a safety hazard issue due to low ground clearance and lengthy span of wires. In this regard, a demand notice amounting to Rs. 510,500/- was issued by QESCO on October 15, 2021 for replacement of existing 4x 36ft poles with 2x 40ft poles and 2x 45ft poles while the location of two poles was required to be shifted from inside the houses to the outside. The demand notices issued by QESCO was paid by the Complainant on December 02, 2021. Despite payment of demand notice by the Complainant, the execution of work was not completed by QESCO.
- (ii) According to QESCO, the work execution was delayed due to right of way issue while according to the Complainant the shifting of 11kV line was delayed due to non-availability of poles at the store. QESCO failed to provide any letter to intimate the Complainant to clear the right of way issue while the Complainant submitted an application with receiving date of March 13, 2023 wherein they had stated that work had been delayed due to non-availability of poles and that they could not pay any additional amount for shifting of 11kV poles.
- (iii) As per Clause 2.4.7 of the Consumer Service Manual (CSM), "Once demand notice has been issued by the DISCO and paid by the applicant in full, no further charges/demand notice can be raised against the applicant on account of escalation of cost of material." QESCO failed to justify any reason for the delay in shifting of 11kV lines and penalizing the Complainant by demanding additional payment due to escalation of material rates on account of delay caused by QESCO is unwarranted and against the provisions of the CSM.
- (iv) As per Clause 3.1.3 of the Consumer Service Manual (CSM), "If any person constructs a house, shop or a building etc. near/under any existing distribution facility and subsequently applies for relocation of the same, it shall be relocated at



the applicant's expense along with provision of right of way by the applicant." The Complainant paid for shifting and clearance of HT poles as per the provisions of the CSM and there was no evident right of way issues but QESCO failed to execute the required work.

- (v) According to the time frame for new connections given in NEPRA Performance Standards (Distribution) Rules 2005 read with Consumer Service Manual (CSM), DISCOs are required to provide electricity supply at 11kV within fifty five (55) days (excluding 21 days required for meter installation) after payment of demand notice. Same analogy / criteria can be used to determine the time frame for installation / shifting of HT poles highlighted in the complaint. The demand notice was fully paid by the Complainant on December 2, 2021 therefore the shifting and clearance of 11kV line should have been completed by January 25, 2022. The Complainant is liable to pay the cost of escalation of material if occurred during fifty five (55) days and not liable for escalation cost if occurred after the prescribed time frame.

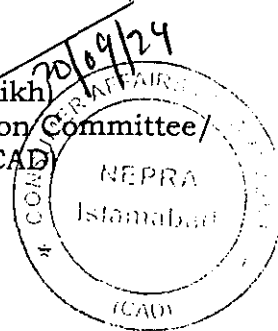
5. Foregoing in view, QESCO is directed to withdraw the demand for additional demand notice and carry out the shifting of the 11kV lines without further delay to remove the safety hazard caused due to low ground clearance. The Complainant is liable to pay the escalation cost if occurred upto January 25, 2022 i.e. the time period under which the line was required to be shifted. Compliance report in the matter be submitted within thirty (30) days.

6. مندرجہ بالا حقائق کے پیش نظر کیسکو کو ہدایت کی جاتی ہے کہ جاری شدہ اضافی ڈیمانڈ نوٹس کو ختم کرے اور تاروں کے زمین سے قریب ہونے کی وجہ سے جو حفاظتی خطرہ درپیش ہے اس کو دور کرنے کے لیے بلا تاخیر 11kV لائن کو شفٹ کرے۔ البتہ شکایت کنندہ سامان کی قیمت بمطابق مورخہ 25 جنوری 2022 ادا کرنے کا پابند ہے۔ درج بالا احکامات پر عمل درآمد کی رپورٹ تیس (30) دنوں کے اندر جمع کروائے۔

(Lashkar Khan Qambrani)
Member Complaint Resolution Committee
Director (CAD)

(Muqem Ul Hassan)
Member Complaint Resolution Committee
Assistant Legal Advisor (CAD)

(Naveed Wahid Shaikh)
Convener Complaint Resolution Committee/
Director General (CAD)



Islamabad, September 20, 2024