



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/DG(CAD)/TCD-08/7131-46

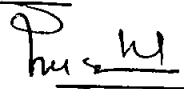
May 11, 2022

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

Subject: **DECISION OF THE AUTHORITY IN THE MATTER OF COMPLAINTS  
FILED BY PLAZA OWNERS UNDER SECTION 39 OF THE  
REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION  
OF ELECTRIC POWER ACT, 1997 AGAINST QESCO REGARDING NON  
PROVISION OF ELECTRICITY CONNECTION FOR THEIR  
BUILDINGS/PLAZA**

Please find herewith the decision of the Authority (03 Pages) regarding the subject matter for necessary action and compliance within thirty (30) days.

Endl: As above.

  
11 05 22  
( Syed Safeer Hussain )

Copy to:

1. C.E/ Customer Services Director,  
Quetta Electric Supply Company (QESCO),  
Zarghoon Road, Quetta.
2. Chief Engineer (Planning)  
Quetta Electric Supply Company  
(QESCO),  
Zarghoon Road, Quetta
3. Director Commercial,  
Quetta Electric Supply Company (QESCO),  
Zarghoon Road, Quetta.
4. Mr. Shah Muhammad,  
B-5 Institute of Engineering Building,  
Zarghoon Road, Quetta.  
Contact#0300-2568119, 081-2833512
5. Superintending Engineer (Operation), Quetta  
Circle  
Quetta Electric Supply Company (QESCO),  
Block IV, Satellite Town, Quetta.
6. Syed Munir Ahmed,  
C/o Karawan Petrol Pump,  
Airport Road, Quetta.  
0300-3904816, 0300-9382083
7. Mr. Muhammad Rehan, (AD -CAD),  
NEPRA Regional Office, Room#1, 2nd Floor,  
Rehman Plaza 7A, Opp. Nadra Office, Model  
Town, Hali Road, Quetta.
8. Mr. Khalid Zaman Khan,  
A-6, Toghi Housing Scheme Quetta  
Cantt.  
Contact# 0333-3338288

9. Mr. Abdul Salam,  
S.K Associates 2 nd Floor,  
Sahar Bakery Plaza, GordatSingh Road,  
Quetta.  
Contact# 0333-3064870, 0321-8041553
10. Mr. Naimatullah,  
Balochistan Hotel opposite TB  
Sanatorium  
Hospital Browery Road Akhri Stop,  
Quetta.  
Contact# 0333-7418274
11. Mr. Owais Abdul Basit Kasi,  
Arbab Plaza Sabzi Mandi Mutton Market,  
Alamdar Road Quetta.  
Contact# 03482259401
12. Syed Abdul Rab,  
Al-Zia Apartments Baloch Colony,  
Stewart Road, Quetta.  
Contact# 0300-8384233
13. Mr. Samad Khan,  
Office No. 2 Jabl-e-Rehmat Plaza, Sheesha  
Gali, Near National School, Sirki Road Quetta.  
Contact# 0333-9165090
14. Haji Rasool Jan,  
New Afghan Road, Quetta.  
Contact# 0336-8052020, 0307-6111930
15. Mr. Muhammad Sadiq,  
Jeweler Market Khan Plaza,  
Abdul Sattar Road, Quetta.  
Contact# 0332-7881118
16. Mr. Siraj Uddin,  
Al Harmain Plaza Flat# 1,  
Sindhi Street, Masjid Road, Quetta.  
Contact# 0321-8001449, 0312-7001945



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

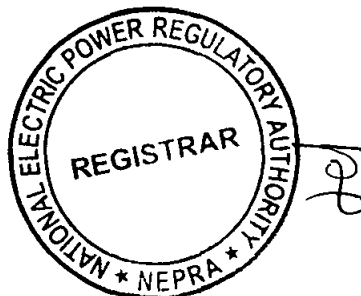
Subject: **DECISION IN THE MATTER OF COMPLAINTS FILED BY PLAZA OWNERS UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST QESCO REGARDING NON PROVISION OF ELECTRICITY CONNECTION FOR THEIR BUILDINGS**

**DECISION**

Through this decision, following complaints filed against Quetta Electric Supply Company Limited (hereinafter referred to as the "Respondent" or "QESCO"), are being disposed of under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (hereinafter referred to as the "NEPRA Act"):

- i. Complaint filed by Mr. Abdul Salam regarding provision of electricity connection for shops at Satellite Town Kalat Road Quetta bearing Complaint No. QESCO-QET-7625-09-21
- ii. Complaint filed by Mr. Samad Khan regarding provision of electricity connection for Jable-e-Rehmat Plaza Sirki Road Quetta bearing Complaint No. QESCO-QET-8848-11-21
- iii. Complaint filed by Mr. Owais Abdul Basit Kasi regarding provision of electricity connection for Arbab Plaza Sabzi Mandi Quetta bearing Complaint No. QESCO-QET-8952-11-21
- iv. Complaint filed by Mr. Muhammad Sadiq regarding provision of electricity connection for Khan Plaza Abdul Sattar Road Quetta bearing Complaint No. QESCO-QET-9208-11-21
- v. Complaint filed by Mr. Siraj Uddin regarding provision of electricity connection for Siraj Apartments Nawa Killi Bypass Road Quetta bearing Complaint No. QESCO-QET-9426-12-21
- vi. Complaint filed by Mr. Shah Muhammad regarding provision of electricity connection for Shah Muhammad Plaza Spinny Road Quetta bearing Complaint No. QESCO-QET-9541-12-21
- vii. Complaint filed by Syed Munir Ahmed regarding provision of electricity connection for Taha Apartments Airport Road Quetta bearing Complaint No. QESCO-QET-9542-12-21
- viii. Complaint filed by Mr. Khalid Zaman Khan regarding provision of electricity connection for Grand Hotel Plaza Moti Raam Road Quetta bearing Complaint No. QESCO-QET-9719-12-21
- ix. Complaint filed by Syed Abdul Rab regarding provision of electricity connection for Al-Zia Apartments Stewart Road Quetta bearing Complaint No. QESCO-QET-9965-01-22
- x. Complaint filed by Mr. Naimatullah regarding provision of electricity connection for Al Ahmed Plaza Adaalat Road Quetta bearing Complaint No. QESCO-QET-9966-01-22
- xi. Complaint filed by Haji Rasool Jan regarding provision of electricity connection for plaza at new Afghan Road Quetta bearing Complaint No. QESCO-QET-10429-01-22.

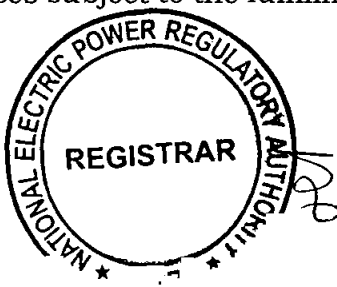
2. Brief of the case is that NEPRA received the above mentioned complaints, wherein the Complainants submitted that they had constructed plazas located in Quetta city and required electricity connection for the same. The Complainants had approached QESCO for the electrification of their plazas but their applications were not processed by QESCO officials on the plea that the buildings have been constructed beyond 30 feet height limit. The Complainants requested that QESCO may be directed to provide connection to them.



3. The matter was taken-up with QESCO. Hearings were held on November 19, 2021 and January 31, 2022 at NEPRA Regional Office, Quetta, wherein the parties (i.e. QESCO and the Complainants) participated and advanced their arguments. Site inspections were also conducted in presence of the QESCO officials and Complainants. The Complainants submitted site plans approved by the Metropolitan Corporation Quetta (MCQ) for building having 30 feet height above ground. However, the applicants had exceeded the approved limits and had constructed their plazas beyond the 30 feet limit. The site inspections also revealed that in most of the buildings multiple Sui gas connections have already been provided.

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

- i. The Complainants constructed building/plazas by exceeding 30 feet height, whereas the layout plans were approved by the MCQ for 30 feet height.
- ii. QESCO representatives submitted that they are unable to provide electricity connections to the Complainants, on the grounds that the height of the plazas, is more than 30 feet, i.e. limit approved by MCQ. On a query, representatives of QESCO informed that they cannot grant new connections in buildings beyond 30 feet height due to an order of the Balochistan High Court in CP No. 804/2020. The directions of the Honorable High Court in the said CP are as under:
  - a) No building in the Quetta City shall be allowed to be constructed without approved building plan.
  - b) No residential building shall be allowed to be converted in to commercial building.
  - c) No permission for construction of commercial building shall be granted in the residential area.
  - d) All ongoing projects in the city which are being constructed in violation of building code shall be halted till further order.
  - e) The Commissioner Quetta shall direct the Deputy Commissioner, Quetta that after obtaining details regarding conversion of residential building into commercial buildings, necessary notices shall be issued to the owners for regularization of respective building according to law.
- iii. The order of the Honorable High Court passed in CP No. 804/2020 has been reviewed whereby it has been revealed that the Honorable Court has not restricted QESCO from provision of electricity connection. The Honorable Court has further directed QESCO, WASA, SSGC and PTCL to ensure that no owner of commercially converted building shall be allowed for use of public utilities on domestic rates which are meant for residential purpose only.
- iv. During the hearing, upon query, it was apprised by QESCO representatives that various other buildings in Quetta exceeding 30 feet height are already energized.
- v. Earlier, in a likewise case i.e. Haji Sahib Khan (ZS Plaza) against QESCO; the representatives of MCQ informed that the Building by-Laws for Quetta are being amended for allowing construction of plazas beyond 30 feet height. Accordingly, NEPRA vide various decisions directed QESCO to provide electricity connection(s) to those Complainants upto ground floors including basements.
- vi. According to the Consumer Eligibility Criteria (2003), every person has right to be provided with electric power services subject to the fulfillment of the eligibility criteria.



vii. Provision of electricity is a Fundamental Right of all citizens under Article 9 and 14 of the 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 also been interpreted as a Fundamental Right by the Supreme Court of Pakistan.

5. It has been observed that Sui Southern Gas Company (SSGC) has already installed number of connections in most of the above buildings.

6. Federal Cabinet in its decision dated January 25, 2022 has approved the recommendations of a Committee submitted by Interior Division on removal of difficulties in installation of new electricity/ gas connections in Islamabad, whereby the cabinet has decided that the residents of Islamabad may be provided electricity and gas connections without discrimination as per NEPRA/OGRA regulations and Article 9 of the Constitution of Pakistan and that Civic Agency (CDA) may enforce its by-laws without linking them to the utility connections.

7. Foregoing in view, QESCO is directed to:

- i. Provide electricity connection to the premises of the complainants subject to completion of codal formalities as laid down in Chapter 2 of NEPRA CSM. According to Clause 2.3.6 of the CSM the applicant should submit the approved layout plan by the Civic Agency along with the application form for the new connection. In the instant case the complainants had submitted the site plan of buildings approved by the MCQ upto 30 feet height to QESCO. Moreover, in light of the established principles of the Honourable Lahore High Court laid down in the case of Haji Muhammad Latif vs Chief Executive GEPCO, Gujranwala and 3 others (PLJ 2012 Lahore 751 (DB) and in consideration of Articles 9 & 14 of Constitution of Pakistan Constitution of Pakistan, till the issue is decided by the concerned Civic Agency regarding height of the buildings in Quetta, QESCO is required to provide electricity connection(s) to the above Complainants upto Ground Floor including Basement(s) subject to completion of aforesaid codal formalities.
- ii. Obtain an undertaking from the Complainants before provision of connection(s) to the effect that the electricity connection(s) shall not be extended to the upper floors of the building and in case of any violation, QESCO may disconnect the electricity supply.
- iii. Verify all the documents in above eleven (11) cases i.e. ownership proof, layout plan etc., before processing of the cases for electrification.
- iv. Submit compliance report within thirty (30) days.

8. Metropolitan Cooperation Quetta (MCQ) is at liberty to take action against the above buildings including imposition of penalty, demolishing of floors beyond the permissible limit etc., as per its own rules/ regulations.

  
Engr. Maqsood Anwar Khan  
Member

  
Mr. Rafique Ahmed Shaikh  
VC/Member

Retired on March 20, 2022

  
Mr. Rehmatullah Baloch  
Member

  
Mr. Tauseef H. Farooqi  
Chairman

