



Registrar

National Electric Power Regulatory Authority
Islamic Republic of Pakistan

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No. NEPRA/DG(CAD)/TCD-08/141526-30

November 25, 2021

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

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY SYED SALAM JAN AGHA UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST QESCO REGARDING ELECTRICITY CONNECTION FOR GULSHAN MISBAH PLAZA, QUETTA
QESCO-NHQ-7305-09-21

Enclosed find herewith the Decision of Member (Consumer Affairs) 24.11.2021 (03 Pages) regarding the subject matter for necessary action and compliance within twenty (20) days, please.

Encl: As above


(Iftikhar Ali Khan)
Director

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) Mr. Muhammad Rehan, (AD -CAD),
NEPRA Regional Office, Room#1, 2nd Floor,
Rehman Plaza 7A, Opp. Nadra Office,
Model Town, Hali Road, Quetta.
- 4) Syed Salam Jan Agha,
Chiltan Housing Scheme, Phase-II,
Bangla No.39, Airport Road, Quetta.
Contact# 0300-3850071



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No. QESCO-NHQ-7305-09-21

Syed Salam Jan Agha,
Chiltan Housing Scheme, Phase-II,
Bangla No.39, Airport Road, Quetta.
Contact# 0300-3850071

..... **Complainant**

Versus

Quetta Electric Supply Company (QESCO)
Zarghoon Road Quetta.

..... **Respondent**

Date of Hearing: 19th November, 2021

On behalf of:

Complainant: Syed Salam Jan Agha, Owner Gulshan Misbah Plaza

Respondent:

1. Mr. Qamar ul Hassan, Deputy Director (Planning)
2. Mr. Abrar Ahmed Sheerazi, Deputy Director (Technical)
3. Mr. Ali Murad Khan, Assistant Manager (CS)

Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY SYED SALAM JAN AGHA UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST QESCO REGARDING ELECTRICITY CONNECTION FOR GULSHAN MISBAH PLAZA, QUETTA**

DECISION

Through this decision, the complaint filed by Syed Salam Jan Agha (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 subject complaint, wherein the Complainant submitted that they had constructed a plaza by the name of Gulshan Misbah Plaza at Airport Road, Quetta and required electricity connection for the same. The case for the electricity connection of plaza was submitted to QESCO in September, 2019 along with all the pre-requisite documents but he did not receive any written or verbal response from QESCO officials and his case is pending for almost two years. Due to

non-availability of electricity connection, the perishable goods of the departmental store at the ground level of the plaza are becoming stale and he is sustaining huge financial loss due to non-availability of electricity. The Complainant requested for provision of a dedicated transformer for their plaza similar to connections of other plazas that had been granted connection on the orders of the NEPRA.

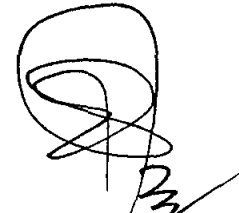
3. The matter was taken up with QESCO and a hearing was held on November 19, 2021 at NEPRA Regional Office Quetta, wherein both the parties (i.e. QESCO and the Complainant) participated and advanced their arguments. A site inspection was also conducted on November 20, 2021 in presence of the parties. The site plan was approved by Metropolitan Corporation Quetta (MCQ) for Basement, Ground Floor, First Floor and Second Floor, having 30 feet height above ground level. However during the site inspection it was revealed that the Complainant has constructed 1 more floor i.e. 3rd floor due to which the height of plaza has been extended beyond the 30 feet height limit.

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. The following has been observed:

- i. The Complainant constructed a building/plaza at Airport Road, Quetta having height exceeding 30 feet, whereas the layout plan was approved by the MCQ for 30 feet height.
- ii. QESCO representatives submitted that they had not acceded to the Complainant's request due to the fact that the height of the plaza is more than 30 feet i.e. limit as per law.
- iii. During the hearing, upon query, it was apprised by QESCO representatives that various other buildings in Quetta exceeding 30 feet height are already energized.
- iv. On a query, representatives of QESCO informed that they are unable to provide connection due to order of the Balochistan High Court in CP No. 804/2020. 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 into 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 a 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.
- v. 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.

- vi. Earlier, in a likewise case i.e. Haji Sahib Khan (ZS Plaza) Vs. QESCO, NEPRA vide decision dated January 05, 2021 directed QESCO for provision of connection on the ground floor only. The same decision was implemented by QESCO. Similarly some other cases have also been decided by NEPRA wherein QESCO has been directed to provide electricity connection(s) to the Complainants upto ground floor including basements.
 - vii. Despite the fact that the plaza's height is above 30 feet, 62 Sui Gas connections are installed in the building.
 - viii. 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.
 - ix. 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. Foregoing in view, till the issue is decided by the concerned Civic Agency regarding height of the buildings in Quetta; QESCO is directed to provide electricity connection(s) to the Complainant upto Ground Floor including Basement subject to completion of codal formalities. QESCO may obtain an undertaking from the Complainant 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. This decision is applicable in the instant case only, and the same shall not be taken as precedent in other likewise cases which shall be decided on case-to-case basis keeping in view the ground realities.
6. Compliance report be submitted within twenty (20) days.



(Rehmatullah Baloch)
Member (Consumer Affairs)

Islamabad, November 24, 2021