

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P.No.2860 of 2012

IESCO

Versus

NEPRA and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	17.02.2022	Barrister Khaliq uz Zaman Khan for IESCO in writ petitions No.2860/2012 and 2921/2016, Mr. M. Khalid Zaman, Advocate for IESCO in writ petitions No.2921/2016 and 1484/2020, M/s Nadir Altaf and Omair Saleem Malik, Advocates for the petitioners in writ petition No.34/2022, Mr. Arshid Mehmood Kiani, learned Deputy Attorney-General, Mr. Qaiser Imam Ch, Advocate along with Mr. Irfan ul Haq, Legal Adviser for NEPRA, Barrister Gohar Ali Khan for Bahria Town (Pvt.) Ltd. Mr. M. Nisar Khattak, Advocate for respondent No.4 / DHA in writ petition No.2912/2016.

Learned counsel for NEPRA submitted that efforts to amicably resolve the matter pertaining to the takeover by IESCO of electricity distribution system installed by Bahria Town have not borne any fruit as yet.

Learned counsel for IESCO submitted that if IESCO was to takeover Bahria Town's electricity distribution system (which is inefficient and needs to be upgraded), IESCO would expose itself to being penalized by NEPRA. He further submitted that IESCO can upgrade Bahria Town's electricity distribution system with funds provided by Bahria Town or Bahria Town can upgrade the system under IESCO's supervision before IESCO can take it over. He also complained that the Regulator is not taking the matter seriously and the last meeting regarding this matter took place few months ago.

Mr. Nadir Altaf, learned counsel for the petitioners in writ petition No.34/2022 complained

that the petitioners, who are electricity consumers in the housing schemes established by Bahria Town are being charged higher than the tariff notified by NEPRA, and that this fact is in NEPRA's knowledge.

Learned counsel for Bahria Town assured that Bahria Town shall not charge from the consumers a single penny more than the tariff notified by NEPRA. NEPRA shall ensure that tariff in excess of the notified tariff is not charged from the consumers by Bahria Town.

Since efforts made by NEPRA to amicably resolve the dispute between IESCO and Bahria Town regarding the takeover of the electricity distribution system have remained unsuccessful, it may consider using its statutory powers to intervene in the matter and resolve the dispute in a manner which is most favourable to the consumers.

This petition has been pending since several years. The electricity distribution license issued by NEPRA to Bahria Town is no longer valid. The jurisdiction of IESCO to provide electricity distribution facilities in the area for which a license had previously been granted to Bahria Town has been restored. In the event, the dispute is not resolved within one month, the Chairman, NEPRA as well as the Chief Executive Officer of IESCO shall tender appearance before this Court and explain as to why this matter has not been prioritized.

Relist after one month.

(MIANGUL HASSAN AURANGZEB)
JUDGE