

**PRESIDENT'S SECRETARIAT (PUBLIC)**  
**AIWAN-E-SADR, ISLAMABAD**

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**Rep. No.405/WM/2021**  
**Date of Decision: 26.01.2023**

**Quetta Electric Supply Company Vs Sanaullah & Inhabitants of Killi Faqeerabad, Quetta**

**REPRESENTATION FILED BY THE QUETTA ELECTRIC SUPPLY COMPANY AGAINST  
THE ORDER OF THE WAFAQI MOHTASIB IN COMPLAINT NO.WMS-QTA/0001684/21**

Kindly refer to your representation addressed to the President in the background mentioned below:-

2. This representation has been filed by Quetta Electric Supply Company - QESCO (the Agency) assailing the order dated 13.09.2021 of the Wafaqi Mohtasib whereby it has been held as under:-

*“The case has been examined at length and it is found that the complainant request for shifting of high voltage decayed wires from residential area to the road side or other safe side is reasonable. Therefore, the complainants have also published the said news in the newspaper and approached other forums, but no one has taken any action. The Agency’s representative failed to submit any report and by the pictorial evidence submitted by the complainant it is evident that high voltage decayed wires are passing above the residential area which is very dangerous for human life and property, moreover, it is also against the good engineering and utility practices which are mentioned in QESCO Consumer Service Manual. Therefore, it proves that the Agency is at fault and mal-administration on the part of the Agency is established.*

*As per QESCO Consumer Service Manual clause 12.2 (b) of Chapter 12 which is reproduced below:-*

- a) *The QESCO’s/ NTDC system equipment, including overhead lines. Poles/ structures/ towers underground cables. Transformers, panels, cutouts, meters, service drops etc. shall be installed and maintained in accordance with good engineering and utility practices”*

*Keeping the above facts in view, the Agency is recommended/ advised:-*

- I. *To shift the overhead high voltage decayed wires from the residential area to the road side or other safe side within one month.*
- II. *To conduct an inquiry against the delinquents for not submitting reply and for not shifting high voltage wires.*

*Compliance should be reported within 30 days from the date of receipt of these findings or reasons for not complying the same be submitted in terms of Article 11(2) of P.O. No.1 of 1983.”*

3. Sanaullah and inhabitants of Killi Faqeerabad, Quetta (the complainants) had alleged that they had applied to the Agency for shifting of 11KV high voltage feeder decayed wires passing above their houses and the distance of the wires from the houses is too close which is very dangerous and may lead to a serious accident but to no avail. They approached the learned Wafaqi Mohtasib who passed the impugned order, hence the instant representation.

4. The case has been fixed for hearing on 05.01.2023 but none of the parties attended the hearing despite notice. The representation is being decided in view of Section 15 of the Federal Ombudsmen Institutional Reforms Act, 2013 which reads as under:-

*“It shall not be necessary for the President or the Ombudsman to give personal hearing to the parties and the matter may be decided on the basis of available record and written comments filed by the Agency”.*

The law thus empowers the decision of a representation without personal hearing of the parties, on the basis of available record. It is undoubtedly a case of that nature.

5. The perusal of the impugned order dated 13.09.2021 of the Wafaqi Mohtasib shows that the Agency was recommended to (i) To shift the overhead high voltage decayed wires from the residential area to the road side or other safe side within one month and (ii) To conduct an inquiry against the delinquents for not submitting reply and for not shifting high voltage wires. In view of the allegations and the grievance of the complainant it was a just and proper order passed by the learned Wafaqi Mohtasib after affording due opportunity of hearing to the parties. No illegality is found in the impugned order. Regulation 30 of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013 provides that the Implementation Officer of the Wafaqi Mohtasib shall initiate the implementation process of the order of the learned Wafaqi Mohtasib. The complainant may approach the learned Wafaqi Mohtasib for implementation of the order in case of any defiance. The instant representation is liable to be rejected.

6. Accordingly, the Hon'able President has been pleased to order the rejection of the instant representation.

-Sd-  
(Asghar Ali)  
Director (Legal)

The Chief Executive Officer,  
Quetta Electric Supply Company – QESCO,  
**Quetta.**

Mr. Sanaullah and others,  
New Insaf Medical Store,  
Near Susta Bazar, Burma Hotel, Sariab,  
**Quetta.**

**Copy to:**

The Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Constitution Avenue, Islamabad.