

LA

BEFORE THE NIGERIAN ELECTICITY REGULATORY COMMISSION

HOLDEN AT ABUJA

CASE NO.....

**IN THE MATTER OF A PETITION AGAINST THE UNLAWFUL POWER SUPPLY ARRANGEMENT
BEING CARRIED ON BY VGC MAINTENANCE AND MANAGEMENT COMPANY LIMITED IN
VICTORIA GARDEN CITY, LAGOS-EPE EXPRESSWAY, LAGOS STATE**

BETWEEN:

PETITIONER:

**MRS. OLUFUNKE ADEKOYA, SAN
PLOT I-5, ROAD 34
VICTORIA GARDEN CITY
LAGOS-EPE EXPRESSWAY
LAGOS**

AND

RESPONDENT:

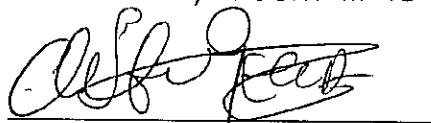
**VGC MAINTENANCE AND MANAGEMENT
COMPANY LIMITED
MAINTENANCE HOUSE
PLOT H-14, ROAD 3
VICTORIA GARDEN CITY
LAGOS-EPE EXPRESSWAY
LAGOS**

PETITION

- 1) This Petition is presented by ALEX Legal Practitioners and Arbitrators of 1, Kingsway Road, Ikoyi, Lagos upon the instructions of Mrs. Olufunke Adekoya, SAN (hereinafter referred to as 'the Petitioner').
- 2) The Petitioner is a resident of Victoria Garden City, Lagos-Epe Expressway, Lagos (hereinafter referred to as 'VGC').

- 3) The Respondent is a limited liability company that has the responsibility of managing Victoria Garden City estate.
- 4) The Petitioner received a letter dated 3rd July, 2007 from the Respondent notifying her of a new power supply arrangement for all residents of VGC.
- 5) Under the new arrangement the Respondent will buy power from the Power Holding Company of Nigeria (PHCN) at N8.50 /KwH and sell it to the residents at N12.00 /KwH.
- 6) The difference between the amount at which the Respondent buys power and the price at which it sells to the resident is purported to compensate for alleged transmission losses and energy theft.
- 7) The Respondent has commenced implementing this new power supply arrangement.
- 8) The price at which the Respondent supplied electricity to the Petitioner was, until January 2008, over and above the rate charged by PHCN for similar consumers. Copies of receipts issued to the Petitioner by the Respondent for payments for electricity are attached and marked 'Annexure 1'.
- 9) The Respondent does not have a licence to distribute or trade in electricity.
- 10) The Petitioner was not consulted and did not consent to the new power supply arrangement.
- 11) At the instructions of the Petitioner, we wrote a letter of 13th July, 2007 to the Respondent protesting the imposition of the new power supply arrangement on the Petitioner. A copy of the letter is attached to this petition and marked 'Annexure 2'.
- 12) The Respondent responded by a letter dated 16th July, 2007 wherein it admitted that it was implementing the new power supply arrangement and that it does not have the requisite licences to lawfully implement the arrangement. A copy of the letter is attached to this petition and marked 'Annexure 3'
- 13) On 30th December, 2007, at a meeting between residents of VGC and the Respondent, the Respondent announced that it would charge the residents N8.50 /KwH with effect from 1st January, 2008, which pronouncement the Respondent has begun to implement.
- 14) The Petitioner now hereby petitions the Nigerian Electricity Regulatory Commission for:

- I. A Declaration by the Commission that the power supply arrangement is contrary to the Electric Power Sector Reform Act and therefore illegal;
- II. An Order directing the Respondent to refund all excess charges illegally collected from the Petitioner under the said power supply arrangement; and
- III. Any other orders which the Commission may deem fit to make in the circumstances.



Gideon Agbedo

Petitioner's Counsel
AELEX (Legal Practitioners & Arbitrators)
7th Floor, Marble House
1 Kingsway Road
Ikoyi
Lagos

FOR SERVICE ON

The Respondent
VGC Maintenance and Management Company Ltd.
Management House
Plot H-14, Road 3
Victoria Garden City
Lagos-Epe Expressway
Lagos