



## MANUFACTURERS ASSOCIATION OF NIGERIA V. ABUJA ELECTRICITY DISTRIBUTION COMPANY PLC. AND 11 ORS.

The Manufacturers Association of Nigeria (“MAN”) challenged the Commission’s minor review by filing SUIT NO: FHC/L/CS/881/2024 - MANUFACTURERS ASSOCIATION OF NIGERIA v. ABUJA ELECTRICITY DISTRIBUTION COMPANY PLC. & 11 ORS at the Lagos Judicial Division of the Federal High Court. MAN sought for the following reliefs in the matter –

- a. A declaration that the Defendants failed to fulfil due process outlined in the *NERC Guidelines for Consumer Consultation by the Distribution Companies* before filing an application for the increase in the electricity tariff rate on 31 July 2023 with the Commission.
- b. A declaration that the 1<sup>st</sup> – 11<sup>th</sup> Defendants and the Commission did not comply with the statutory and/or regulatory requirements for both Minor and Extra-Ordinary Review of the electricity tariff before issuing the Supplementary Order of 3 April 2024 and the reviewed rate published in the Supplementary Order of 6 May 2024.
- c. A declaration that the categorisation/classification of consumers into Bands and placing the burden of increase in the electricity tariff on only Band "A" feeders amounts to discrimination against such consumers and a contravention of *section 42 of the Constitution of the Federal Republic of Nigeria 1999 (as amended)*.
- d. A Declaration that the Defendants cannot rightfully enforce and implement the April 2024 Supplementary Order and May 2024 Supplementary Order without fully complying with the administrative procedure of determination of the application for review of the rates, as submitted by the Plaintiff on 3 May 2024 and 16 May 2024 respectively.

### Grounds of Objection

The Commission objected to the suit on the grounds that MAN’s case constitutes an abuse of court processes, being hasty and prematurely filed without following due process of the law; and that MAN lacks the standing to bring a reasonable cause of action before the Court.

### Judgment

The Court considered the arguments adduced by the parties and delivered a well-considered judgment on 7 October 2024 by ruling that MAN’s suit was an abuse of court process being premature and without due regard to the provisions of section 51 of the Electricity Act 2023. The Court also held that MAN’s case disclosed no reasonable cause of action and that by having not exhausted the internal mechanism of resolution of disputes, that the suit was not instituted with due process of law and consequently struck out the case.