

ELECTRICITY COMPANY OF GHANA LTD.

ELECTRO-VOLTA HOUSE



Your Ref.....

March 2, 2023

Our Ref. MD/GR/V.2/039 Date

P. O. Box GP 521 Accra -Ghana
TEL: No. +233 (0) 302-676727-47
FAX: No. +233 (0) 302-666262
MAIL: ecgho@ecgh.com

THE COMMISSIONER GENERAL
GHANA REVENUE AUTHORITY
OFF STARLET 91 ROAD, MINISTRIES
P. O. BOX 2202
ACCRA

Dear Sir,

Mary Emeda
0299106162
03/03/23

REQUEST FOR THE HALT OF AUCTIONING OF ECG/PDS CONSIGNMENTS AND CONTAINERS AT THE PORTS

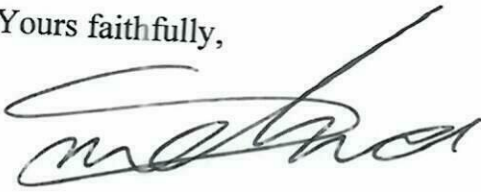
We wish to respectfully apply for an extension of time to clear various consignment of goods standing in the name of ECG and/or PDS and request for a halt on any pending auctioning of the said goods/containers.

1. As you may recall, the Electricity Company of Ghana and the Government of Ghana terminated various Transaction Agreements that were entered into with Power Distribution Services Company Limited (PDS) on 23rd October and 28th October 2019 respectively.
2. Following the termination, efforts were made to meet with PDS to discuss settlement of outstanding obligations arising as a consequence of the termination but to no avail. PDS rather gave ECG and the Government of Ghana (GoG) Notices of Disputes under the Transaction Agreements and has subsequently initiated legal action against ECG under dispute resolution provisions in the Transaction Agreements. PDS and ECG are also defending claims from third parties in respect actions taken during the pendency of the Transaction Agreements.
3. We are aware that there are some containers at the ports which have been consigned to ECG/PDS and have not been cleared, and which contents may be part of the subject matter of the claims brought against ECG. We are however not aware of whether PDS has at any time applied for an extension of time to clear the goods which are consigned to it and are currently still at the port.

4. We also recognize the right of GRA to list the consignment of goods as Undeclared Cargo/Overstayed Containers and initiate auctioning procedures after gazetting and notification to the owners. In this connection, we are reliably informed that some consigned ECG/PDS containers are being processed for auctioning by GRA Customs Division, Tema. Such an action could negatively affect ECG and GoG's successful defence to the claims made by PDS.
5. We accordingly, hereby respectfully request your intervention to formally notify the Customs Division of the GRA of this state of affairs and direct a **halt** to any planned or ongoing auctioning of the said consignments until such time that we have managed a resolution of the dispute. We wish to also advise that the Customs Division, Tema formally write to PDS and inform them of the unclearing of the consignments standing in their name and the intention of the Customs Division to auction the containers and contents thereof in accordance with their Standing Orders and request their reaction to this information.

Your kind assistance in this regard would be much appreciated.

Yours faithfully,



SAMUEL DUBIK MAHAMA
MANAGING DIRECTOR

Cc: The Chief of Staff, Jubilee House ✓
The Hon. Attorney General and Minister for Justice
The Hon. Minister for National Security
The Hon. Minister for Energy
The Hon. Minister for Finance
The Executive Director, EOCO
The Director General, GPHA
The Assistant Commissioner, GRA, Customs Division

ELECTRICITY COMPANY OF GHANA LTD.

ELECTRO-VOLTA HOUSE



Your Ref.....

19th December 2022

Our Ref. MD/GR/11/2/036 Date

P. O. Box GP 521 Accra -Ghana
TEL: No. +233 (0) 302-676727-47
FAX: No. +233 (0) 302-666262
MAIL:ecgho@ecgh.com

THE COMMISSIONER GENERAL
GHANA REVENUE AUTHORITY
OFF STARLET 91 ROAD,
MINISTRIES
P. O. BOX 2202
ACCRA



Dear Sir,

RE: AUCTIONED CONTAINERS HOUSING ELECTRICITY METERS WITH ECG AS THE CONSIGNEE

Reference our letter dated September 1, 2022, by which we escalated to the Commissioner General of the Ghana Revenue Authority (GRA), a complaint lodged with the Commissioner, Customs Division regarding a suspected wrongful auctioning of some containers at the port of Tema which have been found to contain electricity meters consigned to Electricity Company of Ghana Limited (ECG) by L & R Investment and Trading Company Limited.

We stated in the petition that the purported auctioning of the containers was not proper since no notice was given to either ECG as consignee on record contrary to the Customs Act, 2015 (Act 891) or to L & R Investment & Trading Limited, the consignor.

We wish to emphasize that the consignment of meters was contracted by ECG to be supplied by L & R Investment & Trading Limited (Supplier). The goods were shipped between July 2017 and December 2018 and have remained at the port on arrival due to contractual disputes between ECG and Supplier. The parties have largely reached settlement on the dispute and arranging to clear the consignments, but for the unfortunate revelation of the auctioning of some of the containers without due process.

Regrettably, three (3) months into the submission of our petition, ECG is yet to receive an acknowledgement of our petition or feedback regarding investigations conducted into the alleged unlawful auctioning of the containers. The situation is hampering efforts at clearing the goods in pursuance to the agreed settlement terms between the Supplier and ECG.

The underlisted five (5) Containers were identified among the number of containers auctioned following ECG's limited investigations conducted into the purported auction. It is Management's hunch that the containers alleged to have been auctioned could be more.

The five (5) containers are numbered as follows.

- | | |
|----------------|----------------|
| 1. FSCU6768269 | 2. FSCU6339412 |
| 3. FSCU6810271 | 4. FSCU6993275 |
| 5. FSCU6625289 | |

We further reiterate Management's concerns with the continued presence of these meters in the open market due to the probability of the meters illicitly entering the electricity distribution system and adding to the commercial losses of the company.

We, respectfully, repeat our request to your good office to intervene to annul the auction as being void and for investigations to be conducted into the circumstances leading to the auctioning of the containers. Your urgent action on this matter would also facilitate the implementation of the settlement terms between the Supplier and ECG to enable the Company to access the meters to serve its customers.

Please accept, Sir, assurances of our highest consideration.



SAMUEL DUBIK MAHAMA
MANAGING DIRECTOR.

Cc: The Chief of Staff, Jubilee House
The Attorney General and Minister for Justice
The Hon. Minister for National Security
The Hon. Minister for Energy
The Executive Director, EOCO
The Director General, GPHA
L & R Investment & Trading Co. Ltd.

ELECTRICITY COMPANY OF GHANA LTD.

ELECTRO-VOLTA HOUSE



Our Ref.....

Our Ref. 17/NGRA/1.2/032 Date 1st September 2022.....

P. O. Box GP 521 Accra -Ghana
TEL: No. +233 (0) 302-676727-47
FAX: No. +233 (0) 302-666262
MAIL:ecgho@ecgh.com

THE COMMISSIONER GENERAL
GHANA REVENUE AUTHORITY
OFF STARLET 91 ROAD, MINISTRIES
P. O. BOX 2202
ACCRA

Dear Sir,

RE: AUCTIONED CONTAINERS HOUSING ELECTRICITY METERS WITH ECG AS THE CONSIGNEE

We write to escalate to the Commissioner General of the Ghana Revenue Authority (GRA), a complaint lodged with the Commissioner, Customs Division regarding a suspected fraudulent auctioning of some containers at the port of Tema which have been found to contain electricity meters consigned to Electricity Company of Ghana Limited (ECG) by L & R Investment and Trading Company Limited.

The said consignment of meters was contracted by ECG to be supplied by L & R Investment & Trading Limited (Supplier). The goods were shipped between July 2017 and December 2018 and have remained at the port on arrival due to contractual dispute between ECG and Supplier. The parties have been engaging in an attempt to arrive at a negotiated settlement to enable the clearance of the goods.

ECG received notice of the alleged forfeiture and auctioning of the consignment of meters and caused limited investigations to be conducted into the purported auction. It was found that 5 (five) containers, as listed below, out of the lots of containers housing the disputed meters were among the auctioned containers.

The five (5) containers are numbered as follows.

- | | |
|----------------|----------------|
| 1. FSCU6768269 | 2. FSCU6339412 |
| 3. FSCU6810271 | 4. FSCU6993275 |
| 5. FSCU6625289 | |

It has been two weeks since the complaint was lodged without acknowledgement or response from the Customs Division. We wish to respectfully express our strong exception to this development which has brought the negotiation of the dispute between the supplier and ECG to a halt as the parties now have to work on unravelling the circumstances of the purported auction. In addition, the presence of the meters in the open market has heightened Management concerns about the meters infiltrating the electricity distribution system and aggravating the already alarming commercial losses to the company, if the meters are not located and retrieved on time.

It is our considered view that the purported auctioning of the containers was not proper since no notice was given to either ECG as consignee on record contrary to the Customs Act, 2015 (Act 891) or to L & R Investment & Trading Limited, the consignor.

We, respectfully, hereby request your good office to intervene to conduct investigations into the circumstances leading to the auctioning of the containers and the purported auction be set aside or cancelled as void.

We further request that the said meters be repossessed and released to ECG to enable the necessary tests to be conducted on the meters to establish the integrity of the meters and their suitability for subsequent use.

Please accept, Sir, assurances of our highest consideration.



SAMUEL DUBIK MAHAMA
MANAGING DIRECTOR.

CC.

The Chief of Staff, Jubilee House
The Attorney General and Minister for Justice
The Minister for National Security
The Minister for Energy
L & R Investment & Trading Co. Ltd.

ELECTRICITY COMPANY OF GHANA LTD.

ELECTRO-VOLTA HOUSE



Your Ref.....

Our Ref. *MD/GEN/V:20/140* Date 16th December 2022

P. O. Box GP 521 Accra -Ghana
TEL: No. +233 (0) 302-676727-47
FAX: No. +233 (0) 302-666262
MAIL:ecgho@ecgh.com

THE DIRECTOR GENERAL
GHANA PORTS AND HARBOURS AUTHORITY
COMM. 1, GPHA TOWERS,
TEMA MAIN HARBOUR, TEMA
P. O. BOX 150
TEMA



Dear Sir,

AUCTIONED CONTAINERS HOUSING ELECTRICITY METERS WITH ECG AS THE CONSIGNEE

We write to lodge a formal complaint to the Ghana Ports and Harbours Authority (GPHA) on the purported sale by auction of some containers at the port of Tema which have been found to contain electricity meters consigned to Electricity Company of Ghana Limited (ECG) by L & R Investment and Trading Company Limited.

The said consignment of meters was contracted by ECG to be supplied by L & R Investment & Trading Limited (Supplier). The goods were shipped between July 2017 and December 2018 and have remained at the port on arrival due to contractual disputes between ECG and Supplier. The parties have been engaging to attempt a negotiated settlement to enable the clearance of the goods.

Following a notice received from a vendor of ECG about the forfeiture and auctioning of some containers by the Customs Division of GRA, we caused investigations to be conducted and found that at least 5 (five) containers out of the lots of containers housing the disputed meters were among the auctioned containers.

The alleged auction was conducted without notice to ECG as the consignee on records or Messrs. L & R as consignor. Our further checks to confirm the gazette notification for the public auction of the containers did not produce any such public notice.

The following containers housing electricity meters have so far been found to be auctioned; It is Management's hunch that the containers alleged to have been auctioned could be more.

1. FSCU6768269
2. FSCU6339412
3. FSCU6810271

4. FSCU6993275
5. FSCU6625289

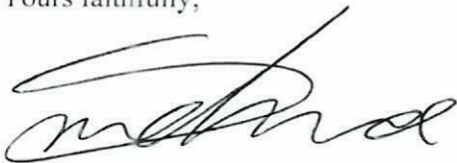
The said goods have since their arrival been in the custody of the Tema office of the Ghana Ports and Harbours Authority. It is our considered opinion that the purported auctioning of the containers was not proper since no notice was given to either ECG as consignee on record contrary to the Customs Act, 2015 (Act 891) or to L & R.

We accordingly, hereby request that you provide to ECG urgently, (i) the procedures for the release of goods for auction by the Ports and (ii) cause investigations be conducted into the circumstances leading to the release and auctioning of the containers. The Company intends to take all the necessary legal steps to annul the purported auction as void and enforce the remedies available to it for the illicit auction.

We would appreciate an expedited action on the requested information and investigations as we take steps to retrieve the meters on time to avert the possibility of the meters infiltrating the distribution system to increase the commercial losses to the Company.

We count on your usual cooperation.

Yours faithfully,



SAMUEL DUBIK MAHAMA
MANAGING DIRECTOR.

Cc: The Hon. Chief of Staff, Office of the President
The Hon. Attorney General and Minister for Justice
The Hon. Minister for National Security
The Hon. Minister for Energy
The Hon. Minister for Finance
The Executive Director, EOCO
L & R Investment & Trading Co. Ltd.

ELECTRICITY COMPANY OF GHANA LTD.

ELECTRO-VOLTA HOUSE



Your Ref.....

7TH FEBRUARY, 2023

Our Ref. MD/GEN/V.21/013

Date

P. O. Box GP 521 Accra -Ghana

TEL: No. +233 (0) 302-676727-47

FAX: No. +233 (0) 302-666262

MAIL: ecgho@ecgh.com

THE DIRECTOR GENERAL
GHANA PORTS AND HARBOURS AUTHORITY
COMM. 1, GPHA TOWERS,
TEMA MAIN HARBOUR, TEMA
P. O. BOX 150
TEMA

Dear Sir,

**RE: AUCTIONED CONTAINERS HOUSING ELECTRICITY METERS WITH
ECG AS THE CONSIGNEE**

This is to acknowledge receipt of your letter dated 1st February 2023 with ref No. DG/HQ/C3/V24/92 on the above referenced subject.

The content of the letter and your cooperation on this matter are much appreciated. Management is, accordingly engaging the Commissioner General of the Ghana Revenue Authority (GRA) on plausible avenues to recover possession and clear the said goods.

Yours faithfully,

**SAMUEL DUBIK MAHAMA
MANAGING DIRECTOR**

Cc: The Hon. Chief of Staff, Office of the President ✓
The Hon. Attorney General and Minister for Justice
The Hon. Minister for National Security
The Hon. Minister for Energy
The Hon. Minister for Finance
The Executive Director, EOCO
L & R Investment & Trading Co. Ltd.

