



**Before the Appellate Board**  
**National Electric Power Regulatory Authority**  
**(NEPRA)**  
**Islamic Republic of Pakistan**

NEPRA Office , Ata Turk Avenue (East), G5/1, Islamabad  
Tel. No. +92 051 2013200 Fax No. +92 051 2600030  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/Appeal/251/POI/2019/ 921

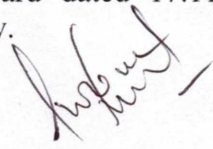
November 23, 2021

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|---|--|
| 1. Syed Azfar Abbas<br>S/o. Syed Zameer Abbas,<br>M/s. Bride & Groom Banquet,<br>Plot No. ST-18, Block-16,<br>Gulistan-e-Jauhar, Karachi  | 2. Chief Executive Officer,<br>K-Electric, KE House,<br>39-B, Sunset Boulevard,<br>DHA-II, Karachi                                   |
| 3. Asif Shajer,<br>Deputy General Manager,<br>K-Electric, KE House,<br>39-B, Sunset Boulevard,<br>DHA-II, Karachi   | 4. Ms. Tatheera Fatima,<br>Deputy General Manager,<br>K-Electric, First Floor,<br>Block F, Elander Complex,<br>Elander Road, Karachi |
| 5. Mian Ashraq Ahmed<br>Advocate High Court,<br>Mian Ashfaq Ahmed Law Associates,<br>Office: A-5, Second Floor,<br>Bait-ul-Furqan, Near Ashfaq Memorial Hospital,<br>University Road, Block-13-C,<br>Gulshan-e-Iqbal, Karachi |  |

Subject: **Decision of the Appellate Board Regarding Review Petition Filed By Syed Azfar Abbas Against the Decision of the Appellate Board Dated 28.10.2020 In The Matter Syed Azfar Abbas Vs. K-Electric**

Please find enclosed herewith the decision of the Appellate Board dated 17.11.2021, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

  
**(Ikram Shakeel)**  
**Deputy Director (M&E)**  
**Appellate Board**

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website





# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

**Review petition filed by Syed Azfar Abbas under NEPRA Review (Procedure)  
Regulations, 2009 against the decision dated 28.10.2020 of NEPRA Appellate Board  
in the Appeal No.251/POI-2019**

Syed Azfar Abbas s/o Syed Zameer Abbas, M/s. Bride and Groom Banquet,  
Plot No.ST-18, Block-16, Gulistan-e-Jauhar, Karachi ..... Petitioner

Versus

K-Electric Limited .....Respondent

For the Petitioner:

Mian Ashfaq Ahmed Advocate  
Syed Azfar Abbas

For the Respondent:

Mr. Asif Shajer General Manager  
Ms. Tatheera Fatima Deputy General Manager  
Mr. Masahib Ali Manager  
Mr. Asif Ahmed Khan Deputy Manager

## **DECISION**

1. Through this decision, the review petition filed by Syed Azfar Abbas (hereinafter referred to as the Petitioner) against the decision dated 28.10.2020 of the National Electric Power Regulatory Authority (hereinafter referred to as the NEPRA) is being disposed of.
2. Briefly speaking, the Petitioner is a hook connection consumer of the K-Electric having Ref No.HC-000039 with a sanctioned load of 16 kW. Premises of the Petitioner was inspected by the K-Electric time and again and allegedly he was found using electricity through the hook connection and the connected load was observed much higher than the sanctioned load. The assessed bills were charged by the K-Electric to the







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Petitioner which were not paid by him, hence arrears increased to the tune of Rs.9,132,233/- till April 2019.

3. Being aggrieved, the Petitioner initially filed CP No.D-6406/2018 before the Honorable High Court of Sindh, Karachi and agitated the arrears pertaining to the assessed billing. The Honorable High Court referred the matter to the Provincial Office of Inspection, Karachi Region-II, Karachi (the POI) for the determination of the matter. Consequently, the Petitioner assailed the arrears of Rs.9,132,242/- till April 2019 before the POI vide complaint dated 30.04.2019, which was disposed of by the POI vide decision dated 11.07.2019, wherein the assessed bills from December 2015 and onwards were cancelled and the K-Electric was directed to recover the outstanding arrears before the disconnection of supply i.e. December 2015. The K-Electric was further directed to provide a legal connection to the Petitioner after the completion of codal formalities.

4. Being dissatisfied with the above-mentioned decision of the POI, K-Electric filed an appeal before the NEPRA, which was registered as the appeal No.251/2019. The NEPRA Appellate Board vide decision dated 28.10.2020 (hereinafter referred to as the impugned decision) disposed of the matter with the following conclusion:

*“The dispute of billing pertains to the assessed bills charged by K-Electric to the Respondent being a hook connection consumer and due to theft of electricity, as such the POI is not competent forum to decide such assessed billing. Reliance in this regard is placed on the judgment of honorable Supreme Court of Pakistan reported in PLD 2012 SC 372.” Accordingly, the impugned decision is violative of the above cited judgment of the Honorable Supreme Court of Pakistan and liable to be set aside. In view of the above, the impugned decision is set aside.”*

5. The Petitioner filed a review petition against the impugned decision before the NEPRA on 09.12.2020, wherein he opposed the impugned decision inter alia, on the following grounds; (1) the electricity was being used through the legal hook connection No.HC000039 and bills issued by the K-Electric were paid regularly; (2) a detection bill of Rs.664,929/- was charged by the K-Electric in May 2015; (3) a settlement reached between the parties and an amount of Rs.320,535/- was paid on 22.05.2015; (4) the K-Electric illegally disconnected the electric supply of the premises despite settlement and payment of Rs.320,535/-; (5) he approached the K-Electric for revision of the bill but the







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K-Electric continued irregular billing to victimize the Petitioner mentally; (6) heavy generators were being used to supply the electricity to the premises that the arrears increased up-to Rs.9,132,242/- due to charging of illegal, unjustified bills by the K-Electric; (7) no notice for hearing was received by the NEPRA and the impugned decision was rendered without giving fair opportunity to the Petitioner; (8) the impugned decision was received along-with legal notice by the K-Electric on 12.11.2020, therefore the period of limitation starts from 12.11.2020; (9) the reply/para-wise comments to the appeal were not considered by the NEPRA Appellate Board while rendering the impugned decision; (10) the NEPRA failed to bind the K-Electric to adhere the rules for hook connection (11) the impugned decision may be recalled; and (12) the Petitioner neither received any notice nor any copy of the appeal to defend and contest his version before the Appellate Forum.

6. After issuing notice, the review petition was heard in the NEPRA Regional Office Karachi on 07.10.2021, wherein both the parties were present. At the outset of hearing, the representatives for the K-Electric objected to the maintainability of the review petition being barred by time and averred that the Petitioner filed the review petition dated 03.12.2020 against the impugned decision dated 28.10.2020 before the NEPRA, which was received on 09.12.2020. The representatives for the K-Electric prayed for the decision of the review on the limitation. On the other hand, learned counsel for the Petitioner informed that the Petitioner came to know about the impugned decision through the K-Electric legal notice dated 11.11.2020, thereafter he filed review petition before the NEPRA on 09.12.2020. Learned counsel for the Petitioner stated that a certified copy of the impugned decision was solicited through the application attached with review petition. Finally, learned counsel for the Petitioner prayed for the decision of review petition on merits.
7. Arguments heard and the record examined. At first, the preliminary objection raised by K-Electric regarding limitation needs to be addressed. It is noted that a copy of the impugned decision dated 28.10.2020 was sent to the parties vide NEPRA letter No. NEPRA/AB/ Appeal/251/POI/2019/1001-1005 dated 28.10.2020 and the review petition against the impugned decision was filed on 03.12.2020 after thirty six (36) days and received on 09.12.2020 after forty two (42) days. Obviously, the review petition is time







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barred being filed after the stated time limit of thirty (30) days as envisaged in Regulation 3(3) of the NEPRA Review Procedure (Regulation), 2003. For the sake of convenience, the relevant portion is reproduced below:

### **Regulation 3(3) of NEPRA Review Procedure Regulation, 2003**

*Provided that the period of limitation for filing review against any order, decision, or determination of NEPRA not covered under Rule 16(6) of NEPRA Tariff (Standards & Procedure) Rules, 1998 shall be 30 days from the date of communication of such order, decision or determination.*

In view of the above, the review petition of the Petitioner is time-barred and liable to be dismissed.

Moreover, it is an admitted fact that the disputed arrears belong to the assessed billing charged by the K-Electric to the Hook Connection of the Petitioner, who cannot be treated as a consumer as per the CSM. Therefore, the POI is not competent to make the determination of billing dispute under Section 38(3) of the NEPRA Act, 1997. In addition to the above, it is observed that no meter was installed at the premises of the Petitioner and he was consuming electricity from the K-Electric system. Hence, the POI is not authorized to decide the fate of such billing as per the Judgment of the Honorable Supreme Court of Pakistan reported in PLD 2012 SC 371.

8. Foregoing in view, the review petition is dismissed.

Abid Hussain  
Member/Advisor (CAD)

Maria Rafique  
Member/ Legal Advisor

Nadir Ali Khoso  
Convener/Senior Advisor (CAD)

Dated: 17.11.2021

