



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

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No. NEPRA/Appeal/254/POI/2019/ 922


November 23, 2021

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|--|--|
| 1. Anees Ahmed<br>Plot No. H-14 & 15,<br>Main Gali, Gul-e-Baloch Mohallah,<br>Yousaf Sahib Goth, Near Gulshan-e-Maymar,<br>Opposite 51-A, Scheme-33, 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. Iqbal Ahmed Qureshi<br>Advocate High Court,<br>Suite No. 4-A, First Floor,<br>Farid Chambers, Main Abdullah Haroon Road,<br>Saddar, Karachi               |  |

**Subject: Decision of the Appellate Board Regarding Review Petition Filed By Anees Ahmed Against the Decision of the Appellate Board Dated 28.10.2020 In The Matter Anees Ahmed 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 Mr. Anis Ahmed under NEPRA Review (Procedure) Regulations, 2009 against the decision dated 28.10.2020 of NEPRA Appellate Board in the Appeal No.254/POI-2019**

Anis Ahmed, Plot No.H-14 & 15, Main Gul-e-Baloch Mohallah,  
Yousaf Sahib Goth near Gulshan-e-Maymar,  
Opposite 51-A, Scheme-33, Karachi

..... Petitioner

Versus

K-Electric Limited

.....Respondent

**For the Petitioner:**

Mr. Iqbal Qureshi Advocate  
Mr. Anis Ahmed

**For the Respondent:**

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

## **DECISION**

1. Through this decision, the review petition filed by Mr. Anis Ahmed (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 premises of the Petitioner was inspected by the K-Electric in June 2015, and allegedly he was found using electricity through a hook connection. Hence, the assessed bills of Rs.18,500/- for the period June 2015 to November 2018 were charged







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by the K-Electric to the Petitioner, which were not paid by him, hence the arrears increased to the tune of Rs.740,000/- till November 2018. The Petitioner initially filed a complaint before the NEPRA and agitated the arrears pertaining to the assessed billing. The NEPRA referred the matter to the Provincial Office of Inspection, Karachi Region-II, Karachi (hereinafter referred to as the POI) on 13.12.2018. The POI visited the premises of the Petitioner in presence of both the parties on 03.07.2019, wherein (i) one generator of 15 kVA was found installed in the premises for the use of electricity, (ii) connected load of the premises was noticed as 12.036 kW and (iii) No evidence of hook connection witnessed in the premises. The complaint of the Petitioner was disposed of by the POI vide its decision dated 29.07.2019, wherein the assessed bills total amounting to Rs.740,000/- till November 2018 were declared as null and void. The K-Electric was directed for adjustment of the excessive amount recovered from the Petitioner at the time of providing a legal connection after completion of codal formalities.

3. Being dissatisfied with the above-mentioned decision of the POI, the K-Electric filed an appeal before the NEPRA, which was registered as the appeal No.254/2019. 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.”*







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4. The Petitioner filed a review petition before the NEPRA on 19.11.2020 wherein, the Petitioner opposed the impugned decision inter alia, on the following grounds; (1) the reply/para-wise comments to the appeal was not considered by the NEPRA Appellate Board while rendering the impugned decision; (2) the K-Electric offered me hook connection for which I paid an amount of Rs.18,000/- in June 2015 but hook connection was not provided by the K-Electric and no assessed bills were charged by the K-Electric; (3) since then he used 15 kVA self-generator after grant of permission by the POI on 10.06.2015; (4) the electricity duties were paid by him from time to time for the use of self-generator; (5) he applied for new connection but the K-Electric issued an arrear bill of Rs.721,000/- till November 2018 for use of hook connection; (6) no bill was previously charged by the K-Electric on account of dishonest abstraction of electricity and the NEPRA has relied on insufficient citation in this case as the said citation speaks about the cases of detection bills, theft of energy and tampering issues.
5. After issuing notice, the review petition was heard in the NEPRA Regional Office Karachi on 07.10.2021, wherein both the parties were present. Learned counsel for the Petitioner repeated the same contentions as given in the review petition regarding the theft of electricity and stated that he is not liable to pay any arrears as the K-Electric did not provide hook connection to the premises. Learned counsel for the Petitioner submitted that the arrears of Rs.740,000/- till December 2018 were neither charged based on theft of electricity nor account of any site inspection carried out by the K-Electric. Learned counsel for the Petitioner averred that self-generator was being used for electricity since June 2015, hence there is no justification to recover any arrears on account of baseless allegation of use of hook connection. Learned counsel for the Petitioner finally prayed for setting aside







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the above-said arrears. On the contrary, the representatives of the K-Electric rebutted the version of the Petitioner and prayed that the impugned decision is correct, based on merits and the same is liable to be maintained.

6. Arguments heard and record examined and our observations are as under:

- i. With regard to the preliminary objection of the Petitioner regarding non-consideration of reply/para-wise comments to the appeal, it is noticed that the said document was submitted by the Petitioner without any signature. Therefore, reply/para-wise comments cannot be treated as a valid document of the Petitioner without any signature. The objection of the Petitioner in this regard is therefore overruled.
- ii. The Petitioner challenged before the POI the arrears of Rs.740,000/- till November 2018 charged by the K-Electric due to use of hook connection. Since the POI is the competent forum to adjudicate the matters related to the billing charged through the metering equipment but above said arrears does not belong to the bills charged by the K-Electric to the Petitioner through a meter. Even otherwise, the Petitioner does not fulfill the criteria of a registered consumer as the connection was not provided by K-Electric as per the standard operating procedure laid down in the Consumer Service Manual (CSM). Moreover, no electricity meter was installed at the premises to register the actual consumption of electricity as admitted by the Petitioner, hence the Petitioner cannot be treated as "Consumer" as defined in NEPRA Act 1997. Therefore, the dispute of billing between the Petitioner and the K-Electric in the absence of metering equipment cannot be adjudicated by the POI as per judgment of Honorable Supreme Court of Pakistan reported in PLD 2012





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SC 372.

- iii. In terms of Regulation 3 (2) of NEPRA (Review Procedure) Regulations, 2009, the motion seeking review of any order of the Authority is competent only upon discovery of new and important matter of evidence or on account of some mistake or error apparent on the face of the record. The perusal of the decision dated 28.10.2020 sought to be reviewed clearly indicates that all material facts and representations made were examined in detail and there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law has been pleaded out. Therefore, the review motion is not based on merit and the same is liable to be rejected.

7. In view of the above discussion, 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

