



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

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No. NEPRA/AB/Appcal/109/POI/2020/ 3/3

March 29, 2022

- | | |
|---|--|
| 1. Muhammad Shakir,
S/o. Abdul Rasheed,
Plot No. 323, Shop No. 03,
Usmania Colony, Nazimabad,
Karachi | 2. Chief Executive Officer,
K-Electric, KE House,
39-B, Sunset Boulevard,
DHA-II, Karachi |
| 3. Asif Shajer,
Deputy General Manager,
K-Electric, KE House,
39-B, Sunset Boulevard,
DHA-II, Karachi | 4. Ms. Tatheera Fatima,
Deputy General Manager,
K-Electric, First Floor,
Block F, Elander Complex,
Elander Road, Karachi |
| 5. Electric Inspector/POI
Karachi Region-II, Government of Sindh,
Plot No. ST-2, Block-N, North Nazimabad,
Near Sarina Mobile Market,
Main Sakhi Hasan Chowrangi, Karachi | |

Subject: **Appeal Titled K-Electric Vs. Muhammad Shakir the Decision Dated 21.09.2020 of the Provincial Office of Inspection to Government of the Sindh Karachi Region-II, Karachi**

Please find enclosed herewith the decision of the Appellate Board dated 15.03.2022, 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. Additional Director (IT) --for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No.109/POI-2020

K-Electric Limited

.....Appellant

Versus

Muhammad Shakir S/o Abdul Rasheed, Plot No.323,
Shop No.03, Usmania Colony, Nazimabad, Karachi

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 21.09.2020 PASSED BY THE PROVINCIAL OFFICE OF INSPECTION KARACHI REGION-II, KARACHI

For the Appellant:

Mr. Asif Shajer General Manager
Mr. Najamuddin Sheikh Deputy General Manager
Mr. Masahib Ali Manager

For the Respondent:

Nemo

DECISION

1. Brief facts of the case are that the Respondent is a commercial consumer of the K-Electric bearing Ref No.LB-100022 having a sanctioned load of 3 kW under the A-2C tariff. The Respondent filed a complaint dated 09.12.2013 before the Provincial Office of Inspection, Karachi Region-II, Karachi (the "POI") and agitated the arrears amounting to Rs.37,741/- till October 2013. The complaint of the Respondent was disposed of by the POI vide decision dated 21.09.2021, wherein the K-Electric was directed to revise the average/detection bills charged during the last three years as per the Limitation Act, 1908 and to be based on corresponding



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consumption of the previous year. The POI further directed K-Electric for recovery of the balance amount of the arrears in installments from the Respondent.

2. Through the instant appeal, K-Electric has assailed the above-referred decision of the POI (hereinafter referred to as the “impugned decision”) before the NEPRA in which it is contended that the Respondent disputed the arrears of Rs.37,741/- till October 2013 before the POI in December 2013, however, the arrears increased to the tune of Rs.129,259/- till 16.07.2020 due to default in making payment of monthly bills by the Respondent. K-Electric further contended that the POI cancelled the undisputed monthly bills up to June 2020 and did not mention the period for which assessed/average billing to be revised for three years. As per K-Electric, the impugned decision for the arrears of Rs.129,259/- till 16.07.2020 is questionable and the same be set aside. According to the K-Electric, the Respondent made payment of only twenty bills (20) against the eighty-five (85) bills raised for the period September 2013 to September 2020 and the last payment was made by him on 30.03.2017. K-Electric submitted that the POI exercised powers beyond the limits and violated Clause 15.1.1 of the Consumer Service Manual (CSM) by deciding the undisputed bills. K-Electric further submitted that the impugned decision does not contain any reasoning and is contrary to the law.
3. The Respondent was issued the notice for filing reply/para-wise comments to the appeal, which were not filed.
4. After issuing notice, hearing of the appeal was held at the NEPRA Regional Office Karachi on 04.03.2022, wherein the representatives for the K-Electric were present



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but no one attended on behalf of the Respondent. The representatives for the K-Electric reiterated the same arguments as contained in memo of the appeal and argued that the Respondent challenged the arrears of Rs.37,741/- till October 2013 before the POI but the said forum decided the fate of billing till June 2020, which is beyond the prayer of the Respondent. The representatives for K-Electric agreed to waive off the disputed arrears of Rs.37,741/- till October 2013 and prayed for modification of the impugned decision accordingly.

5. Arguments were heard and the record placed before us was pursued. It is observed that the Respondent disputed the arrears of Rs.37,741/- till October 2013 before the POI vide an application dated 09.12.2013. However, the POI decided the fate of arrears of Rs.129,259/- till July 2020 without any cogent reason, which is incorrect and beyond the prayer of the Respondent. Hence we hold that the impugned decision is contrary to the facts of the case and unjustified. However, the K-Electric should withdraw the disputed arrears of Rs.37,741/- till October 2013 as agreed during the hearing and overhaul the billing account of the Respondent accordingly.
6. The appeal is disposed of in the above terms.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 15.03.2022

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