



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

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No. NEPRA/AB/Appeal/072/ & 089/2021/295

November 18, 2022

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| 1. M/s. Burraque Flour Mills,
Through its Director,
Muhammad Iqbal Khan,
Plot No. E-146, Phase-II,
Site Super Highway, 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 |

Subject: **Decision of the Appellate Board Regarding Review Petition Filed By M/s. Burraque Flour Mills Against the Decision of the Appellate Board Dated 17.03.2022 In The Matter Titled "K-Electric Vs. M/s Burraque Flour Mills & M/s. Burraque Flour Mills Vs. K-Electric"**

Please find enclosed herewith the decision of the Appellate Board dated 12.11.2022, 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 The Appellate Board

In the matter of

**REVIEW PETITION FILED BY M/S. BURRAQUE FLOUR MILLS UNDER
THE NEPRA (REVIEW PROCEDURE) REGULATIONS, 2009 AGAINST
THE DECISION DATED 17.03.2022 OF NEPRA IN THE CROSS-APPEALS
BEARING NO.072/POI-2021 & 089/POI-2021**

M/s. Burraque Flour Mills, Through its Director
Muhammad Iqbal Khan, Plot No.E-146, Phase-II,
Site Super Highway, Karachi

.....Petitioner

Versus

K-Electric Limited

.....Respondent

For the Petitioner:

Mr. Arsalan Mazhar Manager
Mr. Haq Nawaz Khan Representative

For Respondent:

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

DECISION

1. Through this decision, the review petition filed by M/s. Burraque Flour Mills (hereinafter referred to as the "Petitioner") against the decision dated 17.03.2022 of the National Electric Power Regulatory Authority (hereinafter referred to as the "NEPRA") is being disposed of.
2. As per the facts of the case, the Petitioner is an industrial consumer of the K-Electric

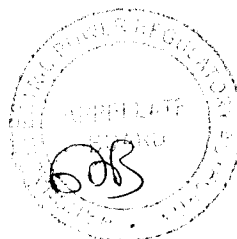




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(hereinafter referred to as the “Respondent”) bearing Ref No.BL-005871 with sanctioned load of 425 kW and the applicable Tariff category is B-2b. As per the claim of the Respondent, the billing meter of the Petitioner was checked on 23.11.2020 and reportedly, its yellow phase was found dead due to the defective Current Transformer (CT) and the connected load was observed as 400 kW, therefore the defective CT of the yellow phase of the billing meter of the Petitioner was replaced with a new CT by the Respondent on 25.11.2020. Thereafter, notice dated 02.12.2020 was issued to the Petitioner, and a detection bill of Rs.3,409,022/- for 181,528 units for six (6) months for the period June 2020 to November 2020 was charged to the Petitioner by the Respondent on 16.12.2020 due to 32.87% slowness of the meter.

3. Being aggrieved, the Petitioner filed a complaint dated 31.12.2020 before the Provincial Office of Inspection, Karachi Region-II, Karachi (hereinafter referred to as the “POI”) and challenged the above-said detection bill. The matter was decided by the POI vide its decision dated 14.04.2021, wherein the detection bill of Rs.3,409,022/- for 181,528 units for six (6) months for the period June 2020 to November 2020 was cancelled and the Respondent was allowed to recover total 60,510 units for two (2) months only.
4. Being dissatisfied with the abovementioned decision dated 14.04.2021 of the POI, both parties filed cross-appeals i.e. Appeal No.072/POI-2021 (K-Electric Vs. M/s. Burraque Flour Mills & Appeal No.089/POI-2021 M/s. Burraque Flour Mills Vs. K-Electric] before the NEPRA. As the facts and subject matter of the appeals were the





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same, both have been clubbed and disposed of by the NEPRA Appellate Board through a single/consolidated decision dated 17.03.2022. The operative portion of which is reproduced below:

“Summing up the foregoing discussion, we hold that:

- i. The detection bill of Rs.3,409,022/- for 181,528 units for the period June 2020 to November 2020 six (6) months charged by the K-Electric to the Consumer on account of 32.87% slowness of the billing meter is illegal, unjustified, and inconsistent with Clause 4.4 of the CSM and same along with late payment surcharges is cancelled.*
- ii. The Consumer is liable to be charged the detection bill for (92,369 off-peak + 1,709 peak) for the period September 2020 to November 2020.*
- iii. The billing account of the Consumer may be revised after making the adjustment of payment made against the above detection bill. In view of the above, both the appeals are disposed of.”*

5. The Petitioner filed a review petition before the NEPRA against the above-referred decision dated 17.03.2022 of the Appellate Board (hereinafter referred to as the “impugned decision”) under Sub-Regulation 3 of Regulation 3 of the NEPRA (Review Procedure) Regulations, 2009.

6. Hearing

6.1 Hearing in the subject review petition was initially scheduled for 04.07.2022 at NEPRA Regional Office Karachi for which notices dated 28.06.2022 were issued to both parties (the Petitioner and the Respondent). On the said date of the hearing, the representatives of the Petitioner and the Respondent were present. The representative for the Petitioner informed that the counsel engaged in the instant case is busy before the other court and he could not attend the hearing. He requested for the adjournment





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of the hearing, which was allowed with the direction to the representative for the Petitioner to ensure the presence of the counsel in the next hearing.

6.2 Hearing in the subject review petition was again fixed for 28.10.2022 at Karachi for which notices dated 21.10.2022 were issued to the Appellant and the Respondent. Hearing of the Review Petition was conducted at NEPRA Regional Office Karachi on 28.10.2022 in which both parties were in attendance. During the hearing, the representatives for the Petitioner stated that an appeal has already been filed by the Petitioner before the NEPRA Appellate Tribunal in parallel against the impugned decision under Section 12-G of the NEPRA Act, which is pending adjudication before the said Tribunal, therefore, he does not want to press this review petition at NEPRA's forum and prayed for withdrawal of the same.

7. Acceding to the request of the Petitioner, the review petition is disposed of as withdrawn.

Syed Zawar Haider
Member

Abid Hussain
Convener

Muhammad Irfan-ul-Haq
Member

Dated: 12/11/2022

