



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

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No. NEPRA/Appeal/250/POI/2019/ *443*

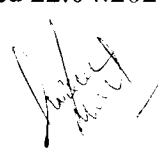
April 22, 2022

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|---|--|
| 1. Mst. Farzana,
House No. H-470, Sadat Colony,
Drig Road, Shah Faisal Colony,
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 Mst. Farzana Vs. K-Electric & K-Electric Vs. Mst. Farzana Against the Decision of the Appellate Board Dated 19.10.2020 In The Matter K-Electric Vs. Mst. Farzana**

Please find enclosed herewith the decision of the Appellate Board dated 22.04.2022, 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

Review petition dated 05.11.2020 filed by Mst. Farzana under NEPRA Review (Procedure) Regulations, 2009 against the decision dated 19.10.2020 of NEPRA Appellate Board in the Appeal No.250/POI-2019

Mst. Farzana, House No.H-470, Sadaat Colony, Drig Road,
Shah Faisal Colony, Karachi

..... Petitioner

Versus

K-Electric Limited

.....Respondent

Review petition dated 10.11.2020 filed by K-Electric Limited under NEPRA Review (Procedure) Regulations, 2009 against the decision dated 19.10.2020 of NEPRA Appellate Board in the Appeal No.250/POI-2019

K-Electric Limited

..... Petitioner

Versus

Mst. Farzana, House No.H-470, Sadaat Colony, Drig Road,
Shah Faisal Colony, Karachi

.....Respondent

For K-Electric:

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

For the Consumer:

Nemo

DECISION

1. Briefly speaking, Mst. Farzana (hereinafter referred to as 'the Consumer') is a domestic consumer of the K-Electric having Ref No. AL-421709 with a sanctioned



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load of 1 kW and the applicable tariff category is A-1R. The Consumer filed the following applications before the K-Electric for withdrawal of arrears on the plea that the premises is vacant for a long period and no gas, electricity, and water connections were installed on the premises.

Application dated	Addressed	Disputed amount (Rs.)
20.02.2015	IBC Malir Shah Faisal K-Electric	1,300,000/-
05.11.2015	General Manager K-Electric	1,200,000/-
10.03.2016	General Manager K-Electric	-
02.06.2016	Shah Faisal Zone K-Electric	-
23.10.2016	General Manager K-Electric	-

Later on, the Consumer approached the Wafaqi Mohtasib against the arrears of Rs.1,304,124/- accumulated till October 2017, which was forwarded to the NEPRA by the Federal Ombudsman for the adjudication. NEPRA vide letter dated 30.01.2018 referred the matter to the Provincial Office of Inspection, Karachi Region-I, Karachi (hereinafter referred to as 'the POI') for the decision. Accordingly, the Consumer filed an application before the POI on 07.02.2018 against the arrears of Rs.1,304,124/- till October 2017, which was disposed of by the POI vide decision dated 05.07.2019, the operative portion of which is reproduced below:

"After conducting several numbers of hearings, giving fair opportunities to hear both the parties, scrutinizing the record, made available with this office and in the light of above findings, the undersigned is of the firm view that opponents have charged the baseless arrears without requirements of Electricity Act 1910 and guidelines communicated through Consumer Service Manual (CSM) of NEPRA. Therefore direct the opponents to cancel all alleged dues till to date as no electricity connection exists on the premises for long. It is also directed to install a new electricity meter after completing all the codal formalities as required under the provisions of law. The complaint is disposed of in terms of above for compliance by the opponents."



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2. Being dissatisfied, K-Electric filed Appeal No.250/POI-2019 before the NEPRA and assailed the above-referred decision of the POI, which was decided by the NEPRA Appellate Board vide decision dated 19.10.2020 (hereinafter referred to as 'the impugned decision') with the following conclusion:

"In view of the above, it is concluded as under:

- i. The complaint of the respondent with regard to the bills for the period July 2000 to February 2012 is barred by time, hence should not be entertained to this extent.*
- ii. The bills for the period March 2012 and onwards till October 2020 charged by K-Electric to the respondent are unjustified and should be withdrawn.*
- iii. K-Electric is further directed to revise the billing account of the respondent in accordance with paras 6(i) and (ii) above. The impugned decision is modified in the above terms."*

3. Being aggrieved with the impugned decision, both the parties filed review petitions. As the facts and subject matter of the review petitions are same, both have been clubbed and being disposed of through a single/consolidated decision.

4. In its review petition, the Consumer contended that in the year 2003, the K-Electric conducted joint survey of the premises and confirmed that there is no electricity/ connection and the premises is closed since long. The Consumer further contended that the K-Electric prepared the revised bill of Rs.628,000/- as per the impugned decision and forced her to come to their settlement. The Consumer prayed that the impugned decision be reviewed in the best interest of justice. On the contrary, the K-Electric in its review petition challenged the impugned decision to the extent of cancellation of the billing for the period March 2012 to October 2020 and submitted that the Consumer disputed the billing before the POI till 07.02.2018, hence the relief was granted by the NEPRA beyond the prayer of the Consumer by deciding



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the undisputed bills. The K-Electric finally prayed that the review petition be allowed and the impugned decision be set aside.

5. After issuing notice, the hearing of both the review petitions was conducted at the NEPRA Regional Office Karachi on 11.04.2022, wherein the K-Electric officials were present but no one appeared for the Consumer. The representatives for the K-Electric repeated the same contentions as given in the review petition and stated that the Consumer filed a complaint before the POI in February 2018, whereas the NEPRA vide impugned decision cancelled the bills till October 2020, which is beyond the pleadings of the Consumer. The representatives for the K-Electric prayed for modification of the impugned decision to the extent of cancellation of the bills for the period March 2012 to October 2020.
6. Arguments were heard and the record was examined. Our observations are as under:
 - i. Despite repeated notices, the Consumer did not appear before us to plead the case, hence the review petition of the Consumer is dismissed due to non-prosecution.
 - ii. In the review petition, the K-Electric opposed the impugned decision to the extent of cancellation of bills for the period March 2012 to October 2020 and prayed that the application of the Consumer was filed before the POI in February 2018, hence the impugned decision for the billing of the Consumer be limited till February 2018.
 - iii. To ascertain the version of the K-Electric, the complaint dated 06.02.2018 of the Consumer filed before the POI was examined, which reveals that the



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Consumer disputed the arrears of Rs.1,304,124/- till October 2017 before the POI. We are convinced with the contention of the K-Electric that the impugned decision to the extent of cancellation of the bills for the period March 2012 to October 2020 is incorrect being beyond the prayer of the Consumer and the same is liable to be withdrawn.

- iv. Since the consumer agitated the billing dispute before the POI till October 2017, the K-Electric is directed to cancel the bills for the period March 2012 to October 2017.
5. In view of the above discussion, we conclude that the impugned decision for cancellation of the bills for the period March 2012 to October 2020 is unjustified and the same is withdrawn to this extent. However, the K-Electric should cancel the bills for the period March 2012 to October 2017 and the billing account of the Consumer be revised accordingly.
6. The impugned decision is modified in the above terms.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 22.04.2022