



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

NEPRA Office , Ataturk 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/115/2022/ 10/10

December 03, 2024

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|--|---|
| 1. Muhammad Idrees,<br>S/o. Abdul Salam,<br>Plot No. 16C, Malik Anwar Sector 16/B,<br>North Karachi, Karachi<br>Cell No. 0321-244790                               | 2. Chief Executive Officer,<br>K-Electric Ltd,<br>KE House, 39-B, Sunset Boulevard,<br>DHA-II, Karachi  |
| 3. Aamir Shahzad Malik,<br>General Manager (Distribution Legal),<br>39-B, Sunset Boulevard, DHA-II,<br>Karachi   | 4. Asif Shajer,<br>Deputy General Manager,<br>K-Electric Ltd, KE House,<br>39-B, Sunset Boulevard, DHA-II,<br>Karachi   |
| 5. Tatheera Fatima,<br>Deputy General Manager,<br>Distribution Legal, K-Electric Ltd,<br>1 <sup>st</sup> Floor, Block F, Elander Complex,<br>Elander Road, Karachi | 6. POI/Electric Inspector,<br>Karachi Region-II, Government of Sindh,<br>Plot No. ST-2, Block-N, North Nazimabad,<br>Near Sarina Mobile Market,<br>Main Sakhi Hasan Chowrangi,<br>Karachi |

Subject: **Decision of the Appellate Board Regarding Review Petition Filed by K-Electric Against the Decision Dated 14.09.2023 of the Appellate Board in the Matter Titled "K-Electric Vs. Muhammad Idrees"**

Please find enclosed herewith the decision of the Appellate Board dated 03.12.2024 (03 pages), regarding the subject matter, for information and necessary action, accordingly.

Encl: **As Above**

  
(Ikram Shakeel)  
Deputy Director  
Appellate Board

Forwarded for information please.

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



# National Electric Power Regulatory Authority

## Before The Appellate Board

In the matter of

**REVIEW PETITION FILED BY K-ELECTRIC UNDER THE NEPRA REVIEW  
(PROCEDURE) REGULATIONS, 2009 AGAINST THE DECISION DATED 14.09.2023  
OF NEPRA IN THE APPEAL NO.115/POI-2022**

K-Electric Limited

Versus

.....Petitioner

Muhammad Idrees S/o. Abdul Salam,  
Plot No.16-C, Malik Anwar Sector 16/B,  
North Karachi, Karachi

.....Respondent

For the Petitioner:

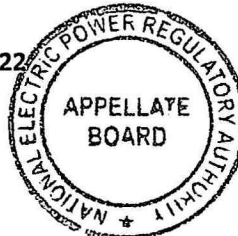
Mr. Asif Shajer General Manager  
Ms. Tatheera Fatima Deputy General Manager  
Mr. Muhammad Salman Deputy General Manager  
Mr. Muhammad Irshad Manager

For the Respondent:

Nemo

## **DECISION**

1. Through this decision, the review petition filed by K-Electric Limited (hereinafter referred to as the "Petitioner") against the decision dated 14.09.2023 of the National Electric Power Regulatory Authority (hereinafter referred to as the "NEPRA") in Appeal No.115/POI-2022 titled "K-Electric Vs. Muhammad Idrees" is being disposed of.
2. Brief facts of the case are that Muhammad Idrees (hereinafter referred to as the "Respondent") was initially allotted Hook Connection bearing No. 133293 by the Petitioner and the assessed bills were for the period from September 2016 to October 2021. The Respondent defaulted in making payments of the above-said bills, therefore the arrears increased to the tune of Rs.5,653,350/- till October 2021. Subsequently, the Petitioner sanctioned the industrial connection on the premises of the Respondent having Ref No.AP-093143 with a connected load of 18 kW and transferred the disputed arrears of Rs. 5,653,350/- of hook connection pertaining to the period from September 2016 to October 2021 to the billing account of the industrial connection of the Respondent.
3. Being aggrieved with the above actions of the Petitioner, the Respondent initially filed a



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complaint before the Provincial Office of Inspection, Karachi Region-II, Karachi (the "POI") on 30.11.2021 and challenged the arrears of Rs.5,653,350/- till October 2021. The complaint of the Respondent was disposed of by the POI vide decision dated 25.08.2022, wherein the arrears of Rs.5,653,350/- pertaining to the period from September 2016 to October 2021 were cancelled and the Petitioner was directed to charge the revised bills @ Rs.20,000/-per month for the period from September 2016 to October 2021 against which the Petitioner filed Appeal No.115/POI-2022 before the NEPRA u/s 38(3) of the NEPRA Act. NEPRA Appellate Board vide decision dated 14.09.2023 disposed of the appeal with the following conclusion:

*"6.5 In view of the above, the Appellants are under obligation to withdraw the arrears of hook connection amounting to Rs.5,653,810/- from the billing account of the industrial connection of the Respondent. The Appellants are further restrained from the disconnection of electricity of the industrial connection of the premises due to non-payment of disputed arrears.*

*6.6 As regards, the impugned decision for revision of the bills @ Rs.20,000/-per month for the period from September 2016 to October 2021 is concerned, the POI has no jurisdiction to decide the fate of billing debited to the Respondent against hook connection. Reliance is placed on the judgment of the honorable Supreme Court of Pakistan reported as PLD 2012 SC 371. Hence, the impugned decision is withdrawn to this extent.*

*6.7 However, the Appellant may approach the appropriate forum for recovery of disputed arrears of Rs.5,653,810/- pertaining to the direct theft of electricity.*

*7. The appeal is disposed of in the above terms."*

4. The Petitioner filed a review petition before the NEPRA 17.10.2023, wherein the impugned decision has been opposed, *inter alia*, mainly on the main grounds; (1) the finding of the Authority with regard to the nonadherence with Clause 9.1(a) of the CSM-2010 is not sustainable as the Respondent was using direct electricity for which assessed bills were issued to him and he made partial payments against the said bills, hence the question of non-registration of FIR does not arise; (2) the arrear of Rs.5,653,810/- pertaining to the hook connection were shifted on the industrial connection after submission of undertaking by the Respondent; (3) the impugned decision for withdrawal of above said arrear from the industrial connection is not correct as the POI, as well as the Respondent, admitted the above-said arrears; (4) the review petition be accepted and the impugned decision be set aside.
5. Hearing in the matter of the subject review petition was scheduled for 07.10.2024 at NEPRA Regional Office Karachi for which notices dated 30.09.2024 were issued to both parties (the



## National Electric Power Regulatory Authority


Petitioner and Respondent). On the date of the hearing, the representatives of the Petitioner were present, whereas no one appeared on behalf of the Respondent. The representatives for the Petitioner repeated the same contention as contained in the memo of the review petition and prayed for setting the impugned decision. The representatives for the Petitioner further pleaded to allow the recovery of arrears of Rs.5,653,810/- from the industrial connection with the stance that the Respondent was debited the assessed bills due to direct theft of electricity and subsequently got the industrial connection by submitting the undertaking.


6. Arguments were heard and the record was examined. Following are our observations:


6.1 While addressing the objection of the Petitioner against the cancellation of the impugned arrears of Rs.5,653,810, it is clarified that the dispute of the above said arrears was duly considered and the impugne decision was rendered after correct perusal of the record, and the Petitioner was directed to withdraw the above-said arrears of the hook connection from the industrial connection of the Respondent. The Petitioner was further directed to approach the appropriate forum for recovery of impugned arrears of Rs.5,653,810/-. Hence the objection of the Petitioner against the impugned decision has no force and the same is rejected.

6.2 In terms of Regulation 3 (2) of NEPRA (Review Procedure) Regulations, 2009, a motion seeking review of any order of the Authority is competent only upon discovery of a mistake or error apparent on the face of the record or a new and important matter of evidence. In the instant review motion, no mistake or error apparent on the face of the record has been highlighted by the Petitioner. Further, the Petitioner has not come up with any new and important matter of evidence which was not considered by the Appellate Board while making its decision dated 14.09.2023. Therefore, there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law.

2. In view of the above, the instant review motion of the Petitioner is dismissed being devoid of merits, and the decision dated 14.09.2023 of the Appellate Board is upheld.

  
Abid Hussain  
Member/Advisor (CAD)

  
Naweed Illahi Sheikh  
Convener/DG (CAD)

  
Muhammad Irfan-ul-Haq  
Member/ALA (Lic.)

Dated: 03-12-2024

