



National Electric Power Regulatory Authority

ISLAMIC REPUBLIC OF PAKISTAN

NEPRA Head Office

Attaturk Avenue (East) Sector G-5/1, Islamabad.

Ph:051-2013200, Fax: 051-2600021

**Consumer Affairs
Department**

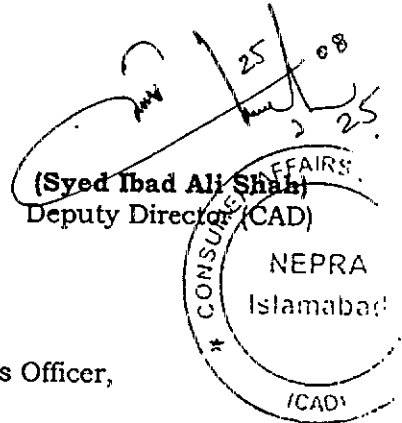
TCD.09/3514-2025
August 25, 2025

Chief Executive Officer,
K-Electric Limited, KE House No 39-B,
Sunset Boulevard Phase-II, Defence Housing Authority,
Karachi.

Subject: **DECISION IN THE MATTER OF REVIEW MOTION FILED BY K-ELECTRIC AGAINST THE DECISION OF NEPRA REGARDING COMPLAINT FILED BY MR. MUHAMMAD ALI RASHID UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED (KEL) REGARDING FIXED CHARGES (A/C# BH# 0400025137076).**
KElectric-KHI-17053-10-22

Please find enclosed herewith the decision of the NEPRA Complaints Resolution Committee (CRC) dated August 25, 2025, regarding the subject matter for necessary action.

Encl: As above



Copy to:-

1. Mr. M. Imran Hussain Qureshi
Chief Regulatory Affairs Officer & Government Relations Officer,
K-Electric Limited Office, 56 A, Street No. 88, G-6/3,
Islamabad.
2. Mr. Abid Hussain, Advisor,
Provincial Office Consumer Affairs,
Office # 101, 1st Floor, Balad Trade Centre,
Aalamgir Road, B.M.C.H.S., Bahadurabad, Karachi.
3. Mr. Muhammad Ali Rashid,
Partner - Crafters Paper Industries, Plot No. 4-C,
Bukhari Commercial Lane No. 07, Phase No. 06,
DHA, Karachi. Cell # 0321-2433042



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)
REVIEW MOTION FILED BY K-ELECTRIC IN
COMPLAINT NO. KElectric-KHI-17053-10-22

K-Electric Limited (KE)
KE House No. 39-B
Sunset Boulevard Phase-II, DHA, Karachi
Karachi.

..... Petitioner

VERSUS

Mr. Muhammad Ali Rashid
Partner-Craft Paper Industries Plot No. 4C
Bukhari Commercial Lane No. 07, Phase No. 06
DHA, Karachi.

..... Complainant

Date of Hearing: July 24, 2025

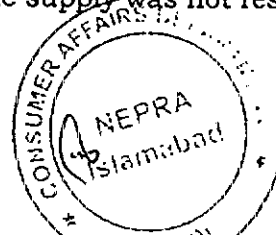
On behalf of
Complainant: Mr. Muhammad Ali Rashid

Petitioner:
1) Mr. Asif Shajar, KE
2) Mr. Arbab Ali, KE
3) Mr. Israr, KE

SUBJECT: DECISION IN THE MATTER OF REVIEW MOTION FILED BY K-ELECTRIC LIMITED AGAINST THE DECISION OF NEPRA REGARDING COMPLAINT FILED BY MR. MUHAMMAD ALI RASHID UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED ON ACCOUNT OF FIXED CHARGES (ACCOUNT NO. BH # 0400025137076).
DECISION

This decision shall dispose of the motion for leave for review filed by K-Electric Limited (hereinafter referred to as the "KE" or "Petitioner") against the decision of NEPRA Complaints Resolution Committee dated May 30, 2025 in the matter of complaint of Mr. Muhammad Ali Rashid (hereinafter referred to as the "Complainant") filed against K-Electric Limited, under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (hereinafter referred to as the "NEPRA Act").

2. Brief facts of the case are that the Complainant in his complaint disputed the imposition of fixed charges during the period when electricity supply to his industrial connection was not restored by KE in a timely manner. He requested for withdrawal of these charges. The matter was taken up with KE, and hearings were also conducted. During the hearings, KE submitted that the Complainant's connection remained disconnected from June 6, 2022, to September 15, 2022, due to multiple faults, force majeure, and right-of-way issues related to underground cable infrastructure. Accordingly, in light of the available record, verbal arguments, and relevant laws, the matter was decided and KE was directed to withdraw the fixed charges imposed during the period from June 2022 to September 2022 when the supply was not restored.

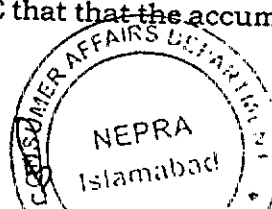


3. Being aggrieved with the decision of Complaints Resolution Committee (NEPRA), KE filed a motion for leave for review. KE in its review inter-alia submitted as under:

- i. The fixed charges amounting to Rs 1,104,730/- for the period of June 2022 to September 2022 have been charged in line with the NEPRA Tariff Terms and Conditions and as per the rates prescribed as per the Schedule of Tariff determined by NEPRA and duly notified by the Ministry of Energy vide S.R.O # 1175 (I)/2022 and are therefore justified and liable to be paid by the complainant.
- ii. The KE's ability to restore power supply was severely constrained due to complainant's inability to provide smooth access to the site considering that provision and maintenance of Right of Way (ROW) is the responsibility and obligation of the complainant being the owner of the Dedicated Distribution System (DDS) in question without which Operation and Maintenance is not possible in case excavation/digging is required for fault rectification.
- iii. KE is obligated to perform operation and maintenance of Dedicated Distribution System up to the metering installation and KE undertakes this responsibility for all dedicated systems as per its regulatory obligations. However, in the instant case the Complainant has failed to provide Right of Way (ROW) which is the responsibility of the consumer as per Clause 14.5 of the Consumer Service Manual which clearly states that the right of way shall be the responsibility of the applicant/consumer.
- iv. KE further submitted that in the absence of smooth access and Right of Way (ROW) approval to the dedicated distribution system it is not possible for KE to restore the electricity in a timely manner as the Complainant was unable to fulfill his obligation of provision of ROW without which KE could not enter/access the premises/housing society through which the complainant's feeder cable was passing and which required permission for excavation/digging for fault rectification.

4. The motion for leave for review filed by KE was considered and accordingly, a hearing was held at NEPRA Regional Office, Karachi which was attended by both the parties. The case has been examined in detail in light of the record made so available by the parties, arguments advanced during the hearing and applicable law. KE in its review motion has not submitted any new ground. The motion for leave for review is disposed of on the following terms:

- i) During the hearing, KE submitted that the fixed charges amounting to Rs 1,104,730/- for the period of June 2022 to September 2022 have been charged in line with the NEPRA Tariff Terms and Conditions. KE further contested that its ability to restore power supply was severely constrained due to complainant's inability to provide smooth access to the site considering that provision and maintenance of Right of Way (ROW) is the responsibility and obligation of the complainant being the owner of the Dedicated Distribution System (DDS) in question without which Operation and Maintenance is not possible in case excavation/digging is required for fault rectification.
- ii) KE has applied fixed charges in line with the approved tariff framework. However, considering that the connection remained de-energized for the entire disputed period, raises a critical question regarding the legitimacy of such charges. The Complainant's repeated communications and formal requests for reconnection, initiated in June 2022, clearly demonstrates that KE did not restore supply despite being obligated to do so. This failure reflects an inability on KE's part to fulfil the service requirements, amounting to non-compliance with prudent utility practices and licensed obligations. KE cannot absolve itself of responsibility by shifting the burden of providing "right of way" onto the Complainant. If we consider the plea of KE that that the accumulation of water



in a trench prevented KE, with all its resources, from fault clearance then this raises the fundamental question that how could the Complainant be expected to remove such an obstruction when KE could not?

- iii) Further, under the NEPRA Consumer Service Manual, the consumer's obligation to provide a right of way applies only in limited circumstances, such as the provision of a new connection, shifting of a connection, or relocation of distribution facilities at the consumer's request. In the present case, none of these conditions apply. Therefore, KE's invocation of a "right of way" defense is not valid and cannot excuse its failure to maintain or repair its own infrastructure in a timely and responsible manner.
- iv) Further in response to KE's submission regarding rainwater accumulation and right-of-way obstacles which caused delays; it is reiterated that the responsibility to ensure continuity of supply still rests with KE. Further, as per Clause 8 of the Consumer Eligibility Criteria (Distribution Licensees) Regulations, 2022, the Dedicated Distribution System shall be operated and maintained by the distribution licensee up to the metering installation. KE, therefore, was duty-bound to maintain and restore the cables and associated infrastructure serving the Complainant's premises.

5. A motion seeking review of any order is competent only upon the discovery of new and important matter of evidence or on account of some mistake or error apparent on the face of record. The perusal of the decision 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 pointed out. Therefore, we are convinced that the review would not result in withdrawal or modification of the impugned decision; therefore, there is no ground to modify the decision dated May 30, 2025. As such the said decision is upheld, therefore KE is directed to implement the said decision.

(Lashkar Khan Qambrani)

Member, Complaints Resolution Committee/
Director (CAD)

(Muhammad Irfan ul Haq)

Member, Complaints Resolution Committee/
Assistant Legal Advisor (CAD)

(Naweed Illahi Shaikh)

Convener, Complaints Resolution Committee/
Director General (CAD)

Islamabad, August 25, 2025

