



Registrar

National Electric Power Regulatory Authority Islamic Republic of Pakistan

NEPRA Tower, Ataturk Avenue (East) G-5/1, Islamabad
Ph: +92-51-9206500, Fax: +92-51-2600021
Web: www.nepra.org.pk, E-mail: info@nepra.org.pk

No. NEPRA/R/TCD-09/ 3823-25

14-4-2014

Chief Executive Officer
K-Electric (Formerly KESC)
KESC House, Punjab Chowrangi,
39 – B, Sunset Boulevard, Phase-II
Defence Housing Authority
Karachi.

Subject: Decision of the Authority Regarding Motion for Leave for Review filed by K-Electric (Formerly KESC) against the Decision of Member (Consumer Affairs) in the Matter of Complaint Filed by Mr. Muhammad Arif Bilvani under Section 39 of The Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 Against KESC Regarding Average Billing
Complaint # KESC-232-2013

Please find enclosed the decision of the Authority in the subject matter for necessary action and compliance within 30 days of the receipt of this letter.

Encl : As Above

— S.H. —
(Syed Safer Hussain)

Copy to:

1. Syed Muhammad Taha, Director Distribution Strategy, Karachi Electric Supply Company Ltd. KESC House, Punjab Chowrangi, 39 – B, Sunset Boulevard, Phase-II. Defence Housing Authority, Karachi.
2. Mr. Muhammad Arif Bilvani, 574/1, Adamjee Haji Dawood Road, Rampart Row, Karachi.

No. NEPRA/R/TCD-09/ 3826

2014

Forwarded for information and necessary action, please.

1. Director (CAD)
2. Master File [w.r.t. ATC&VCM (T) D#2810 dated 11.04.2014]

CC:

1. Vice Chairman / Member (Tariff)
2. Member (M&E)
3. Member (C.A)

Sr. no. - 1077
Reminded vide
on 15-5-14
Registrar



**BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
NEPRA**

Complaint No. KESC-232-2013

Karachi Electric Supply Company
KESC House No.39-B
Sunset Boulevard Phase-II
Defence Housing Authority, Karachi.

.....

Petitioner

Versus

Mr. Muhammad Arif Bilvani
574/1, Adamjee Haji Dawood Road
Rampart Row, Karachi.

.....

Complainant

Date of Decision: March 04, 2014

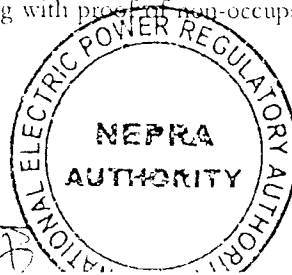
Present:

- | | |
|---------------------------|----------------------------|
| 1) Khawaja Muhammad Naeem | Chairman / Member (Tariff) |
| 2) Mr. Habibullah Khilji | Member (M&E)/(Licensing) |
| 3) Maj (R) Haroon Rashid | Member (Consumer Affairs) |

Subject: **DECISION OF THE AUTHORITY REGARDING MOTION FOR LEAVE FOR REVIEW FILED BY KESC AGAINST THE DECISION OF MEMBER (CONSUMER AFFAIRS) IN THE MATTER OF COMPLAINT FILED BY MR. MUHAMMAD ARIF BILVANI UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST KESC REGARDING AVERAGE BILLING**

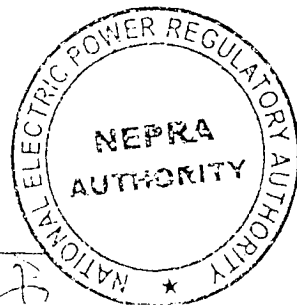
Decision

1. This decision shall dispose of the review motion dated February 3, 2014 filed by Karachi Electric Supply Company (hereinafter referred to as the 'KESC' or 'Petitioner') against the decision of Member (Consumer Affairs) dated December 31, 2013 in the matter of complaint of Mr. Muhammad Arif Bilvani (hereinafter referred to as the 'Complainant') filed under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997.
2. Precisely, the Complainant in his complaint dated May 23, 2013 stated that his premises is lying vacant and closed for last several years but KESC has been sending bills on average basis (i.e. 280 units per month) despite the fact that for the past many years the bills were received for minimum charges. The electric meter of the premises is also missing. Several applications have been submitted to KESC, along with proof of non-occupancy of the premises, for rectification

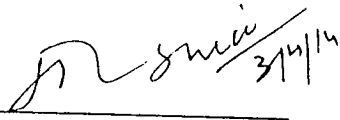


and cancellation of all the previous outstanding dues, created fictitiously but KESC officials are reluctant to accept their mistake.

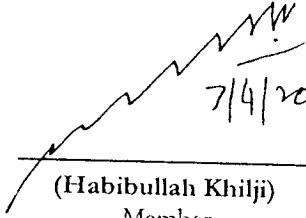
3. The matter was taken up with KESC for submission of parawise comments. In response, KESC vide its letter dated June 22, 2013 reported that a site inspection was carried out on June 12, 2013 and no meter was found at site and the premises was found closed. Therefore, correction of average billing which was inadvertently done from March 2012 to March 2013 amounting to Rs. 21,053/- has been submitted for approval. KESC further stated that the Complainant was advised to clarify as to why the meter was missing and provide a copy of FIR of missing meter.
4. Report of KESC was sent to the Complainant for his information/rejoinder. In response, the Complainant vide his letter dated August 20, 2013 raised his observations on the report of KESC and submitted that about 30-40 meters are installed inside the complex building but only his meter is missing for the past several years for which KESC was fully aware. The Complainant requested for adjustment of bills since January 2010 on minimum basis. The case was again taken up with KESC vide this office's letter dated September 4, 2013 and KESC was directed to get the matter investigated through a senior officer not below the rank of General Manager and submit report accordingly. In response, KESC vide its letter dated September 23, 2013 reported that at the time of site inspection, the meter was found missing and the premises was found locked. It is the responsibility of the consumer to inform KESC of the missing meter and KESC can reinstall meter only when the FIR is lodged by the Complainant regarding the missing meter. KESC further stated that the allowance has already been processed for the period from March 2012 to March 2013 amounting to Rs. 21,053/- and further amount cannot be adjusted as the previous bills issued are as per normal reading till February 2012. KESC's report was sent to the Complainant vide letter dated September 30, 2013. In response, the Complainant vide his letter dated October 03, 2013 again raised observations on the KESC's report.
5. To further investigate the matter, a hearing was held on November 19, 2013 at Karachi which was attended by both the parties. During the hearing, the parties argued over the case on the basis of their earlier versions.
6. The case was examined in detail in light of documents provided by both the parties and arguments advanced during the hearing. Foregoing in view, the case was decided by the Member (Consumer Affairs) and KESC was directed to install meter at site immediately and revise bills of the Complainant (if any) on the basis of minimum charges with effect from June 03, 2010 (date of receipt of complaint by KESC). The said decision was conveyed to KESC and a copy was endorsed to the Complainant through Registrar letter No.NEpra/R/TCD.09/68-70 dated January 2, 2014 for compliance within 30 days. Being aggrieved with the impugned decision, KESC vide its letter dated February 3, 2014 filed review motion.



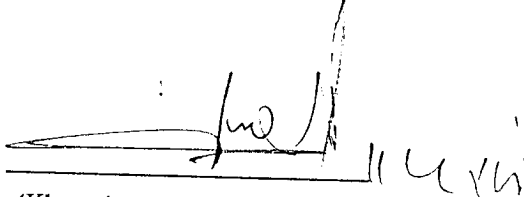
7. The Authority has considered the review motion filed by KESC. In terms of Regulation 3(2) of the NEPRA (Review Procedure) Regulations, 2009, a motion seeking review of any order of the Authority is competent only upon discovery of new and important matter of evidence or on account of some mistake 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 pleaded out. Therefore, the Authority is convinced that the review would not result in the withdrawal or modification of the impugned decision. Moreover, the review motion is time barred under NEPRA (Review Procedure) Regulations, 2009. Hence, the motion for review is declined.


31/4/14

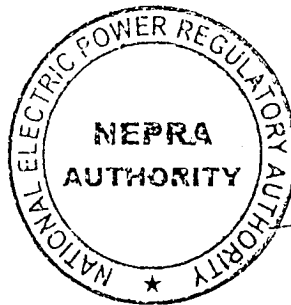
(Maj (R) Haroon Rashid)
Member

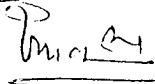

7/4/2014

(Habibullah Khilji)
Member



(Khawaja Muhammad Naeem)
Chairman





14.04.14