



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

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No. NEPRA/AB/Appeal-044/POI-2015/ 661-664

July 27, 2015

1. Haji Muhammad Ismail
Plot No. 67/R,
Block 05, F.B. Area,
Karachi
2. The Chief Executive Officer
K-Electric,
KE House, 39-B,
Sunset Boulevard, DHA-II,
Karachi
3. Rafique Ahmed Shaikh,
General Manager (Regulations),
K-Electric, KE House, 39-B,
Sunset Boulevard, DHA-II, Karachi
4. Ms. Tatheera Fatima
Deputy General Manager,
K-Electric, KE House, 39-B,
Sunset Boulevard, DHA-II, Karachi

Subject: Appeal Titled K-Electric Vs. Haji Muhammad Ismail Against the Decision Dated 06.04.2015 of the Electric Inspector/POI to Government of the Sindh Karachi Region-II, Karachi

Please find enclosed herewith the decision of the Appellate Board dated 27.07.2015, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-044/POI-2015/ 665

July 27, 2015

Forwarded for information please.

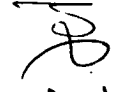
1. Registrar
2. Director (CAD)
3. Electric Inspector/POI, Karachi Region-II
4. Master File

CC:

1. Chairman
2. Vice Chairman/Member (CA)
3. Member (Tariff)
4. Member (M&E)
5. Member (Licensing)


Member Appellate Board

Registrar
By No. 8062
Dated 28-07-15


28/07/15
- Reg II
- M/E



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal 044/POI-2015

K-Electric

.....Appellant

Versus

Haji Muhammad Ismail, Plot No. 67/R, Block 05, F.B. Area, Karachi

.....Respondent

Date of Hearing:

22/06/2015

For the appellant:

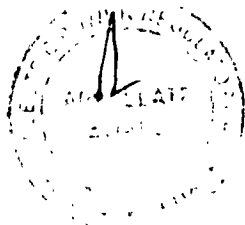
Mr. Rafique Sheikh General Manager
Ms. Tatheera Fatima Deputy General Manager

For the respondent:

M. Saad Bin Farid-Representative

DECISION

1. Though this decision an appeal filed by K-Electric against the decision dated 06.04.2015 of the Provincial Office of Inspection/Electric Inspector Karachi Region-I, Karachi (hereinafter referred to as POI) under Section 38(3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as "the Act") is being disposed of.
2. As per facts of the case, K-Electric is a licensee of National Electric Power Regulatory Authority (hereinafter referred to as NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the distribution license and the respondent is its





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domestic consumer bearing Ref No. AL-409251 with a sanctioned load of .82 kW under tariff A-1.

3. The controversy involved herein pertains to issuing of a detection bill of Rs. 88,511/- for 5,961 units net for the period 13.07.2012 to 12.01.2013 issued by K-Electric to the respondent.
4. The respondent being aggrieved with the above detection bill filed an application dated 28.05.2013 before POI and challenged the detection bill.
5. The matter was decided by POI vide its decision dated 06.04.2015 and the operative portion of the decision is reproduced below:

"After conducting several numbers of hearings, giving fair opportunities to hear both the parties, scrutinizing the record, made available with this authority and in the light of above findings, this authority is of the firm view that irregular bills, amounting to Rs. 1,02,267/- 5961 units for the period from 13.07.2012 to 12.01.2013 issued by the opponents no justification on legal and technical grounds, therefore direct the Opponents to cancel the said bill.

6. Being aggrieved with the above decision dated 06.04.2015 of POI, K-Electric has filed the instant appeal through Ms. Tatheera Fatima Deputy General Manager before NEPRA under section 38 (3) of the Act. In the appeal, K-Electric it is contended inter-alia that the meter of the respondent was checked and found slow. According to the appellant, Site Inspection Report dated 05.04.2013 was prepared and notice dated 08.04.2013 under section 39-A, 44 and 26-A of Electricity Act, 1910 was also issued wherein discrepancy of the meter was communicated to the respondent. It is stated in the appeal that detection bill of Rs. 88,511/- for 5,961 units net for the period 13.07.2012 to 12.01.2013 was issued to the respondent due to slowness of the meter. According the appellant, the bill was justified and the respondent was liable to pay the same and therefore decision of POI is liable to be withdrawn.





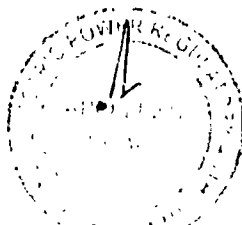
National Electric Power Regulatory Authority

7. The respondent was issued notice for filing reply/parawise comments, which were received on 12.06.2015. The respondent in his reply/parawise comments denied the allegations of K-Electric and requested that NEPRA should maintain the impugned decision dated 06.04.2015.
8. After issuing notice to both the parties, the appeal was heard in Karachi on 22.06.2015, in which Ms. Tatheera Fatima Deputy General Manager and Rafique Sheikh General Manager appeared on behalf of K-Electric and the respondent was represented by M. Saad Bin Farid. It was pointed out on behalf of the respondent that the appeal is barred by time because the impugned decision was announced by POI on 06.04.2015 and the appeal was filed by K-Electric before NEPRA on 14.05.2015. Ms. Tatheera Fatima DGM, K-Electric in the defence contended that the decision was announced on 06.04.2015 and copy whereof was received on 08.04.2015 and the appeal was filed before NEPRA on 07.05.2015 which is within the time limit as specified under law.
9. Having examined the record, it reveals that the appeal was filed before NEPRA on 14.05.2015 and not on 07.05.2015 as contended by on behalf of appellant, K-Electric could not produce any documentary evidence to substantiate that the appeal was filed before NEPRA on 07.05.2015. It has been observed from the record that the impugned decision was announced by POI on 06.04.2015 and the appeal was filed before NEPRA on 14.05.2015 which establishes without any reasonable doubt that the appeal was filed by K-Electric after time limit as prescribed in the law.
10. Furthermore it would be beneficial to consider relevant provisions of limitation as provided in Section 38 (3) of the Act, Regulation 3 of the NEPRA (Procedure for filing appeals) Regulations, 2012.

- **The Act:**

38 (3). Provincial offices of inspection.

Any person aggrieved by any decision or order of the Provincial Office of Inspection may, within thirty days of the receipt of the order, prefer an appeal to the Authority in the prescribed manner and the Authority shall decided such appeal within sixty days



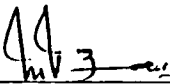


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Procedure for filing appeals:

3. Filing of appeal.- (1) Any person aggrieved by any decision or order of the single Member of the Authority or Tribunal constituted under section 11 of the Act or from a decision given by the Provincial office of Inspection may, within 30 days of the order or decision file an appeal before the Authority.

11. From bare perusal of above referred provisions it can be safely suggested that the appeal should be filed within 30 days of the announcement of the decision. It has been observed that the impugned decision was given by the POI on 06.04.2015 and the appeal was filed before NEPRA on 14.05.2015 i.e. after 37 days of the decision by the POI. Evidently K-Electric failed to file the appeal within the time limit of 30 days as prescribed under section 38 of the Act. As a matter of fact K-Electric is required to explain and justify each day of the delay in filing the appeal after the decision was pronounced on 06.04.2015 but K-Electric failed to do so. Therefore it is concluded that the appeal is time barred and the same is dismissed accordingly.



Muhammad Qamar-uz-Zaman
Member



Nadir Ali Khoso
Convener



Muhammad Shafique
Member

Date: 27.07.2015

