



National Electric Power Regulatory Authority
(NEPRA)

Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-058/POI-2015/1031-1034

October 20, 2015

1. Muhammad Mohsin
House No. A/1,
Aswan Town, Malir,
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 Ltd Vs. Muhammad Mohsin Against the Decision Dated 09.04.2015 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 19.10.2015, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-058/POI-2015/1035

October 20, 2015

Forwarded for information please.


Member Appellate Board

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

CC:

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


DK-II

Registrar	1184
By No.....	
Dated 22-10-15	



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-058/POI-2015

K-Electric Ltd

.....Appellant

Versus

Muhammad Mohsin, House No. A/1, Aswan Town, Malir, Karachi

.....Respondent

For the Appellant:

Mr. Rafique Ahmed Shaikh General Manager
Ms. Tatheera Fatima Deputy General Manager

For the Respondent:

Nemo

DECISION

1. Through this decision, an appeal filed by K-Electric Ltd (hereinafter referred to as KE) against the decision dated 09.04.2015 of Provincial Office of Inspection (POI) is being disposed of.
2. As per facts of the case, the respondent is a domestic consumer of KE bearing Ref No. LA-705364 with a sanctioned load of 2 kW under A-1R tariff.



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3. The respondent being aggrieved with the detection bill of Rs. 201,300/- filed a complaint before POI in January 2015. POI disposed of the matter vide its decision dated 09.04.2015 with the following remarks:

"During the hearing on 26.03.2015 it was agreed by the both parties and it was also explained by the opponent's through the written statement that matter has been resolve and also requested to directed the consumer to pay the outstanding amounting to Rs. 55,541/- up to January 2015 which is payable by the complainant.

In the light of above facts, this authority disposed off the case as settled amicable."

4. Being aggrieved with decision dated 09.04.2015, KE has filed the instant appeal before NEPRA under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as "the Act"). KE stated that consent for amicable settlement was given for the consumer No. AL-705364 (Ashiq Ahmed) which was mistakenly considered for the instant case of Aziz Ahmed Khan (filed by Mohsin) having consumer No. LA-705364. According to KE, report dated 19.02.2015 for consumer No. AL-705364 was submitted in the case of Ashiq Ahmed Vs. KE and report dated 26.02.2015 for the consumer No. LA-705364 was also submitted for the instant case of Mohsin Khan Vs. KE. KE contended that POI mixed up two cases and gave erroneous decision. Finally KE prayed as under:

"The Appellant, therefore, humbly prays that the Authority (NEPRA) shall reopen the case or remand back the case to respondent No. 01 to decide the matter on merit and suspend the decision/order dated 09.04.2015 passed by the Respondent No. 1/EIK."

5. In response to above appeal, the respondent was issued a notice for filing reply/parawise comments which were not submitted.
6. After issuing notice to both the parties the appeal was heard in Karachi on 11.09.2015 in which no one appeared for the respondent and KE was represented by Mr. Rafique Ahmed Shaikh General Manager and Ms. Tatheera Fatima Deputy General Manager. Ms. Tatheera



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Fatima Deputy General Manager repeated the same arguments as earlier given in memo of the appeal and contended that no consent for amicable settlement was given for the consumer No. LA-705364 (Mohsin Khan/Aziz Ahmed) by KE in the instant case and the report in respect of consumer No. AL-705364 (Ashiq Ahmed) was inadvertently considered for the instant case. KE requested that case may be remanded back to POI to decide the matter on merit.

7. It has been observed that there was no consent by KE for amicable settlement in the instant case and the impugned decision by POI based on this ground is not maintainable, accordingly, the impugned decision of POI is set aside and the case is remanded back to POI for hearing afresh and deciding the matter on merit in accordance with law.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Date: 19.10.2015