



National Electric Power Regulatory Authority
(NEPRA)

Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-094/POI-2015/ 1111-1115

November 27, 2015

1. Mehboob Azam Siddiqui
Plot No. 616, Block No. 17,
Federal B Area, Ancholy Society,
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
5. The Electric Inspector
Karachi Region-II,
Block No. 51, Pak Secretariat,
Shahra-e-Iraq, Saddar,
Karachi.

Subject: **Appeal Titled K-Electric Ltd Vs. Mehboob Azam Against the Decision Dated 05.06.2015 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 27.11.2015, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-094/POI-2015/ 1116

November 27, 2015

Forwarded for information please.



Member Appellate Board

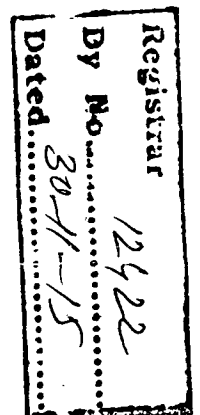
1. Registrar
2. Director (CAD)

CC:

1. Vice Chairman/Member (CA)

— D/Rp-II
— m/f


30/11/15





National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-094/POI-2015

K-Electric Ltd

.....Appellant

Versus

Mehboob Azam (Muhammad Hanif), Plot No: 616, Block 17, F.B. Area, Karachi.

.....Respondent

For the appellant:

Ms. Tatheera Fatima Deputy General Manager
Mr. Masahib Ali Deputy Manager
Mr. Imran Hanif Assistant Manager

For the respondent:

Mr. Mehboob Azam
Mr. A.R.Nadeem

DECISION

1. Through this decision, an appeal filed by K-Electric (hereinafter referred to as KE) against the decision dated 21.05.2015 revised vide corrigendum dated 05.06.2015 of Provincial Office of Inspection (POI) is being disposed of.
2. Brief facts giving rise to the instant Appeal are that KE 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 domestic consumer bearing Ref No.AL-163046 with a sanctioned load of 1kW under A1-R tariff.
3. As per facts of the case, inspection of the respondent's connection was carried out by KE on 29.08.2013 and reportedly the meter was found dead stop but the light load being used in the

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premises. Moreover the connected load of the respondent was observed to be 5.674 kW. The detection bill of Rs.59,341/- for 3,729 units for the period 07.03.2013 to 03.08.2013 was charged by KE to the respondent in October 2013 to recover the loss sustained due to the faulty meter. Being aggrieved with the same, respondent filed an application dated 12.12.2013 before POI and challenged the aforementioned detection bill.

4. During the pendency of the complaint before POI the respondent's meter was again checked by KE on 06.08.2014 and reportedly some discrepancies were noticed. In order to recover the loss another detection bill of Rs.53,664/- for 3,434 units for the period 06.12.2013 to 05.06.2014 was served by KE to the respondent.
5. The respondent was issued the bill for February 2014 which included arrears of Rs. 125,119/- and being aggrieved with the same, the respondent filed an application dated 18.09.2014 before POI. Apparently the arrears contained the detection bills of Rs. 59,341/- and Rs. 53,664/- and therefore the previous complaint dated 12.12.2013 was merged with the complaint dated 18.09.2014. The matter was decided by POI on 21.05.2015 but subsequently, it was revised by the POI through a corrigendum dated 05.06.2015. As per the original decision dated 21.05.2015, the bill of Rs.36,407/- for 2,656 units for the period 24.12.2012 to 25.06.2014 was cancelled by POI whereas in the revised decision dated 05.06.2015 the arrear bill of Rs.125,119/- issued for the month of September 2014 was set aside. However no explanation or reason was given by POI for revision of its decision through the corrigendum.
6. Being aggrieved with the POI decision dated 21.05.2015 revised vide corrigendum dated 05.06.2015 (hereinafter referred to as impugned decision), KE has filed the instant appeal under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as "the Act").

Notice of the appeal was served upon the respondent for filing reply/parawise comments which were filed on 30.09.2015. The respondent, inter-alia, defended the impugned decision of POI and stated that it was justified and fulfilled all legal requirements and as such there was no need to reopen the case.

7. Hearing of the appeal was fixed at Karachi on 11.11.2015 for which due notices were served upon the parties. During the hearing, Ms. Tatheera Fatima Deputy General Manager, Mr. Masahib Ali Deputy Manager and Mr. Imran Hanif Assistant Manager appeared for the appellant KE, and

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Mr. Mehboob Azam the respondent appeared in person. The representatives of KE raised preliminary objection regarding the legality of the impugned decision and submitted that the action of POI for revising its decision dated 21.05.2015 vide the corrigendum dated 05.06.2015 was illegal, without lawful authority and liable to be set aside. She pointed out that the impugned decision did not match with the findings of POI and requested that the impugned decision be set aside and the matter be remanded back to POI for fresh determination and comprehensive decision. The respondent on the other hand defended the impugned decision of POI and pleaded that the same should be upheld in the interest of justice.

8. We have heard arguments of arguments of both the parties and examined the record placed before us. It has been observed that the POI decision dated 21.05.2015 was revised vide the corrigendum dated 05.06.2015 but no reason or explanation was given by POI for this action. Moreover the impugned decision is not comprehensive and speaking one. We are inclined to agree with the contention of representatives of KE that the matter be remanded back to POI for fresh hearing and determination.
9. In view of the position as explained in foregoing paragraphs, the impugned decision is set aside and the matter is remanded back to POI for hearing the matter afresh and for passing a comprehensive decision in accordance with facts and law after providing due opportunity of hearing to both the parties.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Date: 27.11.2015