



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

NEPRA Office , Atta Turk Avenue (East), G5/1, Islamabad  
Tel. No. +92 051 2013200 Fax No. +92 051 2600030  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/AB/Appeal-020/POI-2016/

1486 — 1489

November 25, 2016

1. Dr. Muhammad Qurbanuddin,  
House No. B-201,  
Block-I, North Nazimabad,  
Karachi
2. The Chief Executive Officer,  
K-Electric,  
KE House, 39-B,  
Sunset Boulevard, DHA-II,  
Karachi
3. Ms. Tatheera Fatima,  
Deputy General Manager,  
K-Electric Ltd,  
3<sup>rd</sup> floor, KE Block,  
Civic Centre, Gulshan-e-Iqbal,  
Karachi
4. The Electric Inspector,  
Karachi Region-II,  
Block No. 51, Pak Secretariat,  
Shahra-e-Iraq, Saddar,  
Karachi

Subject: **Decision of the Appellate Board Regarding Review Petition Filed By Dr. Muhammad Qurbanuddin Against the Decision of the Appellate Board Dated 25.08.016 In The Matter Dr. Muhammad Qurbanuddin Vs. K-Electric Ltd.**

Please find enclosed herewith the decision of the Appellate Board dated 24.11.2016, regarding the subject matter, for information and necessary action accordingly.

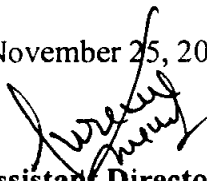
Encl: As Above

No. NEPRA/AB/Appeal-020/POI-2016/1490

Forwarded for information please.

(Ikram Shakeel)

November 25, 2016

  
Assistant Director  
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Member (CA)



# National Electric Power Regulatory Authority

## Before Appellate Board

**Motion for leave for review filed by Dr. Muhammad Ourbanuddin against the decision of NEPRA Appellate Board dated 25.08.2016 given in appeal No. NEPRA/Appeal-020/POI-2016**

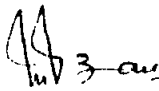
### **DECISION**

1. Brief facts of the case are that a detection bill of Rs. 82,416/- of 5,671 units for the period 26.04.2010 to 25.10.2010 issued by K-Electric to the petitioner was challenged before the Provincial Office of Inspection (POI) on 27.11.2014 and the matter was decided by the POI on 28.12.2015 whereby the detection bill of Rs. 82,416/- for 5,671 units was declared null and void. The decision of POI was assailed by K-Electric before NEPRA under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 and said appeal was disposed of by NEPRA vide its decision dated 25.08.2016. Now the petitioner has sought for review of the NEPRA's decision on the grounds that no determination with regard to illegal arrears of Rs. 18,650/- was given in the impugned decision and that the Petitioner has objected charging of detection bill @ 847 units per month from August 2011 to October 2011 and stated that this part of the impugned decision is ambiguous and does not mention adjustment of units already charged by K-Electric during that period.
2. After issuing notice to both the parties, the review petition was heard in the NEPRA's regional office Karachi on 10.10.2016. The petitioner reiterated the same grounds as mentioned in the review petition and contended that his consumption during the disputed period was very low as the premises was not occupied which could be verified from the low consumption of sui gas. The petitioner further averred that bill of Rs. 18,650/- may also be declared null and void. Conversely the representative of K-Electric rebutted the arguments of the petitioner and pleaded that bill of Rs. 18,650/- was not assailed before POI and cannot be resisted at this stage. Regarding detection bill of Rs. 82,416/- for 5,671 units, K-Electric contended that it was justified and the petitioner is liable to pay the same.
3. Having heard both the parties and after examining the record, it is very much clear that the disputed amount of Rs. 18,650/- was neither challenged before POI nor any decision has been rendered to this effect by POI, therefore, the same was not referred in the decision of NEPRA. The petitioner is to be charged total bill @ 847 units per month for the period August 2011 to October 2011 as already determined in the impugned decision. However the units already charged/billed by K-Electric during the same period are to be adjusted.



## National Electric Power Regulatory Authority

- i. Having gone through the submissions made by the petitioner, it is observed that under the law, a petition 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 representation made were examined in detail and there is no occasion to amend the same. No error inviting indulgence as admissible in law has been pleaded out in the review petition. Therefore, we are convinced that the review would not result in the withdrawal or modification of the earlier decision..
  - ii. From what has been discussed above, we are of the considered view that the grounds agitated in the review petition are not sufficient enough justifying the modification of the impugned decision, hence the review petition is declined.
- 6.

  
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Muhammad Qamar-uz-Zaman  
Member

  
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Nadir Ali Khoso  
Convener

  
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Muhammad Shafique  
Member

Date: 24.11.2016