



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

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No. NEPRA/AB/Appeal/ 065/2016 /1368-1372-

November 03, 2016

1. Mrs .Sher Bahadur Khan  
Through Sher Azam Khan,  
House No. C-20, Block-J,  
North Nazimabad, Karachi
2. The Chief Executive Officer,  
K-Electric,  
KE House, 39-B,  
Sunset Boulevard, DHA-II,  
Karachi
3. Asif Shajcr,  
Deputy General Manager,  
K-Electric, KE House, 39-B,  
Sunset Boulevard, DHA-II,  
Karachi
4. Ms. Tatheera Fatima,  
Deputy General Manager,  
K-Electric Ltd,  
3<sup>rd</sup> floor, KE Block,  
Civic Centre, Gulshan-e-Iqbal,  
Karachi
5. 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 Mrs. Sher Bahadur Khan Against the Decision of the Appellate Board Dated 01.07.016 In The Matter Mrs. Sher Bahadur Khan Vs. K-Electric Ltd.**

Please find enclosed herewith the decision of the Appellate Board dated 01.11.2016, regarding the subject matter, for information and necessary action accordingly.

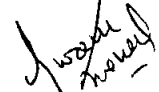
Encl: **As Above**

(Ikram Shakeel)

No. NEPRA/AB/Appeal/ 065/2016/1373

November 03, 2016

Forwarded for information please.

  
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 Mrs. Sher Bahadur Khan against the decision of NEPRA Appellate Board dated 01.07.2016 given in appeal No. NEPRA/Appcal-065/POI-2016

### DECISION

1. This decision shall dispose of the review petition dated 28.07.2016 filed by Mrs. Sher Bahadur Khan (hereinafter referred to as "petitioner") against the decision dated 01.07.2016 of National Electric Power Regulatory Authority (hereinafter referred to as NEPRA) Appellate Board.
2. As per facts of the case, the petitioner being aggrieved with the detection bills of Rs. 68,265/- of 4,120 units for the period January 2013 to June 2013 and Rs. 13,220/- of 795 units for the period January 2014 to June 2014 charged by K-Electric filed an application before Provincial Office of Inspection /Electric Inspector, Government of Sindh, Karachi Region-II (hereinafter referred to as POI) on 15.10.2015. POI disposed of the matter vide its decision dated 28.12.2015, which is reproduced as under:-
  - i. *"After conducting several number of hearings, giving fair opportunities to hear both the parties, scrutinizing the record, made available with this authority and in the light of the relevant/provision of law/Regulations and above findings, this authority is of the firm view that the 1<sup>st</sup> detection bill amounting to Rs. 68,215/- of 4120 units for the period from January 2013 to June 2013, and 2<sup>nd</sup> detection bill amounting to Rs. 13,220/- of 795 units for the period from January 2014 to June 2014 has no legal and technical grounds hence liable to be cancelled.*
  - ii. *The opponents is directed to revise all the X-code/assessed bills on basis of accurate/correct meter readings.*
  - iii. *The opponent is also directed to recover the accumulated dues from the complainant on easy installments.*
  - iv. *The complaint is disposed off in terms of above for compliance by the Opponents as well to complainant."*



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3. Being aggrieved with the above decision dated 28.12.2015 of POI, K-Electric filed an appeal before NEPRA under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 which was registered as appeal No. 065/2016. The Appellate Board disposed of the appeal vide its decision dated 01.07.2016 (hereinafter referred to as "impugned decision") and concluded as under:-

*In view of forgoing discussion, it is concluded that;*

- i. First detection bill of Rs. 68,265/- for 4,120 units for the period January 2013 to June 2013 (6 months) and second detection bill of Rs. 13,220/- for 795 units for the period January 2014 to June 2014 (6 months) charged to the Consumer are not justified and liable to be cancelled as determined in the impugned decision. Impugned decision to this extent is maintained.*
  - ii. The Consumer is liable to pay the bills @ 424 units/month for the period i.e. January 2013 to May 2013 and September 2014 to May 2015. The bills charged in the assessed mode to the Consumer for the period June 2013 to September 2014 are not justified and the Consumer is not liable to pay the same and therefore declared null and void. Impugned decision to this extent is liable to be modified.*
  - iii. The bills as charged by K-Electric during the period June 2015 and onwards as per actual meter reading are justified and the Consumer is liable to pay the same. The impugned decision to this extent is maintained.*
  - iv. The Consumer's account shall be overhauled and the arrears if any be recovered in easy installments as determined in the impugned decision. Impugned decision to this extent is maintained."*
4. The petitioner being dissatisfied with the aforementioned impugned decision has filed the instant review petition. In its review petition, the petitioner contended that the core issue of fast running meter installed by K-Electric since July 2015 was not addressed. Therefore a review of the impugned decision has been pleaded through the instant review petition.



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5. After issuing notice to both the parties, the review petition was heard in the NEPRA's regional office Karachi on 09.09.2016. The petitioner reiterated the same stance as mentioned in the review petition. However the representative of K-Electric opposed the review petition and pressed for its rejection.
6. We have heard arguments of both the parties and considered the relevant documents placed before us. It is obvious from the decision of POI dated 28.12.2015 and the Appellate Board decision dated 01.07.2016 that the billing for the period January 2013 to June 2014 was disputed and the same was considered by POI and the Appellate Board in their respective decisions. Since no dispute was raised before POI regarding the billing since July 2015 and installation of fast meter therefore raising the same through the review petition is not justified. In terms of Regulation 3 (2) of NEPRA (Review Procedure) Regulations, 2009, a motion seeking review of any order of decision 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 the record. Perusal of the impugned decision sought to be reviewed clearly indicates that all material facts and representations made were examined in detail and no error inviting indulgence as admissible in law has been pleaded out. We are convinced that there is no occasion to amend the impugned decision and review petition which is not based on merits is liable to be rejected.
7. Foregoing in consideration, the review petition is dismissed.

Muhammad Qamar-uz-Zaman  
Member

Nadir Ali Khoso  
Convener

Muhammad Shafique  
Member

Date: 01.11.2016

