



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

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No. NEPRA/AB/Appeal-108/POI-2015/1076-1079

August 24, 2016

1. Saleem Ahmed Khan  
S/o Chota Khan,  
House No. 4/318,  
P-92, Liaquatabad,  
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: Appeal Titled K-Electric Ltd Vs. Saleem Ahmed Khan Against the Decision Dated 26.08.2015 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 17.08.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-108/POI-2015/1080

Forwarded for information please.

(Ikram Shakeel)

August 24, 2016

*Ikram Shakeel*  
Assistant Director  
Appellate Board

|                  |          |
|------------------|----------|
| Registration No. | 8849     |
| Dated            | 31-08-16 |

1. Registrar
2. Director (CAD)

For n/a A.  
— DJ (IT)

Copy to:

31.08.16

CC:

— SAC (CAD)

cc: ~~M (CA)~~

1. Member (CA)

— DPO/OP-I/ME



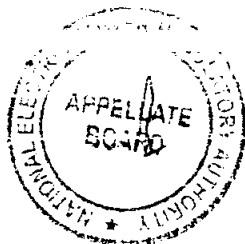
## National Electric Power Regulatory Authority

### Before Appellate Board

Motion for leave for review filed by Mr. Saleem Ahmed Khan against the decision of NEPRA Appellate Board dated 23.02.2016 given in appeal No. NEPRA/Appeal-108/POI-2015

### DECISION

1. This decision shall dispose of the review petition dated 16.03.2016 filed by Mr. Saleem Ahmed Khan (hereinafter referred to as "petitioner") against the decision dated 23.02.2016 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 bill of Rs. 281,700/- issued by K-Electric in October 2013 filed an application before Provincial Office of Inspection /Electric Inspector, Government of Sindh, Karachi Region-II (hereinafter referred to as POI) on 25.10.2013. POI disposed of the matter vide its decision dated 26.08.2015, 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 above findings, this authority is of the firm view that Opponents failed to abide the mandatory requirements of Electricity Act 1910 and guide lines communicated through Consumer Service Manual of NEPRA, as pointed out in above findings, hence conclude the matter with directions to Opponents to cancel the assessed/X-code bills issued from since long to onwards on residential basis, having no justification on technical and legal grounds and revise the same on actual consumption basis.*
  - ii. *The opponents is directed if the impugned meter is faulty the same be change at once and the basis of new healthy energy meter 03 months consumption all the X-code/assessed bills revised.*
  - iii. *The opponent is also directed to take meter reading on every month as per procedure.*
  - iv. *The opponent is also directed to recover the accumulated dues from the complainant on easy installments.*
  - v. *The complaint is disposed of 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 26.08.2015 of POI, K-Electric filed the appeal before NEPRA under section 38 (3) of the Act which was registered as appeal No. 108/2015. The Appellate Board disposed of the appeal vide its decision dated 23.02.2016 (hereinafter referred to as "impugned decision") and concluded as under:-

*"From the discussion in foregoing paragraphs it is concluded that:*

- i. The respondent is liable to be billed as per actual meter reading for the period January 2005 to November 2009. Any extra units charged to the respondent other than the actual consumption recorded by the meter are to be withdrawn from the bills. The bills during this period are to be revised accordingly.*
- ii. The bills charged by K-Electric for the period December 2009 to November 2014 are justified and respondent is liable to pay the same.*
- iii. Billing account of the respondent is to be over hauled and revised as per 9 (i) & (ii) above. However arrears be recovered from the respondent in easy monthly installments as determined by POI in the impugned decision.*

*The impugned decision of POI is modified to the above extent."*

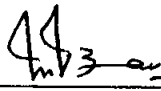
4. The petitioner being dissatisfied with the aforementioned impugned decision has filed the instant review petition. In its review petition, the petitioner contended that the electricity in his premises was not in use since long but bills on average/assessed basis were being charged by K-Electric. According to the petitioner, the electricity bills were challenged before K-Electric from time to time and the electricity meter was also checked repeatedly by K-Electric *but* electricity was found not in use. The petitioner stated that the site was also checked by Electric Inspector and the electricity was again not found in use but in spite of that bills were not corrected. In support of his version, the petitioner supplied copies of Sui Gas bills showing nil consumption and minimum charges. The petitioner pleaded that the electricity was not consumed and as such the average/assessed bills charged by K-Electric were not justified and therefore liable to be withdrawn. The petitioner prayed for acceptance of review petition.





## National Electric Power Regulatory Authority

5. After issuing notice to both the parties, the review petition was heard in the NEPRA's regional office Karachi on 06.06.2016. Mr. Saleem Ahmed Khan the petitioner appeared in person. Mr. Rafique Ahmed General Manager, Ms. Tatheera Fatima Deputy General Manager (Distribution Legal), Mr. Masahib Ali Deputy Manager and Mr. Imran Hanif Assistant Manager represented K-Electric the respondent. Mr. Saleem Ahmed Khan the petitioner repeated the same arguments which have been given in the review petition and prayed for upholding the decision dated 26.08.2015 of POI. Representatives of K-Electric opposed the stance of petitioner and pleaded that all the grounds mentioned in the review petition were discussed and considered by POI as well as by the Appellate Board and as such the review motion is not competent and liable to be rejected.
6. We have heard arguments of both the parties and considered the relevant documents placed before us. In terms of Regulation 3 (2) of NEPRA (Review Procedure) Regulations, 2009, a motion 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 dated 23.02.2016 sought to be reviewed clearly indicates that all material facts and representations made were examined in detail and there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law has been pleaded out. We are convinced with arguments of K-Electric that the review motion is not based on merit and liable to be rejected.
7. In view of the above discussion, the review petition is dismissed.

  
Muhammad Qamar-uz-Zaman  
Member

  
Nadir Ali Khoso  
Convener

  
Muhammad Shafique  
Member

Date: 17.08.2016

