



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

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No. NEPRA/AB/Appeal-004/POI-2017/764-769

May 22, 2017

1. Ali Khan Gabol,
Plot No. NC-270,
Jamali Village, Super High Way,
Karachi
2. Chief Executive Officer,
K-Electric,
KE House, 39-B,
Sunset Boulevard, DHA-II,
Karachi
3. Asif Shajer,
Deputy General Manager,
K-Electric, KE House, 39-B,
Sunset Boulevard, DHA-II,
Karachi
4. Ms. Tatheera Fatima,
Deputy General Manager,
K-Electric Ltd,
3rd floor, KE Block,
Civic Centre, Gulshan-e-Iqbal,
Karachi
5. Electric Inspector,
Karachi Region-II,
Block No. 51, Pak Secretariat,
Shahra-e-Iraq, Saddar,
Karachi

Subject: Appeal Titled K-Electric Ltd Vs. Ali Khan Gabol Against the Decision Dated 02.12.2016 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 18.05.2017, regarding the subject matter, for information and necessary action accordingly.

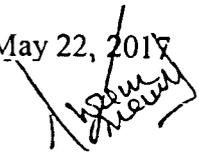
Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-004/POI-2017/769

May 22, 2017

Forwarded for information please.


Assistant Director
Appellate Board

✓ 1. Registrar

CC:

1. Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-004/POI-2017

K-Electric Limited

.....Appellant

Versus

Ali Khan Gabul, Plot No. NC-270,
Jamali Village, Super High Way, Karachi

.....Respondent

For the appellant

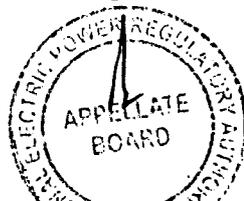
Ms. Tatheera Fatima Deputy General Manager (Legal Distribution)
Mr. Masahib Ali Manager
Mr. Imran Hanif Deputy Manager
Mr. Ali Nisar Ahmed Assistant Manager

For the respondent:

Nemo

DECISION

1. Through this decision, an appeal filed by K-Electric against the decision dated 02.12.2016 of Provincial Office of Inspection/Electric Inspector, Karachi Region-I, Karachi (hereinafter referred to as POI) is being disposed of.
2. Brief facts of the case are that the respondent is proprietor of hotel and a commercial consumer of K-Electric bearing Ref No.LA-329362 having a sanctioned load as 5 kW under A-2 tariff. The respondent filed an application before POI on 03.09.2015 and challenged the arrears of Rs.1,407,791/- charged by K-Electric in April 2015. POI disposed of the matter vide its decision dated



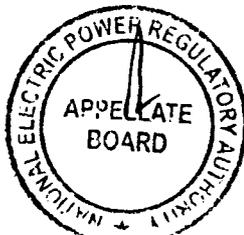


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02.12.2016, the operative portion of which is reproduced below:

“After conducting several number of hearings, giving fair opportunities to hear both the parties, scrutinizing the record, made available with this office and in the light of relevant law & Regulations and above findings, this office is of the firm view that Opponents is directed to cancel the arrear bill amounting to Rs.14,07,791/- for the month of April 2015 and further directed to adjust the paid amount of applicant in future billing when Electricity of the area restored. The opponents are directed to act in terms of above instructions accordingly. The complaint of the applicant is disposed off with above remarks.”

3. The appeal in hand has been filed against the above referred decision. In its appeal, K-Electric inter alia raised the preliminary objection regarding jurisdiction of POI being a theft of electricity case. K-Electric also objected to the maintainability of the impugned decision and contended that POI/Electric Inspector is bound to decide a complaint within 90 days, whereas the complaint was decided by POI after a lapse of 15 months. K-Electric submitted that the electricity bills as per actual consumption were issued to the respondent till January 2008 but later on supply of the respondent was disconnected due to outstanding dues, which was restored illegally by the respondent through a hook connection, therefore subsequently the assessed bills were issued till March 2016. K-Electric averred that the meter was malafidely removed by the respondent. K-Electric informed that the self-generation was used by the respondent for minimum time only while for remaining time, the supply of

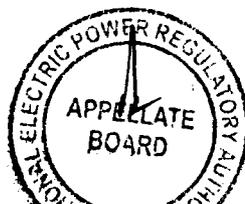




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K-Electric was utilized by means of a hook connection. K-Electric pleaded that the respondent was habitual defaulter, therefore the arrears accumulated to Rs.1,407,791/- are liable to be paid by him. K-Electric prayed for setting aside the impugned decision.

4. The respondent was issued a notice for filing reply/parawise comments to the above appeal, which however were not filed. After issuing notice to both the parties, hearing of the appeal was held in Karachi on 28.04.2017 in which there was presence of K-Electric personnel but no one entered appearance for the respondent. Ms. Tatheera Fatima Deputy General Manager(Distribution Legal), learned representative of K-Electric repeated the same arguments as contained in memo of the appeal and contended that 25 electricity bills were issued to the respondent during the period September 2013 to September 2015 but the respondent could make payment of Rs.100,000/- on 18.05.2015. K-Electric alleged that the respondent's connection was disconnected due to default of payment but he used the hook connection for illegal supply of electricity. According to K-Electric, no FIR could be registered due to law and order situation in the area. Regarding the joint inspection conducted by POI on 16.03.2016, K-Electric pleaded that the report was signed by Meter Inspection Officer, who is not authorized by K-Electric in this behalf. K-Electric further argued that the disconnection of Pole Mounted Transformer (PMT) since long was not correct as a number of other consumers were also getting supply from the same PMT, who could not be deprived for electricity due to default





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of payment by the respondent. K-Electric asserted that the matter was not properly investigated by the POI and should be remanded back to POI for proper investigation.

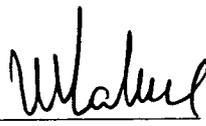
5. We have heard arguments of K-Electric and examined the record placed before us. We are convinced with the contention of K-Electric that (i) due to the default of respondent, supply from the PMT to the entire area could not be suspended and (ii) that the respondent's hotel could get electric supply through self-generation during a long period of disconnection. The consumption record of all the consumers need to be checked in order to verify and assess the period during which supply from PMT to entire area remained disconnected.
6. For the aforesaid reasons, the impugned decision is set aside and the matter is remanded back to the POI for proper investigation and making a decision afresh after providing opportunity of hearing to both the parties..



Muhammad Qamar-uz-Zaman
Member



Muhammad Shafique
Member



Nadir Ali Khoso
Convener

Dated: 18.05.2017

