



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

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No. NEPRA/AB/Appeal-019/POI-2017/ 1073-1077

July 19, 2017

1. Mrs. Rahila Anjum Ansari,  
House No. 306/21, Area 37C,  
Landhi No. 3, 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,  
3<sup>rd</sup> floor, KE Block,  
Civic Centre, Gulshan-e-Iqbal,  
Karachi
5. Electric Inspector,  
Karachi Region-I,  
Block No. 51, Pak Secretariat,  
Shahra-e-Iraq, Saddar,  
Karachi

Subject: Appeal Titled K-Electric Ltd Vs. Mrs. Rahila Anjum Ansari Against the Decision Dated 15.12.2016 of the Electric Inspector/POI to Government of the Sindh Karachi Region-I, Karachi

Please find enclosed herewith the decision of the Appellate Board dated 18.07.2017, regarding the subject matter, for information and necessary action accordingly.

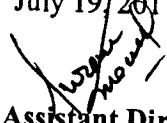
Encl: As Above

No. NEPRA/AB/Appeal-019/POI-2017/ 1078

Forwarded for information please.

(Ikram Shakeel)

July 19/2017

  
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-019/POI-2017

K-Electric Limited

.....Appellant

Versus

Mrs. Rahila Anjum Ansari (Shahnaz Bano Ansari),  
Plot No. 306/21, Area 37/C, Landhi No.3, Karachi

.....Respondent

### For the appellant

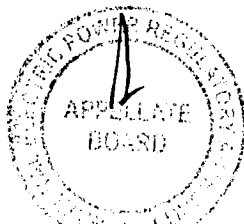
Ms. Tatheera Fatima Deputy General Manager (Legal Distribution)  
Mr. Imran Hanif Deputy Manager  
Mr. Muhammad Riaz Deputy Manager

### For the respondent:

Mrs. Rahila Anjum Ansari

## **DECISION**

1. Through this decision, an appeal filed by K-Electric against the decision dated 15.12.2016 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 a domestic consumer of K-Electric bearing Ref No.AL-861962 having a sanctioned load of 4 kW under A-1R tariff. As per K-Electric, new meter was installed on the premises of the respondent by K-Electric in June 2009 and the electricity bills were charged as per actual meter reading till February 2010. However meter reading could not be noted for the period March 2010 to December 2011 and the electricity bills were charged on average basis by K-Electric during that period. Subsequently, meter reading of





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the respondent was noted as 21,472 units by K-Electric on 04.12.2011 and consequently an adjustment bill of Rs.193,247/- for 15,565 units for the period March 2010 to December 2011 (22 months) was issued to the respondent by K-Electric in January 2012 on account of less charged units, the detail of consumption is given below:

Period 03.02.2010 to 04.12.2011

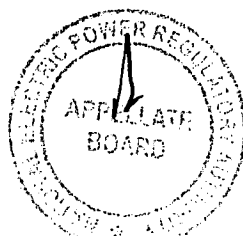
$$\begin{aligned} \text{(i). Total consumption} &= \text{Meter reading} - \text{Meter reading} \\ &\text{on 04.12.2011} \quad \text{on 03.02.2010} \\ &= 21,472 \quad - \quad 1,859 \quad = \mathbf{19,613 \text{ units}} \end{aligned}$$

$$\begin{aligned} \text{(ii). Net chargeable units} &= \text{Total consumption} - \text{Units already charged on average} \\ \text{basis} &= 19,613 \quad - \quad 4,048 \quad = \mathbf{15,565 \text{ units}} \end{aligned}$$

3. Being aggrieved, the respondent challenged the aforesaid adjustment bill before POI vide application dated 20.01.2012. POI decided the matter vide its decision dated 15.12.2016 and concluded as under:

*"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 above findings, this office is of the firm view that inflated under charged/arrear bill, amounting to Rs.193,247/- reflected in the month of January 2012 has no justification on technical and legal and therefore liable to be cancelled, hence direct the Opponents to cancel the said bill accordingly. The complaint is disposed off in terms of above for compliance by the Opponents."*

4. K-Electric was not satisfied with the POI decision dated 15.12.2016 (hereinafter referred to as the impugned decision) and has filed the instant appeal under section 38 (3) of the Regulation of Generation, Transmission and Distribution of





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Electric Power Act 1997 (hereinafter referred to as the NEPRA Act 1997). In its appeal, K-Electric contended that the respondent was charged as per actual meter reading up-to February 2010 since the date of installation of meter i.e. June 2009 but due to law and order situation in the area the respondent was charged from March 2010 till December 2011 on average basis. According to K-Electric, actual meter reading 21,472 was noted on 04.12.2011 resulting thereby in charging the adjustment bill of Rs.193,246/- for 15,565 units for the period March 2010 to December 2011 (22 months) to the respondent in January 2012. As per K-Electric, the aforesaid adjustment bill is in line with clause 6.2 (b) of Consumer Service Manual (CSM), which allows the charging of accumulated units, as such the powers exercised by POI are beyond the limits and violative of CSM. K-Electric prayed that the impugned is illegal, unjustified and therefore liable to be set aside.

5. A notice for filing reply/parawise comments to the above appeal was issued to the respondent, which were filed on 15.03.2017. In her reply, the respondent raised the preliminary objection on limitation and contended that the appeal against the impugned decision dated 15.12.2016 filed before NEPRA on 20.01.2016 is barred by time under Section 38(3) of NEPRA Act 1997, therefore liable to be dismissed. On merits, the respondent rebutted the plea of K-Electric for not taking the reading regularly and charging the electricity bills on average basis due to worst law and order situation. According to respondent, such practice is violation of CSM, which binds K-Electric to record readings each month and charge bill accordingly. The respondent defended the impugned decision and prayed for upholding the same.
6. After issuing notice to both the parties, hearing of the appeal was held in Karachi on 13.06.2017 in which Ms. Tatheera Fatima Deputy General Manager (Distribution

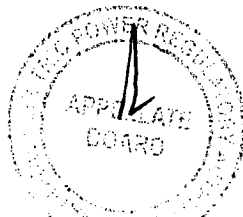




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Legal) along with other officials represented the appellant K-Electric and Mrs. Rahila Ansari the respondent appeared in person. Learned representative of K-Electric repeated the same arguments as contained in memo of the appeal and contended that due to law and order situation in the area actual consumption of the respondent's meter could not be noted and the average bills for the period March 2010 to December 2011 were charged. As per K-Electric, an adjustment bill of Rs.193,246/- for 15,565 units for the period March 2010 to December 2011 (22 months) charged to the respondent in January 2012 was based on actual meter reading and payable by the respondent in accordance with clause 6.2 (b) of CSM. On the contrary, the respondent pointed out that since she made payments as per bills raised by K-Electric during the period March 2010 to December 2011, therefore any difference bill for the said period due to their fault could not make her responsible for making payments. In this regard reliance is placed on the case reported in PLD 1964 Supreme Court 572 (Mian Muhammad Saeed v/s Province of west Pakistan etc.).

7. We have heard arguments of both the parties, it has been observed as under:
  - i. Preliminary objection of the respondent regarding limitation was not pressed during the hearing before us. Facts remains that the impugned decision was announced by POI on 15.12.2016, whereof copy of the same was obtained by K-Electric on 26.12.2016 and the appeal was filed before NEPRA on 20.01.2017 within 30 days of receipt of the impugned decision as stipulated in Section 38(3) of NEPRA Act 1997. Objection of the respondent in this regard is not valid, therefore rejected.
  - ii. Objection of K-Electric regarding powers/jurisdiction of POI is devoid of force as it is metering, billing dispute and falls within the jurisdiction of POI pursuant





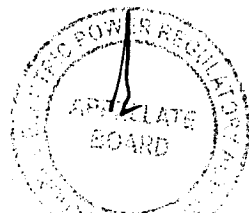
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to Section 38 of NEPRA Act 1997.

- iii. Admittedly K-Electric charged the average bills for the period March 2010 to December 2011 and later on raised an adjustment bill of Rs.193,246/- for 21,472 units for the period March 2010 to December 2011 as per actual meter reading noted by K-Electric, which was agitated by the respondent before POI vide application dated 20.11.2012.
- iv. Obviously the billing process by K-Electric is violation of CSM, which binds K-Electric to take monthly reading and charge the respondent accordingly. The reason for delaying the average bill by K-Electric being bad law and order situation is not supported by any document, therefore declined. As a matter of fact, the concerned staff is liable to face the disciplinary action due to their failure in observing monthly readings and bills issued accordingly.
- v. No controversy has been raised regarding the reading and accuracy of the meter by the respondent as such the respondent is liable to pay for the consumption of 15,565 units pursuant to clause 6.2(b) of CSM, which is reproduced below:

*“In cases where accumulated readings are recorded, segregate bills shall be prepared keeping in view the number of months for which the readings have been accumulated to give relief to the consumer.”*

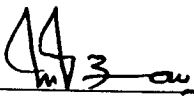
The case law reported in PLD 1964 Supreme Court 572 (Mian Muhammad Saeed v/s Province of west Pakistan etc.) as provided by the respondent to substantiate her arguments is not relevant, therefore the impugned decision for cancellation of the adjustment bill of Rs.193,246/- for 15,565 units for January 2012 is not correct and liable to be declared null and void.







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- vi. However the adjustment bill of 15,565 units chargeable from the respondent need to be segregated amongst 22 months and the respondent need to be charged as per approved and applicable tariff during the disputed period i.e. March 2010 to December 2011.
8. Forgoing in preceding paragraphs, it is concluded that:
- i. The adjustment bill of Rs.193,246/- for January 2012 is declared null and void as determined by POI.
  - ii. The respondent should be charged 15,565 units by K-Electric and the bills be calculated as per applicable tariff in the relevant period i.e. March 2010 to December 2011.
  - iii. Consumer's account of the respondent should be overhauled and the payments made already be adjusted.
  - iv. The arrears should be recovered in twenty two equal installments along with current monthly bill.
9. The impugned decision is modified in above terms.

  
\_\_\_\_\_  
Muhammad Qamar-uz-Zaman  
Member

  
\_\_\_\_\_  
Muhammad Shafique  
Member

  
\_\_\_\_\_  
Nadir Ali Khoso  
Convener

Dated: 18.07.2017

