



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

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No. NEPRA/AB/Appeal-038/POI-2018/222-226

December 14, 2018

1. Sheikh Zaheer Ahmed
S/o. Mehmood Ali Sheikh (late),
R/o. House No. R-61, Block-8,
A.E.E.C.H.S, Gulistan-e-Jauhar,
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, First Floor,
Block F, Elander Complex,
Elander Road, Karachi
5. Electric Inspector,
Karachi Region-II,
Block No. 51, Pak Secretariat,
Shahra-e-Iraq, Saddar,
Karachi

Subject: **Appeal Titled Sheikh Zaheer Ahmed Vs. K-Electric Against the Decision Dated 06.01.2016 of the Provincial Office of Inspection to Government of the Sindh Karachi Region-II, Karachi**

Please find enclosed herewith the decision of the Appellate Board dated 13.12.2018, regarding the subject matter, for information and necessary action accordingly.

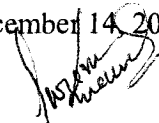
Encl: **As Above**

(Ikram Shakeel)

No. NEPRA/AB/Appeal-038/POI-2018/227

December 14, 2018

Forwarded for information please.


Assistant Director
Appellate Board

✓ 1. Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No.038/2018

Sheikh Zaheer Ahmed S/o Mehmood Ali Sheikh (Late), R/o
House No. R-61, Block-8, A.E.E.C.H.S, Gulistan-e-Jauhar, KarachiAppellant

Versus

K-Electric LimitedRespondent

**APPEAL FILED UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 06.01.2016 PASSED BY PROVINCIAL
OFFICE OF INSPECTION KARACHI REGION-I, KARACHI**

For the appellant:

Mr. Sheikh Zaheer Ahmed

For the respondent:

Ms. Tatheera Fatima Deputy General Manager

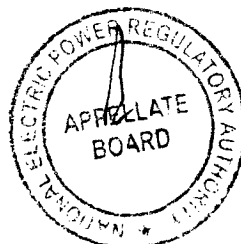
Mr. Asif Shajer Deputy General Manager

Mr. Masahib Ali Manager

DECISION

1. Brief facts leading to the instant appeal are that the respondent who is a domestic consumer of K-Electric bearing Ref No. LA-730841 filed a complaint before Provincial Office of Inspection (POI) and challenged the arrears of Rs.230,844/- till April 2015. POI decided the matter vide its decision dated 06.01.2016 as concluded below:

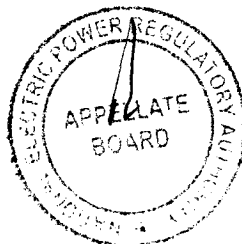
“Assessed/X-code bills are canceled and the same be revised as per meter reading. Assessed bills to be charged on the average consumption of the last three months of the new healthy meter. Recover arrears in 15 easy installments.”





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2. The appellant being aggrieved with the action of K-Electric approached POI for compliance of above-referred decision. In response, POI directed Chief Executive Officer K-Electric for implementation of decision dated 06.01.2016 vide letters dated 25.08.2016 and 09.12.2016. Subsequently, the appellant preferred an appeal before Secretary Energy Department, Gov't of Sindh for implementation of POI decision dated 06.01.2016. Section Officer (Appeal) Energy Department, Gov't of Sindh vide its letter 23.11.2017 advised the appellant that the matter lies under Section 38 of NEPRA Act, 1997, so he may approach NEPRA Appellate Board for redressal of his grievance. Consequently, the appellant filed the instant appeal against the non-implementation of POI decision dated 06.01.2016 before NEPRA on 06.02.2018.
3. Notice was issued to K-Electric for filing reply/para-wise comments to the appeal, which were filed on 17.08.2018. In its reply, K-Electric pleaded that the appeal filed before NEPRA be dismissed being time-barred by 70 days. K-Electric repudiated the contention of the appellant for implementation of the POI decision dated 06.01.2016 and averred that a rebate of Rs.103,963/- has already been afforded to the appellant as per POI decision dated 06.01.2016, hence the appellant is required to pay the outstanding dues of Rs.180,497/- up-to July 2018.
4. After issuing notice, hearing of the appeal was conducted in Karachi on 22.10.2018 in which both the parties appeared. At the outset of hearing, a question was raised with the appellant regarding his grievance, the appellant stated that he is satisfied with the POI decision dated 06.01.2016 and same is not being implemented by K-Electric.





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According to the appellant, he approached K-Electric repeatedly to settle his disputed bills pursuant to the POI decision dated 06.01.2016 but no action was taken. Being disappointed, he filed an appeal before Secretary Energy Department, Gov't of Sindh for the non-compliance of the POI decision dated 06.01.2016. On the advice given by the said office, he has filed the instant appeal for the implementation of the POI decision dated 06.01.2016. K-Electric stated that the appeal is time-barred and liable to be dismissed on this ground.

5. Arguments heard and the record examined. It is obvious that the POI decision dated 06.01.2016 has not been impugned by the appellant, as a matter of fact, he is complaining against the non-implementation of the said decision. An appeal cannot be preferred for the implementation of the decision of a POI u/s 38 of NEPRA Act, 1997. Evidently, the appeal is not competent before this forum for the said purpose, therefore the same is liable to be dismissed. The appellant however may file a complaint before NEPRA under Section 39 of NEPRA Act, 1997 for the subject matter.
6. In view of the above, the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 13.12.2018

