



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

NEPRA Office , Atta Turk Avenue (East), G5/1, Islamabad  
Tel. No. +92 051 2013200 Fax No. +92 051 2600030  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/AB/Appeal-127/POI-2017/ 111-115

January 19, 2018

1. Khawaja Ashfaq Ahmed,  
House No. 946, KESC Survey No. 3034,  
Street No. 09, Iqbal Baloch Colony,  
Sector 11 ½, Orangi Town,  
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 K-Electric Ltd Vs. Khawaja Ashfaq Ahmed Against the Decision Dated 09.06.2017 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 18.01.2018, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-127/POI-2017/ 116

Forwarded for information please.

(Ikram Shakeel)

January 19, 2018

  
Assistant Director  
Appellate Board

✓ Registrar

CC:

1. Member (CA)



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

### Appeal No. NEPRA/Appeal-127/2017

K-Electric Ltd

.....Appellant

Versus

Khuwaja Ashfaque Ahmed, House No.946,  
KESC Survey No.3034, Street No.09, Iqbal Baloch Colony,  
Sector 11<sup>1/2</sup>, Orangi Town, Karachi

.....Respondent

#### For the appellant:

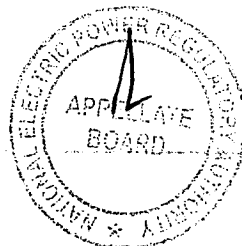
Ms. Tatheera Fatima Deputy General Manager (Legal Distribution)  
Mr. Asif Shajer Deputy General Manager  
Mr. Imran Hanif Deputy Manager

#### For the respondent:

Nemo

### DECISION

1. This decision shall dispose of the appeal filed by K-Electric against the decision dated 09.06.2017 of Provincial Office of Inspection Karachi Region-II, Karachi (hereinafter referred to as POI).
2. Brief facts of the case are that the respondent is a residential consumer of K-Electric bearing Ref No.LA-156089 having a sanctioned load of 1 kW under A-1 R tariff. The respondent filed a complaint before POI and assailed the arrears of Rs.142,383/- reflected in the bill for April 2015. In his compliant, the respondent submitted that he purchased



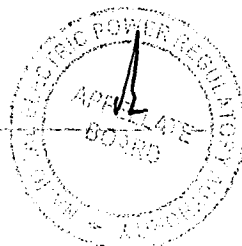


## National Electric Power Regulatory Authority

house and approached K-Electric for change of the consumer name and correction of address. The respondent further submitted that he made a payment of Rs.72,058/- against the disputed arrears of Rs.142,383/- on 04.05.2015 under rebate scheme. As per version of K-Electric, the billing dispute of the respondent was settled till September 2015 and accordingly a rebate of Rs.70,796/- was provided to the respondent. The complaint of respondent was decided by the POI vide its decision dated 09.06.2017 with the following conclusion:

*“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 entire assessed billings and revise the same on actual consumption basis. If the meter is faulty the same is replaced with new healthy energy meter at once. If the complainant paid any excessive amount, it should be adjusted in future billings. The opponents is directed to take monthly reading as per procedure. The complainant is directed to complete the codal formalities of the opponents for change of name.”*

3. The above referred decision has been assailed by K-Electric through the appeal in hand filed under Section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as the NEPRA Act 1997). In its appeal,

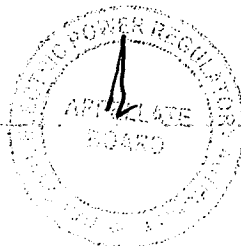




## National Electric Power Regulatory Authority

K-Electric contended that the assessed billing till September 2015 has already been settled and accordingly a rebate of Rs.70,796/- was provided to the respondent, therefore the impugned decision for the cancellation of entire assessed bills and revision of the same on actual consumption is not sustainable. K-Electric further submitted that the meter reader visited the premises of the respondent time and again for monthly readings as per clause (d) chapter 6 of Consumer Service Manual (CSM) and on all the occasions, the respondent was found stealing electricity through unfair means, therefore five assessed bills for February 2016, June 2016, July 2016, September 2016 and October 2016 were correctly charged to the respondent and the respondent made payments against the aforesaid assessed bills. As per K-Electric, the disputed billing till September 2015 was mutually settled, therefore FIR was not lodged against the respondent.

4. In response to the above appeal, the respondent was issued notice for filing reply/parawise comments, which were filed on 18.09.2017. In his reply/parawise comments, the respondent objected to the maintainability of the appeal on the grounds inter-alia that the copy of the power of Attorney is not attached with the appeal. The respondent refuted the allegation of theft of electricity levelled by K-Electric and contended that the site inspection report dated 24.06.2017 is fabricated, without notice and raising the new objection at the belated stage by K-Electric is not maintainable. The respondent submitted that the impugned decision is well based, fair and speaking and should be upheld.
5. After issuing notices to both the parties, the hearing of the appeal was held in Karachi on 29.12.2017 in which Ms. Tatheera Fatima Deputy General Manager (Distribution Legal)





## National Electric Power Regulatory Authority

along with her team made appearance for the appellant K-Electric but no one appeared for the respondent. Learned representative of K-Electric repeated the same arguments as earlier given in memo of the appeal and pleaded for setting aside the impugned decision.

6. We have heard arguments of K-Electric and examined the record placed before us. As regards the objection of respondent regarding the maintainability of the appeal, it is a matter of record that attested copy of the power of attorney dated 31.05.2015 is attached with the appeal; hence the objection in this regard. Further the stance of K-Electric regarding the mutually settlement of billing till September 2015; provision of rebate of Rs.70,796/- and payment of Rs.72,058/- against the disputed arrears of Rs.142,383/- seems to be correct and remained un-rebutted, therefore, the impugned decision regarding the same has no justification. K-Electric charged the assessed bills even after September 2015 on the plea that the respondent was illegally consuming the electricity, the detail of which is given below:

Month	Units charged
February 2016	245
June 216	300
July 2016	250
September 2016	295
October 2016	295





## National Electric Power Regulatory Authority

In order to evaluate the justification of the afore-mentioned assessed bills, analysis is made below:

Period	Average units charged in normal Mode	Average units charged in assessed mode
<b>Disputed:</b> February 2016, June 2016, July 2016, September 2016, October 2016	-	277
<b>Undisputed:</b> March 2016 to May 2016, August 2016, November 2016 to December 2016	114	-

In view of above, it is evident that the assessed bills charged @ 277 units/month during the disputed months are quite higher than the normal average consumption of 114 units/month, which establishes that the assessed bills charged during the said months are unjustified. It would be judicious to charge the electricity bills @ 114 units/month for these months i.e. February 2016, June 2016, July 2016, September 2016 and October 2016 as recorded during the undisputed months.

7. From what has been discussed above, we have reached to the conclusion that payment of electricity bills till September 2015 is a past and closed transaction and is based upon mutual settlement of both the parties, but the assessed bills for the period February 2016, June 2016, July 2016, September 2016 and October 2016 charged by K-Electric are unjustified and declared null and void. However the respondent should pay the electricity bills @ 114 units/month for these months. The consumer's account of the respondent should be overhauled by making adjustment of bills paid and revised bills be





## National Electric Power Regulatory Authority

issued accordingly.

8. The appeal is disposed of in above terms.

Muhammad Qamar-uz-Zaman  
Member

Nadir Ali Khoso  
Convener

Muhammad Shafique  
Member

Dated: 18.01.2018

