



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 124/2018

K-Electric Limited

.....Appellant

Versus

Zahid Aziz, Plot No.SD-18, Street-03, DOHS-II, Malir Cantt, KarachiRespondent

For the appellant

Ms. Tatheera Fatima Deputy General Manager (Legal Distribution)

Mr. Asif Shajer Deputy General Manager

Mr. Masahib Ali Manager

Mr. Imran Hanif Manager

For the respondent:

Mr. Zahid Aziz

Mr. Talha-bin-Zahid

DECISION

1. Brief facts leading to the filing of instant appeal are that the respondent is a domestic consumer of K-Electric bearing Ref No.AL-885448 having sanctioned load of 1 kW under the A-IR tariff. The respondent filed an application before the Provincial Office of Inspection (POI) and challenged the arrears of Rs.445,371/- accumulated till March 2017. As per respondent, the dues of Rs.377,000/- were worked out in the Board meeting headed by Brig. Irfan in the year 2003 in which it was decided that the respondent will pay the amount of Rs.190,000/- against the said arrears and the remaining amount of Rs.187,000/- was payable by the corporation. According to the respondent, the payment of Rs.190,000/- was made by him till March 2005 but



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K-Electric included the arrears of Rs.187,700/- payable by the corporation in his bill for September 2009. The above application of the respondent was disposed of by POI vide its decision dated 15.05.2018 with the following conclusion:

“After conducting number of hearings, giving fair opportunities to hear both the parties, scrutinizing the record made available with this authority and in the light of relevant laws & Regulations and above findings, this authority is of the firm view that the complainant is not liable to pay the so-called current, outstanding dues which are outcome of original Government billing dues, late fee surcharges and reconnection charges as the complainant has already suffered a lot, mental torture and stress caused by the opponents. However opponent may recover outstanding dues of monthly energy bills if any towards complainant and may opt necessary steps towards Government billing dues from the concerned quarters. The opponents are directed to act in terms of the above instructions, accordingly. The complaint of the applicant is disposed of with remarks.”

2. Being dissatisfied with the above-referred decision, K-Electric has filed the instant appeal wherein a preliminary objection was raised regarding jurisdiction and K-Electric contended that the case was filed under section 38 of NEPRA Act, 1997, whereas it was decided by the officer in the capacity as an Electric Inspector. K-Electric raised another objection regarding limitation and contended that the dispute pertaining to the year 2003 was agitated by the respondent before POI in the year 2013 after the lapse of one decade, hence the complaint is barred by time. As per K-Electric, the bills were charged to the



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respondent as per actual consumption recorded by the meter but due to default in payment, the arrears of Rs.445,371/- accumulated till March 2017. According to K-Electric, the above arrears are recoverable from the respondent being the occupant of the premises as per clause 8.5a (iii) of Consumer Service Manual (CSM). K-Electric asserted that the respondent is a chronic defaulter of payment of electricity bills, hence Late Payment Surcharge is recoverable from him as per clause 6.2 of CSM. K-Electric finally prayed for setting aside the impugned decision.

3. Notice for filing reply/para-wise comments to the above appeal was issued to the respondent, which were replied on 10.11.2018. In his reply, the respondent submitted that the dues of Rs.377,000/- up-to June 2003 were settled in the board meeting in which it was decided that an amount of Rs.190,000/- was recoverable from him. The respondent further submitted that as per the agreement, an amount of Rs.193,765/- was paid by him in seventeen installments till March 2005. As per respondent, K-Electric wrongly added the arrears of Rs.197,699/- in the bill for February 2009, which were agitated before K-Electric and finally before POI in the year 2013. According to the respondent, K-Electric failed to produce solid evidence before POI, who ultimately passed an appropriate order, which is liable to be maintained.
4. Notice was issued and hearing of the appeal was conducted in Karachi on 26.02.2019 in which Ms. Tatheera Fatima Deputy General Manager (Distribution Legal) along with other officials represented the appellant K-Electric and Mr. Zahid Aziz the respondent appeared in person. The learned representative of K-Electric repeated the same



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arguments as contained in the memo of the appeal and argued that the respondent is a defaulter in making payment of electricity bills, which resulted in the increase in arrears of Rs.458,703/- till May 2018. However, learned representative for K-Electric could not provide the breakup of the aforesaid arrears. On the other hand, the respondent claimed that the dues of Rs.377,000/- till the year 2003 were settled in the board meeting headed by Brig. Irfan but he also failed to provide any documentary evidence in support of his contention. The respondent further pointed out that the aforesaid arrears pertain to other premises i.e. Bungalow B-18, whereas he is residing in the Bungalow i.e. SD-18. During the hearing, both the parties agreed for remanding back the matter to POI for redetermination of facts and decision.

5. In consideration of facts stated above, the impugned decision is set aside and the matter is remanded back to POI for decision afresh after providing the opportunity of hearing to both the parties.

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 18.03.2019