

Form-B

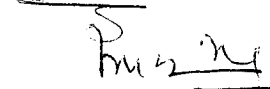
APPEAL TITLED "K-ELECTRIC LIMITED. VS MST. RUKHSANA" AGAINST THE DECISION DATED 22.03.2019 OF THE ELECTRIC INSPECTOR/POI TO GOVT. OF SINDH, KARACHI REGION-II, KARACHI.

(a) Date of presentation before the Registrar : April 25, 2019

(b) Date of Receipt by post : April 23, 2019

(c) Registration number : NEPRA/Appeal-143/POI-2019

(d) Signature of the Registrar :


Date: May 31, 2019 31 05 19

- Kindly note that the case file in the above subject matter was forwarded to Appellate Board on 25.04.2019 and the same was received on 30.05.2019, to allot a number to the subject appeal.

7. The checklist at Annex-I has been perused and found in accordance with NEPRA (Procedure for Filing Appeals) Regulations, 2012. The case file is forwarded to Senior Legal Advisor for further necessary action and onward transmission to Registrar Office for registration of appeal, please.



(Ikram Shakeel)
Assistant Director

SA (CA)/Convener Appellate Board

8.

Senior Legal Advisor

9.

Registrar

10.

Next Page pl.

M. Malik
29.05.19

REGISTRAR
DY. No. 1876
Dated: 29.05.19

By: 29/5/19
29/5/19

Subject: **APPEAL TITLED "K-ELECTRIC LIMITED. VS MST. RUKHSANA" AGAINST THE DECISION DATED 22.03.2019 OF THE ELECTRIC INSPECTOR/POI TO GOVT. OF SINDH, KARACHI REGION-II, KARACHI.**

K. Electric Limited through Mr. Asif Shajer, Deputy Manager (Regulations) of K-Electric Limited (hereinafter referred to as "**the Appellant**") submitted the subject appeal titled "K-Electric Limited Vs Mst. Rukhsana" received in this office on 23.04.2019 (PUC). The subject appeal has been filed by K. Electric Limited against the decision of the Provincial Office of Inspection/Electric Inspector regarding Complaint of Mst. Rukhsana. The instant appeal has been filed under Section 38(3) of NEPRA Act against the decision dated 22.03.2019 of the Provincial Office of Inspection/Electric Inspector, Karachi Region-II, Karachi.

2. The appeal submitted by the appellant has initially been examined by the Registrar Office to check the compliances of the Regulations. The information/documents received so far are listed on checklist (**Annex-I**). The same is submitted for information & further examination by the SA (CAD), the Convener of Appellate Board.

3. The status of the information/documents submitted by appellant in pursuance of the Regulations is summarized herein below:

Reg. No.	Provision	Comments/Remarks
3(1)	Date of Issuance of order against which the appeal is filed	The Order, against which the appeal is filed, is dated 22.03.2019.
	Mode of delivery of the Order to the appellant.	The appellant has interalia stated "by hand" in Form-D.
	Date of receipt of the order by appellant along with evidence.	The appellant has interalia stated "Inward Stamp bearing No. 30416 dated 26.03.2019 received on DLD (KE)" in Form-D. The same is evident from endorsed Inward Stamp on submitted Order.
3(2)	Whether this decision given with the consent of the parties?	The appellant has interalia stated "No" in Form-D.
	Whether the decision against which appeal is filed is interim order?	The appellant has interalia stated "No" in Form-D.
4(1)	Whether appeal is being filed within 30 days of receipt of the order by the appellant if not reason thereof?	Yes, the appeal is filed within 30 days as the appellant has received the order on 26.03.2019 and the appeal has been received in Registrar Office, NEPRA on 23.04.2018.

Reg. No.	Provision	Comments/Remarks
5(1)	Whether appeal is being submitted on prescribed format (Form A, B, C & D) of the Regulations?	The appellant has complied with the regulations.
	Whether appeal is addressed to Registrar NEPRA?	The appeal is addressed to Registrar. NEPRA.
5(2)	Whether affidavit duly signed by appellant, verified by Oath Commissioner is attached with the appeal?	Yes, an affidavit duly signed by the appellant and verified by the Oath Commissioner, is submitted with the appeal.
6(1)	Whether appeal is:	Yes, the appeal is typed-written and legible.
	• Typed-written and legible	Yes, the appeal is written on one side of the paper.
	• Written on one side of the paper	Yes, the appeal is submitted on good quality paper.
	• Typed on good quality of paper	Yes, the appeal is submitted on legal size paper.
	• Typed on legal paper	Yes, the appeal is typed in double space.
	• Typed in double space	Yes, all the pages are stitched together in a proper order.
	• Whether all sheets are stitched together	Yes, every page of the appeal with its enclosure is consecutively numbered.
• Whether every page is consecutively numbers		
6(2)	Whether four sets in a paper book are submitted?	Yes, four sets in paper book are submitted with the appeal.
7(1)	Whether memorandum of appeal filed concisely under distinct heads?	Yes, the memorandum of appeal is submitted under distinct heads.
	Whether grounds of such appeal are number consequently?	Yes, the grounds of appeal are numbered consequently.
8(1)	Whether certified copy of order against which appeal is being filed is attached with every copy of the memorandum?	- A public notarized copy of the decision of the POI/EI against which the appeal is filed is submitted along the instant appeal, whereas a true certified copy (POI/EIK certified) is not submitted along the appeal. - Application for exemption from filing of Certified/Original copies of Annex's attached with the memo of appeal, is submitted along the instant appeal.
8(2)	Whether written authorization in favor of signatory of the appeal is attached in case appellant or respondent is representing by his / her representative?	Certified True copy of the Authority Letter dated July 31, 2015. authorizing Ms. Tatheera Fatima regarding assignments with regard to appeals related issues in NEPRA has been submitted alongwith instant appeal.
9(1)	Whether fee of Rs. One thousand (1000/-) in form of bank draft in	Yes, a Pay Order No. 21476988 dated 11.04.2019 amounting to Rs. 1000/- is

10/10

Reg. No.	Provision	Comments/Remarks
	favor of NEPRA?	submitted alongwith the appeal.

4. Pursuant to the Authority's approved functional process (ref: MOM of RM 13-187) for processing the appeals the steps from Regulation 3 to Regulation 10(1) of Regulations has been completed. As per the said functional process, after preparation of initial checklist, Registrar Office has to forward the case to the CAD for comments/recommendations regarding registration of the appeal (step ii of functional process in respect of Regulation 10(1) of the Regulations). However, CAD vide ION dated 15.01.2018 (F/A) has requested that the appeals may directly be referred by Registrar Office to the Appellate Board; the said recommendation of CAD is reproduced as under:

"It is apprised that pursuant to Regulation 10(2) of NEPRA (Procedure for Filing of Appeals) Regulations, 2012 (the Regulations), the Registrar shall register an appeal and allot a serial number after due scrutiny. As per practice in vogue, the Registrar refer the appeals to Consumer Affairs Department (CAD) for comments/recommendation with respect to whether the appeal be allotted a number or otherwise. Thereafter, the case/appeal is referred back to the Registrar to allot a number, and then the Registrar forward the case/appeal to the Appellate Board through CAD.

It is suggested that since the Appellate Board now has sufficient support staff to scrutinize the appeals filed under the Regulations, therefore, in future, the appeals may be directly forwarded /referred to the Appellate Board for further processing."

5. In view of the above, the case file along with revised checklist may be forwarded for comments/recommendations of SA (CAD), the Convener of Appellate Board, that whether the appeal is in order to allot a number by Registrar Office or otherwise, please.

Deputy Registrar

As per para 5/N above, the case file may be forwarded to SA (CAD) for f.n.a. P/2.

Director

N 25/9/18

Registrar

25/04/19.

SA (CAD)

AD (CAD)

25/04/2018
Assistant Registrar

10/05/18

Continued from previous page.....

10. Pursuant to Regulation 10(2) of NEPRA (Procedure for Filing Appeals) Regulations, 2012 (the "Regulations") and thereafter recommendations from the Appellate Board, *vide* para 07-09/ante, following Registration No. has been allotted to appeal titled "KEL Vs Mst. Rukhsana":

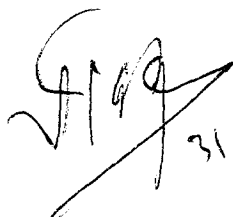
Registration No. NEPRA/Appeal-143/POI-2019

11. Accordingly, endorsement as per **Form-B** of the Regulations has been prepared and is placed for the signature by the Registrar.


12. Pursuant to the Authority's approved functional process (ref: MOM of RM 13-187) for processing the appeals against the decision of the POI, the steps from Regulation 3 to Regulation 10(2) of Regulations has been completed. The original case file, containing all the communication made so far along with noting sheet may kindly be sent to Appellate Board for further processing of the appeal.

13. Submitted please.

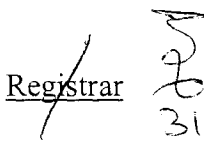
Deputy Registrar


31/5/19

Director


31/5/19

Registrar


31 05 19


31/05/2019

(Tayyab Ilyas)
Assistant Registrar

SA (CAD)