



National Electric Power Regulatory Authority
Islamic Republic of Pakistan

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**OFFICE OF THE
REGISTRAR**

No. NEPRA/R/CAD/TCD-09/139/6-18

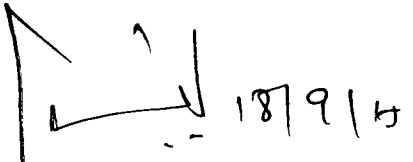
September 18, 2015

Chief Executive Officer
K-Electric Limited
(formerly Karachi Electric Supply Company)
KE House No. 39-B, Sunset Boulevard, Phase-II,
Defense Housing Authority, Karachi.

Subject: **DECISION IN PURSUANCE TO THE ORDERS OF HONORABLE HIGH
COURT OF SINDH AT KARACHI DATED AUGUST 20, 2015 IN C.P NO.
D-4710/2015: SEEMA PARVEEN KHAN VS NEPRA & OTHERS
KE-77/2015**

Please find enclosed herewith the decision of NEPRA dated September 18, 2015 regarding the subject matter for necessary action and compliance within thirty (30) days of receipt of this decision.

Encl:/As above


(Iftikhar Ali Khan)
Deputy Registrar

Copy to:

Additional Registrar (Writ)
High Court of Sindh, Karachi

{ w.r.t. orders dated 20.08.2015
in W.P. No. D-4710/2015. }

Ms. Seema Parveen Khan
House no. C-10 (Right Side Portion)
Ground Floor, Gulshan-e-Rafi, Near Jamia Millia College,
Malir Shah Faisal Town, Karachi



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No. KE-77/2015

Ms. Seema Parveen Khan **Petitioner**
House No. C-10 (Right Side Portion)
Ground Floor, Gulshan-e-Rafi,
Near Jamia Millia College, Malir,
Shah Faisal Town, Karachi.

Versus

K- Electric Limited **Respondent**
Formerly Karachi Electric Supply Company (KESC)
KE House No. 39-B,
Sunset Boulevard Phase-II
Defence Housing Authority, Karachi.

Date of Hearings: September 10, 2015
June 05, 2015

Date of Decision: September 18, 2015

On behalf of:

Petitioner: Ms. Seema Parveen Khan

Respondent: 1) Mr. Rafique Ahmed Sheikh, GM (Regulations)
2) Mr. Khalid Rehman, Director
3) Mr. Sajjad Zaheer, DGM

Subject: **DECISION IN PURSUANCE TO THE ORDERS OF HONORABLE HIGH COURT OF SINDH AT KARACHI DATED AUGUST 20, 2015 IN C.P. NO. D-4710/2015: SEEMA PARVEEN KHAN VS NEPRA & OTHERS**

DECISION

1. Pursuant to the Orders of Honorable High Court of Sindh, Karachi dated August 20, 2015 in C.P. No. D-4710/2015, this decision shall dispose of the complaint filed by Ms. Seema Parveen Khan (hereinafter referred to as the "Petitioner" or the "Complainant") under section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 against K-Electric Limited (hereinafter referred to as the "Respondent" or "KE").

2. Brief facts of the case are that NEPRA received a complaint dated January 21, 2015 from the Petitioner /Complainant wherein it was submitted that she is a co-owner of a plot No. C-10, Ground Floor, Gulshan-e-Rafi, Near Jamia Millia College, Malir Karachi with 25 % shares. She applied to KE on October 18, 2011 for provision of a connection but KE failed to provide

connection to her. She added that three connections are already installed at the premises and she has been using electricity supply from one of them. She again applied to KE on December 20, 2013 for provision of a connection at her premises but KE again failed to provide the same. The Petitioner/Complainant further informed that she submitted an application to KE for change of name of one of the already installed three connections along with consent of owner on May 31, 2014. The connection was transferred to her name in August 2014 after completion of codal formalities but in the month of September 2014, the change of name was reverted by KE. The Petitioner/Complainant prayed that the connection may again be transferred to her name or a separate connection be installed in her name by KE.

3. Accordingly, the matter was taken up with the Respondent vide letter dated January 26, 2015 for filing para-wise comments. In response, the Respondent vide letter dated February 16, 2015 reported that the Petitioner/Complainant applied for an additional connection on a single premises in December 2011 and such petitions of multiple meters at same premises are subjudice before the Honorable High Court of Sindh. KE further submitted that deliberation on the complaint may be held in abeyance till final disposal of the petitions by the Honorable Court. KE further apprised that if any consumer is able to show that his premises is legally bifurcated by land title documents, then there is no problem in providing separate meters in each bifurcated portion. The report of KE was sent to the Petitioner/Complainant for her comments. In response, the Petitioner/Complainant vide her letter dated March 16, 2015 raised her observations over the report of KE. Accordingly, the case was again taken up with KE and some additional information was sought from KE. In response, KE vide its letter dated April 17, 2015 submitted the required information/details.

4. To probe further into the matter a hearing was held on June 05, 2015 at Karachi. The hearing was attended by the Petitioner, her brother (Mr. Aamir Khan Sherwani) and KE representative(s). The case was discussed in detail and it was transpired during the hearing that there was some family dispute between the Petitioner and her brother. The Petitioner's brother stated that he wants to sell his 50 % share of the property but his sister i.e. the Petitioner is creating problems for him in this regard despite the fact that he has assured the Petitioner that upon disposal of his 50 % share, he will transfer one of the two meters in her name. On the other hand, the Petitioner stated that she will only allow her brother to sell his 50 % share if he transfers one of his connections to her prior to sale of the property. During the hearing, KE representatives reiterated their earlier version as per their written submissions/reports. Subsequently, after looking into different aspects of the case, the Petitioner was informed vide letter dated August 26, 2015 that NEPRA cannot proceed further into the matter being a family dispute.

5. Meanwhile, the Petitioner approached the Honorable High Court of Sindh, Karachi vide C.P No. D-4710/2015 and submitted her case/grievances as per her complaint dated January 21, 2015 filed with NEPRA. Accordingly, the Honorable High Court of Sindh vide its Orders dated August 20, 2015 directed NEPRA to decide the application filed by the Petitioner within a period of one month from the date of receipt of the Order. True copy of the said Orders was received in NEPRA on August 28, 2015.

6. Pursuant to the Orders of the Honorable Court, a hearing in the matter was scheduled for September 10, 2015 at NEPRA Head Office, Islamabad. The hearing was attended by the Respondent only, whereas the Petitioner did not attend the hearing and submitted that the contents of the petition may be considered as her written arguments. During the hearing, the Respondent reiterated its earlier version as submitted in its previous correspondence.

7. The case has been analysed in detail in light of written/verbal arguments of the parties and applicable law. Following has been concluded:

- i) The property where the Petitioner is residing is owned by three individuals i.e. Ms Seema Parveen Khan (the Petitioner, 25% shares), Mr. Aamir Khan Sherwani (Petitioner's brother, 50% shares) and Mrs. Nafees Fatima (Petitioner's sister, 25% shares).

- ii) There are four portions of the premises and three separate electricity connections are installed there, out of which, two connections are in the name of Mr. Aamir Khan Sherwani (Petitioner's brother) and one is in the name of Mrs. Nafees Fatima (Petitioner's sister). However, there is no connection in the portion owned by the Petitioner.
- iii) The Petitioner applied to KE twice for provision of a connection but the same was not provided by KE with the plea that (i) the issue regarding provision of more than one connection at any single premises is sub-judice before the Honorable High Court of Sindh, and (ii) if the Petitioner is able to show that her premises is legally bifurcated supported with legal documents, then there is no problem in providing separate meter to the Petitioner.
- iv) The Petitioner obtained supply from one of the three connections installed at the premises with the consent of Mr. Aamir Khan Sherwani (Petitioner's brother) holding 50 % share of the premises. However, due to some family dispute (as stated at para 4 above), connection of the Petitioner was disconnected. Subsequently, the Petitioner submitted documents to KE for change of name of one of the three connections and accordingly, change of name was allowed by KE in August 2014 but in the next month change of name was reverted. KE submitted that the reason for reverting change of name is that the owner of the connection (i.e. Petitioner's brother) approached KE and challenged the NOC provided by the Petitioner for change of name.
- v) As per NEPRA Consumer Eligibility Criteria 2003, any person has right to be provided with electricity supply within the service territory of a licensee subject to fulfillment of codal formalities.

8. Foregoing in view, KE is hereby directed to provide a new electricity connection to the Petitioner subject to completion of all codal formalities. Compliance report be submitted within thirty (30) days.



(Maj. (R) Haroon Rashid)
Member (Consumer Affairs)

Islamabad, September 18, 2015

