

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 775-12-2020

Yaqeen Baig

Vs

K-Electric Limited Karachi

Date: 18.2.2021

Fawad Malik: Information Commissioner

A. APPEAL.

1. Mr. Yaqeen Baig filed his appeal under the Right of Access to Information Act 2017, before the Pakistan Information Commission alleging therein that K-Electric Ltd, Karachi has failed to respond on his request, within the frame of time stipulated in the Act.
2. The appellant has requested the following information from the office of MD/CEO, K Electric Ltd Karachi.

You are requested to provide information of bill attached of November 2020,

1. *On what ground KEL charged 899 KW unit on head of detection/theft, but 266 kw actual consumed last month.*
2. *Kindly provide inspection report along substantial evidence of current bill.*
3. *Provide complete record of past four years detection bill charged along with copy of inspection report with substantial evidence.*
4. *Provide calibration certificate of current energy meter as well as past 4 energy meter.*
5. *Provide third party audit / vet report of past 4 energy meter removed / changed / replaced”.*

B. PROCEEDINGS.

3. K-Electric Limited vide letter dated 30.12.2020 was directed to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body are bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.
4. The reply was not submitted therefore the appeal was fixed for hearing before the Commission on 10.02.2021 and both the appellant as well as the respondent were informed accordingly.
5. Mr. Muhammad Nawaz, Sr. Officer appeared before the Commission to represent the respondent public body and undertook to solve the matter either by providing the record or informing the appellant the provision of the same request earlier. Appeal was adjourned to 17.02.2021.
6. The respondent filed the detailed reply through letter dated 9.2.2021 which reads as under;

“This is with the reference to your letter dated January 14, 2021, please note that Complainant is a consumer of KE having consumer No: AL487923 Contract A/C # 400019404518 and the Complainant premises consist of 40 Square yard Ground + 2 60 Square Yards. However, the complaint is filed by the Complainant in the Pakistan Information Commission “Commission” is denied being false, concocted and without any single piece of evidence.

Furthermore, it is imperative to mention here that the complainant had lodged similar complaints before other forums like NEPRA and Wafaqi Mutasib. The aforesaid complaint filed before Wafaqi Mutasib was dismissed as per Wafaqi Mutasib decision dated 04.01.2021 (copy of decision attached for reference) and subsequently the complaint filed by the complainant before NEPRA bearing No. POK/09/2716/2020 is still pending decision on merits.

It is submitted that the allegation being levelled by the complainant apropos the excess billing is baseless as KE had inspected site on 19.2.2019 and found discrepancy of ‘Shunt in meter’ was reported and connected load 14.00Kw was found, which is clear a violation of NEPRA CSM. After inspection the complainant was charged normal mode.

It is pertinent to mention here that after site inspection, complainant meter was replaced after dismantling the old meter on May 21, 2019 and was sent to the meter department for testing. Moreover, the meter department report reaffirmed the aforementioned discrepancy.

After meter change advice “MCA” it was confirmed that the earlier meter of the complainant was tempered and accordingly an amount was charged for the period of (6) six months against Rs.138,426.

It is pertinent to mention here that for any billing complaints the consumers can approach the appropriate forum i.e., the Federal Ombudsmen, Electrical Inspector and/or NEPRA. In the instant case the Complainant has already approached two forums whereby the Federal Ombudsmen has decided the matter in favour of KE and the other complaint is still pending before NEPRA.”

C. COMMISSION’S VIEW.

7. The appellant feeling himself aggrieved at the hands of the K Electric, on receiving the detection bill has filed his appeal before the Commission, seeking the information vis-à-vis the bill. The appellant has asked for the provision of the inspection report, complete record of past four years detection bills, calibration certificate of current energy meter and others related info and record thereto.
8. The K Electric in its reply has not denied the dispute rather verified that KE had inspected the site on 19.2.2019, found discrepancy of ‘Shunt in meter’ and connected load 14.00KW was found in violation of NEPRA CSM. It is further alleged that after site inspection the meter was replaced after dismantling the old meter on 21.5.2019 which was sent to the meter department and the meter department report reaffirmed the discrepancy, accordingly an amount of Rs. 138,426/- was charged. Be that as it may, asking for the detection report is the basic and fundamental right of the appellant. It is his right to know the mistake for which he has been imposed the detection bill of Rs. 138,426/-. The principal of equity is that when a person is charged for a wrong he is provided complete evidence available against him.
9. The stance of the public body that the appellant has earlier lodged complaints before NEPRA and Wafaqi Mohtasib does not debar him of his right under article 19A of the Constitution read with the Act ibid. The forums of the Federal Ombudsman or NEPRA are meant for looking into any complaint of malpractice in the department whereas this commission is established to provide the citizens’ info and public record held by the public bodies, under the Act 2017. Therefore the decision of the federal ombudsman or pendency of complaint before the NEPRA does not disentitle the appellant from the provision of information and record that was instrumental against him for imposing the fine.
10. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practice would improve the participation of the people in the public affairs aimed at reducing corruption and inefficiency in the governance.

11. It is mandatory for the public bodies to publish including uploading over the internet and computerization for the voluntary disclosure of the categories of record and information mention in section 5, within six months of the commencement of the Act.
12. The Commission has noticed that the respondent public body has not notified the designation officer as mandated under section 9 of the Act. In the absence of the designated officer the Principal Officer will be considered as the designated officer.

D. ORDER.

13. The appeal is allowed. The Chief Executive Officer is directed to provide the appellant the requested information forthwith but not later than ten days of the receipt of this order.

He is further directed to make arrangements for the implementation of the section 5 & 9 of the Act under intimation to the Commission by 15.4.2021.

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on: 23.2.2021

Certified that this order consists of