

Pakistan Information Commission

Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 774-12/2020

Yaqeen Baig

(Appellant)

Vs.

K-Electric

Through its Chief Executive Officer,

(Respondent)

ORDER

Date: May 25, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed Appeal on December 14, 2020 to the Commission, stating that he had submitted information requests to the MD/CEO, K-Electric on November 29, 2020 under the Right of Access to Information Act 2017 but did not received any response from the public body.

2. The information sought by the Appellant is as follows:

“You are requested to provide information of bill attached of November 2020.

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

B. Proceedings

3. Through a notice dated December 22, 2020, sent to CEO, K-Electric, the Commission stated that “Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.

4. On April 19, 2021, the commission sent another notice to Director, Public Affairs and Government Relations but no response was submitted to this commission. Through this notice, the Commission directed the public body to “submit your written reply and arguments to Pakistan Information Commission within fifteen days of the receipt of this notice. Copies of the supporting documents may be annexed with the written arguments”. The Commission also stated through this notice that If the written arguments are not submitted within 15 working days, “the appeal will be decided Ex Parte in the light of the record available on file and the Right of Access to Information Act 2017”.

C. Discussion and Commission’s View on Relevant Issues

5. The question for the consideration of this commission is as under:

Does the Respondent, K-Electric Limited come within the purview of definition of public body under the Right of Access to Information Act 2017, henceforth referred to as Act?

6. This commission holds that K-Electric is a public body under Section 2 (d) of the Right of Access to Information Act 2017 which states that Any incorporated or unincorporated body of the Federal Government functioning under the control or authority of another public body or wherein once or more public bodies own or have controlling interest or provide substantial funding;”, is a public body.

7. The Respondent, K-Electric is also a public body in accordance with the Section 2 (5) of the Right of Access to Information Act 2017 which states “*Any other organization which undertakes a public function, to extent of that function;” is a public body.*

8. This commission is of the view that the requested information is of public importance as it involves information about the delivery of public service such as electricity and amount charged to the Appellant for the delivery of this basic service.

9. This commission holds that certified copies of the inspection reports requested by the Appellant are also public documents under Section 5 (1) (i) of the Act and as such should be provided to the Appellant.

D. Order

10. Appeal is allowed. CEO, K-Electric is directed to provide information mentioned in para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.

11. The Respondent is directed to take immediate steps to proactively share through the web site all categories of information mentioned in Section 5 of the Right of Access to Information Act 2017 and submit the compliance report to the commission in the Template for the Compliance Report-

Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017'. This template is available under 'Information Desk' category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission within 30 days of the receipt of this Order.

12. Copies of this order be sent to CEO, K-Electric and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

June 03, 2021

This order consists of 3 (three) pages, each page has been read and signed.