

THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Muhammad Jaffer Raza

C.P. No. D – 5060 of 2025

[K-Electric Limited versus National Electric Power Regulatory Authority & others]

Petitioner : K-Electric Limited through M/s. Abid S. Zuberi and Ayan Mustafa Memon, Advocates for the Petitioner along with Syed Irfan Ali Shah, Head of Department (Legal Affairs), K-Electric.

Date of hearing : 17-10-2025

Date of decision : 17-10-2025

ORDER

Adnan Iqbal Chaudhry J. - It is pleaded that the National Electric Power Regulatory Authority [NEPRA-Respondent No.1] made tariff determinations for the Petitioner (K-Electric) under section 31 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 [NEPRA Act] for FY 2024 to 2030, and on the Petitioner's Write-Off Claims for Multi-Year Tariff 2017-2023. Against such tariff determinations, Respondent No. 3 (Ministry of Energy) preferred Review Motions under Regulation 3 of the NEPRA (Review Procedure) Regulations, 2009 [Regulations of 2009], so also a Reconsideration Request under section 31(7) of the NEPRA Act, which was subsequently converted by the NEPRA to a Review Motion. Hearings were held by the NEPRA on 01.10.2025, 07.10.2025 and 09.10.2025, whereupon decision was reserved, which continues to be so.

Learned counsel submit that the Respondent No.3 (Ministry of Energy) could not have filed Review Motions or a Reconsideration Requests without the approval of the Federal Cabinet; that NEPRA could not have converted a Reconsideration Request to a Review Motion; that even though such objection was raised by the Petitioner at the outset, it was not provided a copy of the admission order or conversion order passed by NEPRA, nor did NEPRA decide the objection before hearing the Review Motions. The Petitioner prays

for a writ to restrain the NEPRA from passing any order on the Review Motions without first providing the Petitioner with a copy of the admission order and conversion to enable it to appeal the same.

After going through the Regulations of 2009, we are of the view that NEPRA's power to 'admit' a Review Motion, referred to there in as "granting leave to review", is to enable it to cull Review Motions that are frivolous, and not to bifurcate the proceedings to present the licensee with an appealable order at the pre-hearing stage. Nevertheless, where the NEPRA admits a Review Motion for hearing, that is without prejudice to any legal objection that may be raised against its maintainability at the hearing. Admittedly, the NEPRA has yet to decide the Review Motions. It may well agree with the Petitioner and dismiss the Review Motions as not maintainable. If not, the objection would still be available to the Petitioner in assailing the decision eventually passed on the Review Motions. The petition is therefore misconceived and dismissed *in limine*.

JUDGE

JUDGE

*PS/SADAM