Tribunal Declares KPLC's Excessive Power Bill Unlawful and unpayable Derek Seton v KPLC (EPA/E039/2024) [2025]

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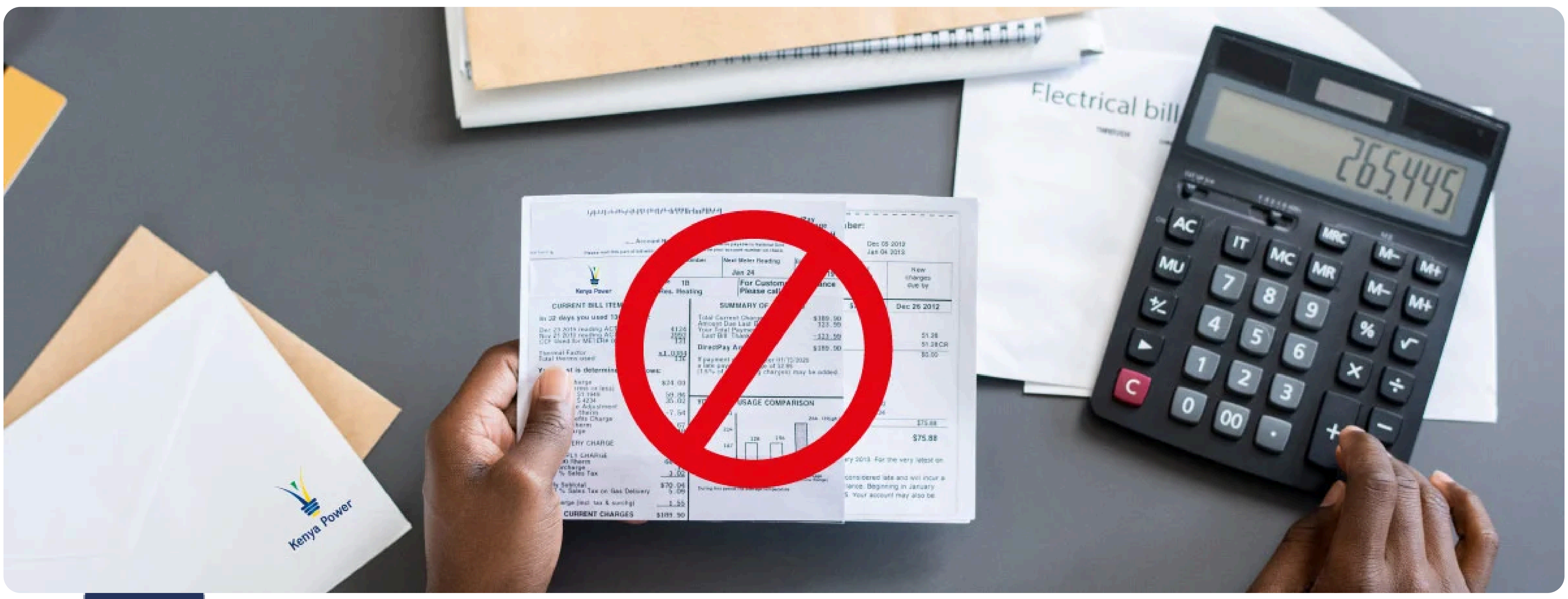

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Background

In the recent decision in **Derek Seton v Kenya Power and Lighting Company [KPLC] (EPA/E039/2024) [2025]**, the Energy and Petroleum Tribunal held that the disputed bill of Kshs. 518,099 was illegitimate and not due for settlement by our client. KPLC must exercise reasonable competence, skill and care in dealing with their customers including when billing.

The facts of the case are that Mr. Derek Seton (the Appellant), a long-standing KPLC customer, disputed an electricity bill of **KES 518,099** issued for approximately 36-day period in March–April 2023. In addition, his electricity meter had been receiving unreasonably irregular and inconsistent billing for over five years (Nov 2017–Feb 2023), and sometimes not billed at all. Despite repeated complaints, meter inspection requests, and demand letters, KPLC failed to resolve the anomalies but instead KPLC threatened, and in fact disconnected his electricity supply over the disputed bill. This prompted the Appellant to lodge a complaint with EPRA in February 2024. EPRA rendered its determination after 253 days, which way past the maximum 60 days permitted by law. Being aggrieved by EPRA's determination, Mr. Derek Appealed to the Tribunal.

Issues for Determination

The issue identified by the Tribunal for determination was whether the disputed bill was legitimate and due for settlement by the Appellant.

Holding

While acknowledging KPLC's obligations and powers under ***Section 145(2) of the Energy Act 2019***, which include inspection of premises, metering, selling and billing, the Tribunal found that the bill was **illegitimate** as it was based on glaring anomalies, indolence and incompetence of KPLC's staff in reading post paid meters. The erroneous billing was further compounded by failure of KPLC's staff to appreciate the meter's rollover mechanism. The Tribunal further held that the subsequent disconnection of the Appellant's electricity supply was **unlawful**.

Resultantly, the Tribunal held that the disputed electricity bill was arrived at without any basis, is illegitimate and not due for payment by the Appellant. The Tribunal ordered KPLC to replace, at its own costs, the Appellant's post-paid meters with pre-paid meters.

Conclusion

This decision aligns squarely with ***Section 145(2) of the Energy Act, 2019***, which require KPLC to ***ensure accurate metering, transparent billing, and collection of revenue*** and ***section 160*** which requires customers to settle their electricity bill for an uninterrupted power supply. It also rehashes the consumers' rights under ***Article 46 of the Constitution*** to protection, information and accountability and reasonable service terms.

By holding KPLC accountable for inaccurate and gross billing and procedural unfairness, the Tribunal reinforced the principle that utility companies must exercise diligence in billing, and cannot penalize consumers for their internal administrative failures.

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