



REPUBLIC OF KENYA

IN THE ENERGY AND PETROLEUM REGULATORY AUTHORITY

DISPUTE NO: EPRA/PEACP/CP/4/64334422/2025

JOHN NYORO.....PLAINTIFF

VERSUS

KENYA POWER & LIGHTING COMPANY LIMITED, PLC.....RESPONDENT

DETERMINATION

A. BACKGROUND

1. The Plaintiff through his Advocates, M/s Maina Makome and Company Advocates filed a complaint with the Authority vide a letter dated 15th September, 2025 and duly received by the Energy & Petroleum Regulatory Authority (the Authority) on the 2nd October, 2025.
2. The Plaintiff avers that he is a consumer of electricity supplied by the Respondent and is the registered owner of electricity accounts named below;
 - a. Postpaid Account No. [REDACTED] located in Embakasi, Mukuru Kwa Njenga.
 - b. Prepaid Account No. [REDACTED] and [REDACTED] all situated on Plot Number [REDACTED] Block [REDACTED], located in Langata, Nairobi County.

B. PLAINTIFF'S CASE

2. The Plaintiff avers that on or about January 2015, electricity supply to his postpaid account number [REDACTED] in Embakasi, Mukuru Kwa Njenga was disconnected due to an alleged outstanding bill of Kshs. 106,386.68.

3. He further adds that in April 2021, he visited the Respondent's offices with the intention of settling the said amount to facilitate reconnection of electricity to his premises at Embakasi.
4. The Plaintiff claims that upon payment of Kshs. 106,386.68, he was informed by the Respondent's representatives that an additional amount of Kshs. 1,069,935.00 was owed by him, allegedly being accrued interest.
5. Subsequently, the Plaintiff states that he lodged a formal complaint with the Authority challenging the disputed amount of Kshs. 1,069,935.00.
6. The Plaintiff claims that despite a mutual understanding between him and the Respondent, that electricity would be reconnected to the Embakasi premises pending resolution of the disputed bill, the Respondent unlawfully disconnected electricity supply to his prepaid account numbers [REDACTED] and [REDACTED] all located in Langata, which are wholly unrelated to the disputed Postpaid account number [REDACTED].
7. As a result, the Plaintiff avers that the Respondent's repeated disconnection of electricity supply to his prepaid accounts has occasioned him substantial loss, including the vacation of the premises by tenants.
8. The Plaintiff prays for the following Orders;
 - a) An order directing the Respondent to reconnect electricity supply to all affected prepaid accounts in Langata;
 - b) Cessation of all threats of disconnection to accounts unrelated to the ones in dispute;

C. RESPONDENT'S CASE

9. The Authority notes that the Respondent has neither filed any response to the Plaintiff's claim nor tendered evidence/documents in support of its case thereby leaving the Plaintiff's averments uncontroverted before the Authority.
10. The Respondent was duly accorded an opportunity to file its response and submissions pursuant to the Authority's emails dated 14th October 2025 and 7th November 2025 respectively.

11. The Respondent filed a Notice of Preliminary Objection dated 24th November 2025, challenging the jurisdiction of the Authority on the ground that the Authority is functus officio pursuant to Section 23 and 24 of the Energy Act, Cap 314.

D. DISPUTE RESOLUTION PROCESS

12. Upon receiving the Plaintiff's complaint on the 2nd October 2025, the Authority directed the Respondent to apprise the Authority on the status of the complaint within seven (7) days via email on 14th October 2025. A follow up was conducted on the 7th November 2025 after the Respondent failed to submit a response.
13. Subsequently, the Authority set up a virtual hearing and invited both parties to attend the same the 24th November, 2025.
14. The Plaintiff and his legal representative failed to attend the hearing despite several attempts to reach them through their telephone contacts.
15. The Respondent filed a Preliminary Objection on 24th November 2025, which was ruled upon by the Authority. The Authority ruled that that the two complaints lodged by the Plaintiff are distinct as they relate to different electricity accounts belonging to the Plaintiff.
16. Consequently the Authority proceeded to dismiss the Respondent's preliminary objection dated 24th November, 2025 and directed that a hearing date on the Plaintiff's complaint dated 15th September, 2025 would be communicated to the parties.
17. The Authority scheduled the matter for hearing on the on the 15th December 2025 however, both parties herein failed to attend.

E. ISSUES FOR DETERMINATION

18. Based on the facts and evidence tendered, the Authority finds that the following issue arise for determination;
- a) Whether the Respondent illegally disconnected power supply to the Plaintiff's prepaid account numbers [REDACTED] and [REDACTED] all located in Langata, Nairobi County.

F. ANALYSIS OF THE DISPUTE

a) Whether the Respondent illegally disconnected power supply to the Plaintiff's prepaid account numbers [REDACTED] and [REDACTED] located in Langata.

19. The dispute before the Authority concerns an alleged unlawful disconnection of electricity supply and a disputed bill affecting the Plaintiff's postpaid account no. [REDACTED] (Embakasi, Mukuru Kwa Njenga) and several prepaid accounts (Plot No. [REDACTED] Block [REDACTED], Langata), namely [REDACTED] and [REDACTED]

20. The Plaintiff's case as captured in the record, is that the Respondent disconnected electricity supply to the aforementioned prepaid accounts located in Langata, which the Plaintiff contends are wholly unrelated to the disputed postpaid account number [REDACTED]

21. The Preliminary Objection by the Respondent on the Jurisdiction of the Authority has already been conclusively addressed by the Authority in a Ruling dated 4th December, 2025.

22. In the said Ruling, the Authority found that the 2025 complaint lodged by the Plaintiff is a fresh complaint since the same covers additional prepaid accounts located in Langata which were not referenced in the earlier 2022 complaint, and thus the two complaints are different as they relate to different electricity accounts.

23. Therefore, the present determination proceeds on the settled position that the Authority is duly seized of the matter and properly entitled to determine the current dispute on its merits.

24. The core technical controversy is twofold; first, the validity and origin of the disputed bill on the postpaid account; and second, whether the Respondent was technically and procedurally justified to disconnect or threaten disconnection of the Langata prepaid accounts which the Plaintiff asserts are unrelated to the postpaid dispute.

25. The Authority notes at the outset that billing disputes in electricity supply are by their nature, evidentiary and technical. A licensee's claim that a customer is indebted ought to be supported by records that explain how the charges arose, the period to which they relate, and the applied tariff and billing determinants.

26. In a metered supply context, this ordinarily requires production of the underlying billing basis, such as statements of account, consumption/reading history or vending history (for prepaid accounts), any adjustment or back-billing rationale, and the computational chain linking technical consumption to monetary charges.
27. On the record before the Authority, the Respondent has failed to produce any such technical material and thus in the absence of the requisite technical documentation, the Authority is unable to verify the accuracy of the disputed charges and any assertion by the Respondent that the Plaintiff is indebted lacks evidentiary support.
28. The Authority further notes that the Respondent was expressly directed to apprise the Authority on the complaint within seven (7) days but failed to do so.
29. Notwithstanding the Authority's directions, the Respondent did not file any substantive response to the Plaintiff's complaint dated 15th September, 2025 and instead elected to file a jurisdictional objection and submissions limited to that objection.
30. The net effect is that the Authority has been left without a Respondent-side technical explanation for the genesis of the disputed postpaid bill, the asserted linkage if any, between the postpaid account and the Langata prepaid accounts, and the technical and procedural basis for any interruption of supply, disconnection, or threatened disconnection affecting the Plaintiff's prepaid accounts.
31. In assessing the Plaintiff's allegation of cross-account enforcement, the Authority notes that the Plaintiff's complaint is framed as a case where disconnection action was extended to prepaid accounts on the footing of a dispute arising elsewhere.
32. It is the Authority's position that where a licensee takes adverse supply action against an account purportedly on the basis of liabilities arising from a different account, a sound technical and contractual/legal justification would be required, including clear account mapping, customer identity linkage, and the contractual/regulatory mechanism permitting such set-off or enforcement across multiple accounts.
33. In the present matter, the Respondent has not provided any evidence or explanation demonstrating that the accounts are in fact linked in a manner permitting cross-enforcement, or that the specific prepaid accounts alleged to have been

disconnected were subject to independent technical non-compliance or arrears justifying disconnection in their own right.

34. Equally important is the procedural integrity of any disconnection or interruption of supply. Even where disconnection may be justified by non-payment or technical non-compliance, the licensee is expected to demonstrate the basis for the action, including the reason for disconnection and the steps taken in accordance with applicable supply practice and due process such as the issuance of relevant notices, the dates of service and the disconnection records.
35. In the present record, the Authority has no Respondent-side notices, disconnection logs, or technical reports supporting the disconnection or threatened disconnection complained of.
36. Consequently the Authority cannot verify that the disputed bill was correctly raised and pursued, nor that the disconnection measures complained of were technically justified and procedurally regular.
37. By electing not to file a substantive response and failing to submit technical evidence to justify the disputed bill and the supply action taken, the Respondent left the Authority without the minimum evidentiary foundation required to uphold the disputed charges or to validate the complained-of disconnections were lawful and technically justified.
38. In regulated utility disputes, where the licensee holds the billing systems, metering records, and disconnection workflow evidence, the absence of such records—when the licensee is specifically called upon to produce them—materially weakens the licensee's position and constrains the Authority to proceed on the uncontroverted avoidance presented by the Plaintiff.
39. Accordingly, the Authority is satisfied that the Plaintiff's allegation that the postpaid bill is disputed and that supply action was extended to certain Langata prepaid accounts allegedly unrelated to the disputed postpaid account has not been rebutted by the Respondent with any technical evidence or justification.
40. The Authority is further satisfied that the Respondent has not demonstrated the factual and technical basis upon which the disputed bill arose, nor shown the computational and documentary trail necessary to establish the debt as properly

due and payable, nor established the procedural propriety of the disconnection/threats complained of.

41. In light of the above, the Authority finds that the Respondent illegally disconnected electricity supply to the Plaintiff's prepaid account numbers [REDACTED], [REDACTED] and [REDACTED] all located in Langata.
42. Consequently, the Authority directs the Respondent to immediately reconnect and restore electricity supply to the Plaintiff's prepaid account numbers [REDACTED] and [REDACTED] all located in Langata.
43. The Respondent is further directed to refrain from any further disconnection or adverse supply action on the Plaintiff's Langata prepaid account numbers [REDACTED] and [REDACTED] on the basis of the disputed postpaid bill for account number [REDACTED] pending regularisation and/or resolution of the billing dispute in accordance with applicable law and due process.

G. FINAL DETERMINATION

44. The Authority has considered the Plaintiff's and the Respondent's case and hereby makes the following determination;
- a) That the Respondent illegally disconnected power supply at the Plaintiff's prepaid account numbers [REDACTED] and [REDACTED] all located in Langata.
 - b) That the Respondent is hereby directed to immediately reconnect power supply to the Plaintiff's prepaid account numbers [REDACTED] and [REDACTED] all located in Langata.
 - c) That the Respondent is further directed to refrain from any further disconnections and/or threats of disconnection to the Plaintiff's prepaid account numbers [REDACTED] and [REDACTED] all located in Langata.
 - d) That each party is hereby directed to bear their own costs.
 - e) That this determination is final and binding upon both parties.

- f) That the parties are at liberty to exercise their right of appeal to this decision at the Energy and Petroleum Tribunal pursuant to the provisions of the Energy Act, Cap 314, Laws of Kenya.

DATED AT NAIROBI THIS 31st DAY OF DECEMBER 2025



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DANIEL KIPTOO BARGORIA, MBS, OGW
DIRECTOR GENERAL