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National Electric Power Regulatory Authority

Islamic Republic of Pakistan

Registrar

NEPRA Tower, Attaturk Avenue (East), G-5/1, Islamabad
Ph: +92-51-9206500, Fax: +92-51-2600026
Web: www.nepra.org.pk, E-mail: registrar@nepra.org.pk


No. NEPRA/R/D(CAD)/TCD.09/10/39-40

July 06, 2015

Chief Executive Office
K-Electric Limited, KE House No. 39-B,
Sunset Boulevard Phase -II, Defence Housing Authority
Karachi

Subject: **DECISION OF THE AUTHORITY IN THE MATTER OF REVIEW MOTION FILED BY K-ELECTRIC LIMITED AGAINST THE DECISION OF NEPRA REGARDING COMPLAINT FILED BY MR. MUHAMMAD QAMAR ON BEHALF OF MR. MAZHAR HUSSAIN UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED FOR ARREARS IN THE BILL (CONSUMER #AL203227)**
Complaint # KE-276/2014

Please find enclosed the decision of the Authority in the subject matter for necessary action and compliance within 30 days of the decision.


(Syed Safer Hussain)^{06.07.15}

Copy to:

Mr. Muhammad Qamar
B-71, Block-A, North Nazimabad,
Karachi



NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No: KE-276/2014

K-Electric Limited, **Petitioner**
(Formerly Karachi Electric Supply Company, KESC)
KE House No.39-B,
Sunset Boulevard Phase-II,
Defense Housing Authority, Karachi.

Mr. Muhammad Qamar **Complainant**
B-71, Block-A
North Nazimabad, Karachi.

Date of Decision: June 4, 2015

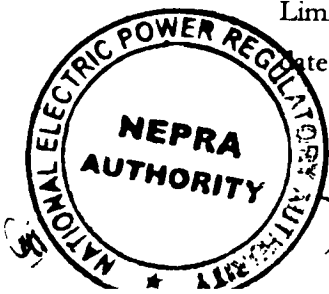
Present:

- | | | |
|----|------------------------------|-----------------------------------|
| 1) | Brig. (Retd.) Tariq Saddozai | Chairman |
| 2) | Maj. (R) Haroon Rashid | VC / Member (Consumer Affairs) |
| 3) | Khawaja Muhammad Naeem | Member (Tariff) |
| 4) | Mr. Himayat Ullah Khan | Member (Monitoring & Enforcement) |

Subject: **DECISION OF THE AUTHORITY IN THE MATTER OF REVIEW MOTION FILED BY K-ELECTRIC LIMITED AGAINST THE DECISION OF NEPRA REGARDING COMPLAINT FILED BY MR. MUHAMMAD QAMAR ON BEHALF OF MR. MAZHAR HUSSAIN UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED FOR ARREARS IN THE BILL (CONSUMER # AL203227)**

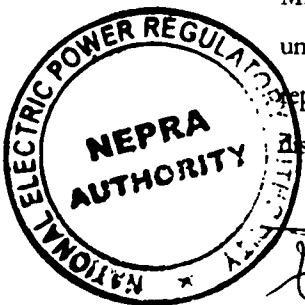
Decision

1. This decision shall dispose of the review motion dated April 10, 2015 filed by K-Electric Limited (hereinafter referred to as the 'Petitioner' or 'KE') against the decision of NEPRA dated March 26, 2015 in the matter of complaint filed by Mr. Muhammad Qamar on behalf of

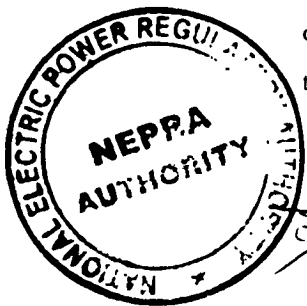


Mr. Mazhar Hussain (hereinafter referred to as the 'Complainant') under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997.

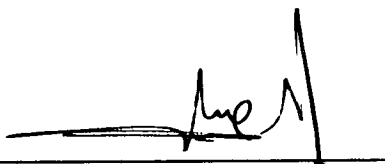
2. The brief facts of the case are that the Complainant in his complaint stated that he received a bill for the month of September 2013 including arrears amounting to Rs.27,369.37/-. He approached KE for details/justification of arrears but he was advised to pay the bill in installments; which he paid under protest. The Complainant in his complaint prayed for refund of the paid bills charged illegally. The matter was taken up with KE for submission of parawise comments. In response, KE vide letter dated May 27, 2014 reported that a site inspection was carried out on May 22, 2013 during which, the discrepancies of "meter main cover seal not original, meter found open and dial screw loose" were reported. Thereafter, notices dated May 22, 2013 and September 07, 2013 under section 39, 39A, 44 & 26A of Electricity Act, 1910 were issued to the Complainant. After passage of stipulated time, a supplementary bill of 1799 units, on the basis of Site Inspection Report (SIR), covering a period of six (06) months from January 27, 2013 to July 27, 2013 amounting to Rs. 27,367 was issued to the consumer. The report of K-Electric was sent to the Complainant for information/comments. In response, the Complainant vide letter dated June 16, 2014, raised his observations over the report of K-Electric. A hearing in this regard was held on December 04, 2014 at Karachi, which was attended by both of the parties. Accordingly, the case was examined in detail in the light of available record, arguments advanced during the hearing, relevant documentary evidence and applicable law and was decided by NEPRA on March 26, 2015 wherein KE was directed to withdraw the detection bill amounting to Rs. 27,367/- charged against the Complainant being illegal and unjustified.
3. Being aggrieved of the above decision, KE vide its letter dated April 10, 2015 submitted the Review Motion, wherein, KE stated inter alia as under:
 - i. As per SIR dated May 22, 2013, a discrepancy of "meter main cover not original and dial screw loose" was reported, which was further confirmed by the report dated August 26, 2013 issued by the meter testing lab. Therefore, Authority may consider that the remarks as per SIR dated May 22, 2013, which were further confirmed by meter lab report are correct and the bill raised against the discrepancies reported is justified and liable to be paid by consumer.
 - ii. KE abided with the procedures enshrined in NEPRA approved Consumer Service Manual (CSM). A survey was conducted at the consumer premises after serving notice under Section 20 of Electricity Act and once discrepancy in meter was reported, KE replaced the impugned meter and sent it to the testing lab in order to verify the discrepancy reported.

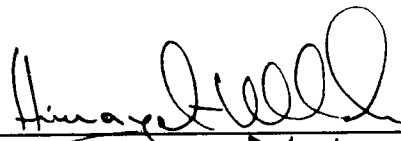


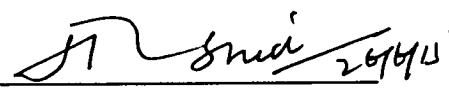
- iii. Further, notice under section 39 of Electricity Act 1910 was issued to consumer in order to explain the reported discrepancy, however consumer did not reply to any of the notices. Moreover, another notice under section 39 was served to consumer dated September 07, 2013 after the receipt of the MCA report from the testing lab, the consumer again failed to submit his response on the subject matter. As no reply was received from the consumer even to the second notice, therefore, KE was left with no other option other than processing the detection bill as per the procedure of NEPRA approved Consumer Service Manual (CSM).
- iv. As far as lodging of FIR is concerned, it is submitted that the process of lodging FIR or sending a letter to the police station in all cases is practically not possible due to requirements of supporting documents like CNIC, bio data etc which are not provided by the consumer after detection of theft. It is pertinent to mention that the detection bill was restricted to six billing cycles as FIR was not lodged; on the contrary, in case an FIR was lodged, a detection bill for up to thirty six billing cycles could have been prepared.
- v. KE followed the procedure laid down in the section 9.1a(c) of CSM, and requisite notices under Section 20 and Section 39 of Electricity Act 1910 were served to the consumer. Further, as provided in the CSM the meter installed at the consumer premises was replaced by a new one while the faulty meter was sent for testing. The meter testing report issued by testing lab for faulty meter was also shared with the consumer in order to give him the clear picture of the situation and subsequently another notice was served to the consumer in order to give him fair opportunity to explain the reasons behind the reported discrepancy. However, the consumer did not pay any heed to the aforesaid notice and subsequently, a detection bill was raised, which was duly approved by the Director Distribution KE (to whom power from CEO has been delegated). It is pertinent to mention that the consumer has already paid the amount raised in the detection bill.
- vi. Later on, a fresh survey was conducted at the consumer premises on April 03, 2015. As per the SIR it was found that incoming wires of the consumer connection are from copper bracket service, which shows consumer is using a hook. In this regard, it must be noted that the consumer consumption might have shown a decreasing trend as there are evidences found at the consumer premises that proves direct theft of electricity. Therefore, we would like the Authority to further investigate the consumption pattern of the consumer and its direct relationship with the connected load, which was found to be 6.1 kW against the sanctioned load of 4 kW.

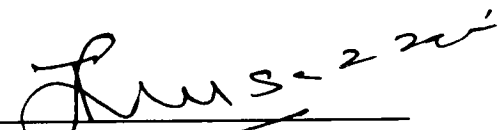


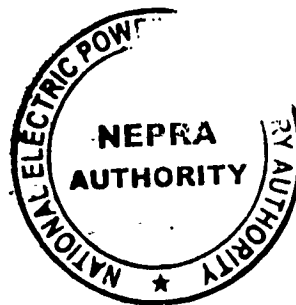
4. The review motion filed by K-Electric Limited was reviewed in detail and the Authority, after detailed deliberations on the review motion, decided that in terms of Regulation 3(2) of NEPRA (Review Procedure) Regulations, 2009; a motion seeking review of any order of the Authority is competent only upon discovery of new and important matter of evidence or on account of some mistake or error apparent on the face of record. The perusal of the decision sought to be reviewed clearly indicates that all material facts and representations made were examined in detail and there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law has been pleaded out. Therefore, the Authority is convinced that the review would not result in the withdrawal or modification of the impugned decision. Hence, the motion for review is declined.

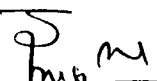

30 6 2015
(Khawaja Muhammad Naeem)
Member


26-6-15
(Himayat Ullah Khan)
Member


26/6/15
(Maj (R) Haroon Rashid)
Vice Chairman


11/7/15
(Brig (Retd.) Tariq Saddozai)
Chairman




06.07.15