



Registrar

National Electric Power Regulatory Authority
Islamic Republic of Pakistan

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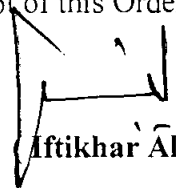
NEPRA/R/TCD.09(CAD)/15284-85
November 9, 2016

Chief Executive Officer
K-Electric Limited (KEL)
KE House, Punjab Chowrangi
39 – B, Sunset Boulevard, Phase-II
Defence Housing Authority
Karachi.

Subject: **ORDER IN THE MATTER OF COMPLAINT FILED BY MR. GUL MUHAMMAD ANSARI UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED REGARDING DETECTION BILL (CONSUMER # LA-239195)**
Complaint # KE-2108-2015

Please find enclosed herewith the Order of NEPRA regarding the subject matter for necessary action and compliance within thirty (30) days of receipt of this Order.

Encl: As above


(Aftikhar Ali Khan)
9/11/16

Director
Registrar Office

Copy to:

Mr. Gul Muhammad Ansari
A1/25, City Villas, Scheme 33, Sector 38-A,
Gulistan-e-Johar, Main University Road,
Karachi



**BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)**

Complaint No: KE-2108-2015

Mr. Gul Muhammad Ansari

A1/25, City Villas, Scheme 33, Sector 38-A
Gulistan-e-Johar, Main Univeristy Road
Karachi.

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Complainant

Versus

K- Electric Limited

KE House, 39-B, Sunset Boulevard, Phase II
DHA, Karachi.

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Respondent

Date of Hearing: May 24, 2016

On behalf of

Complainant:

- i. Mr. Asif Gul Ansari
- ii. Mr. Faisal Gul Ansari

Respondent:

- i. Mr. Abdul Qudoos Incharge IBC (Operations)
- ii. Mr. Asif Shajar DGM (Regulations)
- iii. Mr. Zafar Mehdi (Legal Cordinator)
- iv. Mr. Imran Hanif AM (Regulations)

Date of Order: November , 2016

Subject: **ORDER IN THE MATTER OF COMPLAINT FILED BY GUL MUHAMMAD ANSARI UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED REGARDING DETECTION BILL (CONSUMER # LA-239195)**

ORDER

This Order shall dispose of the complaint filed by Gul Muhammad Ansari (hereinafter referred to as "the Complainant") against K-Electric Limited (hereinafter referred to as the "Respondent" or "KE") under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997

(2). The Complainant in his complaint stated that in the month of August 2015 he received an excessive bill amounting to Rs.98,680/- from KE regardless of the fact that there was no pendency of arrears upon him. The Complainant further added that in the month of September 2015 KE charged another excessive bill which was not as per the meter dial. To enquire the matter, he approached respective office of KE whereby he was informed that the impugned bills were charged on the basis of theft of electricity. The Complainant prayed for the intervention of the Authority for redressal of his grievances.

(3). The matter was taken up with KE for submission of para-wise comments. In response, KE vide letter dated December 29, 2015 reported that a site inspection dated July 14, 2015 was carried out at the premises of the Complainant. During site inspection a discrepancy of "Extra phase use, main cable puncture" was reported and connected load was found to be 9.105 kW against sanctioned load of 1.00 kW. Thereupon, a notice dated July 14, 2015 under section 39, 39-A, 44 and 26-A of the Electricity Act, 1910 was served upon the Complainant to explain the reasons behind the reported discrepancy, however the Complainant refused to acknowledge the same. After lapse of the stipulated time period, a detection bill amounting to Rs.98,681/- for 6203 units was processed on the basis of Site Inspection Report (SIR), covering a period of six (06) months, i.e. from January 10, 2015 to July 09, 2015. KE added that since the Complainant was involved in the theft of electricity; hence, the detection bill is justified and liable to be paid by the Complainant.

(4). The report of KE was sent to the Complainant for information/comments. In response, the Complainant vide letter dated January 20, 2016 submitted rejoinder, wherein he raised objections over the report of KE and denied the allegation leveled upon him. Accordingly, the matter was again taken up with KE in light of submissions of the Complainant and some additional information/documents were sought from KE with respect to billing history of the premises, rationale of detection bill, copy of MCO, Copy of FIR etc. In response, KE vide its letter dated February 25, 2016 submitted the required information/documents and it apprised that it is not possible to lodge FIR in all cases due to requirement of supporting documents, which are not provided by the consumers after detection of theft.

(5). To examine the matter further, a hearing was held at Karachi on May 24, 2016 which was attended by both the parties, wherein the parties advanced their respective arguments based upon their earlier submissions. The Complainant further added that the wires of meter were punctured due to some construction works being carried out at his premises and further contented that he also informed the concerned officials of KE for replacing the same, however, KE failed to do so. Furthermore the Complainant raised objections over the issuance of notice(s), raising of detection bill & denied the allegations leveled by KE. Meanwhile, KE asserted that since the Complainant was involved in theft of electricity, therefore the detection bill based upon the incremental load of 9.105 kW is justified. For the sake of clarity, a joint site inspection of premises of the Complainant in the presence of both the parties i.e. (the Complainant & KE) was conducted on the very same



day of hearing on May 24, 2016, therein it was observed that a single phase meter was installed outside of boundary wall and the connected load was found to be 12.239 kW. Moreover, the insulation of the impugned cable wire was found to be reinsulated, whereas internal wiring of premises of the Complainant was also found to be installed in suspicious manner, where a power socket along its wiring was found missing.

(6). After examined the case in detail in light of the available record, relevant documentary evidence, and applicable law. Following has been observed:

- i. The connection is single phase, under residential category (House) A1R, having sanctioned load of 1 kW. As per report of KE, an inspection of the Complainant's premises was carried out on July 14, 2015 and discrepancy of "Extra phase use, main cable puncture" was found. On the basis of this discrepancy, KE assessed the consumption of the Complainant as 7710 units (1285 units per month) for the period from January 10, 2015 to July 9, 2015 and after deducting already charged 1507 units, KE raised detection bill of 6203 units amounting to Rs. 98,681/-. The Complainant denied the allegation leveled by KE and also raised observations over the SIR and issuance of notices. However, KE has submitted that it is not possible to lodge FIR in all cases due to requirement of supporting documents, which are not provided by the consumers after detection of theft.
- ii. The billing statement of the Complainant's accounts provided by KE is as under:

Month	No of units kWh Consumed		
	2014	2015	2016
January	177	171	0
February	175	182	116
March	174	242	121
April	198	203 (Assd)	350
May	232	309	297
June	267	288	304
July	450 (Assd)	283 (SIR)	451
August	414	534	222
September	210	1250 (Avg)	183
October	0 (Assd)	0 (Adj)	
November	131	0	
December	246	0	

- iii. The inspection of premises of the Complainant was carried out on July 14, 2015 and KE has charged detection bill for the period i.e. from January 2015 to July 2015. The above table depicts that the consumption of the Complainant as under:

- Consumption during the disputed period including the assessed bill of April 2015 i.e. from January 2015 to July 2015 was 1507 units (Average monthly= 251 units).
 - Consumption in corresponding months of previous year including the assessed bill of July 2014 i.e. from January 2014 to July 2014 was 1496 units (Average monthly = 249 units).
 - Consumption during the period after inspection same months of disputed ~~period~~ **period i.e. from January 2016 to July 2016 was 1639 units (Average monthly = 273 units).**
- iv. The above billing analysis reveals that the consumption of the Complainant was already on higher side during the period for which KE has charged the detection bill as compared with the consumption recorded in the corresponding months of the previous year (2014) and proceeding year (2016) after site inspection. Moreover, the billing history of the account also does not support the version of KE that the Complainant was involved in theft of electricity.
- v. The actual consumption of account could not be ascertained since KE has charged consecutive assessed/average bills to the Complainant immediately after site inspection. The account of the Complainant has been further examined in detail and it is observed that KE has charged consecutive assessed/average bills to the Complainant since 2014 which is illegal, void and unjustified
- vi. The findings of said joint/combined site inspection does not warrant any theft of electricity. Further, it is transpired from the documents made so available that the procedure laid down in the Consumer Service Manual CSM for establishing illegal abstraction of electricity has not been followed in letter and spirit.
- vii. As per provisions of (CSM), FIR is mandatory in case of direct theft of electricity. If the Complainant was involved in theft of electricity by illegal means i.e. using extra phase/hook then KE should have lodged FIR against him, but the record is silent in this case. KE has not provided any concrete proof of the said discrepancy and failed to

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- calculate actual quantum of energy at premises of the Complainant through means of installing check meter or replacement of impugned meter.

(7). In view of above, the detection bill amounting to Rs. 98,681/- for 6,203 units is without any legal justification. KE has failed to substantiate its case with any cogent evidence. Further, non-compliance of the procedure provided in Chapter 9 of CSM has tainted the entire proceedings. Therefore, KE is hereby directed as under:

- To waive the impugned detection bill, LPS and any other illegal/hidden charges levied upon the Complainant during the disputed period.
- To regularize the incremental load of the Complainant and replace the impugned meter from single phase to three phase in accordance with the relevant procedures
- To adjust the said consecutive assessed/average bills in the Complainant future bills
- KE is also directed to follow the procedures of CSM in case of illegal abstraction of electricity and take legal action against the responsible officials who failed to follow the applicable rules and regulations in true letter and spirit

(8). Compliance report be submitted within thirty (30) days.


Member (Consumer Affairs) 8/11/16

Islamabad, November , 2016

