



OFFICE OF THE
REGISTRAR

National Electric Power Regulatory Authority
Islamic Republic of Pakistan

NEPRA Tower, Attaturk Avenue (East), G-5/1, Islamabad

Phone: 9206500, Fax: 2600026

Website: www.nepra.org.pk, Email: registrar@nepra.org.pk

No. NEPRA/Dir.(CAD)/TCD-09/13685-86

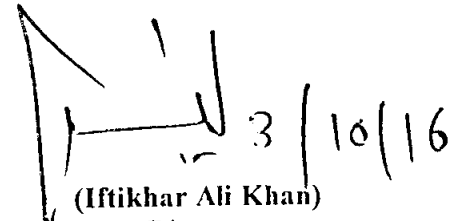
October 3, 2016

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

Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY MR. NASEEM RASOOL HASHIMI UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED REGARDING ARREARS IN THE BILL (AL-714081)**
Complaint # KE-2089/2015

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

Encl: As Above


(Iftikhar Ali Khan)
Director

Copy to:

Mr. Naseem Rasool Hashmi
R-722, Sector 15A/4, Bufferzone,
North Nazimabad
Karachi



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No: KE-2089/2015

Mr. Naseem Rasool Hashmi,
R-722, Sector 15A/4, Bufferzone,
North Nazimabad,
Karachi.

.....

Complainant

Versus

K-Electric Limited,
KF House No.39-B,
Sunset Boulevard DHA Phase-II,
Defense Housing Authority,
Karachi.

.....

Respondent

Date of Hearing: May 24, 2016

On behalf of:

Complainant:

1) Mr. Naseem Rasool Hashmi

Respondent:

- 1) Mr. Khalid Jamal, GM (Operations)
- 2) Mr. Ayaz Ahmed, DGM (Operations)
- 3) Mr. Asif Shajar, DGM (Regulations)
- 4) Mr. Imran Hanif, AM (Regulations)

Date of Decision: Sept: 20, 2016

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. NASEEM RASOOL HASHMI UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED REGARDING ARREARS IN THE BILL

DECISION

1. This decision shall dispose of the complaint dated November 11, 2015 filed by Mr. Naseem Rasool Hashmi (hereinafter referred to as "the Complainant") under Section 39 of the Regulation of

Generation, Transmission and Distribution of Electric Power Act, 1997 against K-Electric Limited (hereinafter referred to as the "Respondent" or "KE").

2. The Complainant in his complaint has stated that KE dismantled his electricity meter for testing purpose and charged him unjustified bills on account of meter testing fee and meter charges amounting to Rs.10,000/- and Rs. 20,000/- respectively. In this regard, the Complainant approached KE and subsequently KE informed him that the meter has been tested and was found working properly. However, KE did not provide him with any document or meter testing report. The Complainant prayed that KE be directed to refund the unjustified charges amounting of Rs.30,000/- paid by him and waive of the detection bill.

3. The matter was taken up with KE for submission of para-wise comments. In response, KE vide its letter dated December 14, 2015 reported that a site inspection was carried out at the premises of the Complainant after serving inspection notice dated July 09, 2013 under section 20 of the Electricity Act, 1910. As per Site Inspection Report (SIR) dated July 09, 2013, a discrepancy of "Hole in Meter" was reported. Thereupon, a notice dated July 09, 2013 under section 39, 39-A, 44 and 26-A of the Electricity Act, 1910 was served upon the Complainant to explain his position over the mentioned discrepancy, however, the Complainant refused to acknowledge the same. Accordingly, after lapse of the stipulated time, a detection bill amounting to Rs.72,979/- for 4649 units was charged on the basis of connected load of the Complainant, covering a period of six months i.e. from December 14, 2012 to June 13, 2013. Further, the Complainant was involved in illegal abstraction of electricity; therefore, the detection bill is justified and liable to be paid by the Consumer

4. The report of KE was sent to the Complainant for information/comments. In response, the Complainant vide his letter dated nil submitted rejoinder and denied the version of KEL. Further, he stated that unjustified detection bill be waived of. Accordingly, the matter was again taken up with KE in light of submissions of the Complainant and also some additional information/documents were sought from KE with respect to billing history of the premises, rationale of detection bill, and copy of MCO etc. However, in response KE vide its letter dated January 25, 2016 submitted incomplete information/documents.

5. To examine the matter further, a hearing was held on May 24, 2016 at Karachi, which was attended by both the parties, wherein the Complainant has denied the allegations leveled by KE and raised observations over issuance of notices and raising of detection bills. Further, the Complainant added that the impugned meter was changed by KE illegally in the month of August 2013 despite the fact that the meter was working properly. Moreover, KE passed its respective arguments based

upon its earlier version and further informed that the detection bill was calculated on the basis of connected load of 7.040 kW against the sanctioned load of 6 kW.

6. The case has been examined in detail in light of the available record, relevant documentary evidence, arguments advanced during the hearing and applicable law. Following has been observed:

- i. The connection is a residential, single phase supply, having sanctioned load of 6 kW.
- ii. As per report of KE, site inspection of premises of the Complainant was carried out on July 09, 2013 and discrepancy of "Hole in Meter" was found. On the basis of the said discrepancy, KE assessed the detection bill 4649 units (775 units per month) as per connected load of 7.040 kW, for the period of 6 six months from December 14, 2012 to June 13, 2013 and after deducting already charged 1294 units on normal billing during the disputed period, KE raised the detection bill of 4649 units amounting to Rs.72,979/-. The Complainant denied the allegations leveled by KE.
- iii. The billing statement of the Complainant's account as provided by KE, is as under:

Month	No of units KWh consumed on meter				
	2012	2013	2014	2015	2016
January	223	226	254	257	422
February	246	216	227	280	390
March	259	211	269	307	512
April	387	185	376	493	635
May	452	314	422	565	912
June	532	332	459	678	1211
July	434	255(Assd)/ SIR	433	1098	1206
August	419	629 (MCO)	536	548	730
September	431	327 (Avg)	447	786	924
October	405	0	455	948	
November	389	406 (Adj)	446	672	
December	290	297	344	409	

a. The site inspection of the premises was carried out on July 09, 2013 the above table depicts the consumption of the Complainant as under:

- Consumption of the Complainant during the disputed period i.e. from December 14, 2012 to June 13, 2013 was = 1484 units (Average monthly = 247 units)



- Consumption of the Complainant during the corresponding same months of disputed period i.e. from December 14, 2011 to June 13, 2012 was = 2099 units (Average monthly = 350 units)
- b. KE charged 4 consecutive assessed/average bills to the Complainant during the period from July 2013 to October 2013 which was on higher side and unjustified
- The consumption of the Complainant after inspection recorded on normal billing in the same months of disputed period (2014) i.e. from December 14, 2013 to June 13, 2014 = 2007 units (Average monthly = 334 units) and consumption recorded in same months of disputed period during proceeding year (2015) i.e. from December 14, 2014 to June 13, 2015 = 2580 units (Average monthly = 430 units)
- iv. The above billing analysis shows that the consumption of the Complainant's account has minor decreased in the disputed period due to routine utilization of electricity as compared with the consumption recorded in the corresponding year (2012). However, there is no remarkable difference after inspection in the consumption of the Complainant during the years after inspection as compared with the consumption recorded in the same months of disputed period.
- v. KE carried out site inspection of premises of the Complainant on July 09, 2013 and changed its meter/device No # 788474 in the month of August 2013 after one and half months of inspection without proper procedures of CSM. As per the available record, KE charged detection bill to the Complainant in the month of August 2013 prior to receipt of MCO/meter lab report which was established on November 11, 2013. Moreover, the reported discrepancy in SIR was of visible nature; however, the same was not reported by the meter reader during the routine work. Therefore the allegation of KE regarding illegal abstraction of electricity/detection bill is baseless and unjustified.
- vi. KE has penalized the Complainant on account of illegal abstraction of electricity i.e. "Hole found at main cover". In this regard, a procedure is laid down in Consumer Service Manual (CSM) as per which installation of check meter in series with the impugned billing meter is mandatory in case of metering disputes/faults. Moreover, in case if the consumers are involved in theft of electricity i.e. direct use, a procedure is also laid down in CSM as per which lodging of FIR is mandatory in case of direct theft of electricity, but in the instant case neither FIR was lodged nor check meter was installed by KE for (Difference between Check Meter & Impugned Meter). Moreover,

as per provision of CSM in case of metering disputes/faults KE can only charge the difference recorded between the consumption of the two meters (i.e. impugned & check meter) up to two (2) billing cycles. In the instant case, KE did not secure the impugned meter at site without removing it in presence of owner/occupier or his authorized representative/respectable person of the locality and replaced the complainant meter without maintaining the procedures, which is clear violation of CSM, Rules & Regulations.

- vii. Moreover, from the documents provided by KE it has not been established that the procedure laid down in the CSM for establishing illegal abstraction of electricity has not been followed in true letter and spirit.
7. In view of foregoing, the detection bill amounting to Rs.72,979/- for 4649 charged by KE is without any legal justification. KE has failed to substantiate its case with any cogent evidence. Further, the non compliance of the procedure provided in Chapter 9 has tainted the entire proceedings. Therefore, KE is hereby directed to withdraw the said detection bill charged against the Complainant and adjust the said assessed billing in future bills of the Complainant.
8. Compliance report be submitted within thirty (30) days.

Member (Consumer Affairs)

Islamabad, Sept 30, 2016