



National Electric Power Regulatory Authority
Islamic Republic of Pakistan

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**OFFICE OF THE
REGISTRAR**

No. NEPRA/Dir.(CAD)/TCD-09/13694-95

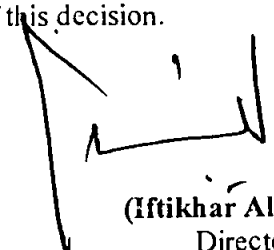
October 3, 2016

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. ADAM MANSOORI UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED REGARDING ASSESSED BILLING (CONSUMER # AL-908529)
Complaint # KE-621/2015

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


3/10/16
(Iftikhar Ali Khan)
Director

Copy to:

Mr. Adam Mansoori
Plot No. 1703, Jinnabad Gali No. 07
Off: Saddiq Wahab Road, Timber Market
Karachi



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No: KE-621-2015

Mr. Adam Mansoori **Complainant**
Jinnabad Goli No.7, Off: Saddiq Wahab Road
Timber Market
Karachi.

Versus

K- Electric Limited **Respondent**
KE House, 39-B, Sunset Boulevard, Phase II
DHA, Karachi.

Date of Hearing: May 27, 2016

On behalf of: .
Complainant: Mr. Adam Mansoori

Respondent:

- i. Mr. Zeeshan Sharif DGM (Operations)
- ii. Mr. Abid Shabbir AM (Operations)
- iii. Mr. Asif Shajar DGM (Regulations)
- iv. Mr. Imran Hanif AM (Regulations)

Date of Decision: Sept. 15, 2016

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. ADAM MANSOORI UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED REGARDING ASSESSED BILLING (CONSUMER # AL-908529)

DECISION

This decision shall dispose of the complaint filed by Mr. Adam Mansoori (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.



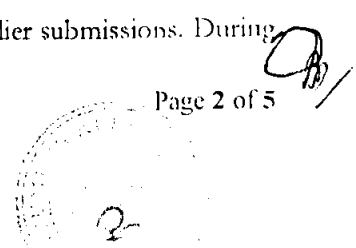
2. The Complainant in his complaint has stated that KE has been charging bills on assessed mode, upon which he approached KE for correction of the said impugned bills but the issue remained unresolved. The Complainant prayed for redressal of his grievances.

3. The matter was taken up with KE for submission of para-wise comments. In response, KE vide letter dated February 2, 2016 reported that a site inspection was carried out at the premises of the Complainant after serving inspection notice dated October 29, 2015 under section 20 of the Electricity Act, 1910. As per Site Inspection Report (SIR) dated October 29, 2015, a discrepancy of "extra phase used" was reported and connected load was found to be 2.183 kW against sanctioned load of 1.00 kW. Thereupon, a notice under section 39, 39-A, 44 and 26-A of the Electricity Act, 1910 dated October 29, 2015 was served upon the Complainant to explain his position over the mentioned discrepancy which the Complainant did not acknowledge. After lapse of the stipulated time period, a supplementary bill amounting to Rs.11,591/- for 1140 units was charged to Complainant on the basis of connected load, covering a period of six months, i.e. from April 11, 2015 to October 12, 2015. Further, KE added that the detection bill charged to the Complainant is justified and liable to be paid by him. KE has also submitted that the Complainant was using electricity through illegitimate means, therefore bills were issued to consumer on assessed mode in the months of November 2015 and December 2015.

4. The report of KE was sent to the Complainant for information/comments. In response, the Complainant vide letter dated February 27, 2016 submitted his rejoinder wherein, he denied the allegations leveled by KE. Accordingly, the matter was again taken up with KE in light of submission of the Complainant and also some additional information/documents with respect to billing history of the premises, copy of FIR, rationale of detection bill and any proof of discrepancy were sought from KE. In response, KE vide letter dated March 25, 2016 submitted the required information/documents and further 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.

5. To examine further into the matter, a joint site inspection of premises of the premises was conducted on April 27, 2016, wherein it was observed that a meter having consumer no. AL-908529 was found installed at the ground floor of the apartment/building along with other electricity meters. The flat measured around 40 square yards and the same was being used for residential purpose. As reflected from the premises, the standard of living of the Complainant pertains to lower income class. The total connected load of the premises was found to be 885 watts (0.885 kW). Moreover, the wiring of the metering area was found to be in poor and hazardous condition.

6. Further, a hearing in the matter was held at Karachi on May 27, 2016 which was attended by both the parties, wherein both of the parties advanced their respective arguments based on earlier submissions. During



the hearing, KE apprised that the consumption of the Complainant is recorded on lower side as compared to his connected load i.e. 2.183 kW therefore, the detection bills were charged to the Complainant is justified. In this regard, the Complainant denied the allegations leveled by KE and raised observation over the connected load as reported in SIR dated October 29, 2015, issuance of notice(s), raising of detection bill. The Complainant further contended that he lives along with his old ailing wife in his 2 room apartment which is mostly idle and he utilizes the electricity in an efficient manner.

7. After examining the case in light of the available record, relevant documentary evidence, arguments advanced during the hearing and applicable law, following has been observed:

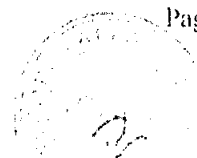
- i. The connection is single phase, under residential category tariff A1-R, having sanctioned load of 01 kW. As per report of KE, site inspection of premises of the Complainant was carried out on October 29, 2015 and discrepancy of "extra phase used" was found. On the basis of the said discrepancy, KE assessed the detection bill 1538 units (256 units per month) for the period of 6 six months from April 11, 2015 to October 12, 2015 and after deducting already charged 398 units during the disputed period, KE raised a detection bill of 1140 units amounting to Rs.11,591/-. The Complainant has denied the allegations leveled by KE.
- ii. The billing statement of the Complainant's account as provided by KE, is as under:

Month	No of units kWh Consumed			2016
	2013	2014	2015	
January	50	43	38	47
February	59	42	44	43
March	45	35	199 (Assed)	48
April	54	47	18 (Assed)	74
May	61	123	74 (average)	87
June	65	55	134 (adjusted)	89
July	48	76	0	120
August	89	86	27	66
September	45	75	68	
October	51	84	95 (SIR)	
November	73	66	199 (Assed)	
December	55	63	189 (Assed)	

a. As per site inspection of the premises carried out on October 29, 2015, the above table depicts the consumption of the Complainant as under:

- Consumption of the Complainant during the disputed period i.e. from May 2015 to October 2015 was 398 units (Average monthly=66 units).

- Consumption of the Complainant in corresponding months of the previous year i.e. May 2014 to October 2014 = 499 units (Average monthly = 83 units).
 - Consumption of the Complainant during 08 months after inspection i.e. January 2016 to August 2016 = 574 units (Average monthly = 72 units) excluding two assessed bills charged after inspection in the months of November 2015 and December 2015, which are on higher and unjustified.
 - The billing history of the Complainant has revealed that during the year 2015 (before SIR) KE also charged/adjusted abnormal (assessed/average) bills to the Complainant, which are on higher side and unjustified. Moreover, it is to be clarified that there is no such provisions for Assessed billing in Consumer Service Manual (CSM).
- iii. The above billing record reveals that the consumption of the Complainant was fractionally on lower side during the period for which KE charged detection bill as compared to the consumption recorded in the corresponding months of the previous year i.e. 2014. Despite the facts that the Complainant use of electricity is very less, a joint site inspection was also carried out, whereby the connected load of premises of the Complainant was found to be 0.885 kW against the reported load as SIR 2.183 kW. As such, the billing history of Complainant does not support the version of KE that the Complainant was involved in theft of electricity.
- iv. Moreover, the wiring of metering of the Complainant area was found to be in poor and hazardous condition and it is the responsibility of KE to maintain it in safe and reliable manner.
- v. 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 using extra phase/hook, then KE should have lodged FIR against him, but the record is silent in this case. Further, KE has added 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.
- vi. Moreover, from the documents provided by KE, it has been established that the procedure laid down in the chapter 09 of CSM for establishing illegal abstraction of electricity has not been followed in true letter and spirit.



8. In view of foregoing, detection bill amounting to Rs.11,591/- for 1140 units, charged against the Complainant 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. In view of the said, KE is hereby directed waive of the impugned detection bill, LPS charges during the disputed period (if any) and adjust the said assessed/average bills as stated above in the Complainant's future bills. In furtherance to the said, KE is also directed to ensure that the Complainant is charged bills on normal mode in future and maintain the wiring of metering equipment of the building as per the applicable rules and regulations.

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


Member (Consumer Affairs)

Islamabad Sept: 30, 2016

