



Registrar

National Electric Power Regulatory Authority
Islamic Republic of Pakistan

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No. NEPRA/R/TCD.09(CAD)/15767-68

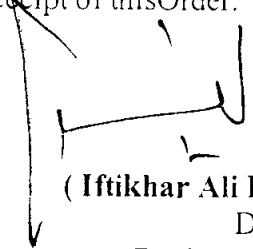
November 16, 2016

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

Subject: ORDER IN THE MATTER OF COMPLAINT FILED BY
MRS. HAMEEDA BEGUM 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
(CONSUMER # AL-171884)
Complaint # KE-20/2016

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


(Iftikhar Ali Khan)
Director
Registrar Office

CC:

Mrs. Hameeda Begum
VC 6/15A, Nazimabad
Karachi.



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No: KE-20-2016

Mrs. Hameeda Begum **Complainant**
VC 6/15A, Nazimabad
Karachi.

Versus

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

Date of Hearing: May 26, 2016

On behalf of Complainant:

- i. Mr. Jawadul Hassan (Attorney)
- ii. Mr. Muhammad Waseem

On behalf of Respondent:

- i. Mr. Sheeraz Azeem Khan, DGM - IBC (Operations)
- ii. Mr. Asif Shajar, DGM (Operations)
- iii. Mr. Rashid Ali, AM (Regulations)

Date of Order: November , 2016

Subject: **ORDER IN THE MATTER OF COMPLAINT FILED BY MRS. HAMEEDA BEGUM 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 (CONSUMER # AL-171884)**

ORDER

This Order shall dispose of the complaint filed by Mrs. Hameeda Begum (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.

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(2). The Complainant submitted that in the month of December, 2015, she received an electricity bill with unjustified arrears amounting to Rs. 132,275/- from KE. Thereon, she approached KE for redressal of the same but the matter remained unresolved. Further the Complainant has prayed that KE be directed to issue current bill and remove excessive units/ arrears charged in the bill.

(3). The matter was taken up with KE for submission of para-wise comments. In response, KE vide its letter dated February 15, 2016 reported that a site inspection was carried out at the premises of the Complainant after serving inspection notice dated December 10, 2015 under section 20 of the Electricity Act, 1910. As per Site Inspection Report (SIR), a discrepancy of "yellow phase short, meter stop" was reported and connected load was found to be as 12.908 kW against the sanctioned load of 3.00 kW. KE further submitted that a notice under section 39, 39-A, 44 and 26-A of the Electricity Act, 1910 dated December 10, 2015 was served upon the Complainant to explain the reason behind the mentioned discrepancy, however, the Complainant refused the same. Accordingly after lapse of the stipulated time of notice, a detection bill amounting to Rs.132,267/- for 6310 units covering a period of six (06) months, i.e. from May 15, 2015 to November 13, 2015 was charged to the Complainant on the basis of SIR. In addition, KE submitted that the consumer 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 letter dated March 17, 2016 submitted rejoinder and raised observations over the report of KE. Wherein, the Complainant further negated the facts mentioned in SIR regarding the connected load. In view of the said, 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, and copy of MCO etc. In response, KE submitted the required information/documents on March 28, 2016.

(5). To examine into the matter further, a hearing was held on May 26, 2016 at Karachi, which was attended by both the parties, wherein the Complainant was presented a case through an authorized representative, her representative denied all the allegations leveled by KE and informed that the person he is representing has never defaulted on the bill payments and further submitted that the impugned meter was changed in the month of December, 2015 at 48536 meter dial. In this regard, KE passed its respective arguments based upon their earlier version and further informed that the detection bill was calculated on the basis of connected load reported in SIR.

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




- i. The connection of the Complainant is residential, three phase having sanctioned load of 3 kW. As per report of KE, site inspection of premises of the Complainant was carried out on December 10, 2015 and discrepancy of "Yellow Phase Short, Meter Stop" was found. On the basis of this discrepancy, KE assessed the (detection bill) consumption of the Complainant as 9411 units (1569 units per month) as per connected load of SIR i.e. 12.908 kW, for the period six (06) months from May 15, 2015 to November 13, 2015 and after deducting already charged 3101 units on normal billing during the disputed period, KE charged detection bill of 6310 units amounting to Rs.132,267/- to the Complainant. The Complainant has denied the allegations leveled by KE.
- ii. Further, KE maintained that a notice under section 39, 39-A, 44 and 26-A of the Electricity Act, 1910 dated December 10, 2015 was served upon the Complainant to explain his position over the reported discrepancy. However, the Complainant completely denied the issuance of such notices and further submitted that KE did not bother to record his acknowledgement over the said SIR.
- iii. The billing statement of the Complainant's accounts provided by KE is as under:

Months	No of units KWh consumed		2016
	2014	2015	
January	258	286	282
February	278	297	290
March	400	300	384
April	568	527	458
May	411	518	522
June	581	604	499
July	531	716	553
August	653	438	389
September	493	359	470
October	568	518	
November	398	465	
December	387	441 (SIR+MCO)	

- iv. The above table depicts the consumption of the Complainant w.r.t the detection bill charged by KE to the Complainant for the covering period of six (06) months from May 2015 to November 2015.

- Consumption during disputed period (June, 2015 to November, 2015) = 3100 (517 units per month).


- Consumption during corresponding months of disputed period (June, 2014 to November, 2014) = 3224 (537 units per month).
 - Consumption after nine (09) months of after inspection & (MCO) i.e. from January, 2016 to September, 2016 = 3847 units (Average monthly = 641 units).
 - Consumption in corresponding months of previous year i.e. from January, 2015 to September, 2015 = 4045 units (Average monthly = 647 units).
- v. The above billing analysis reveals that the recorded consumption of the Complainant premises is running smoothly and no difference in the consumption has been recorded during disputed period as compared with the consumption recorded in the corresponding months of the previous year (2014) and even after nine (09) months of inspection and meter replacement. As such, the billing history of the Complainant does not support the version of KE that the Complainant was involved in illegal abstraction of electricity.
- vi. KE has penalized the Complainant on account of illegal abstraction of electricity i.e. "Yellow Phase Short, Meter Stop". In this regard, a procedure is already 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, but in the instant case neither check meter was installed by KE nor billing (Difference between Check Meter & Impugned Meter) was charged to Complainant as per relevant procedure laid down in CSM.
- vii. Additionally, the relevant meter was not secured in the presence of the owner/occupier or his Authorized representative/respectable person of the locality, constituting contravention of the procedure laid down in Chapter 9 of the CSM.
- viii. 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 billing cycles and it is clarified that this would **NOT BE A DETECTION BILL**. Further, it should be noted that the consumption pattern of the complainant has not increased/changed even after the impugned meter was replaced. Therefore, from the documents provided by KE it is evident that the procedure laid down in the CSM has not been followed in true letter and spirit. 

- ix. From the documents provided by KE it has not been established that the procedure laid down in the CSM against the said discrepancy has been followed in true letter and spirit. Further, KE has not provided any concrete proof of the said discrepancy and failed to calculate actual quantum of energy at premises of the Complainant through means of installing check meter and other applicable procedures.

(7). In view of foregoing, the detection bill amounting to Rs.132,267/- for 6310 units charged to 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 CSM has tainted the entire proceedings. Therefore, KE is hereby ordered to;

- a. Waive the impugned detection bill amounting to Rs.132,267/- for 6310 units including LPS and any other illegal/hidden charges levied upon the Complainant during the disputed period.
- b. Regularize the incremental load of the Complainant as per the relevant procedures.
- c. Follow the procedures of CSM strictly in future for charging detection bill.
- d. Take legal action against the delinquents 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)  15/11/16.

Islamabad, November (5 , 2016

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