



Registrar

National Electric Power Regulatory Authority Islamic Republic of Pakistan

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

No. NEPRA/R/TCD.09(CAD)/16785-86

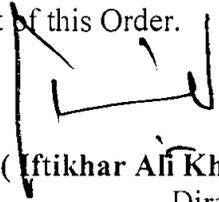
December 20, 2016

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 MR. RAO
ABDUL SAMI KHAN UNDER SECTION 39 OF THE
REGULATION OF GENERATION, TRANSMISSION AND
DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST
K-ELECTRIC LIMITED REGARDING DETECTION BILL
(CONSUMER # AL-343088)**
Complaint # KE-616/2015

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


(Iftikhar Ali Khan)
Director
Registrar Office

CC:
Rao Abdul Sami Khan
House No. 41-B, Al Falah CHS, Malir,
Karachi



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No: KE-616-2015

Mr. Rao Abdul Sami Khan
House No. 41-B, Al Falah CHS, Malir
Karachi.

.....

Complainant

Versus

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

.....

Respondent

Date of Hearing: May 26, 2016

On behalf of

Complainant:

- i. Mr. Rao A. Sami Khan
- ii. Mr. Haq Nawaz Khan

Respondent:

- i. Mr. Rafique Shaikh - GM (Regulations)
- ii. Mr. Asif Shajar - DGM (Regulations)
- iii. Mr. Sajjad Zaheer - Incharge (Operations)
- iv. Mr. Imran Hanif - AM (Operations)

Date of Order: December 20, 2016

Subject: **ORDER IN THE MATTER OF COMPLAINT FILED BY RAO ABDUL SAMI KHAN UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED REGARDING DETECTION BILL (CONSUMER # AL-343088)**

ORDER

This Order shall dispose of the complaint filed by Mr. Rao Abdul Sami Khan (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.

(Signature)

(2). The Complainant in his complaint submitted that in the month of November 2015, he received an excessive electricity bill including arrears amounting to Rs. 21,545/- despite the fact that there were no electricity dues outstanding against him. To enquire the matter, he filed a complaint at respective office of KE. However the issue remained unaddressed. The Complainant prayed for the intervention of the Authority and redress of his grievances.

(3). The matter was taken up with KE for submission of para-wise comments. In response, KE vide letter dated December 11, 2015 reported that a site inspection was carried out at the premises of the Complainant after serving inspection notice dated October 08, 2015 under section 20 of the Electricity Act, 1910. As per site inspection report (SIR) a discrepancy of "extra phase use" was reported and connected load was found to be 3.3 kW against sanctioned load of 1 kW. Thereupon, a notice dated October 08, 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. The Complainant refused to acknowledge the same. After lapse of the stipulated time period, a detection bill amounting to Rs.21,546/- for 1748 units was processed on the basis of connected load, covering a period of six (06) months commencing from March 07, 2015 to September 05, 2015. KE further added that since the Complainant was involved in using electricity through unauthorized means therefore, 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 March 09, 2016 submitted rejoinder, wherein he denied the allegation leveled by KE, raised observations over its report and further informed that two (02) meters are installed at his premises. Accordingly, the matter was again taken up with KE in light of submissions of the Complainant and some additional documents were sought from KE with respect to billing history of the Complainant both the meters, rationale of detection bill, copy of FIR etc. In response, KE vide its letter dated March 28, 2016 submitted the required documents. In addition to the said, KE 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). In order to examine the matter further, a hearing was held at Karachi on May 26, 2016 which was attended by both the parties and argued on the basis of their earlier submissions. The Complainant raised observation over the SIR dated October 08, 2016, meter reading process, issuance of notice(s), raising of detection bill, and denied the allegations leveled by KE. KE advanced its respective arguments based upon its earlier version and further informed that the detection bill was calculated on the basis of connected load. During the proceedings of hearing, KE apprised that the distribution system in the area is protected and laid down under Aerial Bundle Cable (ABC). However, the Complainant refuted such claims at the time of hearing and also in written form.



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

- i. There are two (02) connection installed at premises of the Complainant the connection of disputed meter is single phase while another is 3 phase, under residential category (House) Al-R, having sanctioned load of 2 kW and 3 kW respectively. As per report of KE, a site inspection of premises of the Complainant was carried out on October 08, 2015 and discrepancy of "extra phase used" was found. On the basis of this discrepancy, KE assessed the consumption of the Complainant as 2607 units (435 units per month) as per connected load of 3.3 kW for covering period of six (06) months commencing from March 07, 2015 to September 07, 2015 and after deducting already charged 859 units, KE charged detection bill of 1748 units amounting to Rs.21,546/- to the Complainant. The Complainant denied the said allegations leveled by KE in its report as well as informed that there are two (02) meters installed at his premises and raised observations over the issuance of notices, detections bill and SIR report.
- ii. The billing statement of the Complainant's accounts provided by KE is as under:

Analysis of disputed meter (AL-343088):

Month	No of units KWh consumed		
	2014	2015	2016
January	207	53	17
February	173	40	21
March	170	161	38
April	210	235	44
May	308	345	24
June	382	234	76
July	184	0	71
August	359	17	24
September	0	28	158
October	0	128 (SIR)	174
November	1	130	
December	48	56	

- iii. The inspection of the premises of the Complainant was carried out by KE on October 08, 2015 and charged the detection bill for the period of six (06) months commencing

R

from March 07, 2015 to September 07, 2015. The above table depicts the consumption of the Complainant as under:

- a) Consumption of the disputed period i.e. from March 2015 to September 2015 was 859 units (Average monthly= 143 units)
 - b) Consumption in corresponding months i.e. from March 2014 to September 2014 was 1443 units (Average monthly= 241 units)
 - c) Consumption during the period of (13) thirteen months after inspection i.e. from October 2015 to October 2016 was 961 units (Average monthly = 74 units)
 - d) Consumption in corresponding months of previous year i.e. from October 2014 to October 2015 was 1290 units (Average monthly = 99 units).
- iv. Moreover, it has been revealed that another three phase connection AL-392322 is installed at premises of the Complainant. According to this undisputed connection billing of the Complainant account is recorded as under:
- a) Consumption in the disputed period i.e. March 2015 to September 2015 is 2370 units (Average monthly = 395 units).
 - b) Consumption in corresponding months of previous year i.e. March 2014 to September 2014 is 1964 units (Average monthly = 327 units).
 - c) Consumption after thirteen (13) months of site inspection i.e. October 2015 to October 2016 is 4215 (Average monthly = 324 units)
 - d) Consumption in corresponding months of the previous years i.e. October 2014 to October 2015 is 3945 units (Average monthly = 303 units).
- v. It is apparent from the above billing analysis that the Complainant was also using another three phase connection during the disputed period as well as after site inspection whereby the fluctuation in the consumption pattern of the Complainant has been recorded. Resultantly, if the consumption of both the connection is taken into account then there seems to be no significant difference in the consumption during the disputed and after site inspection time period.

- vi. KE vide its report dated March 28, 2016 has submitted a photo as a proof. The said evidence is inconclusive to establish illegal abstraction of electricity.
- vii. KE has penalized the Complainant on account of theft of electricity i.e. Extra Phase Use. In this regard, a procedure is laid down in the Consumer Service Manual (CSM) according to which lodging of FIR is mandatory in the case of direct theft of electricity. However, in the instant case neither FIR was lodged nor the matter reported to the concerned police station. Moreover, non-compliance of the procedure provided in Chapter 9 of CSM has tainted the entire proceedings.
- viii. It is established from the documents provided by KE that it has not been followed the procedure laid down in the CSM for establishing illegal abstraction of electricity in its true letter and spirit.

(7). In view of above, the detection bill for 1748 units amounting to Rs.21,546/- charged by KE is without any legal justification. Non-compliance of the procedure provided in Chapter 9 of CSM has tainted the entire proceedings. Therefore, KE is hereby ordered to:

- a) Waive the impugned detection bill, LPS and any other illegal/hidden charges levied by KE during the disputed period.
- b) Take strict action against the responsible officials who failed to follow the applicable rules and regulations in true letter and spirit.
- c) Ensure compliance with the procedure provided in CSM for all cases falling under Chapter 09 thereof.

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

Member (Consumer Affairs)  20/12

Islamabad, December 20, 2016

