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National Electric Power Regulatory Authority Islamic Republic of Pakistan

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**OFFICE OF THE
REGISTRAR**

No. NEPRA/R/TCD-09/ 9090-91


8-8-2014

Chief Executive Officer
K-Electric Limited (KEL)
House No. 39-B
Sunset Boulevard Phase-II
Defense Housing Authority
Karachi.

Subject: **Decision in the Matter of Complaint Filed by Mr. Shahid Jamal, 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 672678)**
Complaint # KE-05/2014

Please find enclosed the decision of Member (Consumer Affairs) in the subject matter for necessary action and compliance within 30 days of the receipt of this letter.

Encl : As Above


(Iftikhar Ali Khan)
Deputy Registrar

Copy to:

Mr. Shahid Jamal, R-332, 15 A/S, First Floor (Back entrance) Buffer Zone, Karachi.



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No: KE-05/2014

Mr. Shahid Jamal, **Complainant**
R-332, 15 A/S, First Floor (Back entrance),
Buffer Zone, Karachi.

Versus

K – Electric Limited, **Respondent**
(Formerly Karachi Electric Supply Company, KESC)
KE House No.39-B,
Sunset Boulevard Phase-II,
Defence Housing Authority, Karachi.

Date of Hearing: May 02, 2014

Date of Decision: August 06, 2014

On behalf of:

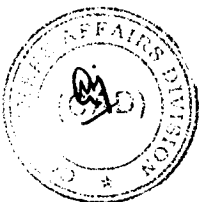
Complainant: Mr. Shahid Jamal

Respondent: 1) Mr. Rafique Ahmed Sheikh, General Manager (Regulations)
2) Mr. Nisar Ahmed, DGM IBC North Nazimabad

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. SHAHID JAMAL UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED REGARDING DETECTION BILL (CONSUMER No. AL672678)

DECISION

1. This decision shall dispose of the complaint filed by Mr. Shahid Jamal (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”), received in NEPRA on January 20, 2014.



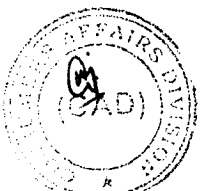
2. The Complainant in his complaint stated that in the billing month of July 2013, KE issued a current bill amounting to Rs.3,807/- with arrears amounting to Rs.65,374/- without any proof / justification and in violation of the procedure laid down in Consumer Service Manual (CSM). The Complainant further stated that he has not been involved in theft of electricity but KE disconnected the electricity connection without any notice which was restored after making partial payment.
3. The matter was taken up with KE for submission of para-wise comments. In response, KE vide letter dated February 11, 2014 reported that a site inspection was carried out at the premises of the Complainant after serving inspection notice dated June 12, 2013 under section 20 of the Electricity Act, 1910 which was not acknowledged by the Complainant. During site inspection, hook (kunda) was detected and the same was removed by network department during night timings. The connected load was found as 6.346 kW as per the Site Inspection Report (SIR) dated June 12, 2013 against sanctioned load of 1 kW. Thereafter, a notice dated June 12, 2013 under section 39, 39 A, 44 and 26 A of the Electricity Act, 1910, was served upon the Complainant which was also not acknowledged. Accordingly, a supplementary bill amounting to Rs. 65,374/- for 4139 units was processed on the basis of SIR for a period of six months from November 15, 2012 to May 15, 2013. KE further reported that the Complainant was involved in theft of electricity, hence the supplementary 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 5, 2014 raised observations over the report of KE and stated that KE officials neither handed over inspection notice to him nor visited his premises for survey/load checking. Further, the Complainant denied the charges leveled against him by KE regarding direct use/theft of electricity and extension of load.
5. To probe further into the matter, a hearing was held on May 02, 2014 at Karachi which was attended by both the parties. During the hearing, both parties advanced their arguments and reiterated their earlier versions / written submissions. Subsequent to the hearing, KE was directed vide letter dated May 07, 2014 to provide some additional information with respect to updated billing statement of the Complainant's account for last three years, reasons for charging detection bill on the basis of consumption of summer/winter, copy of notice served upon the Complainant for extension of load and a copy of FIR or letter sent by KE to the concerned Police Station for registration of FIR against the Complainant. In response, KE vide its letter dated May 20, 2014 submitted the billing statement. With regard to charging of detection bill on the basis of summer/winter consumption assessment, KE stated that the reasons to raise a supplementary bill on the basis of summer/winter is to charge a justified detection bill to the consumer as the consumption in winters is less than



the consumption in summers. KE further stated that the process of lodging FIR in all cases is practically not possible due to requirement of supporting documents which are not provided by the consumer after detection of theft.


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

- i. KE inspected the Complainant's premises on June 12, 2013 during which direct use of electricity was detected and the connected load of the premises was found as 6.346 kW against the sanctioned load of 1kW. The Complainant has denied the allegations leveled against him by KE and also stated that neither any inspection was carried out nor any notice was served upon him by KE. On the basis of direct use of electricity, KE assessed consumption of the Complainant as 5842 units (974 units per month) for the period from November 15, 2012 to May 15, 2013 (6 months) and after deducting already charged 1703 units during this period, a detection bill of 4139 units amounting to Rs.65,374/- was charged by KE.
- ii. The consumption of the premises during the disputed period i.e. from November 15, 2012 to May 15, 2013 was 1703 units (284 units per month), whereas for the corresponding months during the years 2010-11 & 2011-12, the consumption was 1771 units (295 units per month) & 1798 units (300 units per month) respectively. This reveals that there is no remarkable difference in consumption pattern of the Complainant. The updated consumption after the inspection i.e. from July 2013 to June 2014 is 3116 units (260 units per month) and in corresponding months of previous years i.e. in 2011-12 and 2012-13, the consumption was 3641 units (303 units per month) and 4044 units (337 units per month) respectively. This shows that the consumption of the Complainant was slightly on lower side after the inspection.
- iii. As per provisions of Consumer Service Manual (CSM), FIR is mandatory in case of direct theft of electricity. If the Complainant was involved in theft of electricity by using direct/kunda connection then KE should have lodged FIR against him but from the record provided by KE, it is revealed that neither KE lodged FIR nor reported the matter to the concerned Police Station for registration of FIR against the Complainant. Hence, allegation of KE against the Complainant regarding theft of electricity through direct use could not be proved.



7. Foregoing in view, the detection bill charged by KE is not justified. KE is hereby directed to withdraw the detection bill amounting to Rs. 65,374/- charged against the Complainant and regularize the extension of load (if any) as per provisions of CSM.
8. Compliance report be submitted within thirty (30) days.

Islamabad, August 06 , 2014


(Maj. (R) Haroon Rashid)
Member (Consumer Affairs)

