



National Electric Power Regulatory Authority,  
Islamic Republic of Pakistan

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Ph: 051-9206500, 9207200, Fax: 9210215  
E-mail: registrar@nepra.org.pk

Registrar

Consumer Affairs Division

By No. 42-12

Dated: 1/2/2013

No. NEPRA/RTCD-01 9424-26

1-2-2013

Chief Executive Officer  
Karachi Electric Supply Company Ltd. (KESC)  
KESC House, Punjab Chowringi,  
39 - B, Sunset Boulevard, Phase-II  
Defence Housing Authority  
Karachi.

Subject: Decision of the Authority on the Motion for Leave for Review Filed By KESC Against The Decision of Member (Consumer Affairs) In The Matter of Complaint of Mr. Uzair Ahmed Memon Regarding Arrears in the Bill (Consumer #LA984217)  
Complaint # KESC.214-2012

Reference is made to the Motion for Leave for Review filed by KESC vide letter dated May 16, 2013 against the decision of Member (Consumer Affairs) dated April 01, 2013.

2. Please find enclosed the decision of the Authority on the motion for leave for review for necessary action and compliance within 30 days of the receipt of this decision.

Encl: As Above

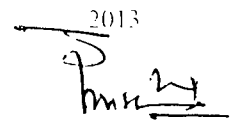
— SA —  
( Syed Safer Hussain )

Copy to:

1. Syed Muhammad Taha, Director Distribution Strategy, Karachi Electric Supply Company Ltd. (KESC), KESC House, Punjab Chowringi, 39 - B, Sunset Boulevard, Phase-II, Defence Housing Authority, Karachi.
2. Mr. Uzair Ahmed Memon, Flat No.06/06, Pakistan Housing Authority, Gulistan-e-Jahur Karachi.

No. NEPRA/RTCD-01 9427

Forwarded for information and necessary action, please.

2013  
  
Registrar

1. Director (CAD)
2. Master File [w.r.t. ATC - VC M (T) D#4030 dated 23.07.2013]

CC

1. Vice Chairman - Member (Tariff)
2. Member (M&E)
3. Member (C.A)

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**BEFORE THE  
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY  
NEPRA**

**Complaint No. KESC-214-2012**

Karachi Electric Supply Company Ltd.  
KESC House No 39-B,  
Sunset Boulevard Phase-II,  
Defence Housing Authority, Karachi.

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**Petitioner**

**Versus**

Mr. Uzair Ahmed Memon,  
Flat No.06/06, Pakistan Housing Authority,  
Gulistan-e-Jauhar, Karachi.

.....

**Complainant**

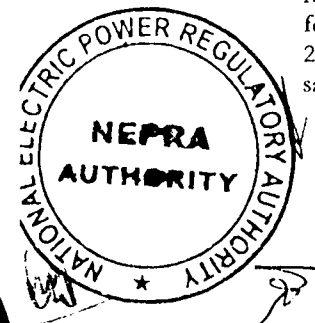
**Date of Decision:** June 20, 2013

**Present:**

1) Khawaja Muhammad Naeem	Chairman/Member (Tariff)
2) Mr. Habibullah Khilji	Member (Monitoring & Enforcement)
3) Maj (R) Haroon Rashid	Member (Consumer Affairs)

**Subject: DECISION OF THE AUTHORITY ON THE MOTION FOR LEAVE FOR REVIEW FILED BY KESC AGAINST THE DECISION OF MEMBER (CONSUMER AFFAIRS) IN THE MATTER OF COMPLAINT OF MR. UZAIR AHMED MEMON REGARDING ARREARS IN THE BILL (CONSUMER NO.LA984217)**

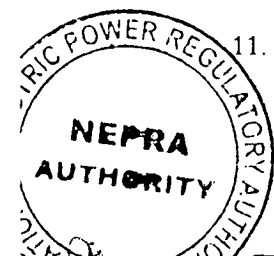
1. This decision shall dispose off the review motion dated May 16, 2103 filed by Karachi Electric Supply Company (hereinafter referred to as the 'KESC' or 'Petitioner'), against the decision of Member (Consumer Affairs) dated April 1, 2013 in the matter of complaint of Mr. Uzair Ahmed Memon (hereinafter referred to as the 'Complainant').
2. The brief facts of the case are that the Complainant in the complaint dated June 27, 2012 stated that KESC has included an amount of Rs.26,856.11 as arrears in the bill of June 2012 which is unjustified. The Complainant prayed that KESC be directed to issue him a new bill excluding the arrears.
3. As per the procedure, Consumer Affairs Division (CAD) of NEPRA referred the complaint to KESC for a detailed report. In response, KESC vide its letter dated July 19, 2012 reported that a site inspection was carried out after serving the inspection notice at the premises of the Complainant on May 8, 2012 and discrepancy of yellow phase coil short and meter stop on yellow phase was also found. Therefore, a notice under section 39, 39A, 44 & 26A of Electricity Act, 1910 dated May 8, 2012 was served upon the Complainant. The Complainant's reply to the notice was not found satisfactory. Consequently, a detection bill of 2465 units was processed on the basis of site



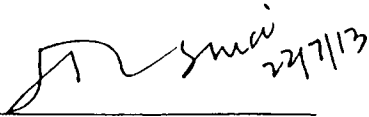
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inspection report, covering the period of 6 months from October 12, 2011 to April 12, 2012 amounting to Rs.26,855.84. The connected load of the premises was found 7.185 kW. The Complainant was involved in illegal abstraction of electricity and the detection bill charged against the Complainant is justified and liable to be paid.

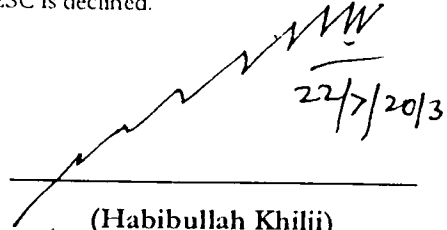
4. The report of KESC was sent to the Complainant for his information / rejoinder. The Complainant raised observations over the report of KESC and stated that his meter was changed on July 14, 2012 because of so called meter disorder. After that KESC included average of 6 months in the bill amounting to Rs.26,856.11 without any justification.
5. To probe further into the matter, a hearing was scheduled for January 8, 2013 which was postponed on the request of KESC and later on held on January 31, 2013. During the hearing, KESC representative argued the case on the basis of their earlier version. In pursuance to the hearing some additional information was sought from KESC with respect to billing data of the Complainant, copy of Meter Change Order and rationale of detection bill. KESC vide its letter dated March 1, 2013 submitted the requisite information.
6. The case was examined in light of documents provided by both the parties and arguments advanced by KESC during the hearing. The premises was inspected on May 8, 2012 and as per report of KESC, yellow phase coil was short and meter was stop on yellow phase. KESC assessed consumption of the Complainant as 3198 units for 6 months prior to date of checking i.e. November 2011 to April 2012. During this period KESC had already charged 733 units hence net  $3198 - 733 = 2465$  units were claimed as detection bill. KESC assessed the units on the basis of winter/summer consumption. The meter was replaced in July 2012.
7. The billing data of the Complainant shows that the consumption of the Complainant decreased after replacement of the meter as compared with corresponding months of the previous two years i.e. 2010 and 2011. Moreover, there was no remarkable difference in consumption of the Complainant for the period for which KESC has charged detection bill as compared with the corresponding months of the previous year. Total consumption during November 2010 to April 2011 was 854 units whereas during November 2011 to April 2012, the consumption remained 733 units; there was difference of 121 units.
8. A procedure is laid down in Consumer Service Manual (CSM) regarding establishing illegal abstraction of electricity by the consumers. Once illegal abstraction is confirmed, then detection bill is to be restricted to three billing cycles and up to six months with the approval of CEO or his authorized committee. In case detection bill is charged up to six months then action is required to be taken against officer incharge for not being vigilant enough. In the instant case, detection bill had been raised by KESC for six months but record is silent about any disciplinary action against the officer incharge as required under CSM. It was not established from the documents provided by KESC that the procedure laid down in the CSM for establishing illegal abstraction of electricity was followed by it.
9. Foregoing in view, Member (Consumer Affairs) decided the matter and KESC was directed to withdraw the detection bill charged to the Complainant for Rs.26,856.11. The decision of Member (Consumer Affairs) dated April 1, 2013 was conveyed to KESC and the Complainant through Registrar vide letter No.NEpra/R/TCD.09/3127-29 dated April 3, 2013 for implementation and compliance within 30 days.
10. Being aggrieved by the impugned decision, KESC filed Motion for leave for review under the signatures of DCDC R-III vide letter dated April 30, 2013 whereas the same was required to be submitted under the signatures of CEO KESC as per the standing instructions of NEpra. Therefore, the motion for leave for review was returned to KESC vide letter No.TCD.09/1960-2013 dated May 10, 2013 with the instructions to file the same under the signatures of CEO KESC. KESC was also informed to file request for condonation of delay as review motion was time barred under NEpra rules. KESC again submitted the review motion dated May 16, 2013 under the signatures of Chief Distribution Officer, KESC.
11. The Authority considered the review motion filed by KESC. In terms of Regulation 3(2) of the NEpra (Review Procedure) Regulations 2009, a motion seeking review of any order of the



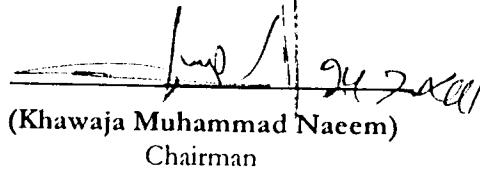
Authority is competent only upon discovery of new and important matter of evidence or on account of some mistake or error apparent on the face of record. The perusal of the decision sought to be reviewed clearly indicates that all material facts and representation made were examined in detail and there is no occasion to amend the impugned decision. No error inviting indulgence as admissible in law has been pleaded out. Therefore, the Authority is convinced that the review would not result in the withdrawal or modification of the impugned decision. Moreover, the review petition is time barred under NEPRA Complaint Handling and Dispute Resolution (Procedures), 2011 and NEPRA (Review Procedure) Regulations, 2009. In addition, the review motion has not been filed under the signatures of CEO which is mandatory as per the standing instructions of NEPRA. Hence the motion for review filed by KESC is declined.

  
22/7/13

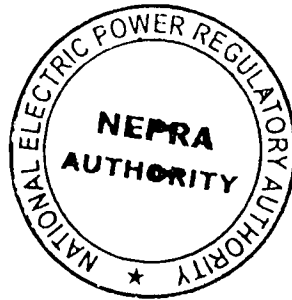
(Maj (R) Haroon Rashid)  
Member

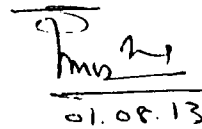
  
22/7/2013

(Habibullah Khilji)  
Member

  
24/7/13

(Khawaja Muhammad Naeem)  
Chairman



  
01.08.13