



Registrar

National Electric Power Regulatory Authority
Islamic Republic of Pakistan

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No. NEPRA/R/TCD-09/ 3879-81

16-4-2014

Chief Executive Officer
K-Electric (Formerly KESC)
KESC House, Punjab Chowrangi,
39 – B, Sunset Boulevard, Phase-II
Defence Housing Authority
Karachi.

Subject: Decision of the Authority Regarding Motion for Leave for Review filed by K-Electric (Formerly KESC) against the Decision of Member (Consumer Affairs) in the Matter of Mr. Ghulam Nabi Detection Bill
Complaint # KESC-25-2013

Please find enclosed the decision of the Authority in the subject matter for necessary action and compliance within 20 days of the receipt of this letter.

Encl : As Above

— S —
(Syed Safer Hussain)

Copy to:

1. Syed Muhammad Taha, Director Distribution Strategy, K-Electric, KESC House, Punjab Chowrangi, 39 – B, Sunset Boulevard, Phase-II, Defence Housing Authority, Karachi.
2. Mr. Ghulam Nabi, E-450, Khudadad Colony, Karachi.

No. NEPRA/R/TCD-09/ 3882

16-4-2014

Forwarded for information and necessary action, please.

— Pms —
Registrar
16-4-14

1. Director (CAD)
2. Master File [w.r.t. ATC&VC/M (T) D#2869 dated 14.04.2014]

CC:

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

183
24.4.14



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
NEPRA

Complaint No. KESC-25-2013

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

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Petitioner

Versus

Mr. Ghulam Nabi
E-450, Khudadad Colony
Karachi.

.....

Complainant

Date of Decision: March 4, 2014

Present:

- | | | |
|----|------------------------|----------------------------|
| 1) | Khawaja Muhammad Nacem | Chairman / Member (Tariff) |
| 2) | Mr. Habibullah Khilji | Member (M&E)/(Licensing) |
| 3) | Maj (R) Haroon Rashid | Member (Consumer Affairs) |

Subject: **DECISION OF THE AUTHORITY REGARDING MOTION FOR LEAVE FOR REVIEW FILED BY KESC AGAINST THE DECISION OF MEMBER (CONSUMER AFFAIRS) IN THE MATTER OF MR. GHULAM NABI REGARDING DETECTION BILL**

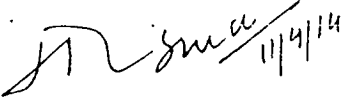
Decision

1. This decision shall dispose of the review motion dated February 3, 2014 filed by Karachi Electric Supply Company (hereinafter referred to as the 'KESC' or 'Petitioner') against the decision of Member (Consumer Affairs) dated December 30, 2013 in the matter of complaint of Mr. Ghulam Nabi (hereinafter referred to as the 'Complainant') filed under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997.
2. Precisely, the Complainant in his complaint dated January 12, 2013 stated that one of the phases of his 3-phase electricity connection went out of order so he took one phase on temporary basis from other source. Upon his complaint, KESC team visited the site on September 26, 2012 and found one phase out of order which was rectified by KESC officials and the extra phase was also removed on same day. Later on, KESC issued illegal bill amounting to Rs.48,042/- for the

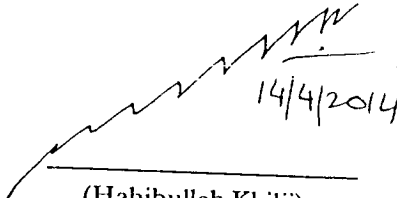
month of October 2012. He submitted applications to KESC for rectification of the bill but the matter was not resolved. The Complainant requested that KESC be directed to withdraw the unjustified amount in the bill.

3. The matter was taken up with KESC for submission of para-wise comments. In response, KESC vide its letter dated February 11, 2013 reported that a site inspection was carried out at the premises of the Complainant after serving inspection notice dated September 26, 2012. During inspection, extra phase was found in use. Therefore, a notice under section 39, 39A, 44 and 26A of Electricity Act, 1910 was served upon the Complainant which was acknowledged. Subsequently, a supplementary bill of 3061 units was processed on the basis of site inspection report covering a period of 6 months from February 23, 2012 to August 27, 2012 amounting to Rs.56,553/-. KESC further stated that sanctioned load of the Complainant's connection is 1 kW whereas connected load was found as 11.191 kW and KESC has already issued a notice to the Complainant for regularization of load. The consumer/Complainant was involved in theft of electricity, therefore, supplementary bill charged to him is justified.
4. Report of KESC was sent to the Complainant for information/rejoinder. In response thereto, the Complainant raised his observations over the report of KESC and reiterated his earlier version and denied use of extended load of 11.191 kW.
5. To probe further into the matter, a hearing was held on August 12, 2013 at Karachi which was attended by both the parties who advanced their arguments on the basis of their earlier versions. Subsequent to the hearing, some additional information with respect to billing data, copy of F.I.R and rationale of detection bill, etc. was sought from KESC which was submitted by KESC except the copy of F.I.R, and it was informed by KESC that no F.I.R has been lodged against the Complainant.
6. The case was examined in detail in light of documents provided by both the parties and arguments advanced during the hearing. Accordingly, the case was decided by the Member (Consumer Affairs) vide decision dated December 30, 2013 and KESC was directed to revise the detection bill from 6 months to 2 months. The said decision was conveyed to KESC, and a copy endorsed to the Complainant, through Registrar office vide letter No.NEPRAR/TCD.09/73-75 dated January 2, 2014 for compliance within 30 days.
7. Being aggrieved with the impugned decision, KESC has filed the instant review motion. The Authority has 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

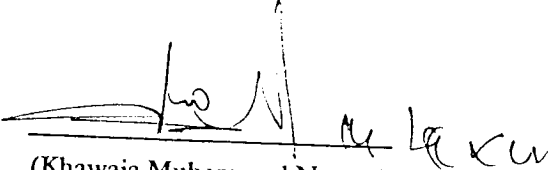
sought to be reviewed clearly indicates that all material facts and representations made were examined in detail and there is neither any occasion to amend the impugned decision, nor any error inviting indulgence as admissible in law has been pleaded out. Therefore, the Authority is convinced that the review would not result in the withdrawal or modification of the impugned decision. Moreover, the review motion is time barred under NEPRA (Review Procedure) Regulations, 2009. Hence, the motion for review is declined.


11/4/14

(Maj (R) Haroon Rashid)
Member


14/4/2014.

(Habibullah Khilji)
Member



(Khawaja Muhammad Naeem)
Chairman