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# National Electric Power Regulatory Authority

Islamic Republic of Pakistan

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Registrar

No. TCD 09/9943-45

8-11-2012

7915  
12/11/12

Mr. I.R. Sheikh  
R/O F-47, Block No. 8,  
KDA Scheme No. 5,  
Clifton, Karachi

Subject: **Decision of the Authority in the matter of Review Motion filed by Mr. I. R. Sheikh against Order of the Member (Consumer Affairs) regarding Complaint filed by Mr. I.R. Sheikh under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 against KESC for Detection Bill (A/C No. 1114240420017) Complaint # KESC-22-2012**

Reference is made to the Review Petition dated July 20, 2012 filed by you against the decision of Member (Consumer Affairs) dated June 26, 2012. The decision of the Authority in this regard is enclosed herewith for your information please.

Encl: As above

Sd/-  
( Syed Safer Hussain )

Copy:

For information please

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

DD (CAD) 2.  
13/11/12

Mr. Amer Zia  
Director (Strategy Planning and Compliance)  
Karachi Electric Supply Company Ltd.  
House No. 10-B, St. 65,  
F-8/3, Islamabad.

No. TCD 09/9946

8-11-2012

Forwarded for information, please.

Registrar

Senior Advisor (CAD) [w.r.t. Dy. No. 1163 dated 07.11.2012]  
Master File

13/11/12

CC:

1. Acting Chairman / Member (CA)
2. Member (Licensing)
3. Member (M&E)
4. Member (Tariff)

13/11/12



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

**Complaint No. KESC-22-2012**

**Mr. I. R. Sheikh** ..... **Complainant/Petitioner**  
R/o F-47, Block No. 8,  
KDA Scheme No. 5, Clifton,  
Karachi.

**Versus**

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

**Date of Decision:** September 26, 2012

**Subject:** **DECISION IN THE MATTER OF REVIEW MOTION FILED BY MR I.R. SHEIKH AGAINST ORDER OF MEMBER CONSUMER AFFAIRS REGARSING COMPLAINT FILED BY MR I.R. SHEIKH UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST KESC FOR DETECTION BILL (A/C No.1114240420017)**

**DECISION**

1. This decision shall dispose of the review motion dated July 20, 2012 filed by Mr. I.R. Sheikh R/o F-47, Block No. 8, KDA Scheme No. 5, Clifton, Karachi (hereinafter referred to as "Complainant/Petitioner ") against the decision of Member (Consumer Affairs) dated June 26, 2012.
2. The facts of the case are that a complaint was filed by petitioner on January 23, 2012 against KESC therein alleging that on September 17, 2011, in his absence his electricity meter being not properly installed by KESC caught fire which resulted in damage of several expensive appliances at his home. KESC replaced the meter after considerable delay i.e. on October 06, 2011 and provided an un-metered supply in the interim period. KESC is alleging that for the interim period from September 17, 2011 to October 05, 2011 very low reading has been billed to him therefore it

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issued him a detection bill for the period of 02 months. Moreover, KESC has also sent a bill of Rs.9,911/- as arrears for meter replacement cost. The meter got burnt being not properly installed by KESC. Since he had continuously been paying the meter rent, KESC is required to change the meter at its own cost and should not charge the same from him. The complainant further stated that due to frequent power fluctuation and load shedding up to four times daily, damage to his appliances had been caused by KESC. The complainant prayed for withdrawal of additional amount, withdrawal of cost of the meter amounting to Rs.9,911/- along with late payment charges, compensation for damage caused to the appliances due to KESC's negligence, and restraining KESC from any coercive action for recovery of the disputed amounts, or levy late payment charges for the same till the decision of complaint by NEPRA.

3. To proceed with the matter, the complaint was referred to the KESC for a detailed report. KESC in response reported vide its letter dated February 15, 2012 that meter of the complainant was changed on October 06, 2011 as the complainant registered his complaint of meter burnt out. The removed meter was tested and as per the report of meter department "meter body was burnt out". A notice was served to the complainant on November 24, 2011 which was acknowledged by Mr. Ali Zaman. After seven working days, a supplementary bill of 3,866 units amounting to Rs.61,344/- was processed for the period of 02 billing cycles (September-2011 & October-2011) after adjustment of already charged units. The units were charged on the basis of actual metered consumption prior to meter burnt out. Cost of meter replacement was charged as per policy. The complainant registered his complaint for meter burnt out and accepted the fact by signing of an affidavit; hence the cost of replacement of meter was recovered. The supplementary bill charged against the complainant is justified and liable to be paid by him.
4. Report of KESC dated February 15, 2012 was communicated to the complainant for his information/rejoinder. In response, the complainant vide his letter dated February 28, 2012 made some observations on KESC's report and stated that his house was vacant as he had gone abroad from June 27, 2011 to October 26, 2011. The KESC staff checked his meter reading on September 15, 2011 and did not report any defect in the meter as it was working normally. The defect occurred in the meter actually on 16-17 September 2011. The supplementary bill for 3866 units amounting to Rs.61,344/- has been charged by KESC for the period September-2011 and October-2011 (02 months) instead of 18 days (September 17, 2011 to October 06, 2011). The supplementary bill issued by KESC is arbitrary and not based on actual consumption of his premises. The KESC allowed his connection without replacing the defective meter during the period September 17, 2011 to October 06, 2011 in violation of the supply agreement as such they are required to prove his actual consumption in this period. For the damage to the meter, KESC is responsible as it was supplied and installed by the company. The meter burnt due to negligence of KESC as it was not properly installed. Regarding his affidavit for bearing the cost of replacement of defective meter, the complainant stated that the same was signed under duress.
5. In the light of observations dated February 28, 2012 of the complainant, the matter was again taken up with KESC vide letter dated March 14, 2012. KESC vide its letter dated April 02, 2012 informed that the complainant's billing record shows that his meter was changed six times during last ten years due to over loading. The supplementary bill was processed on actual recorded consumption trend for the

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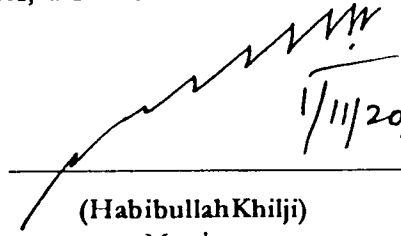
period of two months for 3866 units after adjusting already charged 916 units. The report of KESC was forwarded to the complainant and the complainant made some observations upon it. The case was again taken up with KESC vide letter dated April 18, 2012 for providing documents to establish that the meter got damaged due to over loading in addition to some other relevant information. In response, KESC vide its letters dated May 10, 2012 and May 14, 2012 submitted report and informed that the said detection bill charged to the complainant was on lower side as compared to the previous trend of consumer's electricity consumption. As, the meter burnt is a case of illegal abstraction of electricity, detection units have been charged in accordance with the provisions of Consumer Service Manual. KESC however, could not provide any document to establish that the meter was burnt due to over loading.

6. The meter was burnt on September 17, 2011 and the matter was reported to KESC by the complainant, therefore burning of the meter in the instant case does not come under the ambit of illegal abstraction of electricity. KESC should have replaced the meter immediately on receipt of complaint but it was not done by KESC and the meter was replaced on October 06, 2011. KESC should have dealt the case as per the provisions laid down in Chapter 4 of Consumer Service Manual (CSM). According to CSM charging of consumers on the basis of defective code, where the meter has become defective and is not recording the actual consumption will not be more than two billing cycles. The basis of charging will be 100 % of the consumption recorded in the same months of previous year or average of the last 11 months which ever is higher. KESC assessed the consumption of the complainant as 4782 units for the months of September and October 2011 but during these months. KESC adjusted 916 units already charged to the complainant in this period and bill of  $(4782-916=)$  3866 units was claimed as detection bill by KESC. The recorded total consumption of the complainant during the corresponding months of the previous year i.e. September and October 2010 is 3328 units and the average monthly consumption of the complainant for last 11 months i.e. October 2010 to August 2011 is 2074 units and total for two months will be  $2074 \times 2 = 4148$  units. This consumption (4148 units) being on higher side is therefore, chargeable to the consumer. After deducting the already charged 916 units, the net chargeable units are  $(4148-916=)$  3232 units instead of 3866 units (as assessed by KESC). Moreover, KESC could not establish that the meter was burnt due to over loading or any other fault for which the complainant / consumer be held responsible.
7. In view of above facts the KESC was directed by Member (Consumer Affairs) vide the decision dated June 26, 2012 to revise the supplementary bill for net 3232 units for the months of September 2011 and October 2011 and withdraw the cost of the meter. The complainant feeling aggrieved with the impugned decision dated June 26, 2012 filed the subject review motion vide his letter dated July 20, 2012 whereas KESC vide its letter dated July 30, 2012 informed that the concerned department had been directed to implement the decision.
8. The review motion has been considered by the Authority. In terms of Regulation 3(2) of the NEPRA (Review Procedure) Regulations, 2009, a motion seeking review of any decision 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

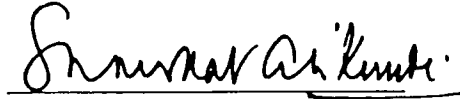
there is no occasion to amend the impugned decision. No error inviting indulgence as admissible in law has been pleaded out. For the foregoing reasons, the Authority is convinced that the review would not result in the withdrawal or modification of the impugned decision. Moreover, the review motion is time barred under NEPRA (Review Procedure) Regulations. Therefore, the motion for leave for review is declined.

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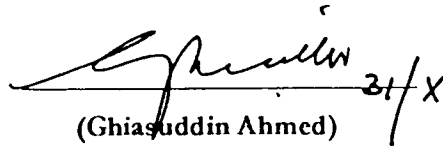
(Khawaja Muhammad Naeem) .  
Member

 1/11/2012

(Habibullah Khilji)  
Member .



(Shaukat Ali Kundi) 02.11.12  
Member

 31/X

(Ghiasuddin Ahmed)  
Chairman