



Before the Appellate Board
National Electric Power Regulatory Authority
(NEPRA)
Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-023/POI-2015/ 682 — 685

July 28, 2015

1. Muhammad Nawaz
C/11, 4th Sunset Line,
Phase 2, Defence Society,
Karachi
2. The Chief Executive Officer
K-Electric,
KE House, 39-B,
Sunset Boulevard, DHA-II,
Karachi
3. Rafique Ahmed Shaikh,
General Manager (Regulations),
K-Electric, KE House, 39-B,
Sunset Boulevard, DHA-II, Karachi
4. Ms. Tatheera Fatima
Deputy General Manager,
K-Electric, KE House, 39-B,
Sunset Boulevard, DHA-II, Karachi

Subject: Appeal Titled K-Electric Vs. Muhammad Nawaz Against the Decision Dated 24.07.2013 of the Electric Inspector/POI to Government of the Sindh Karachi Region-I, Karachi

Please find enclosed herewith the decision of the Appellate Board dated 28.07.2015, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-023/POI-2015/ 686

July 28, 2015

Forwarded for information please.

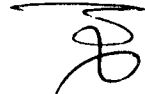

Member Appellate Board

1. Registrar
2. Director (CAD)
3. Electric Inspector/POI, Karachi Region-I
4. Master File

CC:

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

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31/07/15

Registrar	8189
DY No.....	
Dated.....	31/07-15



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-023/POI-2015

K-Electric Limited

.....Appellant

Versus

Mr. Muhammad Nawaz, C/11 4th Sunset Line Phase 2, Defence Society, Karachi

.....Respondent

Date of Hearing:

22/06/2015

For the appellant:

Mr. Rafique Ahmed General Manager
Ms. Tatheera Fatima Deputy General Manager
Masahib Dy. Manager

For the respondent:

Mr. Muhammad Nawaz

DECISION

1. As per facts of the case, K-Electric is a licensee of National Electric Power Regulatory Authority (hereinafter referred to as NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the license and the respondent is its consumer having two connections bearing Ref No. LA-116209 (residential) and Ref No. AL-755988 (commercial) having sanctioned load of 2.25 kW under A-1 tariff and 0.72 kW under A-2 tariff

1



National Electric Power Regulatory Authority

- respectively. This appeal in hand has been filed by K-Electric against the decision dated 24.07.2013 of the Provincial Office of Inspection /Electric Inspector Karachi Region-I, Karachi (hereinafter referred to as POI) under Section 38(3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as "the Act").
2. Detection bills of Rs.33097/- for 3971 units net for the period 13.03.2007 to 13.03.2010 for residential connection and Rs.80,632/- for 7413 units net for the period 13.03.2007 to 13.03.2010 for commercial connection were issued to the respondent. Being aggrieved with the detection bills the respondent made a complaint dated 10.05.2010 before POI and challenged the detection bills.
 3. The complaint was contested by K.E on the ground that detection bills were issued due to dishonest abstraction of electricity and therefore, jurisdiction of POI was barred.
 4. The matter was decided by POI vide its decision dated 24.07.2013 and the operative portion of the decision is reproduced below:

"Keeping in view of the above findings, considering the arguments advance by the counsels of the parties and after perusal of the record, this Authority direct the licensee to cancel the detection/IRB bills for the period from 13.03.2007 to 13.03.2010 bearing consumer No: LA-116209 amounting to Rs.33,097/= and Rs.80,532/= on commercial meter bearing consumer No: AL-755988 because it has no technical and legal grounds.

It is further advised that appropriate disciplinary action should be taken against the officer/officials at fault in light of above findings under intimation to this authority within fifteen days positively.

Compliance of the above orders of this Authority should be made within 15 days from the date of receipt of this decision under intimation to the Authority. In case of non compliance of the Orders of this Authority, matter would be treated under Section-38 of NEPRA Act-1997.

The application is disposed off with above order."



National Electric Power Regulatory Authority

5. Being aggrieved with the above decision dated 24.07.2013 of POI, K-Electric has filed the instant appeal through Ms. Tatheera Fatima Deputy General Manager before NEPRA under section 38 (3) of the Act. In the appeal, the K-Electric prayed as under:

"The appellant (KE), therefore, humbly prays that the Authority (NEPRA) shall reopen the case and suspend the decision/order dated 27.07.2013 passed by the EIK (not POI) (Respondent No.02) received in this office dated 07.08.2013 and further prays to set aside the said order in its entirety as well as grant relief as may deem just and proper to meet the ends of justice in the circumstances of the case.

Further press for setting aside the order of Advisory Board as Appellant rightly filed their appeal before learned authority as the application filed by the Respondent no.3 against their redress of their grievance under section 24 and 26 of Electricity Act 1910 which is leading section wherein applied for"

6. In response to the instant appeal a notice was issued to the respondent for submission of reply/parawise comments which were not submitted.
7. The hearing of appeal was fixed on 22.06.2015 in Karachi and due notices were sent to both the parties. Both the parties were present on the day of hearing. Mr. Rafique Ahmed General Manager and Ms. Tatheera Fatima Deputy General Manager appeared for K-Electric and Mr. Muhammad Nawaz appeared for the respondent. At the outset of the hearing, it was observed that prima facie the appeal was barred by time, therefore, the appellant was required to first justify the point of limitation. Ms. Tatheera Fatima Deputy General Manager, the representative for K-Electric stated that the decision was announced by POI on 24.07.2013 which was received by K-Electric on 07.08.2013 and the appeal was filed before the Advisory Board Government of Sindh Energy Department on 29.08.2013 and the matter was disposed of by the Advisory Board vide its order dated 09.02.2015 received by K-Electric on 02.03.2015 with the direction to the appellant for filing the appeal before NEPRA. The representative of K-Electric submitted that pursuant to the order of the Advisory Board (received on 02.03.2015) the appeal was filed

1



National Electric Power Regulatory Authority

before NEPRA on 12.03.2015 which was within the time limit as prescribed in the law and delay if any in this regard may be condoned.

8. It has been observed from the arguments given by the representative of K-Electric and record that the decision was announced by POI on 24.07.2013 which was received by K-Electric on 07.08.2013 and the appeal was filed before the Advisory Board Government of Sindh Energy Department on 29.08.2013. The appeal was disposed of by the Advisory Board on 09.02.2015 which was received by K-Electric on 02.03.2015 and the appeal was filed before NEPRA on 12.03.2015. In view of the factual position and the explanation of K-Electric the delay in submission of the appeal was condoned and the parties were directed to advance their arguments on merit. Ms. Tatheera Fatima the representative of K-Electric contented that meters of both the connections were checked on 17.04.2010 and it was observed that the meters seals were found tampered and main cover not original. According to representative of K-Electric, site inspection reports of both the connections were signed by the respondent. She pleaded that detection bills of Rs.33,097/- and Rs. 80,632/- were prepared as per approved detection performas and served to the respondent for recovery of the loss due to theft of electricity. She further argued that being a case of dishonest abstraction of electricity it was beyond the jurisdiction of POI. She prayed for acceptance of the appeal. Mr. Muhammad Nawaz the respondent appearing in person denied the allegations of K-Electric and submitted that the detection bills raised by K-Electric against the respondent were not justified as he was not involved in theft of electricity. He defended the impugned decision of POI and requested that the same shall be maintained in the interest of justice. K-Electric could not explain the detail of chargeable units of the detection bills and also failed to provide any document regarding the policy of K-Electric for raising the detection bills.
9. We have heard arguments of both the parties and examined the record placed before us. Following are our observations:
 - i. Site inspection of the respondent connections was carried out by K-Electric on 08.04.2010 and as reported in the site inspection report the meters seemed to be tampered and cover seals not original.

National Electric Power Regulatory Authority

ces prior and after site inspection on 08.04.2010 were issued to the respondent by electric on 08.04.2010 which were acknowledged by the respondent.

ection bills of Rs.33,097/- for 3,971 units net. for the period 13.03.2007 to 3.2010 for residential connection and Rs.80,632/- for 7,413 units for the period 3.2007 to 13.03.2010 for commercial connection were issued to the respondent by electric and were challenged before POI by the respondent.


PR was lodged against the respondent for dishonest abstraction of electricity and was not proved therefore, the preliminary objection that being a theft case the diction of POI was barred, has no basis and is therefore rejected.


Consumer Service Manual was approved in April 2010 and therefore, its provisions not applicable in the instant case.

electric failed to provide the rationale of chargeable units of the detection bills and y for charging detection bills therefore, the detection bills raised by K-Electric no justification and the respondent is therefore, not liable to pay the same.

regoing discussion, it is concluded that the detection bills raised by K-Electric spondent have no basis and justification and therefore, the respondent is not liable ne. We do not find any reason to interfere with the impugned decision of POI and erefore, upheld.

s dismissed accordingly.


I Qamar-uz-Zaman
Member


Nadir Ali Khoso
Convener


Muhammad Shafique
Member

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