



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

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No. NEPRA/AB/Appeal-047/POI-2016/ ~~1233~~ — 1237

September 22, 2016

1. Tanveer Anwar,
S/o Muhammad Anwar Mirza,
(Mohammad Shabbir),
Through his attorney,
Mohammad Naseem Chaudhary,
Alfa Heights, Plot No. C-1,
Shop No. 08, Block-21,
Federal B. Area, Karachi
2. The Chief Executive Officer,
K-Electric,
KE House, 39-B,
Sunset Boulevard, DHA-II,
Karachi
3. Asif Shajer,
Deputy General Manager,
K-Electric, KE House, 39-B,
Sunset Boulevard, DHA-II,
Karachi
4. Ms. Tatheera Fatima,
Deputy General Manager,
K-Electric Ltd,
3rd floor, KE Block,
Civic Centre, Gulshan-e-Iqbal,
Karachi
5. The Electric Inspector,
Karachi Region-II,
Block No. 51, Pak Secretariat,
Shahra-e-Iraq, Saddar,
Karachi

Subject: **Appeal Titled K-Electric Ltd Vs. Tanveer Anwar Against the Decision Dated 29.01.2016 of the Electric Inspector/POI to Government of the Sindh Karachi Region-II, Karachi**

Please find enclosed herewith the decision of the Appellate Board dated 20.09.2016, regarding the subject matter, for information and necessary action accordingly.

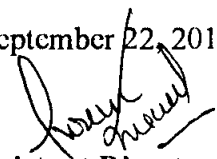
Encl: **As Above**

No. NEPRA/AB/Appeal-047/POI-2016/ ~~1233~~ 1238

Forwarded for information please.

(Ikram Shakeel)

September 22, 2016


Assistant Director
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-047/2016

K-Electric Ltd

.....Appellant

Versus

Tanveer Anwar, S/o Muhammad Anwar Mirza, (Muhammad Shabbir),
Through his attorney, Mr. Mohammad Naseem Choudhry, Alfa Heights,
Plot No. C-1, Shop no.08, Block-21, Federal B. Area, Karachi

.....Respondent

For the appellant:

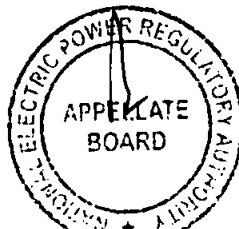
Ms. Tatheera Fatima Deputy General Manager (Legal Distribution)
Mr. Asif Shajer Deputy General Manager
Mr. Imran Hanif Assistant Manager

For the respondent:

Mr. Mohammad Naseem Choudhry

DECISION

1. This decision shall dispose of the appeal filed by K-Electric against the decision dated 29.01.2016 of Provincial Office of Inspection/Electric Inspector, Karachi Region-II, Karachi (hereinafter referred to as POI).
2. Brief facts of the case are that the respondent is a domestic consumer of K-Electric bearing Ref No.LA-021614 with a sanctioned load of 1 kW under A1-R tariff. K-Electric inspected the premises of the respondent on 31.07.2015 and reportedly electricity meter of the respondent was found defective with blue phase dead, the electricity was being consumed directly through main cable and the connected load was observed as 47.361 kW very much above the sanctioned load. After issuing notice dated 31.07.2015 to the respondent, a detection bill of Rs. 310,880/- for 31,056





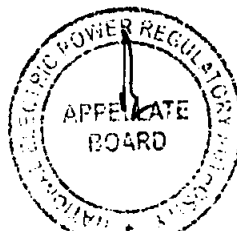
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units for the period 18.01.2015 to 18.07.2015 (February 2015 to July 2015) was charged to the respondent in the bill for August 2015 on the basis of connected load. A new electricity meter was installed on the premises of the respondent by K-Electric vide Meter Change Order (MCO) dated 04.08.2015.

3. Being aggrieved with the aforesaid detection bill, the respondent filed an application before POI on 02.09.2015 and challenged the detection bill of Rs. 310,880/- for 31,056 units for the period 18.01.2015 to 18.07.2015 (February 2015 to July 2015) charged in August 2015. The respondent prayed that the aforesaid detection bill was unjustified, unlawful and he was not liable to pay the same. POI disposed of the matter vide its decision dated 29.01.2016 with the following conclusion:

"After conducting several number of hearings, giving fair opportunities to hear both the parties, scrutinizing the record, made available with this authority and in the light of relevant law and regulations and above findings, this authority is of the firm view that Arrears bill, amounting to Rs.310,880/- for the month of August-2015 issued by the opponents has no justification on legal and technical grounds, therefore direct the Opponents to cancel the said bill. The opponents are directed to act in terms of above instructions, accordingly. The complaint of the complainant is disposed off with above remarks"

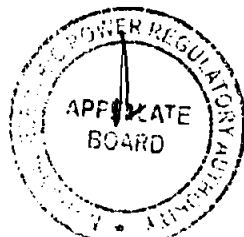
4. Being aggrieved with POI decision dated 29.01.2016 (hereinafter referred to as the impugned decision), K-Electric has filed the instant appeal under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as the NEPRA Act 1997). In its appeal, K-Electric contended that it was a case of theft of electricity, as such POI was not competent to decide the instant matter. K-Electric prayed that the detection bill of Rs. 310,880/- for 31,056 units for the period 18.01.2015 to 18.07.2015 (February 2015 to July 2015) charged to the respondent in August 2015 due to illegal abstraction of electricity was legal, justified and the respondent is liable to pay the same.
5. Notice was issued to the respondent for filing reply/parawise comments, which were filed on 31.03.2016. In his reply, the respondent refuted the allegation of theft levelled against him by K-Electric and contended that the detection bill of Rs. 310,880/- for 31,056 units for the period 18.01.2015 to 18.07.2015 (February 2015 to July 2015) charged in August 2015 is illegal, unlawful and liable to be cancelled. The respondent defended the impugned decision and prayed for upholding the same.





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6. Notice was issued to both the parties and hearing of the appeal was held in Karachi on 19.08.2016 in which Ms. Tatheera Fatima Deputy General Manager (Distribution Legal) along with other K-Electric officials appeared for the appellant K-Electric and Mr. Muhammad Naseem Chaudhary appeared as representative for the respondent. Learned representative of K-Electric repeated the same arguments as earlier narrated in memo of the appeal and contended that site of the respondent was checked by K-Electric on 31.07.2015 and the electricity meter was found defective with blue phase dead. As per K-Electric, the respondent was found consuming electricity illegally through main cable and the connected load observed was much higher than the sanctioned load. According to K-Electric, the detection bill of Rs. 310,880/- for 31,056 units for the period 18.01.2015 to 18.07.2015 (February 2015 to July 2015) was charged in August 2015 in order to recover the revenue loss sustained by K-Electric due to dishonest abstraction of electricity by the respondent. K-Electric pleaded that the detection bill is justified and payable by the respondent. On the other hand, representative for the respondent refuted the allegation of theft leveled by K-Electric and contended that the electricity meter of the respondent was burnt out on 04.04.2015 and accordingly K-Electric was informed. As per representative for the respondent, K-Electric provided direct connection to the respondent and the bills were charged on average basis till the replacement of the electricity meter. According to representative for the respondent, a new meter was installed by K-Electric vide MCO dated 04.08.2015 and subsequently a detection bill of Rs. 310,880/- for 31,056 units for the period 18.01.2015 to 18.07.2015 (February 2015 to July 2015) was charged to the respondent in August 2015, which is not justified. Representative for the respondent defended the impugned decision and pleaded for cancellation of the detection bill.
7. We have heard arguments of both the parties and examined the record placed before us. It is observed as under:
- Theft of electricity by the respondent is alleged by K-Electric but no criminal proceedings by lodging FIR were initiated by K-Electric, moreover provisions of Consumer Service Manual (CSM) were not followed and POI has rightly determined that theft was not proved against the respondent. Moreover it is pointed out by the respondent that K-Electric restored his electric supply directly after the meter was damaged. We agree with the conclusion of POI as per impugned decision that POI has jurisdiction in the instant case and the objection of K-Electric in this regard is therefore dismissed.





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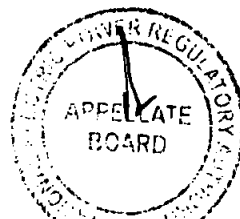
- ii. The detection billing for the period February 2015 to July 2015 has been challenged by the respondent vide the application dated 02.09.2015 before POI.

Comparison of the consumption recorded between the disputed and undisputed periods as per data provided by K-Electric is tabulated as under:

Period	Normal Mode Average Units/Month	Detection Mode Average Units/Month
Period Before dispute March 2014 to January 2015(11 months)	2,707	-
Disputed period February 2015 to July 2015 (6 months)	1,460	6,683
Period After dispute August 2015 to July 2016 (11 months)	4,238	-

It is evident from the above table that the detection bill charged @ 6,683 units/month during the disputed period is much higher than the consumption recorded @ 2,707 units/month and @ 4,238 units/month in normal mode in the periods before and after the dispute respectively. Therefore the detection bill amounting to Rs. 310,880/- for 31,056 units for the period 18.01.2015 to 18.07.2015 (February 2015 to July 2015) charged in August 2015 was not justified and the respondent is not liable to pay the same. The impugned decision to this extent is liable to be maintained.

- iii. It is revealed that the consumption of 4,238 units/month after the disputed period is higher as compared to the consumption of 1,460 units/months in the disputed period, which establishes that the actual consumption was not being recorded during the disputed period. It is also admitted by the respondent that unmetered supply was used after the meter was damaged. Therefore It would be fair and appropriate to charge the detection bill @ 4,238 units /month for the disputed period as recorded during the period after the dispute i.e. August 2015 to July 2016. According to clause 9.1 c (3) of CSM, the respondent is liable to be billed maximum for three billing cycles being a domestic consumer as nothing has been placed before us by K-Electric showing that approval for charging the detection bill for six months was obtained from Chief Executive (or any officer authorized in this behalf) of the K-Electric and any action





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was initiated against the officer in charge for not being vigilant enough. Therefore the respondent is liable to be charged the detection bill @ 4,238 units/month for three months only i.e. May 2016 to July 2016. The impugned decision is liable to be modified to this extent.

8. In view of foregoing discussion, we have reached to the conclusion that:

- i. Detection bill amounting to Rs. 310,880/- for 31,056 units for the period 18.01.2015 to 18.07.2015 (February 2015 to July 2015) charged in August 2015 has no justification and the respondent is not liable to pay the same. The impugned decision to this extent is upheld.
- ii. The respondent is to be charged the detection bill @ 4,238 units/month for the period May 2016 to July 2016, therefore the electricity bills for the same period are to be revised by making adjustments of the units already charged during that period. Impugned decision is modified to this extent.

9. The appeal is disposed of in above terms.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Date: 20.09.2016

