



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

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No. NEPRA/AB/Appeal-083/POI-2015/075-079

January 18, 2016

1. Mst. Bibi Salma  
(Salma Begum)  
120/2C, Moria Khan Goth,  
Plot No. 11, Star Gate,  
Near Karachi Public School,  
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 Ltd,  
3<sup>rd</sup> floor, KE Block,  
Civic Centre, Gulshan-e-Iqbal,  
Karachi
5. The Electric Inspector  
Karachi Region-I,  
Block No. 51, Pak Secretariat,  
Shahra-e-Iraq, Saddar,  
Karachi.

Subject: Appeal Titled K-Electric Ltd Vs. Mst. Bibi Salma Against the Decision Dated 14.07.2015 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 18.01.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)


No. NEPRA/AB/Appeal-083/POI-2015/080

January 18, 2016

Forwarded for information please.

  
Member Appellate Board

1. Registrar
2. Director (CAD)

  
20/01/16  
Reg-I/MIF

CC:

1. Vice Chairman/Member (CA)

Registrar	682
By No.	.....
Dated	20-01-16



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-083/POI-2015

K-Electric Limited

.....Appellant

Versus

Mst. Salma Begum, 120/2/C, Morad Khan Goth,  
Star Gate near Karachi Public School, Karachi

.....Respondent

For the appellant:

Rafique Ahmed General Manager  
Tatheera Fatima Deputy General Manager Distribution Legal  
Imran Hanif Assistant Manager

For the respondent:

Munir Ahmed S/o Salma Begum

### DECISION

1. This decision shall dispose of an appeal filed by K-Electric Limited (hereinafter referred to as KE) against the decision dated 14.07.2015 of the Provincial Office of Inspection/Electric Inspector Karachi Region-I (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. Brief facts giving rise to the instant appeal are that KE 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 distribution license and the respondent is its domestic consumer bearing Ref No.AL-639535 with a sanctioned load of 1 kW under tariff AI-R.

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3. As per facts of the case, the site inspection of the respondent's premises was conducted by KE on 23.02.2013. As per KE's site inspection report dated 23.02.2013, the meter was found sticky and the connected load was observed as 6.784 kW. After issuing a notice dated 23.02.2013 a detection bill amounting to Rs.53,585/- for 3,323 units for the period 02.07.2012 to 05.01.2013 was issued by KE in April 2013 on the basis of 20 % load factor with connected load as 6.784 kW.
4. The respondent being aggrieved with the aforementioned detection bill filed an application dated 23.05.2013 before POI and stated that a huge bill of Rs.81,686/- was raised against the respondent. The respondent contended that the bill of March 2013 was received which contained an arrear of Rs.28,045/- and it challenged before KE and it was informed that the case was referred to higher Authority vide allowance No.2621 for settlement. According to the respondent again a huge bill of Rs.81,686/- was received in April 2013 which was not justified. The respondent prayed for cancellation of all arrears bill in the interest of justice.
5. POI announced its decision on 14.07.2015 (hereinafter referred to as impugned decision) and concluded that the detection bill of Rs.53,585/- of 3,323 units for the period 02.07.2012 to 05.01.2013 was not justified and the same should be cancelled along with the late payment surcharges included after the issuance of detection bill and afterwards. In the impugned decision, KE was further directed to settle the admitted allowance of Rs.28,045/- on priority basis.
6. Being aggrieved with the impugned decision, KE has filed the instant appeal under section 38 (3) of the Act. KE raised objections against the findings of POI and inter-alia, stated that being a case of theft of electricity it is beyond the jurisdiction of POI as per verdict of the Superior Courts. In the end KE prayed as under:-

*"The Appellant, therefore, humbly prays that the Authority (NEPRA) shall reopen the case and suspend the decision/order dated 14.07.2015 passed by the Respondent No.01/EIK (not POI) received in this office dated 15.07.2015 and further prays to set aside the said order in its entirety as well as grant relief as it may deem just and proper to meet the ends of justice in the circumstances of the case."*



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7. In response to the above appeal, the respondent was issued a notice for filing reply/parawise comments which were not submitted.
8. Notices were issued to both the parties and the appeal was heard in NEPRA regional office Karachi on 07.12.2015 in which both the parties participated. Ms. Tatheera Fatima Deputy General Manager Distribution Legal and Mr. Rafique Ahmed General Manager appeared for KE and Mr. Munir Ahmed (the son) appeared on behalf of the respondent. Representatives of KE repeated the same arguments which have already been given in memo of the appeal. They stated that respondent's connection was checked on 23.02.2013 for which a prior notice dated 23.02.2013 was served to the respondent. According to KE, the meter was found sticky and the connected load at site was observed as 6.784 kW and therefore, the detection bill of Rs.53,585/- for 3,323 units for the period 02.07.2012 to 05.01.2013 was debited to the respondent in the bill for the month of April 2013. The representatives of KE stated that the bill was charged on average monthly basis by considering connected load of 6.784 kW and the 20% load factor. Ms. Tatheera Fatima the legal representative for KE stated that the meter was found sticky and not recording actual consumption therefore the detection bill of Rs.53,585/- was charged in order to recover the revenue loss sustained by KE due to the faulty meter. According to KE, notices for inspection were issued to the respondent under section 20 of the Electricity Act 1910 and that dispenses with the notice under clause 14.1 of Consumer Service Manual(hereinafter referred to as CSM) as the former being statutory law has precedence over the latter. Mr. Rafique Ahmed Shaikh, the representative of KE, contended that the respondent was involved in dishonest abstraction of electricity but the procedure as laid down in chapter 9 of CSM could not be followed due to practical difficulties. According to him as per policy of KE, FIR is lodged for a theft case of Rs.300,000/- and above. He further clarified that sticky meter of the respondent could not be replaced due to resistance by the respondent and the directions of POI for maintaining the status quo. Regarding disputed amount of Rs.28,045/- the representative for KE stated that the proposed allowance was rejected as the meter was found sticky. The legal representative for KE pleaded that POI decision was devoid of any technical reasons for arriving at the impugned decision and therefore liable to be set aside. On the other hand Mr. Munir Ahmed representative of the respondent, rebutted the arguments of



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representatives of KE and stated that KE never approached for replacement of the sticky meter and there was no opposition by the respondent in this regard. He denied for involvement of the respondent in dishonest abstraction of electricity and submitted that the impugned decision was rendered by POI after correct appraisal of facts as well as law and therefore be maintained accordingly.

9. We have heard arguments of both the parties and examined the record placed before us. It has been observed that:

- i. Meter of the respondent was checked by KE on 23.02.2013 and reportedly the meter was found sticky but the respondent was not involved in the said checking. The defective meter was not replaced and still installed at site and moreover no check meter was installed as required under chapter 4 of the CSM. There is no force in the arguments of the representatives of KE that the defective meter could not be replaced due to opposition by the respondent. Nothing has been placed on record by KE to substantiate its contention.
- ii. The consumption record of the respondent as provided by KE is reproduced below:

Month	Units	Month	Units	Month	Units
AUG/2011	688	AUG/2012	633	AUG/2013	709
SEP/2011	613	SEP/2012	533	SEP/2013	495
OCT/2011	496	OCT/2012	454	OCT/2013	590
NOV/2011	382	NOV/2012	590	NOV/2013	544
DEC/2011	315	DEC/2012	186	DEC/2013	123
JAN/2012	245	JAN/2013	143	JAN/2014	100
<b>TOTAL</b>	<b>2739</b>	<b>TOTAL</b>	<b>2539</b>	<b>TOTAL</b>	<b>2561</b>
<b>Average Per month</b>	<b>457</b>	<b>Average Per month</b>	<b>423</b>	<b>Average Per month</b>	<b>427</b>

It may be noticed from the above table that there is no appreciable difference in the average consumption per month in the disputed period of August 2012 to January 2013 as compared to corresponding preceding and succeeding periods. It is evident that the meter was

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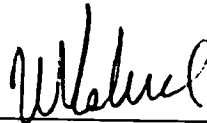
recording correct consumption during the disputed period and as such there is no justification for charging the assessed bill/ detection bill for the period 02.07.2012 to 05.01.2013. No detail has been provided by KE regarding the admitted allowance of Rs.28,045/- charged in March 2013 and it's subsequent rejection by KE.

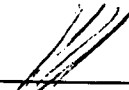
iii. We are in agreement with the determination of POI that the detection bill of Rs.53,585/- for the period 02.07.2012 to 05.01.2013 is not justified and liable to be withdrawn. POI has also rightly recommended for settlement of admitted allowance of Rs.28,045/- by KE.

10. In view of foregoing discussion we do not find any reason to interfere in the impugned decision dated 14.07.2015 of POI and the same is therefore upheld.

Resultantly appeal of KE is dismissed.

  
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Muhammad Qamar-uz-Zaman  
Member

  
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Nadir Ali Khoso  
Convener

  
\_\_\_\_\_  
Muhammad Shafique  
Member

Date: 18.01.2015