



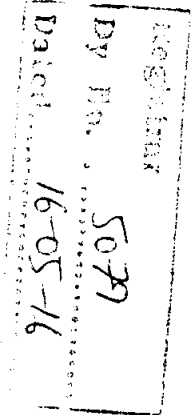
Before the Appellate Board...  
National Electric Power Regulatory Authority  
(NEPRA)  
Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-112/POI-2015/ 545-549

May 12, 2016

1. Badar Zaman  
C/o Ahmed Khan,  
House No. 547/A, Masoom Shah Colony,  
Chanesar Goth, 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. Badar Zaman Against the Decision Dated 16.09.2015 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 11.05.2016, regarding the subject matter, for information and necessary action accordingly.

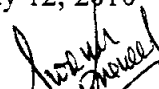
Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-112/POI-2015/ 550

May 12, 2016

Forwarded for information please.

  
Assistant Director  
Appellate Board

1. Registrar
2. Director (CAD)

— DD (IT)

— D/Reg-II / MF

16.05.16

CC:

1. Member (CA)



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-112/POI-2015

K-Electric Ltd

.....Appellant

Versus

Badar Zaman c/o Ahmed Khan, House No: 547/A,  
Masoom Shah Colony, Chanesar Goth, Karachi,

.....Respondent

### For the appellant:

Ms. Tatheera Fatima Deputy General Manager (Legal Distribution)  
Mr. Nursing Lal Manager  
Mr. Omair Deputy Manager  
Mr. Imran Hanif Assistant Manager

### For the respondent:

Mr. Badar Zaman  
Syed Salim Ahmed Advocate

## DECISION

1. Through this decision, an appeal filed by K-Electric against the decision dated 16.09.2015 of Provincial Office of Inspection/Electric Inspector, Karachi Region-I, Karachi (hereinafter referred to as POI) is being disposed of.
2. As per facts, the respondent is a domestic consumer of K-Electric bearing Ref No. AL-519752 with a sanctioned load of 1 kW under A1-R tariff. Electricity meter of the respondent was found missing and information letter dated 19.08.2013 to this effect was issued by K-Electric to the respondent. First detection bill amounting to Rs. 9,390/- for 903 units was charged to the respondent for the period 20.03.2013 to 21.05.2013 (2 months) on 10.09.2013. Besides above detection bill, assessed bills as per detail given below were also charged to the respondent:

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## National Electric Power Regulatory Authority

Month	Assessed Units Charged	Amount Charged (Rs.)
September 2012	3050	50,669/-
November 2013	468	4,428/-
December 2013	452	4,848/-
March 2015	385	2,736/-

3. Being aggrieved with the assessed billing amounting to Rs.127,300/- up-to February 2014, the respondent filed an application before POI on 19.03.2014. As reported by K-Electric, the respondent paid only 14 bills amounting to Rs.32,968/- against 61 electricity bills amounting to Rs.106,511/- issued during the period January 2008 to January 2013. According to K-Electric, the respondent paid only 7 bills amounting to Rs. 21,283/- against 22 electricity bills of Rs. 62,337/- issued during the period February 2013 to November 2014. The electricity meter of the respondent was replaced on 04.06.2013. K-Electric submitted that during pendency of the case before POI, the respondent's connection was again inspected by K-Electric on 18.12.2014 and reportedly the respondent was found involved in dishonest abstraction of electricity through use of an extra phase. After issuing first notice dated 18.12.2014, second detection bill amounting to Rs.18,825/- for 1466 units for the period 22.05.2014 to 18.11.2014 (6 months) was charged to the respondent on 07.01.2015
4. POI disposed of the matter vide its decision dated 16.09.2015 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 above findings, this authority is of the firm view that Opponents have violated the mandatory requirements of Electricity Act-1910 and guide lines communicated through consumer Service Manual of NEPRA as pointed out in above finding, hence direct the licensee to cancel the irregular bills amounting to Rs. 9,390/- & Rs.18,825/- for the period from March 2013 to July 2013 and from May 2014 to November 2014 respectively. The assessed bills for the month of November 2013, December 2013 and March 2015 should also be cancelled and revised the same on actual meter readings. It is further directed the Opponents to waive all late payment surcharges after issuance of the impugned bills and afterwards, as complainant was not found at fault. The opponents are further directed to recover the remaining outstanding dues in small easy installments, as complainant is a*



## National Electric Power Regulatory Authority

*retired poor person and has already suffered a lot with huge mental and financial torture, caused by the opponents. The complaint is disposed off in terms of above for compliance by the Opponents."*

5. Being dissatisfied with the decision dated 16.09.2015 of POI (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 Electricity Power Act 1997 (hereinafter referred as "the Act"). In its appeal, K-Electric contended that being a case of theft of electricity, POI was not empowered to decide the instant matter. K-Electric further pointed that POI was not competent to decide the detection bills, which were not challenged by the respondent before POI.
6. Notice was issued to the respondent for filing reply/parawise comments, which were filed on 15.03.2016. The respondent in the reply defended the impugned decision and submitted that second detection bill amounting to Rs.18,825/- for 1466 units for the period 22.05.2014 to 18.11.2014 (6 months) was charged by K-Electric to the respondent on 07.01.2015 during the pendency of case and the same therefore was disputed before POI. The respondent prayed for upholding of the impugned decision and dismissal of the appeal.
7. Hearing of the appeal was held in Karachi at 11.04.2016, which was attended by both the parties. Ms. Tatheera Fatima Deputy General Manager (Distribution Legal), Mr. Nursing Lal Manager, Mr. Omair Deputy Manager and Mr. Imran Hanif Assistant Manager appeared for the appellant K-Electric and submitted that energy meter of the respondent was missing since September 2012. According to K-Electric, the bills in assessed mode were issued to the respondent and the meter was installed on 04.06.2013. K-Electric submitted that first detection bill amounting to Rs.9,390/- for 903 units was charged to the respondent for the period 20.03.2013 to 21.05.2013 (2 months) on 10.09.2013 as nil consumption was recorded during that period. The representatives of K-Electric averred that premises of the respondent was inspected by K-Electric on 18.12.2014 and the respondent was found involved in dishonest abstraction of the electricity through use of an extra phase. As per K-Electric, after issuing notice dated 18.12.2014, second detection bill amounting to Rs. 18,825/- for 1466 units for the period 22.05.2014 to 18.11.2014 (6 months) was charged to the respondent on 07.01.2015. K-Electric pleaded that the respondent in his application challenged the

1



## National Electric Power Regulatory Authority

bills up-to February 2014 and as such the impugned decision regarding cancellation of second detection bill amounting to Rs. 18,825/- for 1466 units for the period 22.05.2014 to 18.11.2014 (6 months) on 07.01.2015 and assessed bill of Rs. 2,736/- for 385 units charged in March 2015 were beyond the prayer of respondent and as such the impugned decision was liable to be set aside. Syed Saleem Ahmed Advocate, the learned counsel for the respondent defended the impugned decision, which in his opinion was comprehensive and justified. As regards, the impugned decision regarding second detection bill amounting to Rs.18.825/- for 1466 units for the period 22.05.2014 to 18.11.2014 (6 months) issued on 07.01.2015 and assessed bill amounting to Rs.2.736/- for 385 units charged in March 2015, the learned counsel for the respondent submitted that those were covered under the prayer clause for any other relief as mentioned in the reply/parawise comments of the appeal.

8. We have heard the arguments of both the parties and examined the record placed before us. Details of the detection/assessed bills charged to the respondent retrieved from the data provided by K-Electric are tabulated as under:

Type of Bill	Month	Assessed Units Charged	Amount Charged (Rs.)
First Detection Bill (2 months)	20.03.2013 to 21.05.2013	903	9,390/-
Second Detection Bill (6 months)	22.05.2014 to 18.11.2014	1466	18,825/-
Assessed Bill	September 2012	3050	50,669/-
Assessed Bill	November 2013	468	4,428/-
Assessed Bill	December 2013	452	4,848/-
Assessed Bill	March 2015	385	2,736/-

Following are our observations for the detection/assessed bills tabulated above

- i. The impugned decision for cancellation of the first detection bill amounting to Rs.9,390/- for 903 units charged to the respondent for the period 20.03.2013 to 21.05.2013 (2 months) on 10.09.2013 is justified and liable to be maintained.
- ii. We are in agreement with the contention of K-Electric that second detection bill amounting to Rs. 18,825/- for 1466 units for the period 22.05.2014 to 18.11.2014 (6 months) charged on 07.01.2015 and the assessed bill of Rs. 2,736/- for 385 units charged in March 2015 were not

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## National Electric Power Regulatory Authority

challenged by the respondent before POI and the impugned decision in this regard was beyond the prayer and therefore liable to be declared as invalid to this extent.

- iii. From the consumption data provided by K-Electric, it has emerged that on average, 264 units/month were charged to the respondent in normal mode during the period October 2011 to August 2012. Charging of 3050 units in September 2012 is excessive and this consumption was never charged during any other month except September 2012. There is no justification to charge the assessed bill of Rs.50,669/- for 3,050 units to the respondent in September 2012. The respondent is liable to be charged 264 units /month in September 2012. The impugned decision to this extent is modified.
  - iv. The meter was installed on 04.06.2013 and therefore there is no justification for charging the assessed bills of Rs.4,428/- for 468 units in November 2013 and Rs.4,848/- for 452 units in December 2013. The impugned decision for charging the bills in November 2013 and December 2013 as per actual meter reading is justified and liable to be maintained.
  - v. The impugned decision for cancellation of all late payment surcharges (LPS) has no justification. Excessive bill was issued in September 2012 and therefore LPS charged from September 2012 and onwards are not justified and liable to be withdrawn.
9. From the discussion in foregoing paragraphs, it is concluded that:
- i. First detection bill amounting to Rs. 9,390/- for 903 units charged to the respondent for the period 20.03.2013 to 21.05.2013 (2 months) on 10.09.2013 is liable to be cancelled and the respondent is not liable to pay the same. The impugned decision to this extent is maintained.
  - ii. Second detection bill amounting to Rs. 18,825/- for 1466 units for the period 22.05.2014 to 13.11.2014 (6 months) issued on 07.01.2015 and the assessed bill of Rs. 2,736/- for 385 units charged in March 2015 were not challenged by the respondent and the impugned decision regarding these bills is not valid and liable to be withdrawn.
  - iii. Assessed bill of Rs. 50,669/- for 3,050 units charged in September 2012 is not justified and the respondent is not liable to pay the same as already determined in the impugned decision. However the respondent is liable to be charged @ 264 units/month in September 2012. The impugned decision to this extent is modified.

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## National Electric Power Regulatory Authority

- iv. The assessed bills of Rs.4,428/- for 468 units charged in November 2013 and Rs.4,848/- for 452 units charged in December 2013 are not justified and the respondent is not liable to pay the same as determined in the impugned decision. Bills for November 2013 and December 2013 should be charged on the basis of actual meter reading. The impugned decision to this extent is maintained.
- v. LPS levied w.e.f September 2012 and onwards are not justified and the respondent is not liable to pay the same. Impugned decision to this extent is modified.
10. The appeal is disposed of in above terms.

Muhammad Qamar-uz-Zaman  
Member

Nadir Ali Khoso  
Convener

Muhammad Shafique  
Member

Date: 11.05.2016