



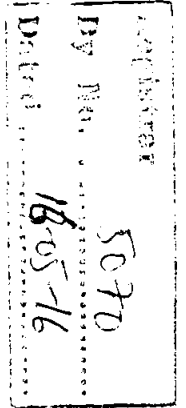
Before the Appellate Board
National Electric Power Regulatory Authority
(NEPRA)
Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-126/POI-2015/ 604 - 608

May 13, 2016

1. Nasir Ahmed
Block-F, Plot No. F-10/1,
North Nazimabad,
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,
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. Sved Fahad Hussain Against the Decision Dated 27.10.2015 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 13.05.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-126/POI-2015/ 609

May 13, 2016

Forwarded for information please.

Ikram Shakeel
Assistant Director
Appellate Board

1. Registrar
2. Director (CAD)

— DD (ET) *[Signature]*
16.05.16
— D/Reg - E/M.F

CC:

1. Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-126/POI-2015

K-Electric Ltd

.....Appellant

Versus

Syed Fahad Hussain S/o Syed Abid Hussain.
Shop No.R-65, Sector-5C-3, North Karachi, Karachi

.....Respondent

For the appellant:

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

For the respondent:

Mr. Nasir Ahmed

DECISION

1. Through this decision, an appeal filed by K-Electric against the decision dated 27.10.2015 of Provincial Office of Inspection/Electric Inspector, Karachi Region-II, Karachi (hereinafter referred to as POI) is being disposed of.
2. Brief facts of the case are that the respondent is a commercial consumer of K-Electric bearing Ref No. LA-275300 with a sanctioned load of 1 kW under A-2C tariff. Site of the respondent's connection was inspected by K-Electric on 05.08.2014 and reportedly the respondent was found involved in dishonest abstraction of electricity through a joint before incoming wire with meter terminal strip open and connected load was found as 9.135 kW. After issuing notice dated 05.08.2014 to the respondent, the detection bill amounting to Rs. 792,679/- for 38,498 units for the period from 15.06.2011 to 15.07.2014 (36 months) was charged to the respondent in August 2014 on the basis of connected load.



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3. Being aggrieved with the aforesaid detection bill, the respondent challenged the same before Sindh High Court, Karachi through C.P.No.D-4103/2014 on 08.08.2014. The honorable High Court vide its order dated 19.08.2015 referred the matter to POI. The respondent filed an application dated 24.08.2015 before POI and challenged the aforementioned detection bill. POI disposed of the matter vide its decision dated 27.10.2015. Operative portion is reproduced below:

"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 & Regulations and above findings, this authority is of the firm view that bill amounting to Rs. 792,679/- of 38,498 units for the period from 15.06.2011 to 15.07.2014 is at higher side and need to be revised up-to 3 months instead of 36 months, as per consumer service manual issued by the NEPRA. The complainant is directed to regularize his unauthorized extended load as per codal formalities of the opponents. The complaint of the complainant disposed off with the above remarks."

4. Being dissatisfied with the POI decision dated 27.10.2015 (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 Act). K-Electric contended that site of the respondent was inspected on 05.08.2015 and the respondent was found stealing electricity through the joint before incoming wire with meter terminal strip open and the connected load was higher than the sanctioned load. According to K-Electric, the detection bill amounting to Rs. 792,679/- for 38,498 units for the period from 15.06.2011 to 15.07.2014 (36 months) charged to the respondent in August 2014 on the basis of connected load was justified and the respondent is liable to pay the same. K-Electric further submitted that POI was not authorized to adjudicate the instant matter as the respondent was involved in dishonest abstraction of electricity and as such it is beyond its jurisdiction.
5. In response to the above appeal, the respondent was issued a notice for filing reply/parawise comments, which however were not submitted.
6. After issuing notice to both the parties, the appeal was heard in Karachi on 09.05.2016 in



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which, Ms. Tatheera Fatima Deputy General Manager (Legal Distribution), Mr. Asif Shajer Deputy General Manager, Mr. Masahib Ali Deputy Manager and Mr. Imran Hanif Assistant Manager (RAD) appeared for the appellant K-Electric. Ms. Tatheera Fatima Deputy General Manager (Legal Distribution) the representative of K-Electric repeated the same arguments as earlier given in memo of the appeal and contended that the respondent was found consuming electricity directly during site inspection on 05.08.2014. According to the learned representative for K-Electric, the detection bill amounting to Rs. 792,679/- for 38,498 units for the period from 15.06.2011 to 15.07.2014 (36 months) charged to the respondent in August 2014 was justified and the respondent is liable to pay the same. Representative of K-Electric argued that from the consumption data, it was proved that the respondent was stealing electricity since long and therefore was charged the detection bill for 36 months on the basis of connected load as per policy of K-Electric. Mr. Nasir Ahmed appearing for the respondent contended that Syed Fahad Hussain was his tenant and he is owner of the premises. According to the representative of respondent, the respondent occupied the premises only for one month and left due to heavy loss in business. He claimed that the premises remained locked for long time but despite that electricity bills on average basis were being charged, against which applications dated 28.11.2013 & 26.06.2014 were made to K-Electric but to no avail. As an evidence, he produced the copies of applications addressed to the K-Electric and electricity bills. He denied the allegation of theft of electricity and pleaded that the detection bill of Rs. 792,679/- for 38,498 units for the period from 15.06.2011 to 15.07.2014 (36 months) charged in August 2014 was not justified and liable to be withdrawn.

7. We have heard arguments of both the parties and examined the record placed before us. It has been observed that the detection bill of Rs. 792,679/- for 38,498 units for the period from 15.06.2011 to 15.07.2014 (36 months) was charged to the respondent in August 2014 on the basis of connected load, as allegedly the respondent was stealing electricity. However K-Electric could not follow the procedure as envisaged in chapter 9 of the Consumer Service Manual (CSM) regarding dishonest abstraction of electricity. According to CSM, a commercial consumer could be charged detection bill for three billing cycles, if



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found stealing electricity and for period beyond three billing cycles up-to a maximum of six months is subject to the approval of the Chief Executive of the K-Electric and initiation of action against the officer in charge for not being vigilant enough but in the instant case it was not done. In the appeal, K-Electric raised the objection regarding jurisdiction of POI due to involvement of the respondent in dishonest abstraction of electricity but during hearing this point was not pressed by the appellant. There is no force in the arguments of K-Electric that the detection bill charged for 36 months was as per its own policy, as no such policy was produced before us. The determination of POI in the impugned decision for charging the detection bill for 3 months is justified and liable to be maintained.

3. From the discussion in preceding paragraphs, we have reached to the conclusion that the impugned decision is correct and there is no reason to interfere with the same. Therefore the impugned decision is upheld and consequently the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Date: 13.05.2016