



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

NEPRA Office , Atta Turk Avenue (East), G5/1, Islamabad
Tel. No. +92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/AB/Appeal-002/POI-2016/ 713-717


May 27, 2016

1. Mst. Khalida Parveen
R/o Huse No. 7/6, "B" Arca,
Liaquat Abad,
Near Govt. Grammar 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,
Dputy General Manager,
K-Electric Ltd,
3rd floor, KE Block,
Civic Centre, Gulshan-e-Iqbal,
Karachi
5. Electric Inspector,
Karachi Region-II,
Block No. 51, Pak Secretariat,
Shahra-e-Iraq, Saddar,
Karachi

Subject: Appeal Titled Mst. Khalid Parveen Vs. K-Electric Ltd Against the Decision Dated 17.11.2015 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 27.05.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above


(Ikram Shakeel)

No. NEPRA/AB/Appeal-002/POI-2016/ 718

May 27, 2016

Forwarded for information please.

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-002/POI-2016

Mst. Khalida Perveen House: 7/6, B Area Liaqatabad
Near Government Grammar School, Karachi

.....Appellant

Versus

K-Electric Ltd

.....Respondent

For the appellant:

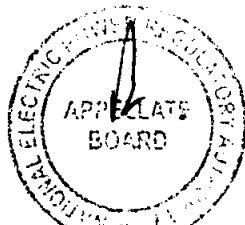
Mr. Habib Akhter

For the respondent:

Ms. Tathera Fatima Deputy General Manager (Legal Distribution)
Mr. Masahib Ali Deputy Manager
Mr. Imran Hanif Assistant Manager

DECISION

1. Through this decision, an appeal filed by K-Electric against the decision dated 17.11.2015 of Provincial Office of Inspection/Electric Inspector, Karachi Region-II, Karachi (hereinafter referred to as POI) is being disposed of.
2. The appellant is a domestic consumer of K-Electric bearing Ref No. LB-165289 with a sanctioned load of 1kW under A1-R tariff. As per fact of the case, site of the appellant was inspected by K-Electric on 04.09.2014 and reportedly the appellant was found involved in dishonest abstraction of electricity through use of an extra phase. After issuing notice to the appellant, the detection bill of Rs. 9,157/- for 950 units for the period 16.02.2014 to 15.08.2014 (6 months) was added in the bill for September 2014 on the basis of connected load.





National Electric Power Regulatory Authority

3. Being aggrieved with the aforesaid detection bill, the appellant challenged the same and TV fee charged in the electricity bill before POI vide application dated 10.11.2014. POI disposed of the matter vide its decision dated 17.11.2015, the operative portion of which 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 authority, this authority is of the firm view that detection bill amounting to Rs 9,157/= of 950 units for the period from 16.02.2014 to 15.08.2014 be cancelled and revise the same for two months. The opponents are directed to act in above instructions, accordingly. The complaint of the applicant is disposed off with above remarks."

4. Being dissatisfied with the POI decision dated 17.11.2015 (hereinafter referred to as the impugned decision), the appellant 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). The appellant denied using of electricity illegally through an extra phase and contended that the detection bill of Rs. 9,157/- for 950 units for the period 16.02.2014 to 15.08.2014 (6 months) charged in September 2014 on the basis of connected load was illegal and unjustified and the appellant was not liable to pay the same. The appellant further submitted that the impugned decision to revise the bill for two months was not based on law and facts, therefore liable to be cancelled. The appellant finally prayed for cancellation of the impugned detection bill and deletion of TV fee included in the electricity bills.
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 which both the parties participated. Mr. Habib Akhter appearing as representative of the appellant stated that the premises remained vacant since a long time, therefore the consumption of the electricity was very low during the disputed period. As per representative of the appellant, neither any notice was served to the appellant nor any





National Electric Power Regulatory Authority

inspection was carried out in the presence of the appellant, therefore the detection bill of Rs. 9,157/- for 950 units for the period from 16.02.2014 to 15.08.2014 (6 months) charged to the appellant in September 2014 had no legal and technical justification and therefore liable to be cancelled. Representative of the appellant further submitted that the assessed bills charged by K-Electric to the appellant for the period from October 2014 to March 2015 were also not valid and liable to be cancelled. The representative for the appellant prayed for cancellation of the detection bill, assessed bills and TV fee. Ms. Tatheera Fatima Deputy General Manager (Distribution Legal) the learned representative for K-Electric contended that the appellant was consuming electricity illegally through use of an extra phase. K-Electric submitted that the detection bill amounting to Rs. 9,157/- for 950 units was charged to the appellant during the disputed period to recover the revenue loss sustained by K-Electric. As per K-Electric, besides above detection bill, assessed bills were also charged to the appellant for the period from October 2014 to August 2015 as the actual energy was not being recorded by the electricity meter, which however were not challenged by the appellant before POI and therefore could not be assailed at this stage. According to K-Electric, consumption of the appellant during disputed period was low, which establishes that the appellant was using unfair means for abstraction of electricity. Regarding charging of TV fee in the bill representative of K-Electric averred that no request as per prescribed procedure was made by the appellant for deletion of TV fee. K-Electric pleaded that the impugned decision was justified and shall be upheld.

7. We have heard arguments of both the parties and examined the record placed before us. It has been observed as under:-
 - i. The detection bill of Rs. 9,157/- for 950 units for the period from 16.02.2014 to 15.08.2014 (6 months) added in the bill for September 2014 was challenged by the appellant vide its application dated 10.11.2014 before POI.

Charging of the detection bill for 6 months is not supported by the clause 9.1c (3) of Consumer Service Manual (CSM), where charging of the detection bill is restricted to three months for general supply consumers i.e. A-I & A-II and for extending the period up-to six months, approval of the Chief Executive of the K-Electric and fixing of the





National Electric Power Regulatory Authority

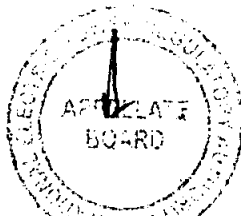
responsibility of K-Electric official is mandatory but the CSM procedure was not followed by K-Electric in the instant case.

No detection proforma has been provided by K-Electric for justification of the detection bill of Rs. 9,157/- for 950 units for the period from 16.02.2014 to 15.08.2014 (6 months) added in September 2014. Moreover the procedure as provided in the clause 9.1(a) of CSM for dishonest abstraction of the electricity by registered consumer was not implemented therefore under these circumstances, the detection bill of Rs.9,157/- for 950 units for the period from 16.02.2014 to 15.08.2014 (6 months) added in September 2014 finds no justification and liable to be withdrawn. The impugned decision up-to this extent is liable to be maintained.

- ii. The impugned decision for charging the detection bill for two months is not justified as no document was produced by K-Electric before us to establish that the appellant was involved in dishonest abstraction of electricity. Therefore the appellant was not liable to pay the same and the appellant is liable to be charged electricity bill on the basis of actual meter reading/consumption recorded during the disputed period. The impugned decision to this extent is not justified and liable to be withdrawn.
- iii. We are in agreement with the contention of K-Electric that as the assessed bills charged to the appellant for the period i.e. October 2014 to August 2015 were not challenged by the appellant before POI, therefore cancellation of the unchallenged assessed bills is beyond the prayer of the appellant and liable to be declared null and void.
- iv. Plea of the appellant for the deletion of TV fee charges is not sustainable as the appellant did not follow the prescribed procedure for deletion of the TV fee charges from electricity bills therefore the claim of the appellant is not valid and liable to be dismissed.

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

- i. Detection bill of Rs.9,157/- for 950 units for the period from 16.02.2014 to 15.08.2014 (6 months) added in the bill for September 2014 is null and void and the appellant is not





National Electric Power Regulatory Authority

liable to pay the same. The impugned decision to this extent is upheld.

- ii. Impugned decision for charging the detection bill for two months is not justified and the appellant is not liable to pay the same. The appellant is liable to be charged the electricity bill on the basis of actual consumption recorded by the electricity meter during the disputed period (16.02.2014 to 15.08.2014). The impugned decision to this extent is modified.
 - iii. Claim of the appellant for deletion of TV fee charges is not maintainable and therefore rejected.
9. The impugned decision is modified to the above extent.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Date: 27.05.2016

