



National Electric Power Regulatory Authority  
(NEPRA)  
Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-020/POI-2016/ 1081-1084

August 29, 2016

1. Dr. Muhammad Qurbanuddin,  
House No. B-201,  
Block-I, North Nazimabad,  
Karachi
2. The Chief Executive Officer,  
K-Electric,  
KE House, 39-B,  
Sunset Boulevard, DHA-II,  
Karachi
3. Ms. Tatheera Fatima,  
Deputy General Manager,  
K-Electric Ltd,  
3<sup>rd</sup> floor, KE Block,  
Civic Centre, Gulshan-e-Iqbal,  
Karachi
4. The Electric Inspector,  
Karachi Region-II,  
Block No. 51, Pak Secretariat,  
Shahra-e-Iraq, Saddar,  
Karachi

Subject: Appeal Titled K-Electric Ltd Vs. Dr. Muhammad Qurbanuddin Against the Decision Dated 28.12.2015 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 25.08.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-020/POI-2016/ 1085

Forwarded for information please.

(Ikram Shakeel)

August 29, 2016

*Ikram Shakeel*  
Assistant Director  
Appellate Board

REGISTRATION
By No. ... 8650
Dated ... 31-08-16

1. Registrar
  2. Director (CAD) — DD(IT) *For info H.*  
*31.08.16*
- CC: — SAC(CAD)
1. Member (CA) — DRO/DB-I/mf



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-020/POI-2016

K-Electric Ltd

.....Appellant

Versus

Dr. Muhammad Qurbanuddin, House No. B-201,  
Block-I, North Nazimabad, Karachi

.....Respondent

### For the appellant:

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

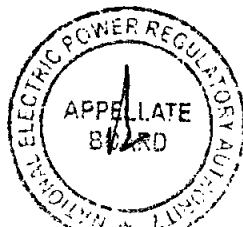
### For the respondent:

Dr. Muhammad Qurbanuddin  
Syed Jaffar Hassan Associate

## DECISION

1. This decision will dispose of the appeal filed by K-Electric against the decision dated 28.12.2015 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 having four connections bearing RefNo. LB-011957, RefNo. LB-100762, RefNo. LB100761 and Ref No. AL-434353. Premises of the respondent was inspected by K-Electric on 12.11.2010 and allegedly the respondent was found involved in dishonest abstraction of electricity through use of neutral break and total connected load was also noticed as 20.202 kW against the sanctioned load of 5 kW. After issuing notice dated 12.11.2010 to the respondent regarding the above discrepancy, a detection bill of Rs. 82,416/- for 5,671 units for the period 26.04.2010 to 25.10.2010 was debited to the respondent on 29.11.2010 on the basis of connected load of four

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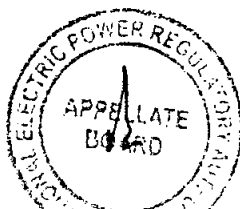


connections.

3. Being aggrieved with the aforesaid detection bill, the respondent initially approached to Federal Ombudsman Secretariat and later on filed the Civil Suit No. 1109/2012 before the Sr. Civil Judge II, Karachi (Central). The honorable Court referred the matter to POI for further adjudication vide its decision dated 29.10.2014. In pursuance of the decision dated 29.10.2014 of Sr. Civil Judge II, Karachi (Central), the respondent filed an application before POI on 27.11.2014 and challenged the detection bill amounting to Rs. 82,416/- for 5,671 units for the period 26.04.2010 to 25.10.2010 issued by K-Electric on 29.11.2010 on the basis of connected load.
4. POI disposed of the matter vide its decision dated 28.12.2015, 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, this authority is of the firm view that Irregular bill amounting to Rs.82,412/- of 5,671 units for the period from 26.04.2010 to 25.10.2014 issued by the opponents has no justification on legal and technical grounds, therefore direct the opponent to cancel the said bill. The opponents are directed to act in terms of above instructions, accordingly. The complaint of the applicant is disposed off with above marks."*

5. Being dissatisfied with the POI decision dated 28.12.2015 (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 NEPRA Act 1997). In its appeal, K-Electric contended that premises of the respondent was inspected on 12.11.2010 and electricity was being used by the respondent illegally by breaking the neutral and the connected load at site was observed to be 20.202 kW, which is quite higher than the sanctioned load. K-Electric further submitted that detection bill of Rs. 82,416/- for 5,671 units for the period 26.04.2010 to 25.10.2010 was charged on 29.11.2010 on the basis of connected load in order to recover the revenue loss sustained due to dishonest abstraction of electricity by the respondent, which is payable by the respondent. As per K-Electric, being a case of theft of electricity, POI was not empowered to

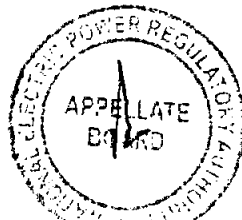




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decide the instant matter. K-Electric stated that the impugned decision was illegal, without jurisdiction and therefore liable to be set aside.

6. A notice was issued to the respondent for filing reply/parawise comments of the above appeal, which were filed on 01.03.2016. In his reply/parawise comments, the respondent contended that K-Electric failed to prove it's allegation regarding dishonest abstraction of electricity and could not justify the charging of detection bill of Rs. 82,416/- for 5,671 units for the period 26.04.2010 to 25.10.2010 (May 2010 to October 2010) on 29.11.2010 at any forum i.e. Federal Ombudsman, Sr. Civil Judge II, Karachi (Central) and POI. The respondent refuted the allegation of theft of electricity by K-Electric and denied service of any prior notice by K-Electric before the inspection.
7. Notice was issued to both the parties and the appeal was heard in Karachi on 27.07.2016 in which Ms. Tatheera Fatima Deputy General Manager (Distribution Legal), Mr. Faisal Shafat Manager, Mr. Masahib Ali Deputy Manager, Mr. Imran Hanif Assistant Manager represented the appellant K-Electric and Dr. Muhammad Qurbanuddin the respondent appeared in person. Learned representative of K-Electric reiterated the same arguments as narrated in memo of the appeal and contended that site of the respondent was inspected by K-Electric on 12.11.2010 and the respondent was caught stealing electricity through use of neutral break and the connected load was much higher than the sanctioned load. As per representatives for K-Electric, the detection bill of Rs. 82,416/- for 5,671 units for the period 26.04.2010 to 25.10.2010 (6 months) debited to the respondent on 29.11.2010 was justified and the respondent is liable to pay the same. According to K-Electric, claim of the respondent being time barred was objected before POI but he failed to consider it. K-Electric pleaded that the impugned decision was unjustified and therefore liable to be cancelled. On the other hand, the respondent denied the allegation of K-Electric and contended that he was not involved in any theft of electricity and as such the detection bill raised by K-Electric had no justification and therefore he is not liable to pay the same. Regarding low consumption during the disputed period the respondent averred that first floor of his house remained vacant and was occupied in December 2010 for which intimation in writing was given to K-Electric on 23.12.2010. The



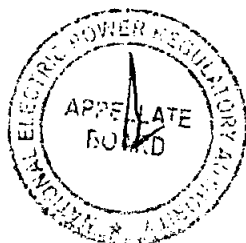
8. We have heard arguments of both the parties and examined the record placed before us. It is observed as under:

- i. Theft of electricity by the respondent was alleged by K-Electric but no FIR and other proceedings as required under law and Consumer Service Manual were initiated by K-Electric and moreover as observed by POI, no concrete proof was provided by K-Electric regarding theft of electricity. Therefore objection of K-Electric that jurisdiction of POI, being a theft case, is not valid and therefore liable to be dismissed as already determined by POI in the impugned decision.
- ii. Respondent's premises is supplied by means of four electric meters. Comparison of the consumption recorded between the disputed and undisputed periods for all four connections of the respondent's premises as provided by K-Electric is summarized below:

Period	Normal Mode Average Units/Month	Detection Mode Average Units/Month
<b>Disputed period</b> May 2010 to October 2010	429	1376
<b>Corresponding period after dispute</b> May 2011 to October 2011	847	-

Above table reveals that the detection bill charged @ 1376 units/month during the disputed period is considerably higher than the consumption of 847 units/month during the corresponding period after the dispute. Therefore the detection bill amounting to Rs. 82,416/- for 5,671 units for the period 26.04.2010 to 25.10.2010 (May 2010 to October 2010) debited to the respondent on 29.11.2010 has no justification and the respondent is not liable to pay the same. The impugned decision to this extent is liable to be maintained.

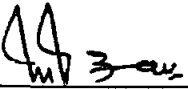
- iii. It is observed that consumption of the respondent (429 units/month) during the disputed period May 2011 to October 2011 was considerably lower than the consumption (847 units/month) of corresponding months of following year. We are not convinced with stance of the respondent that the consumption was low as a portion of the house remained vacant since no documentary proof in this regard was provided by the respondent.

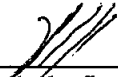


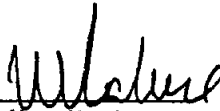


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- iv. As is evident from the above table that it would be appropriate to charge the detection bill @ 847 units /month for the disputed period i.e. May 2010 to October 2010 as recorded in the same months of succeeding year i.e. May 2011 to October 2011. According to clause 9.1 c (3) of CSM, a consumer is liable to be billed maximum for three billing cycles being a domestic consumer as nothing has been placed before us by K-Electric that approval for charging the detection bill for six months was obtained from Chief Executive of K-Electric besides taking any action against the officer in charge for not being vigilant enough. Therefore the respondent is liable to be charged the detection bill @ 847 units/month for three months only i.e. August 2011 to October 2011. The impugned decision is liable to be modified to this extent.
9. In view of foregoing discussion, we have reached to the conclusion that:
- i. Detection bill amounting to Rs. 82,416/- for 5,671 units for the period 26.04.2010 to 25.10.2010 (6 months) debited to the respondent on 29.11.2010 is null, void and the respondent is not liable to pay the same as already determined in the impugned decision.
- ii. The respondent is liable to be charged the detection bill @ 847 units/month for the period August 2011 to October 2011 (3 months). The impugned decision is modified to this extent.
10. The appeal is disposed of in above terms

  
Muhammad Qamar-uz-Zaman  
Member

  
Muhammad Shafique  
Member

  
Nadir Ali Khoso  
Convener

Date: 25.08.2016

