



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

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No. NEPRA/AB/Appeal-041/POI-2016/ 1141-1146 September 02, 2016

1. Mr. Irfan,
(Saira Bai A. Rehman),
C-96/6, Federal B. Area,
Karachi
2. The Chief Executive Officer,
K-Electric,
KE House, 39-B,
Sunset Boulevard, DHA-II,
Karachi
3. Asif Shajer,
Deputy General Manager,
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. Syed Jamil Jafri,
Office at House No. 791,
Block-I, Near Comprehensive School,
Azizabad, F.B. Area, Karachi
6. The Electric Inspector,
Karachi Region-II,
Block No. 51, Pak Secretariat,
Shahra-e-Iraq, Saddar,
Karachi

Subject: Appeal Titled K-Electric Ltd Vs. Mr. Irfan Against the Decision Dated 25.01.2016 of the Electric Inspector/POI to Government of the Sindh Karachi Region-II, Karachi

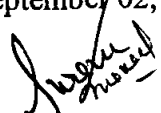
Please find enclosed herewith the decision of the Appellate Board dated 31.08.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-041/POI-2016/ 1147
Forwarded for information please.

September 02, 2016


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-041/2016

K-Electric Ltd

.....Appellant

Versus

Mr. Irfan (Saira Bai A. Rehman), C-96/6, Federal B. Area, Karachi

.....Respondent

For the appellant:

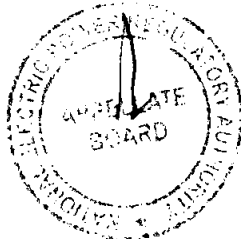
Ms. Tatheera Fatima Deputy General Manager (Legal Distribution)
Mr. Imran Hanif Assistant Manager

For the respondent:

Mr. Irfan

DECISION

1. Brief facts leading to the disposal of this appeal are that the respondent is a domestic consumer of K-Electric bearing Ref No. AL-490330 with a sanctioned load of 4 kW under A1-R tariff. The premises of the respondent was inspected by K-Electric staff on 16.08.2014 and allegedly the respondent was using an extra phase for dishonest abstraction of electricity and moreover the connected load was observed as 9.468 kW. After issuing notice dated 16.08.2014 to the respondent, a detection bill of Rs. 50,118/- for 2,892 units for the period 15.04.2014 to 13.08.2014 (May 2014 to August 2014) was charged on the basis of connected load. Besides above detection bill, an assessed bill of 1,128 units was also debited to the respondent in September 2014. This action of K-Electric was assailed by the respondent before the Provincial Office of Inspection (POI) with the assertion that the aforesaid assessed bill was unjustified illegal, without any justification. The grievance so raised before the POI was decided on 25.01.2016 with the following conclusion:

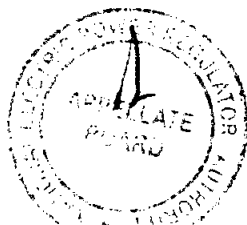




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"After conducting several number of hearings, giving fair opportunities to hear both the parties, scrutinizing the record, made available with this authority and in the light of relevant law & Regulations and above findings, this authority is of the firm view that irregular bills, amounting to Rs. 50,118/- of 2,892 units for the period 15.04.2014 to 13.08.2014 issued by the opponents has no justification on legal and technical grounds, therefore direct the opponents to cancel the said bill. The opponent is also directed to cancel the assessed bill for the month of September 2014 and the same be issued on actual meter reading. The complaint of the complainants disposed off with above remarks."

2. The above referred decision of POI (hereinafter referred to as the impugned decision) has now been challenged through the instant appeal filed 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 it was a case of theft of electricity, as such POI was not empowered to decide the instant matter. As per K-Electric, the detection bill of Rs. 50,118/- for 2,892 units for the period 15.04.2014 to 13.08.2014 charged to the respondent due to illegal abstraction of electricity was legal, justified and the respondent is liable to pay the same. K-Electric further submitted that during inspection of the premises on 16.08.2014, the connected load was found higher than the sanctioned load and actual consumption of the energy could not be recorded due to illegal means used by the respondent. Therefore the assessed bill for 1,128 units charged to the respondent in September 2014 on the basis of connected load is payable by the respondent.
3. In his comments, the respondent contended that K-Electric failed to file the appeal against the impugned decision before NEPRA within stipulated time period, hence the instant appeal is liable to be dismissed being time barred. The respondent prayed for dismissal of the appeal.
4. Hearing of the appeal was conducted in Karachi on 19.08.2016 in which Ms. Tatheera Fatima Deputy General Manager (Distribution Legal) and Mr. Imran Hanif Assistant Manager appeared for the appellant K-Electric and Mr. Irfan represented the respondent. Learned representative of K-Electric repeated the same arguments as earlier given in memo of the appeal and contended that the site of the respondent was checked by K-Electric on 16.08.2014 and the respondent was consuming electricity directly through an extra phase and the connected load was higher than the sanctioned load. According to K-Electric, the detection bill of Rs. 50,118/- for 2,892 units for the period 15.04.2014 to 13.08.2014 (May 2014 to August



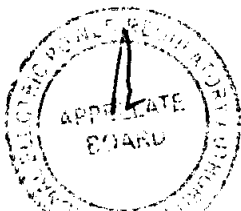


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2014) charged to the respondent in order to recover the revenue loss sustained by K-Electric due to dishonest abstraction of electricity by the respondent. Representative of K-Electric contended that consumption of the respondent increased after the disputed period, which established that the respondent was using unfair means. K-Electric pleaded that the detection bill of Rs. 50,118/- for 2,892 units for the period 15.04.2014 to 13.08.2014 (May 2014 to September 2014) and the assessed bill of 1,128 units for September 2014 charged to the respondent are justified and payable by the respondent. Regarding assessed bill of 1,128 units for September 2014, K-Electric further pleaded that the same was not assailed by the respondent before POI and as such impugned decision regarding the said bill is beyond prayer of the respondent. On the other hand, the representative for the respondent contradicted the version of K-Electric and contended that the respondent was not involved in the theft of electricity, therefore the allegation leveled by K-Electric was baseless. Moreover according to the representative for respondent, payment of electricity bill was made up-to August 2014 and nothing was outstanding against the respondent but K-Electric charged the bill of Rs. 50,118/-, which is not justified. The representative for the respondent defended the impugned decision and prayed for its upholding.

5. Arguments heard and record perused. It is an admitted position on record that though theft of electricity by the respondent is alleged by K-Electric but no action was taken for registration of FIR by K-Electric and the procedure provided in Consumer Service Manual (CSM) was also not followed. POI has rightly determined that theft was not proved against the respondent and therefore it cannot be said that POI had no jurisdiction to adjudicate the matter. As regards the detection bill amounting to Rs.50,118/- for 2,892 units for the period May 2014 to August 2014, the comparison of the consumption recorded between the disputed and undisputed periods as per data provided by K-Electric is tabulated as under:

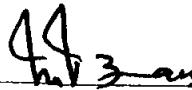
Period	Normal Mode Average Units/Month	Detection Mode Average Units/Month
Corresponding Period Before dispute May 2013 to August 2013	534	
Disputed period May 2014 to August 2014	698	1421
Corresponding Period After dispute May 2015 to August 2015	437	-







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- i. From the analysis of above data, it is evident that the consumption of 698 units/month for the disputed period in normal mode is higher than the consumption of 534 units/month and 437 units/month in normal mode in the corresponding periods before and after dispute respectively. Therefore the detection bill amounting to Rs. 50,118/- for 2,892 units charged for the period May 2014 to August 2014 on the basis of 1,421 units per month has no justification and the respondent is not liable to pay the same as determined in the impugned decision. There is no force in the contention of K-Electric that the assessed bill of 1,128 units charged to the respondent for September 2014 was not assailed by the respondent before POI as it is evident from the application dated 29.09.2014 filed before POI that the respondent had challenged the assessed bill of September 2014. No documentary evidence was submitted by K-Electric before us to substantiate their stance that the aforesaid assessed bill was undisputed before POI. Moreover no justification was given by K-Electric for charging the assessed bill in September 2014, therefore the impugned decision regarding cancellation of the aforesaid assessed bill is justified.
6. For the foregoing reasons, we do not find any reason to intervene in the impugned decision, which is upheld and consequently the appeal is dismissed.


Muhammad Qamar-uz-Zaman
Member


Muhammad Shafique
Member


Nadir Ali Khoso
Convener

Date: 31.08.2016

