



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

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No. NEPRA/AB/Appeal-043/POI-2016/1258-1262

September 26, 2016

1. Aamir Sami,  
(Huma Aamir Sami),  
Flat No. 209, Plot No. FL-34,  
Jason Builder, Gulshan Gala,  
Block-11, Gulshan-e-Iqbal,  
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,  
3<sup>rd</sup> floor, KE Block,  
Civic Centre, Gulshan-e-Iqbal,  
Karachi
5. Electric Inspector,  
Karachi Region-I,  
Block No. 51, Pak Secretariat,  
Shahra-e-Iraq, Saddar,  
Karachi

Subject: **Appeal Titled K-Electric Ltd Vs. Aamir Sami Against the Decision Dated 29.01.2016 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 26.09.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

No. NEPRA/AB/Appeal-043/POI-2016/1263

Forwarded for information please.

(Ikram Shakeel)

September 26, 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-043/2016

K-Electric Ltd

.....Appellant

Versus

Aamir Sami (Huma Aamir Sami), Float No.209, Plot No. FL-34,  
Jason Builder, Gulshan Gala, Block-II, Gulshan-e-Iqbal, Karachi

.....Respondent

### For the appellant:

Ms. Tatheera Fatima Deputy General Manager (Legal Distribution)  
Mr. Masahib Ali Deputy Manager

### For the respondent:

Mr. Kanwar Aamir Sami

## DECISION

1. This decision will dispose of the appeal filed by K-Electric against the decision dated 29.01.2016 of Provincial Office of Inspection/Electric Inspector, Karachi Region-I, Karachi (hereinafter referred to as POI).
2. Brief facts of the case are that the respondent is a domestic consumer of K-Electric bearing Ref No. LA-820338 with a sanctioned load of 5 kW under A1-R tariff. Premises of the respondent were inspected by K-Electric on 03.07.2014 and allegedly the respondent was found consuming electricity illegally through use of an extra phase and connected load was also noticed as 10.519 kW. Notices were issued to the respondent on 03.07.2014, 10.07.2014 & 19.07.2014 and a detection bill of Rs. 85,594/- for 5,465 units for the period 07.12.2013 to 06.06.2014 (December 2013 to May 2014) was charged to the respondent. Besides above

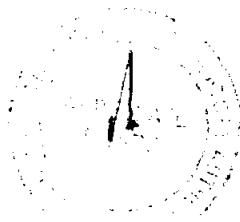


detection bill, an assessed bill of Rs. 20,594/- for 1,284 units was also charged to the respondent in July 2014.

3. Being aggrieved, the respondent filed an application before POI on 23.09.2014 and supplied copies of some electricity bills and submitted that the detection/assessed bills charged by K-Electric be withdrawn. POI disposed of the matter vide its decision dated 29.01.2016, and operative part which is reproduced below:

*"After conducting several number of hearings and finally on 22.12.2015, 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 guidelines communicated through Consumer Service Manual (CSM) of NPERA as pointed out in above findings. The authority therefore, direct the opponents to cancel the detection bill amounting to Rs. 85,594/- for 5,465 units for the period from 07.12.2013 to 06.06.2014 as it has no justification on technical and legal grounds. The assessed bill for the month of July 2014 of 1284 units amounting to Rs.20,594/- should also be cancelled and revised the same on actual consumption recorded by the energy meter. It is further directed the opponents to adjust the already paid amount by the complainant and to waive all late payment surcharges after issuance of the impugned detection and assessed bills and afterwards as complainant was not found at fault. The complaint is disposed off in terms of above for compliance by the opponents."*

4. Being dissatisfied with the POI decision dated 29.01.2016 (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 being a case of theft of electricity, POI was not empowered to decide the instant matter. K-Electric prayed that the detection bill of Rs. 85,594/- for 5,465 units for the period December 2013 to May 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 03.07.2014, the connected load was found much

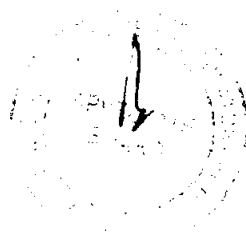




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higher than the sanctioned load and actual consumption of the energy was not recorded due to illegal means used by the respondent. Therefore the assessed bill of Rs. 20,594/- for 1,284 units charged to the respondent in July 2014 on the basis of connected load is payable by the respondent.

5. The respondent was issued a notice for filing reply/parawise comments to the above appeal, which were filed on 07.04.2016. In its reply/parawise comments, the respondent refuted the allegation of theft of electricity levelled against him by K-Electric and submitted that the consumption of electricity remained same even after inspection carried out by K-Electric, which established that the respondent was not involved in dishonest abstraction of electricity. The respondent pleaded for issuance of revised electricity bills as per actual consumption recorded during the disputed period.
6. After issuing notice to both the parties, the hearing was held in Karachi on 27.07.2016 which was attended by both the parties. Ms. Tathcera Fatima learned representative of K-Electric repeated the same arguments as earlier given in memo of the appeal and contended that site of the respondent was checked by K-Electric on 03.07.2014 and the respondent was found stealing electricity with the load connected much higher than the sanctioned load. According to K-Electric, the detection bill amounting to Rs. 85,594/- for 5,465 units for the period December 2013 to May 2014 and assessed bill of Rs. 20,594/- for 1,284 units for July 2014 were charged to the respondent in order to recover the revenue loss sustained by K-Electric due to dishonest abstraction of electricity by the respondent. K-Electric averred that the consumption of the respondent during the disputed period was very low, which established that the respondent was using unfair means. K-Electric pleaded that the impugned decision was unjustified and therefore liable to be set aside. On the contrary, the respondent denied the allegation of theft of electricity and argued that he was liable to be charged as per actual consumption of electricity. As per respondent, the impugned decision was based on merit and liable to be maintained.
7. We have heard arguments of both the parties and examined the record placed before us. It is observed as under:



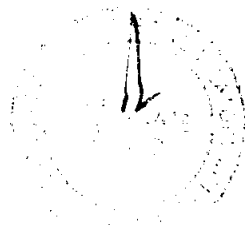
- i. Theft of electricity by the respondent was alleged by K-Electric but no FIR and other proceedings as required under law and Consumer Service Manual were initiated by K-Electric and moreover as observed by POI, no concrete proof was provided by K-Electric regarding theft of electricity. Therefore objection of K-Electric regarding jurisdiction of POI being a theft case is not valid and therefore liable to be dismissed as already determined in the impugned decision.
- ii. Detection bill amounting to Rs. 85,594/- for 5,465 units for the period December 2013 to May 2014 (6 months) was charged to the respondent which was assailed by the respondent vide application dated 23.09.2014 before POI.

Comparison of the consumption recorded between the disputed and undisputed periods as provided by K-Electric is tabulated below:

Period	Normal Mode Average Units/Month	Detection Mode Average Units/Month
<b>Corresponding Period Before dispute</b> December 2012 to May 2013	223	-
<b>Disputed period</b> December 2013 to May 2014	223	1130
<b>Corresponding Period After dispute</b> December 2014 to May 2015	398	-

It is evident from the above table that the detection bill charged @ 1130 units/month during the disputed period is considerably higher than the consumption recorded @ 223 units/month and @ 398 units/month in normal mode in the corresponding period before dispute and corresponding period after the dispute respectively. Therefore the detection bill amounting to Rs .85,594/- for 5,465 units for the period December 2013 to May 2014 charged to the respondent 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. Consumption of electricity recorded @ 223 units/month during the disputed period is same as the consumption recorded @ 223 units/month during the corresponding months of





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previous year but less than the consumption recorded @ 398 units/ month during the period of succeeding year. It would be fair and appropriate to charge the detection bill @ 398 units /month for the disputed period as recorded during the period after dispute i.e. December 2014 to May 2015. According to clause 9.1 c (3) of CSM, the respondent 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 and moreover action was initiated against the officer in charge for not being vigilant enough. Therefore the respondent is liable to be charged the detection bill @ 398 units/month for three months only i.e. March 2014 to May 2014 and the impugned decision is liable to be modified to this extent.

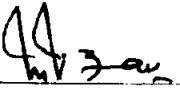
- iv. We are not convinced with the contention of K-Electric to charge the assessed bill of Rs.20,594/- for 1,284 units charged in July 2014 to the respondent, as such high consumption of electricity was never recorded even in the undisputed periods (prior/alter). Therefore the above assessed bill is liable to be declared as null and void and to be revised as per actual consumption recorded in July 2014 as determined in the impugned decision.

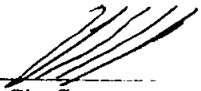
8. In view of foregoing discussion, we have reached to the conclusion that:


- i. Detection bill amounting to Rs. 85,594/- for 5,465 units for the period December 2013 to May 2014 charged to the respondent is null, void and the respondent is not liable to pay the same. The impugned decision to this extent is maintained.
- ii. The respondent is liable to be charged the detection bill @ 398 units/month for the period March 2014 to May 2014. The impugned decision is liable to be modified to this extent.
- iii. The assessed bill of Rs. 20,594/- for 1,284 units charged in July 2014 is not justified and to be cancelled and revised as per actual consumption as already determined in the impugned decision. The impugned decision to this extent is liable to be maintained.



- iv. The respondent is not liable to pay the late payment surcharges levied by K-Electric due to default of payment of detection bill of Rs. 85,594/- for 5,465 units for the period December 2013 to May 2014 and the assessed bill of Rs. 20,594/- for 1,284 units charged in July 2014. The impugned decision to this extent is liable to be maintained.
9. The appeal is disposed of in above terms.

  
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Muhammad Qamar-uz-Zaman  
Member

  
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Muhammad Shafique  
Member

  
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Nadir Ali Khoso  
Convener

Date: 26.09.2016

