



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

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No. NEPRA/AB/Appeal-108/POI-2016/ 1641-1645

December 06, 2016

1. Mst. Zahra Khatoon,  
W/o Muhammad Ejaz-ul-Haq,  
House No. 342, Sector-11/L,  
North Karachi, 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-II,  
Block No. 51, Pak Secretariat,  
Shahra-e-Iraq, Saddar,  
Karachi

Subject: Appeal Titled K-Electric Ltd Vs. Mst. Zahra Khatoon Against the Decision Dated 04.05.2016 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 06.12.2016, regarding the subject matter, for information and necessary action accordingly.

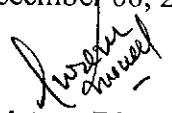
Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-108/POI-2016/ 1646

December 06, 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-108/POI-2016

K-Electric Ltd

.....Appellant

Versus

Mst. Zahra Khatoon W/o Muhammad Ejaz-ul-Haq,  
House No.342, Sector-11/L, North Karachi, Karachi

.....Respondent

### For the appellant:

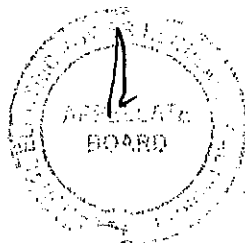
Mr. Nursing Lal Manager  
Mr. Masahib Ali Deputy Manager  
Mr. Imran Hanif Assistant Manager  
Mr. Anas Lakhani

### For the respondent:

Mr. Muhammad Hameed-ul-Haq

## DECISION

1. This decision shall dispose of the appeal filed by K-Electric against the decision dated 04.05.2016 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 residential consumer of K-Electric bearing Ref No. AL-698492 having a sanctioned load of 1 kW under A-1R tariff. Premises of the respondent was inspected by K-Electric on 10.10.2015 and allegedly the respondent was found involved in illegal abstraction of electricity through use of an extra phase and the connected load was noticed as 8.565 kW, which is much higher than the sanctioned load of 1 kW. As stated by K-Electric, after issuing notice dated 10.10.2015 to the respondent regarding above discrepancy, a detection bill amounting to Rs.94,564/- for 5,064 units for the period 10.03.2015 to 10.09.2015 (6 months) was charged to the respondent in November 2015 on the basis of connected load.





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3. Being aggrieved with the aforesaid detection bill, the respondent filed a complaint dated 26.11.2015 before POI and challenged the detection bill of Rs.94,564/- charged by K-Electric in November 2015. Respondent further contended that the aforesaid detection bill was not justified and the respondent is not liable to pay the same. The matter was disposed of by POI vide its decision dated 04.05.2016, 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 and Regulations and above findings, this authority is of the firm view that irregular bills amounting to Rs.94,564/- of 5,064 units for the period 10.03.2015 to 10.09.2015 has no justification on technical and legal grounds, hence liable to be cancelled. The complainant is also directed to regularize his unauthorized extension of load as per codal formalities of Opponent. The complaint of the complainant is disposed off with above remarks.”*

4. Being dissatisfied with the POI decision dated 04.05.2016 (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 the premises of the respondent was checked on 10.10.2015 and the electricity was being consumed illegally by bypassing the meter through use of an extra phase and the connected load was observed much above the sanctioned load. According to K-Electric, a detection bill of Rs.94,564/- for 5,064 units for the period 10.03.2015 to 10.09.2015 (6 months) was charged to the respondent due to theft of electricity and the respondent is liable to pay the same. K-Electric submitted that FIR could not be registered against the respondent as he assured for a payment of the detection bill. K-Electric stated that as notice under section 20 of the Electricity Act 1910 was issued, there is no need of issuing notice under clause 14.1 of the Consumer Service Manual (CSM). K-Electric further elaborated that the presence of POI during inspection of a domestic connection is not mandatory and as regards presence of two witnesses of the area, K-Electric stated that people of the area never agree for such responsibility. As per K-Electric, being a case of theft of electricity, POI was not authorized to adjudicate the instant complaint of the respondent.
5. A notice of the above appeal was issued to the respondent for filing reply/parawise comments, which were filed on 19.09.2016. In her reply/parawise comments, the respondent denied the

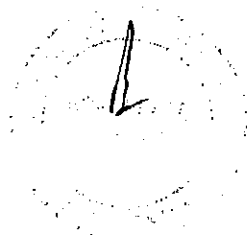




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allegation of theft of electricity levelled by K-Electric and contended that neither such notice was served nor any inspection was carried out by K-Electric. The respondent further submitted that the documents i.e. SIR, Notice produced by K-Electric before this forum are fabricated, therefore the detection bill has no justification and she is not liable to pay the same.

6. After issuing notice to both the parties, hearing of the appeal was conducted in Karachi on 28.11.2016 in which Mr. Nursing Lal Manager along with other officials represented the appellant K-Electric and Mr. Muhammad Hameed-ul-Haq appeared as representative for the respondent. Representatives of K-Electric contended that the premises of the respondent was inspected by K-Electric on 10.10.2015 and she was found stealing electricity through an extra phase and her connected load was observed much above the sanctioned load. As per representative for K-Electric, the detection bill of Rs.94,564/- for 5,064 units for the period 10.03.2015 to 10.09.2015 (6 months) was charged in November 2015 to recover the revenue loss sustained by K-Electric due to dishonest abstraction of electricity. K-Electric pleaded that the impugned decision was unjustified and liable to be set aside. On the other hand, representative for the respondent rebutted the contentions of K-Electric, denied the allegation of theft of electricity and averred that the detection bill is illegal and not payable by the respondent. The representative for the respondent defended the impugned decision and pleaded for its maintainability.
7. We have heard arguments of both the parties and examined the record placed before us. It is observed as under:
  - i. Allegation of theft of electricity was levelled by K-Electric but no FIR and other criminal proceedings as required under law and CSM were initiated by K-Electric. Further K-Electric could not give any cogent reason for its failure to adhere the provisions of CSM and other proceedings as required under the law. As no direct theft of electricity has been established by K-Electric against the respondent, the objection regarding jurisdiction of POI is not valid.
  - ii. As per data provided by K-Electric, comparison of the consumption recorded between the disputed and undisputed periods (prior/after) is tabulated as under:



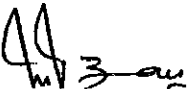


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Period	Normal Mode Average Units/Month	Detection Mode Average Units/Month
<b>Period before dispute</b> April 2014 to February 2015 (11 months)	310	-
<b>Disputed period</b> March 2015 to August 2015 (6 months)	412	1,234
<b>Period after dispute</b> September 2015 to July 2016(11 months)	360	-

It is evident from the above table that the average consumption of 412 units/month during the disputed period i.e. March 2015 to August 2015 in normal mode is higher than the consumption of 310 units/month and 360 units/month during the periods before and after dispute respectively. We are convinced with the determination of POI that the detection bill amounting to Rs.94,564/- for 5,064 units for the period 10.03.2015 to 10.09.2015 (6 months) charged to the respondent has no justification and liable to be cancelled.

8. In view of foregoing consideration, It is concluded that:
- Objection of K-Electric regarding jurisdiction of POI has no force and therefore over ruled.
  - Detection bill of Rs.94,564/- for 5,064 units for the period 10.03.2015 to 10.09.2015 (6 months) charged by K-Electric to the respondent added in November 2015 is declared null, void and should be cancelled as determined in the impugned decision.
9. In view of above, the impugned decision is upheld and resultantly the appeal is dismissed.

  
Muhammad Qamar-uz-Zaman  
Member

  
Nadir Ali Khoso  
Convener

  
Muhammad Shafique  
Member

Date: 06.12.2016