



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](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/AB/Appeal-130/POI-2016/ 149-153

January 31, 2017

1. Abdul Rauf Qureshi,  
S/o Abdul Hameed Qureshi,  
House No. Row-1, Plot No. 4-S/B-F,  
Nazimabad No. 2, Karachi
2. 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. Abdul Rauf Qureshi Against the Decision Dated 22.06.2016 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 27.01.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-130/POI-2016/ 154  
Forwarded for information please.

January 31, 2017

  
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-130/POI-2016

K-Electric Ltd

.....Appellant

Versus

Abdul Rauf Qureshi S/o Abdul Hameed Qureshi, House No. Row-1,  
Plot No.4-S/B-F, Nazimabad No.2, Karachi

.....Respondent

#### For the appellant:

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

#### For the respondent:

Mr. Abdul Rauf Qureshi

### DECISION

1. This decision shall dispose of the appeal filed by K-Electric against the decision dated 22.06.2016 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-236251 with a sanctioned load of 1 kW under A-1R tariff. Premises of the respondent was inspected by K-Electric on 04.08.2014 and allegedly the respondent used an extra phase for theft of electricity and his connected load was noticed as 7.006 kW (including 1 Split AC), being quite higher than the sanctioned load. As stated by K-Electric, after issuing notice dated 04.08.2014, a detection bill of Rs.121,283/- for 7,187 units for the period 06.01.2014 to 04.07.2014(6 months) was charged to the respondent in September 2014.
3. Being aggrieved with the aforesaid detection bill, the respondent challenged the matter before Sindh High Court, Karachi vide CP No.5520/2014, which was remanded to POI by the honorable





## National Electric Power Regulatory Authority

High Court for further adjudication vide its Order dated 04.09.2015. The matter was disposed of by POI vide its decision dated 22.06.2016, 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 detection bill amounting to Rs.121,283/- of 7,187units for the period 06.01.2014 to 04.07.2014 has no legal and technical grounds, hence to be cancelled. The Opponents is also directed to cancel the assessed bill for the month of October 2014 and the same issued on actual meter reading. The opponents are directed to act in terms of above instructions accordingly. The complaint of the complainant is disposed off with above remarks."*

4. Instant appeal has been filed by K-Electric against the POI decision dated 22.06.2016 (hereinafter referred to as the impugned decision) under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (NEPRA Act1997). In its appeal, K-Electric contended that the respondent was stealing electricity through an extra phase and the detection bill of Rs.121,283/- for 7,187 units for the period 06.01.2014 to 04.07.2014 (6 months) and the assessed bill of Rs.11,109/- for October 2014were justified. Regarding FIR, K-Electric explained that as the respondent agreed for payment of the aforesaid detection bill, therefore FIR was not registered against him. As regards non-compliance with the prescribed procedure of Consumer Service Manual (CSM), K-Electric pleaded that happened due to non-cooperation of public. K-Electric maintained that being a case of theft of electricity, it was beyond the jurisdiction of POI to adjudicate the instant complaint of the respondent. A notice of the above appeal was issued to the respondent for filing reply/parawise comments, which were not filed.
5. Notice issued and hearing of the appeal was conducted in Karachi on 29.12.2016 in which Ms. Tatheera Fatima Deputy General Manager (Distribution- Legal) along with other officials represented the appelliant K-Electric and Mr. Abdul Rauf Qureshi the respondent appeared in person. K-Electric reiterated the same arguments as contained in memo of the appeal and stated that the detection bill of Rs.121,283/- for 7,187 units for the period 06.01.2014 to 04.07.2014 (6 months) and the assessed bill of Rs.11,109/- charged in September 2014 and October 2014 respectively were justified. Conversely, the respondent denied the allegation of theft of electricity and stated that the aforesaid detection/assessed bills were unjustified.



## National Electric Power Regulatory Authority

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

- i. K-Electric failed to register FIR and take other actions as prescribed in CSM, its plea for failure to lodge FIR and follow CSM procedure is not acceptable. Since theft was not established, POI had the jurisdiction to adjudicate the instant matter and the objection of K-Electric is therefore dismissed.
- ii. Based on the data provided by K-Electric, detail of the consumption is given below:

Period	Normal Mode Average Units/Month	Detection Mode Average Units/Month
<b>Period before dispute</b> September 2013 to December 2013 (4months)	369	-
<b>Disputed period</b> January 2014 to June 2014 (6 months)	364	1,561
<b>Corresponding period after dispute</b> January 2015 to June 2015 (6 months)	413	-

From the above table, it emerges that 1,561 units/month charged in the detection mode during the disputed period i.e. January 2014 to June 2014 are much higher than the average consumption of 369 units/month recorded in normal mode during the period before dispute and 413 units/month during the corresponding period after dispute. We are inclined to agree with the impugned decision that the detection bill of Rs.121,283/- for 7,187 units for the period 06.01.2014 to 04.07.2014 (6 months) charged to the respondent has no justification and liable to be cancelled.

It would be fair and appropriate to charge @ 413 units/month during the disputed period as recorded during the corresponding undisputed period after dispute. As regards period of charging, it is restricted to three months for domestic consumers (A-I) as no approval from the Chief Executive of the K-Electric was produced for charging the detection bill for six months and more over no action taken against the delinquent K-Electric employees. The respondent is liable to be charged the detection bill @ 413 units/month for three months only i.e. April 2014 to June 2014.



## National Electric Power Regulatory Authority

iii. As regards the assessed bill amounting to Rs.11,109/- for 841 units charged by K-Electric to the respondent for October 2014, K-Electric failed to provide justification for charging the aforesaid assessed bill, moreover such high consumption was never recorded during the undisputed periods (prior/after). Under these circumstances, such assessed bill for October 2014 has no justification and liable to be cancelled, however the respondent is liable to be charged 689 units for October 2014 as recorded during the corresponding undisputed month of succeeding year i.e. October 2015. Impugned decision to this extent is liable to be modified.

7. In view of above, it is concluded that:

- i. Detection bill of Rs.121,283/- for 7,187 units for the period 06.01.2014 to 04.07.2014 and the assessed bill of Rs.11,109/- charged by K-Electric to the respondent in September 2014 and October 2014 respectively are null and void as determined in the impugned decision.
- ii. The respondent should be charged the detection bill @ 413 units/month for three months only i.e. April 2014 to June 2014 and the assessed bill of 689 units for October 2014. Impugned decision to this extent is modified.

8. The impugned decision is modified in above terms.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Dated: 27.01.2017

