



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

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No. NEPRA/AB/Appeal-054/POI-2017/1502-1506

October 09, 2017

1. Mst. Amna Abid Ali,  
W/o Abid Ali Qadri,  
House No. L-1520/1,  
Maymarabad, Surjani Town,  
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, First Floor,  
Block F, Elander Complex,  
Elander Road, 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. Amna Abid Ali Against the Decision Dated 07.03.2017 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 09.10.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-054/POI-2017/1507

October 09, 2017

Forwarded for information please.

Assistant Director  
Appellate Board

✓ 1. Registrar

CC:

1. Member (CA)



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-054/2017

K-Electric Ltd

.....Appellant

Versus

Mst. Amna Abid Ali W/o Abid Ali Qadri, House No. L-1520/1,  
Maymarabad, Surjani Town, Karachi

.....Respondent

### For the appellant:

Ms. Tatheera Fatima Deputy General Manager (Legal Distribution)

Mr. Masahib Ali Manager

Mr. Imran Hanif Deputy Manager

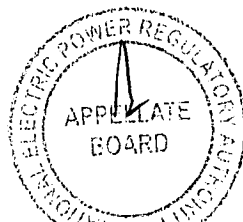
Mr. Khalid Ashfaq Deputy Manager

### For the respondent:

Syed Abid Ali Advocate

## DECISION

1. Brief facts leading to the instant appeal are that the respondent is a domestic consumer of K-Electric bearing Ref No.AL-924532 with a sanctioned load of 1 kW under the A1-R tariff. Premises of the respondent was inspected by K-Electric on 12.12.2015 meter of the respondent was found dead stop, allegedly the respondent was stealing the electricity through the use of an extra phase and the connected load was also noticed as 6.249 kW. A detection bill of Rs.50,633/- for 2,681 units for the period 13.05.2015 to 11.11.2015 (6 months) was charged to the respondent by

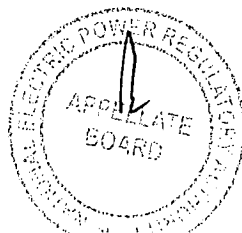




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K-Electric in December 2015 on the basis of connected load, which was assailed by the respondent before Provincial Office of Inspection, Karachi Region-II, Karachi (hereinafter referred to as POI) vide an application on 04.10.2016. POI disposed of the matter vide its decision dated 07.03.2017, whereby it was held that the detection bill of Rs.50,633/- for 2,681 units for the period 13.05.2015 to 11.11.2015 charged to the respondent had no justification on legal and technical grounds, therefore cancelled.

2. This appeal has been filed against the aforementioned decision (hereinafter referred to as the impugned decision) by K-Electric under Section 38 (3) of the NEPRA Act, 1997. In its appeal, it is inter alia, contended by K-Electric that being a case of theft of electricity, POI was not empowered to decide the instant matter. K-Electric further contended that during the inspection of the premises on 12.12.2015, the connected load was found much higher than the sanctioned load and actual consumption was not recorded due to illegal means used by the respondent. K-Electric prayed that the detection bill of Rs.50,633/- for 2,681 units for the period 13.05.2015 to 11.11.2015 charged to the respondent due to the illegal abstraction of electricity is legal, justified and the respondent is liable to pay the same.
3. The respondent was issued a notice for filing reply/parawise comments to the above appeal, which were filed on 12.07.2017. In her reply, the respondent refuted the allegation of theft of electricity levelled by K-Electric and submitted that neither any notice was served nor she was associated during the inspection, therefore raising the detection bill of Rs.50,633/- for 2,681 units for the period 13.05.2015 to 11.11.2015 is





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neither justified nor payable. The respondent submitted that the impugned decision is in accordance with facts and law and prayed that the same should be maintained.

4. After issuing notice to both the parties, the hearing was held in Karachi on 22.09.2017 in which Ms. Tatheera Fatima Deputy General Manager (Distribution Legal) along with her team represented the appellant K-Electric and Syed Abid Ali advocate appeared for the respondent. Learned representative of K-Electric repeated the same stance as earlier taken in memo of the appeal and contended that site of the respondent was checked by K-Electric on 12.12.2015 and the respondent was found abstracting the electricity dishonestly and the connected load was much higher than the sanctioned load. According to K-Electric, the detection bill amounting to Rs.50,633/- for 2,681 units for the period 13.05.2015 to 11.11.2015 was charged to the respondent to account for the theft of electricity committed by the respondent. According to K-Electric, consumption of the respondent during the disputed period in comparison with the consumption of undisputed periods was very low, which establishes that the respondent was using unfair means. As per K-Electric, provisions of Chapter 9 of CSM could not be followed due to ground difficulties and the determination should not be based on legal grounds only. K-Electric pleaded that the impugned decision was unjustified and liable to be set aside. On the contrary, the learned counsel for the respondent contended that the aforesaid detection bill was initially agitated by the respondent before K-Electric but there was no response and the payment was made under protest in order to avoid the disconnection of electric supply. Learned counsel for the respondent averred that no prior notice was served upon the respondent before



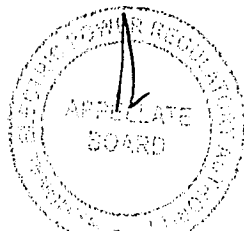


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the inspection nor the provisions of CSM were followed, therefore there is no justification for such detection bill. According to the respondent, the impugned decision is based on merit and should be maintained.

5. We have heard arguments of both the parties and examined the record placed before us. It is observed as under:
- i. K-Electric raised the preliminary objection regarding the jurisdiction of POI. It is observed that the theft of electricity by the respondent is alleged by K-Electric but no FIR and other proceedings as required under law and CSM were initiated by K-Electric. The objection of K-Electric in this regard is not sustainable, therefore dismissed.
  - ii. A detection bill amounting to Rs.50,633/- for 2,681 units for the period 13.05.2015 to 11.11.2015 (June 2015 to November 2015) was charged to the respondent, which was assailed by the respondent before POI on 04.10.2016.
  - iii. In order to arrive at justified consumption during the disputed period, following comparison of the consumption is made below:

Period	Normal Mode Average Units/Month	Detection Mode Average Units/Month
<b>Disputed period</b> June 2015 to November 2015	243	690
<b>Corresponding period after dispute</b> June 2016 to November 2016	208	-
<b>Period After dispute</b> December 2015 to November 2016	223	-





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Since K-Electric also disputed the consumption of the period prior the dispute, therefore for comparison, consumption after the dispute has been considered. Above table exhibits that the average normal consumption recorded during the disputed period is higher than the normal average consumption of two undisputed periods, hence there is no justification to charge the detection bill @ 690 units/month during the disputed period. We are inclined to agree with the determination of POI that the detection bill amounting to Rs.50,633/- for 2,681 units for the period 13.05.2015 to 11.11.2015 charged to the respondent is unjustified, therefore cancelled.

6. In consideration of what has been stated above, the appeal is dismissed.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Dated: 09.10.2017

