



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

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No. NEPRA/AB/Appeal-056/POI-2017/1485-1489

October 06, 2017

1. Abdul Munaim,
House No. 130, S. No. 198,
Sector No. 6-C, Muhammadabad,
Aurangi, 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. Abdul Munaim Against the Decision Dated 09.03.2017 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 04.10.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-056/POI-2017/1490

October 06, 2017

Forwarded for information please.

Assistant Director
Appellate Board

✓ Registrar

CC:

1. Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-056/2017

K-Electric Ltd

.....Appellant

Versus

Abdul Munaim House No. 130, S No.198,
Sector 6-C, Muhammad Aurangi, Karachi

.....Respondent

For the appellant:

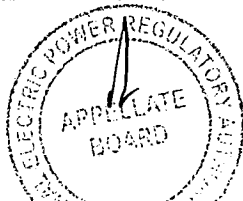
Ms. Tatheera Fatima Deputy General Manager (Legal Distribution)
Mr. Masahib Ali Manager
Mr. Imran Hanif Deputy Manager

For the respondent:

Nemo

DECISION

1. Through this decision, an appeal filed by K-Electric against the decision dated 09.03.2017 of Provincial Office of Inspection/Electric Inspector, Karachi Region-II, Karachi (hereinafter referred to as POI) is being disposed of.
2. Brief facts of the case are that the respondent is a domestic consumer of K-Electric bearing Ref No. LA-551556 with a sanctioned load of 1 kW under A-1R tariff. Being aggrieved with the exaggerated billing, the respondent filed an application before POI on 27.04.2016 and challenged the arrears up-to April 2016. POI disposed of the matter vide its decision dated 09.03.2017, the operative of which is reproduced



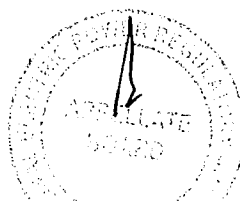


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below:

“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 & Regulations and above findings, this authority is of the firm view that the opponent is directed to cancel the entire assessed billing and revised the same on actual meter reading basis. The complainant is also directed to pay the undisputed amount direct to the opponents. The opponents are directed to act in terms of above instructions accordingly. The complaint of the complainant is disposed off with above remarks.”

3. The above referred decision (hereinafter referred to as the impugned decision) has been assailed by K-Electric through the instant appeal under Section 38(3) of NEPRA Act 1997. In its appeal K-Electric explained that total 36 monthly bills were issued to the respondent during the period September 2013 to August 2016 but the respondent made payment of 8 electricity bills only, which raised the arrears up-to Rs.84,625/- till August 2016. As per K-Electric, the respondent agitated the arrears up-to April 2016 before POI vide an application on 27.04.2016, whereas POI has decided the arrears of Rs.84,625/- accumulated till August 2016, which is contradictory to the facts placed on record. According to K-Electric, due to default in payment, the supply of the respondent was disconnected by K-Electric time and again but it was restored by the respondent at his own. K-Electric alleged that the premises of the respondent was inspected on 27.05.2016 and the respondent was found involved in illegal abstraction of electricity, moreover display of the meter was vanished and its strips were also

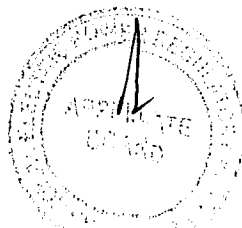




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opened. K-Electric stated that the actual consumption was not recorded during the disputed period September 2013 to April 2016 due to illegal abstraction of electricity by the respondent, therefore the assessed bills charged to the respondent during the same period are correct and the respondent is liable to pay the same. K-Electric pleaded that the impugned decision being contrary to the facts and law is liable to be withdrawn.

4. In response to the above appeal, the respondent was issued a notice for filing reply/parawise comments, which however were not filed.
5. Notice of hearing was issued to both the parties and the appeal was heard 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 no one appeared for the respondent. Learned representative of K-Electric repeated the same arguments as earlier narrated in memo of the appeal and contended that respondent is habitual of stealing electricity through unfair means, therefore the assessed bills were charged to the respondent during the disputed period in order to recover the revenue loss sustained by K-Electric due to dishonest abstraction of electricity by the respondent. K-Electric informed that in-spite of disconnection, the respondent illegally restored the supply at his own. K-Electric pleaded that the electricity bills charged to the respondent are justified and liable to be paid by the respondent.
6. We have heard arguments of K-Electric and examined the record placed before us. It has been observed that:

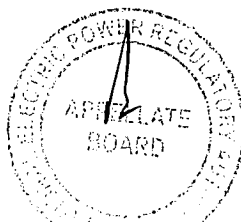




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- i. The respondent agitated the arrears accumulated up-to April 2016 before POI on 27.04.2016, whereas POI has decided the arrears till August 2016. We are convinced with the contention of K-Electric that POI has afforded the relief beyond the prayer of the respondent.
- ii. Examination of the consumption as provided by K-Electric has revealed that twenty four electricity bills during the disputed period i.e. September 2013 to April 2016 were charged as per actual meter reading by K-Electric and as such those are justified and the respondent is liable to pay the same.
- iii. It is observed that only eight electricity bills during the disputed period September 2013 to April 2016 were charged in assessed mode instead of normal billing based on meter reading. The respondent neither specified any reason for the nil consumption recorded during these months before POI nor availed the opportunity of hearing to explain the same before us, which indicates that the premises was occupied and actual consumption was not recorded by the meter. The respondent is liable to pay these assessed bills. In order to determine quantum of the assessed consumption during the disputed months, following table is constructed:

Disputed Period	Normal Mode Average Units/Month	Assessed Mode Average Units/Month
Months charged in normal mode: September 2013 to September 2014, January 2015 to September 2015, December 2015, April 2016 (24 months)	417	-



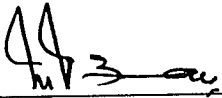



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Months charged in assessed mode: October 2014 to December 2014, October 2015 to November 2015, January 2016 to March 2016 (8 months)	-	401
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Above table exhibits that the assessed bills charged @ 401 units/month during the disputed period September 2013 to April 2016 are even lesser than the average consumption recorded @ 417 units/months in normal mode. This fact justifies the billing of K-Electric in the assessed mode during the disputed period September 2013 to April 2016 and the respondent is respondent for payment of the same.

7. We have reached to the conclusion that the entire electricity bills for the period September 2013 to April 2016 (32 months) charged to the respondent by K-Electric are justified and the respondent should pay the same. However K-Electric is required to make adjustment of payments (if any) already made during the disputed period.
8. In consideration of above, the appeal is accepted and the impugned decision is set aside.


Muhammad Qamar-uz-Zaman
Member


Muhammad Shafique
Member


Nadir Ali Khoso
Convener

Dated: 04.10.2017

