



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

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No. NEPRA/AB/Appeal-081/POI-2017/1745-1744

November 29, 2017

1. Malik Khan,  
S/o Malik Sawab Khan,  
Plot No. 1-C, Shop No. 08,  
Nazimabad, 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. Malik Khan Against the Decision Dated 20.04.2017 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 24.11.2017, regarding the subject matter, for information and necessary action accordingly.

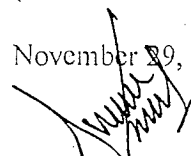
Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-081/POI-2017/1745

November 29, 2017

Forwarded for information please.

  
Assistant Director  
Appellate Board

1. Registrar

CC:

1. Member (CA)

— DDCIT For information & copy to  
— Div (CAD)  
— DRD / DLP-II / MF 20 12 17



Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-081/POI-2017

K-Electric Limited .....Appellant

Versus

Malik Khan S/o Malik Sawab Khan, Plot No.1-C,  
Shop No.08, Nazimabad, Karachi .....Respondent

For the appellant

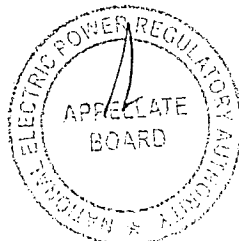
Ms. Tatheera Fatima Deputy General Manager (Legal Distribution)  
Mr. Masahib Ali Manager  
Mr. Imran Hanif Deputy Manager  
Mr. Shamim Akhtar Assistant Manager

For the respondent:

Nemo

DECISION

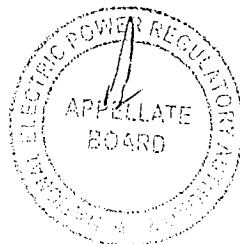
1. Brief facts give rise to the instant appeal are that the respondent is a domestic consumer of K-Electric bearing Ref No.AL-237580 with a sanctioned load of 1 kW and the applicable tariff is A1-R. Premises of the respondent was inspected by K-Electric on 09.10.2015 and the respondent was allegedly dishonestly abstracting electricity through an extra phase and the connected load noted was 5.34 kW being much higher than the sanctioned load. After issuing a notice, the respondent was charged a detection bill of Rs.50,948/- for 3,897 units for the period 14.03.2015 to 12.09.2015 (6 months) by K-Electric on the basis of connected load.





## National Electric Power Regulatory Authority

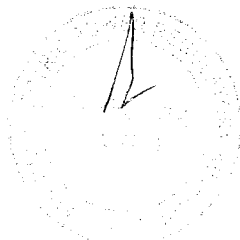
2. The respondent was aggrieved with the action of K-Electric, therefore challenged the arrears amounting to Rs.45,691/- reflected in the bill for August 2016 before the Provincial Office of Inspection, Karachi Region-II, Karachi (hereinafter referred to as POI) on 31.08.2016. The case was decided by POI vide its decision dated 20.04.2017 and it was held that the detection bill amounting to Rs.50,948/- for 3,897 units for the period 14.03.2015 to 12.09.2015 has no legal justification, therefore cancelled.
3. The appeal in hand has been filed by K-Electric against the afore-mentioned decision of POI (hereinafter referred to as the impugned decision) under Section 38 (3) of the NEPRA Act 1997. In its appeal, K-Electric objected the maintainability of the impugned decision and contended that POI is not empowered to adjudicate the instant matter being a theft of electricity case. K-Electric further contended that the premises of the respondent was inspected by K-Electric on 09.10.2015 and the respondent was found stealing the electricity through an extra phase and the connected load was observed much higher than the sanctioned load. As per K-Electric, the detection bill of Rs.50,948/- for 3,897 units for the period 14.03.2015 to 12.09.2015 charged to the respondent is justified and the respondent should pay the same. K-Electric submitted that FIR was not lodged against the respondent as he agreed for the payment of the aforesaid detection bill. According to K-Electric, the impugned decision for the cancellation of the aforesaid detection bill is not correct, therefore liable to be set aside.
4. The respondent was served a notice for filing reply/para-wise comments, which





however were not filed.

5. Hearing of the appeal was conducted in NEPRA regional office, Karachi on 16.10.2017 in which Ms. Tatheera Fatima Deputy General Manager (Distribution Legal) along with other officials represented the appellant K-Electric but no one appeared for the respondent. Learned representative of K-Electric repeated the same arguments as contained in the memo of the appeal and pleaded for setting aside the impugned decision being contrary to the facts and law.
6. Arguments heard and the record examined. Following are our observations:
  - i. Theft of electricity by the respondent was alleged by K-Electric but no legal proceedings in accordance with law were initiated by K-Electric and moreover as observed by POI, no concrete proof was provided by K-Electric regarding the theft of electricity. The objection of K-Electric in this regard is devoid of force, therefore dismissed.
  - ii. A detection bill of Rs.50,948/- for 3,897 units for the period 14.03.2015 to 12.09.2015 (six months) was charged to the respondent by K-Electric, which is violative of the provisions of CSM. 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 on record by K-Electric showing that approval for charging the detection bills beyond three billing cycles was obtained from the Chief Executive (or any officer authorized in this behalf) of the K-Electric and any action was initiated against the officer in charge for not being vigilant enough.



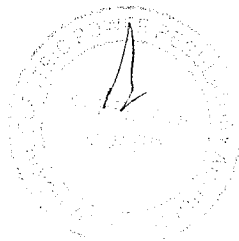


iii. Therefore the respondent could be charged the detection bill for July 2015 to September 2015, if justified. The comparison of the consumption of disputed and corresponding undisputed periods is given below:

| Period  | Normal Mode<br>Average Units/Month |
|---|------------------------------------|
| <b>Corresponding period before dispute</b><br>July 2014 to September 2014 | 667                                |
| <b>Disputed period</b><br>July 2015 to September 2015                     | 0                                  |

From the above table, it transpires that the nil consumption was recorded during the disputed period i.e. July 2015 to September 2015, whereas the average consumption @ 667 units/month was recorded during the corresponding undisputed period or previous year, which revealed that the actual consumption was not recorded during the disputed period. Hence the respondent is liable to be charged the detection bill @ 667 units/month for July 2015 to September 2015 (3 months) by K-Electric. The impugned decision for cancellation of entire detection bill is not justified and needs to be modified accordingly.

7. For what has been stated above, it is concluded that the detection bill of Rs.50,948/- for 3,897 units for the period 14.03.2015 to 12.09.2015 charged to the respondent is unjustified, therefore withdrawn and the same be revised for the period July 2015 to September 2015 @ 667 units/month and should be paid by the respondent accordingly. However the units/bills already charged and paid by the respondent during this period





should be adjusted.

8. The impugned decision stands modified in above terms.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Dated: 24.11.2017

