



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

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No. NEPRA/AB/Appeal-083/POI-2017/ 1816-1820

November 30, 2017

1. Mirza Hafeez Baig,  
S/o Mirza Muhammad Yameen Baig,  
House No. 324-B, Block-15,  
Goharabad, Federal B. Area,  
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-c-Iraq, Saddar,  
Karachi

Subject: Appeal Titled K-Electric Ltd Vs. Mirza Hafeez Baig 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 29.11.2017, regarding the subject matter, for information and necessary action accordingly.

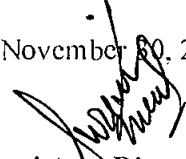
Encl: As Above


No. NEPRA/AB/Appeal-083/POI-2017/ 1821

Forwarded for information please.

(Ikram Shakeel)

November 30, 2017

  
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-083/POI-2017

K-Electric Limited

.....Appellant

Versus

Mirza Hafeez Baig S/o Mirza Muhammad Yameen Biag,  
House No.324-B, Block-15, Goharabad, Federal B Area, Karachi .....Respondent

#### For the appellant

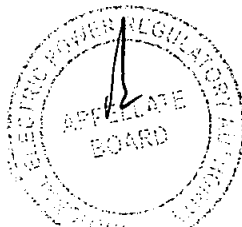
Ms. Tatheera Fatima Deputy General Manager (Legal Distribution)  
Mr. Asif Shajar Deputy General Manager  
Mr. Masahib Ali Manager  
Mr. Ali Nisar Ahmed Assistant Manager

#### For the respondent:

Nemo

### DECISION

1. Through this decision, an appeal filed by K-Electric against the decision dated 20.04.2017 of Provincial Office of Inspection/Electric Inspector, Karachi Region-II, Karachi (hereinafter referred to as POI) is being disposed of.
2. Brief facts give rising to the instant appeal are that the respondent is a domestic consumer of K-Electric bearing Ref No. LB-092300 having a sanctioned load of 14kW under AI-R tariff. Premises of the respondent was inspected by K-Electric on





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29.10.2013 and allegedly the respondent was found involved in dishonest abstraction of electricity through an extra phase and the connected load was observed as 10.2kW. Notice dated 29.10.2013 was issued to the respondent and a detection bill of Rs.151,627/- for 8,804 units for the period 04.05.2013 to 03.10.2013( June 2013 to October 2013) was charged by K-Electric to the respondent in October 2013 on the basis of connected load. The respondent was further charged an assessed bill of 1,698 units by K-Electric in October 2014.

3. Being aggrieved with the irregular billing, the respondent filed a complaint before POI on 03.04.2015 and challenged the aforesaid detection bill only. POI disposed of the matter vide its decision dated 20.04.2017, 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 above relevant law & Regulations and above findings, this authority is of the firm view that the detection bill amounting to Rs.151,627/- of 8,804 units for the period from 04.05.2013 to 03.10.2013 issued by the opponent has no legal and technical grounds and liable to be cancelled. The opponent is also directed to cancel the assessed bill for the month of October-2014 and the same revised on actual meter reading basis. The opponents are directed to act in terms of above instructions, accordingly. The complaint of the complainant is disposed off with above remarks."*

4. The appeal in hand has been filed by K-Electric against the POI decision dated 20.04.2017 (hereinafter referred to as the impugned decision) under Section 38 (3) of





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the NEPRA Act 1997. In its appeal, K-Electric contended that the respondent was found consuming electricity illegally through an extra phase during the K-Electric inspection dated 29.10.2013. As per K-Electric, the detection bill amounting to Rs.151,627/- for 8,804 units for the period June 2013 to October 2013 (5 months) charged to the respondent is legal, justified and the respondent is liable to pay the same. As regards the notice under Section 20 of the Electricity Act 1910, K-Electric averred that the said notice was served before the inspection and well within the knowledge of the respondent. K-Electric pointed out that the respondent did not challenge the bill of 1,698 units of October 2014 before POI and the determination of POI in this regard is beyond the pleading of the respondent and liable to be withdrawn. K-Electric asserted that POI is not authorized to adjudicate the instant complaint of the respondent being a case of theft of electricity by bypassing the meter.

5. The respondent was issued notice for filing reply/parawise comments to the above appeal, which however were not filed.
6. After issuing notice to both the parties, hearing of the appeal was held in Karachi on 20.11.2017 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 earlier narrated in memo of the appeal and contended that premises of the respondent was inspected by K-Electric on 29.10.2013 and he was found consuming electricity





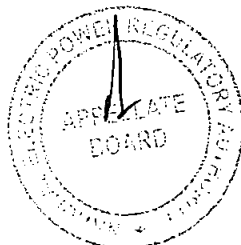
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illegally. According to K-Electric, the detection bill of Rs.151,627/- for 8,804 units for the period 04.05.2013 to 03.10.2013 was charged to the respondent as per CSM in order to recover the revenue loss sustained by K-Electric due to dishonest abstraction of electricity. Regarding the assessed bill of 1,698 units for October 2014, K-Electric contended that the same is justified as the respondent was stealing electricity through an extra phase. As per K-Electric, the respondent did not challenge the same before POI, therefore the impugned decision regarding the assessed bill of 1,698 units for October 2014 same is beyond the prayer of the respondent.

7. We have heard arguments of K-Electric and examined the record placed before us.

Following is observed:

- i. 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 and moreover as observed by POI, no concrete proof was provided by K-Electric regarding theft of electricity. Therefore objection of K-Electric regarding jurisdiction of POI is not valid, therefore dismissed.
- ii. Detection bill of Rs.151,627/- for 8,804 units for the period June 2013 to October 2013 (5 months) was charged by K-Electric to the respondent in October 2013 on the basis of connected load. Afterwards, K-Electric charged an assessed bill of 1,698 units in the billing month of October 2014 on the plea that the respondent was stealing electricity. The respondent filed the complaint before POI on





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03.04.2015 and pleaded for cancellation of the detection bill amounting to Rs.151,627/- only but no dispute regarding the bill of October 2014 was raised.

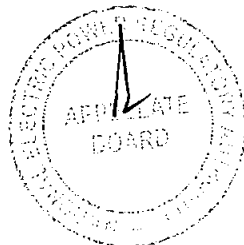
- iii. In order to ascertain the justification of the detection bill, comparison of the consumption data between the disputed and undisputed periods is worked out below:

Period	Normal Mode Average Units/Month	Detection Mode Average Units/Month
<b>Period before dispute</b> February 2013 to May 2013	247	-
<b>Disputed period</b> June 2013 to October 2013	366	2,126
<b>Corresponding period after dispute</b> November 2013 to August 2014	272	-

From the above table, it is obvious that the normal average consumption recorded @ 366 units/month during the disputed period i.e. June 2013 to October 2013 is much higher than those of the periods before and after dispute. There is no justification for charging the detection bill of Rs.151,627/- for 8,804 units for the period June 2013 to October 2013, which is liable to be withdrawn as already

- determined in the impugned decision. •

- iv. We are convinced with the arguments of K-Electric that the impugned decision regarding the assessed bill of 1,698 units for October 2014 is not sustainable as the same was not challenged before POI.





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8. Forgoing in view, we have reached to the conclusion that:
- the detection bill of Rs.151,627/- for 8,804 units for the period June 2013 to October 2013 is unjustified, therefore cancelled as already decided by POI.
  - the assessed bill of 1,698 units for October 2014 is payable by the respondent.
9. The impugned decision is modified in above terms.

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Muhammad Qamar-uz-Zaman  
Member

A handwritten signature in black ink, appearing to read 'Shafique', is written over a horizontal line.

Muhammad Shafique  
Member

A handwritten signature in black ink, appearing to read 'Nadir Ali Khoso', is written over a horizontal line.

Nadir Ali Khoso  
Convener

Dated: 29.11.2017

