



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

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No. NEPRA/AB/Appeal-163/POI-2016/ 330-339

March 07, 2017

1. Manzoor Ahmed,
Plot No. R-646,
Sector-08, North Karachi
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,
3rd floor, KE Block,
Civic Centre, Gulshan-e-Iqbal,
Karachi
5. Electric Inspector,
Karachi Region-I,
Block No. 51, Pak Secretariat,
Shahra-e-Iraq, Saddar,
Karachi

Subject: Appeal Titled K-Electric Ltd Vs. Manzoor Ahmed Against the Decision Dated 15.07.2016 of the Electric Inspector/POI to Government of the Sindh Karachi Region-I, Karachi

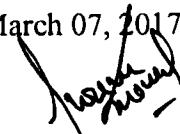
Please find enclosed herewith the decision of the Appellate Board dated 06.03.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-163/POI-2016/ 335
Forwarded for information please.

March 07, 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-163/POI-2016

K-Electric Ltd

.....Appellant

Versus

Manzoor Ahmed Plot No. R-646, Sector-08,
Norh Karachi, Karachi

.....Respondent

For the appellant:

Ms. Tatheera Fatima Deputy General Manager (Distribution-Legal)
Mr. Hareesh Kumar Manager
Mr. Salman Rajan Deputy Manager (Regulations)
Mr. Junaid Alam Deputy Manager
Mr. Imran Hanif Assistant Manager

For the respondent:

Mr. Manzoor Ahmed

DECISION

1. Brief facts give rising to the instant appeal are that the respondent is a domestic consumer of K-Electric bearing Ref No. LB-177527 with a sanctioned load of 5 kW under A-1R tariff. Premises of the respondent was inspected by K-Electric on 02.11.2012 and allegedly the respondent used an extra phase for theft of electricity and the load connected was 5.636 kW. A detection bill of Rs.133,723/- for 8,288 units for the period April 2012 to October 2012 was charged on the basis of connected load to the respondent in June 2013.
2. The respondent challenged the arrears of Rs.124,933/- reflected in June 2013 before





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Provincial Office of Inspection/Electric Inspector, Karachi Region-II, Karachi (hereinafter referred to as POI) vide his application dated 26.07.2013, which was disposed of by POI vide its decision dated 15.07.2016, 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 the irregular bills amounting to Rs.133,723/- of 8288 units for the period April 2012 to October 2012 issued by the Opponents is hereby cancelled and revised up to 2 months instead of 6 months. The opponents are directed to act in terms of above instructions accordingly. The complaint of the applicant is disposed off with above remarks."

3. Being dissatisfied with the POI decision dated 15.07.2016 (hereinafter referred to as the impugned decision), K-Electric has filed the instant appeal against under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (NEPRA Act 1997). In its appeal, K-Electric contended that the respondent was stealing electricity through an extra phase, therefore the detection bill amounting to Rs.133,723/- for 8,288 units for the period April 2012 to October 2012 was charged to the respondent in June 2013. 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 it could not be complied due to practical difficulties in the field. K-Electric raised the objection regarding jurisdiction of POI to adjudicate a case of the theft of electricity.



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4. A notice of the above appeal was issued to the respondent for filing reply/parawise comments, which were filed on 26.12.2016. In his reply/parawise comments, the respondent refuted the allegation of theft of electricity and contended that neither he had a notice nor any inspection was carried out by K-Electric in his presence. As per respondent, the detection bill of Rs.133,723/- for 8,288 units for the period April 2012 to October 2012 was not justified and he is not liable to pay the same. The respondent finally prayed for cancellation of the impugned decision being illegal and unjustified.
5. Notice issued and hearing of the appeal was conducted in Karachi on 23.02.2017 in which Ms. Tatheera Fatima Deputy General Manager (Distribution- Legal) along with other officials represented the appellant K-Electric and Mr. Manzoor Ahmed the respondent, appeared in person. K-Electric reiterated the same arguments as contained in memo of the appeal and stated that premises of the respondent was inspected by K-Electric on 02.11.2012 and the respondent was found stealing electricity through unfair means, therefore the detection bill of Rs.133,723/- for 8,288 units for the period April 2012 to October 2012 was justified and the respondent should pay the same. On the other hand, the respondent denied the allegation of theft of electricity and prayed for upholding the impugned decision.
6. We have heard arguments of both the parties and examined the record placed before us. Following is observed:
 - i. Preliminary objection of K-Electric regarding lack of jurisdiction of POI being a case of theft of electricity was raised in the appeal but not pressed during the arguments therefore the same is not liable to be entertained.



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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
Corresponding period before dispute May 2011 to October 2011 (6 months)	198	-
Disputed period May 2012 to October 2012(6 months)	239	1,623
Corresponding period after dispute May 2013 to October 2013 (6 months)	271	-

From the above table, it emerges that 1,623 units/month charged in the detection mode during the disputed period i.e. May 2012 to October 2012 are much higher than the average consumption of 198 units/month and 271 units/month recorded in normal mode during the corresponding periods before and after dispute respectively. We are inclined to agree with the impugned decision that the detection bill amounting to Rs.133,723/- for 8,288 units for the period April 2012 to October 2012 (6 months) charged to the respondent has no justification and liable to be cancelled.

It would be fair and appropriate to charge @ 271 units/month during the disputed period as recorded during the corresponding 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 moreover no action taken against the delinquent K-Electric employees. The respondent is liable to be charged the detection bill @ 271 units/month for three months only i.e. August 2012 to October 2012. Impugned decision is liable to be modified to this extent.

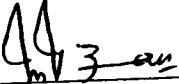


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7. In view of above, it is concluded that:

- i. Objection of K-Electric regarding lack of jurisdiction of POI is rejected.
- ii. Detection bill of Rs.133,723/- for 8,288 units for the period April 2012 to October 2012 (6 months) charged by K-Electric to the respondent in June 2013 is void as determined in the impugned decision.
- iii. The respondent should be charged the detection bill @ 271 units/month for three months only i.e. August 2012 to October 2012.

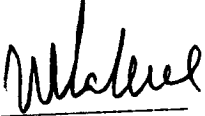
8. The impugned decision is modified in above terms.



Muhammad Qamar-uz-Zaman
Member



Muhammad Shafique
Member



Nadir Ali Khoso
Convener

Dated: 06.03.2017