

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

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No. NEPRA/AB/Appeal-164/POI-2016/ 388-392

March 21, 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 17.03.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-164/POI-2016/ 393

March 21, 2017

Forwarded for information please.


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-164/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. Haresh 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 residential consumer of K-Electric bearing Ref No. LA-906225 with a sanctioned load of 5 kW under A-1R tariff. K-Electric vide its Site Inspection Report (SIR) dated 02.11.2012 alleged that the respondent was found involved in dishonest abstraction of electricity through an extra phase and his connected load was 6.948 kW. After issuing notice dated 02.11.2012 to the respondent, a detection bill of Rs. 168,649/- for 10,100 units for the period 07.04.2012 to 08.10.2012 (May 2012 to October 2012) was charged to





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the respondent on the basis of connected load.

2. Being aggrieved with the irregular bill, the respondent challenged the arrears amounting to Rs.155,740/- reflected in June 2013 before 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.168,649/- of 10,100 units for the period 07.04.2012 to 08.10.2012 issued by the Opponents has no justification on legal and technical grounds therefore direct the opponents to cancel the said bill. 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.168,649/- for 10,100 units for the period May 2012 to October 2012

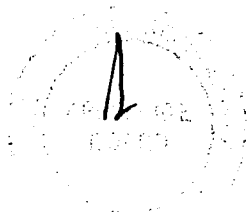




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was charged to the respondent in June 2013. K-Electric disclosed that as the respondent agreed for payment of the aforesaid detection bill, no FIR was registered against him. As regards non-compliance with the prescribed procedure of Consumer Service Manual (CSM), K-Electric pleaded that it could not be followed due to practical difficulties in the field. K-Electric objected the jurisdiction of POI being a case of theft of electricity.

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 any notice was issued nor an inspection was carried out by K-Electric in his presence. As per respondent, the detection bill amounting to Rs.168,649/- for 10,100 units for the period May 2012 to October 2012 was not justified and not payable.
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 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.168,649/- for 10,100 units for the period May 2012 to October 2012 was justified and the respondent should pay the





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same. On the other hand, the respondent denied the allegation of theft of electricity and defended the impugned decision.

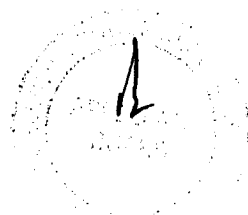
6. We have heard arguments of both the parties and examined the record placed before us.

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.
- ii. Analysis of consumption data as provided by K-Electric 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)	296	-
Disputed period May 2012 to October 2012(6 months)	316	2,000
Corresponding period after dispute May 2013 to October 2013 (6 months)	297	-

From the above table, it is evident that the average consumption of 316 units/month recorded in normal mode during the disputed period i.e. May 2012 to October 2012 is higher than the average consumption of 296 units/month and 297 units/month recorded in normal mode during the corresponding undisputed periods before and after dispute respectively. There is no justification for charging any detection bill to the respondent during the disputed period. Under these

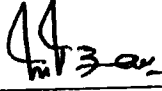




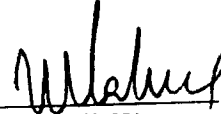
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circumstances, the detection bill amounting to Rs.168,649/- for 10,100 units for the period May 2012 to October 2012 should be cancelled being unjustified as already determined in the impugned decision.


7. In view of above, the impugned decision is maintained and consequently the appeal is dismissed.



Muhammad Qamar-uz-Zaman
Member



Nadir Ali Khoso
Convener



Muhammad Shafique
Member

Dated: 17.03.2017