



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

NEPRA Office , Atta Turk Avenue (East), G5/1, Islamabad  
Tel. No.+92 051 2013200 Fax No. +92 051 2600030  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/AB/Appeal-166/POI-2016/545-549

April 17, 2017

1. Khurram Jawaid,  
S/o Jawaid Iqbal Bhatti,  
Plot No. 70, Sector 12-D,  
Industrial Area, North Karachi,  
Karachi
2. The 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,  
3<sup>rd</sup> floor, KE Block,  
Civic Centre, Gulshan-e-Iqbal,  
Karachi
5. Electric Inspector,  
Karachi Region-II,  
Block No. 51, Pak Secretariat,  
Shahra-e-Iraq, Saddar,  
Karachi

Subject: **Appeal Titled K-Electric Ltd Vs. Khurram Jawaid Against the Decision Dated 17.08.2016 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 14.04.2017, regarding the subject matter, for information and necessary action accordingly.

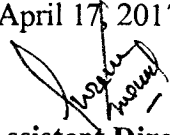
Encl: **As Above**

(Ikram Shakeel)

No. NEPRA/AB/Appeal-166/POI-2016/ 550

April 17, 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-166/POI-2016

K-Electric Ltd

.....Appellant

Versus

Khurram Jawaid S/o Jawaid Iqbal Bhatti, Plot No.70,  
Sector 12-D, Industrial Area, North Karachi, Karachi

.....Respondent

### For the appellant:

Ms. Tatheera Fatima Deputy General Manager (Distribution-Legal)  
Mr. Masahib Ali Manager  
Mr. Junaid Alam Deputy Manager  
Mr. Imran Hanif Deputy Manager  
Mr. Ali Khalid Assistant Manager

### For the respondent:

Mr. Khurram Jawaid  
Mr. Abubakar Usman Attorney

## DECISION

1. This decision shall dispose of the appeal filed by K-Electric against the decision dated 17.08.2016 of Provincial Office of Inspection/Electric Inspector, Karachi Region-II, Karachi (hereinafter referred to as POI).
2. Brief facts of the case are that the respondent is an industrial consumer of K-Electric bearing Ref No. AP-070981 with a sanctioned load of 69 kW under B-2b



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tariff. Meter of the respondent was checked by K-Electric on 23.04.2016 and reportedly found 33% slow due to yellow phase being dead. Defective meter of the respondent was again checked by mobile testing van (MTV) of K-Electric and 33% slowness of the meter was confirmed. As per K-Electric, after issuing notice dated 13.05.2016 to the respondent regarding above discrepancy, a detection bill amounting to Rs.1,482,428/- for 88,950 units for the period 09.07.2015 to 12.05.2016 (10 months) was charged to the respondent @ 33% slowness of the meter. The respondent made a payment of Rs.741,218/- on 09.06.2016 being 50% of the aforesaid detection bill in order to avoid the disconnection of supply.

3. Being aggrieved, the respondent filed an application dated 10.06.2016 before POI and challenged the detection bill amounting to Rs.1,482,428/- for 88,950 units for the period 09.07.2015 to 12.05.2016. A joint inspection of the disputed meter was carried out by POI on 03.08.2016 and the meter was found 28% to 30% slow due to heated-up current transformer (CT) of yellow phase. The matter was disposed of by POI vide its decision dated 17.08.2016 with the following conclusion:

*"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 view that supplementary/difference bill amounting to Rs.1,482,428/- of 88,950 units of 10 months is hereby cancelled and opponents is directed to revise the same for two months on same calculation. The opponents is also directed to change the faulty Yellow Phase CT of applicant's meter at once. The complaint of the complainant is disposed off with above*



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remarks”

4. Being dissatisfied with the POI decision dated 17.08.2016 (hereinafter referred to as the impugned decision), K-Electric has filed the instant appeal under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as the NEPRA Act 1997). In its appeal, K-Electric raised the preliminary objection regarding jurisdiction of POI on the plea that being a case of theft of electricity, it does not fall in the jurisdiction of POI. K-Electric contended that meter of the respondent was checked on 23.04.2016 and 11.05.2016 and on both the occasions, meter was found 33% slow due to burnt CT of yellow phase. According to K-Electric, the detection bill amounting to Rs.1,482,428/- for 88,950 units for the period 09.07.2015 to 12.05.2016 (10 months) was charged to the respondent @ 33% slowness and the aforesaid detection bill was valid, justified and the respondent is liable to pay the same. K-Electric averred that the faulty CT of the meter is still not replaced as the respondent is reluctant for its replacement and the billing is being made @ 33% slowness of the meter.
5. A notice of the above appeal was issued to the respondent for filing reply/parawise comments, which were filed on 10.04.2017. In his reply, the respondent denied that neither any notice was served upon him nor he was associated during checking carried out by K-Electric, therefore the detection bill of Rs.1,482,428/- for 88,950 units for the period 09.07.2015 to 12.05.2016 charged @ 33% slowness is liable to be declared null, void being violative of Consumer Service Manual (CSM). Respondent conceded that as the meter was found slow on 11.05.2016, therefore the detection bill is payable from

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12.05.2016 till the replacement of CT @ 28% slowness observed by POI on 03.8.2016.

Finally the respondent pleaded for dismissal of the appeal.

6. After issuing notice to both the parties, hearing of the appeal was conducted in NEPRA office Karachi on 10.04.2017 in which Ms. Tatheera Fatima Deputy General Manager (Distribution Legal) along with other officials represented the appellant K-Electric and Mr. Khurram Jawaid the respondent along with Mr. Abubakar Usman the attorney entered their appearance. Representatives of K-Electric reiterated the same arguments as earlier given in memo of the appeal and contended that the premises of the respondent was inspected by K-Electric twice and on both the occasions, meter of the respondent was found 33% slow, therefore the detection bill of Rs.1,482,428/- for 88,950 units for the period 09.07.2015 to 12.05.2016 charged to the respondent @ 33% slowness is justified and should be paid by the respondent. On the contrary, learned attorney for the respondent reiterated the same arguments as contained reply/parawise comments submitted during the course of hearing. Learned attorney refuted the allegation of theft of electricity levelled by K-Electric and contended that neither any notice was served to the respondent before and after alleged checking nor the respondent was associated during inspection of the premises, therefore the detection bill of Rs.1,482,428/- for 88,950 units for the period 09.07.2015 to 12.05.2016 charged @ 33% slowness is illegal and not payable by the respondent. Learned attorney for the respondent argued that the impugned decision to the extent of charging the detection bill for two months is also not justified and liable to be withdrawn.

7. Arguments of both the parties heard, the record perused, following are our observations:



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- 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 the objection of K-Electric regarding jurisdiction of POI is not sustainable and liable to be dismissed.
- ii. Meter of the respondent was found 33% slow during K-Electric checking on 23.04.2016 and 11.05.2016 and was found 30% slow during the inspection of POI on 08.03.2016. It is concluded that the meter was 30% slow and only the period of charging of the detection bill due to the slowness is to be determined.

Pursuant to clause 4.4 (e) of Consumer Service Manual (CSM), the detection bill due to defective meter may be charged up-to two billing cycles only. Charging of the detection bill of Rs.1,482,428/- for 88,950 units for the period 09.07.2015 to 12.05.2016 by K-Electric due to slowness of the meter is violation of CSM, therefore declared null and void as already determined in the impugned decision.

- iii. Since 33% slowness of the meter was noticed by K-Electric on 11.05.2016 and 30% slowness is confirmed by POI on 03.08.2016, it would be fair and appropriate to charge the detection bill @ 30% slowness to the respondent for two months only i.e. March 2015 and April 2015. Impugned decision is liable to be modified to this extent.

8. In view of foregoing consideration, It is concluded that:

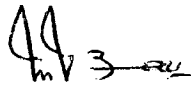
- i. The objection of K-Electric regarding jurisdiction of POI has no weight and





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therefore over ruled.

- ii. Detection bill of Rs.1,482,428/- for 88,950 units for the period 09.07.2015 to 12.05.2016 charged by K-Electric to the respondent @ 33% slowness is not justified and therefore cancelled as already determined in the impugned decision.
  - iii. The respondent should be charged the detection bill for the months March 2015 and April 2015 by K-Electric @ 30% slowness of the meter. The impugned decision is modified to this extent.
9. The appeal is disposed of in above terms.

  
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Muhammad Qamar-uz-Zaman  
Member

  
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Nadir Ali Khoso  
Convener

  
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Muhammad Shafique  
Member

Dated: 14.04.2017