



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

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No. NEPRA/AB/Appeal-179/POI-2016/575-579

April 19, 2017

1. Rafiullah Khan Afridi,  
S/o Saeed Ullah Khan,  
House No. 1079, M-II-E,  
Gali No. 43, Shēr Shah Colony,  
Alamgir Road, 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. Rafiullah Khan Afridi Against the Decision Dated 10.10.2016 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 18.04.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-179/POI-2016/580

Forwarded for information please.

(Ikram Shakeel)

April 19, 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-179/POI-2016

K-Electric Ltd

.....Appellant

Versus

Rafiullah Khan Afridi S/o Saeed Ullah Khan House No. M-II-E,  
Gali No.43, Sher Shah Colony, Alamgir Road, Karachi

.....Respondent

### For the appellant:

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

### For the respondent:

Nemo

## DECISION

1. Brief facts give rising to the instant appeal are that the respondent is a consumer of K-Electric having two connections bearing Ref No. AP-060201 with sanctioned load of 6 kW under B-1 tariff (hereinafter referred to as the industrial connection) and Ref No. LA-368914 under E1-C tariff (hereinafter referred to as the temporary connection). As per K-Electric, premises of the respondent was inspected by K-Electric on 06.08.2015 and allegedly the respondent was found involved in dishonest abstraction of electricity through use of hook and the connected load noticed was much above the sanctioned load. A detection bill amounting to Rs.133,633/- on the basis of connected load against



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the industrial connection and a bill of Rs.4,358/- due to change of tariff from A2-C to EI-C against the temporary connection for the period 09.04.2015 to 10.07.2015 (3 months) were charged by K-Electric to the respondent. K-Electric further alleged that the respondent was found involved in the theft of electricity by tampering the meter during checking by K-Electric on 28.07.2016 and the connected load was noticed as 37.7 kW, being much higher than the sanctioned load. Both the meters of the respondent were replaced by K-Electric on 01.08.2016. During checking by K-Electric on 03.08.2016, both the new meters were found correct but connected load was again found as 53.3 kW (50.2 kW against industrial connection and 3.1 kW against temporary connection), being much higher than the sanctioned load.

2. Being aggrieved with the above irregular bills, the respondent filed an application before Provincial Office of Inspection/Electric Inspector, Karachi Region-II, Karachi (hereinafter referred to as POI) on 03.08.2016 and challenged the detection bill of Rs.133,633/- for industrial connection and a difference bill of Rs.4,358/- against the temporary connection charged during the period 09.04.2015 to 10.07.2015. A joint inspection was carried out by POI on 25.08.2016 and both the new meters were found working within permissible limits. POI disposed of the matter vide its decision dated 10.10.2016 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 & regulations and above findings, this authority is of the firm*

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*view that opponent is directed to cancel the irregular bills bearing consumer No. AP-060201 amounting to Rs.2,106,540 and tariff difference billing bearing Consumer No.AL-368914 amounting to Rs.172,589/- are unjustified without legal and technical grounds and are liable to be cancelled as opponent has already been penalized in lieu of the inspection which was carried out on 28.07.2016. The opponent is directed to energize the connection of the complainant as per prescribed rules if complainant has completed all requisite codal formalities for new connection. The complaint of the complainant is disposed off with above remarks."*

3. 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) against the POI decision dated 10.10.2016 (hereinafter referred to as the impugned decision). In its appeal, K-Electric alleged that the respondent was found stealing electricity through use of hook during checking dated 06.08.2015. K-Electric stated that the connected loads observed were much above the sanctioned loads of both the connections. According to K-Electric, the detection bill of Rs.133,633/- against the industrial connection due to theft of electricity and the bill of Rs.4,358/- due to changed of tariff from A2-C to E1-C for the period 09.04.2015 to 10.07.2015 (3 months) charged against the temporary connection were assailed by the respondent before POI vide his application dated 03.08.2016. K-Electric averred that POI cancelled the amounts of Rs.2,106,540/- and Rs.172,589/- against the industrial and temporary connections respectively, which were neither charged by K-Electric nor disputed by the respondent before POI, therefore determination of POI



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in this regard is beyond the pleading of the respondent and without lawful authority. As per K-Electric, being a case of theft of electricity, POI was not empowered to adjudicate the instant matter. The respondent was issued a notice for filing reply/parawise comments, which however were not submitted.

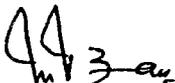
4. Notice was issued and hearing of the appeal was conducted in Karachi on 10.04.2017 in which Ms. Tatheera Fatima Deputy General Manager (Distribution Legal) along with her team appeared for the appellant K-Electric and no one entered appearance for the respondent. Learned representatives of K-Electric reiterated the same arguments as contained in memo of the appeal and pleaded for withdrawal of the impugned decision.
5. Arguments of K-Electric heard, the record perused, Following are our observations:
  - i. Theft of electricity by the respondent is alleged by K-Electric but no FIR and other criminal proceedings as required under law and Consumer Service Manual were initiated by K-Electric. Therefore objection of K-Electric regarding jurisdiction of POI being a theft case is not valid and therefore dismissed accordingly.
  - ii. The respondent vide his application dated 03.08.2016 assailed before POI the detection bill of Rs.133,633/- against the industrial connection and the bill of Rs.4,358/- for the period 09.04.2015 to 10.07.2015 (3 months) due to change of tariff from A2-C to E1-C. Therefore we are inclined to agree with the stance of K-Electric that the determination of POI for cancellation the amounts of Rs.2,106,540/- and Rs.172,589/- against the industrial and temporary connections respectively is irrelevant, unjustified, beyond the pleading of the respondent and



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liable to be withdrawn.

- iii. As regards charging the detection bill of Rs.133,633/- against the industrial connection, K-Electric failed to produce any document (SIR, prior notice etc.), which could substantiate their allegation that the respondent was found stealing electricity through unfair means. There is no document placed before us that the respondent was misusing the tariff and any notice whatsoever was issued to the respondent for charging the bill of Rs.4,358/- for the period 09.04.2015 to 10.07.2015 due to change of tariff from A2-C to E1-C. There is no justification for charging the aforesaid bills of Rs.133,633/- and Rs.4,358/- against the connections of the respondent, which are liable to be cancelled.
6. In view of what has been stated above, it is concluded that there is no justification for charging any irregular detection bill during the disputed period 09.04.2015 to 10.07.2015, therefore the appeal of K-Electric is dismissed.

  
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Muhammad Qamar-uz-Zaman  
Member

  
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Muhammad Shafique  
Member

  
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Nadir Ali Khoso  
Convener

Dated: 18.04.2017