



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

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No. NEPRA/AB/Appeal-002/POI-2018/ *1121-1125* July 06, 2018

1. Muhammad Ilyas
S/o Shaikh Abdul Sattar,
Plot No. B-329/7, Shop No. 1,
Phase-II, 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-e-Iraq, Saddar,
Karachi

Subject: Appeal Titled K-Electric Ltd Vs. Muhmmad Ilyas Against the Decision Dated 22.11.2017 of the Provincial Office of Inspection to Government of the Sindh Karachi Region-II, Karachi

Please find enclosed herewith the decision of the Appellate Board dated 03.07.2018, regarding the subject matter, for information and necessary action accordingly.

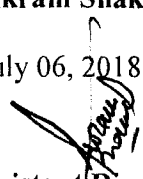
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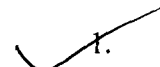
No. NEPRA/AB/Appeal-002/POI-2018/ *1126*

Forwarded for information please.

(Ikram Shakeel)

July 06, 2018


Assistant Director
Appellate Board

 1. Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 002/2018

K-Electric Limited

.....Appellant

Versus

Muhammad Ilyas S/o Shaikh Abdul Sattar,
Plot No. B-329/7, Shop No.1, Phase-II, Federal B Area, KarachiRespondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 22.11.2017 PASSED BY PROVINCIAL
OFFICE OF INSPECTION KARACHI REGION-II, KARACHI**

For the appellant:

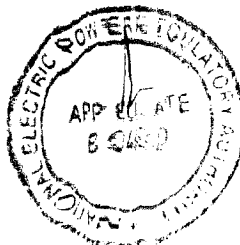
Ms. Tatheera Fatima Deputy General Manager (Distribution-Legal)
Mr. Masahib Ali Manager

For the respondent:

Nemo

DECISION

1. As per facts of the case, the respondent is a commercial consumer of K-Electric bearing Ref No. AL-767531 with a sanctioned load of 1 kW under A-2c tariff. Premises of the respondent was inspected by K-Electric on 15.03.2017 and allegedly the use of hook connection for theft of electricity was noticed and his connected load was observed as 16.34 kW. After issuing notice dated 15.03.2017 to the respondent, a detection bill of Rs.421,470/- for 15,419 units for the period 04.10.2016 to 03.04.2017 (6 months) was charged to the respondent in May 2017 on the basis of connected load.



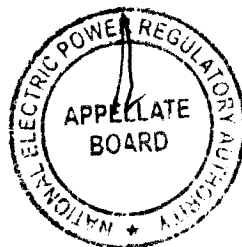


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2. Being dissatisfied, the respondent initially filed a complaint before Wafaqi Mohtasib against the aforesaid detection bill, which subsequently was withdrawn. The respondent filed a complaint before Provincial Office of Inspection (POI) on 12.05.2017 and assailed bill of Rs.538,547/-, which included the detection bill of Rs.421,470/- and the assessed bill of Rs.117,637/- for May 2017. The complaint of the respondent was disposed of by POI vide its decision dated 22.11.2017, 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 relevant law and Regulations and above findings, this authority is of the firm view that the detection bill amounting to Rs.421,470/- of 12662 units for the period from 04.10.2016 to 03.04.2017 is unjustified and hereby cancelled. The opponents is directed to cancel the assessed bill for the month of May 2017 and revise on actual meter reading. The complainant paid any excessive amount in this regard it should be adjusted in future billings. The opponents are directed to act in terms of above instructions accordingly. The complaint of the applicant is disposed off with above remarks."

3. Through the instant appeal, the afore-referred decision dated 22.11.2017 (hereinafter referred to as the impugned decision) has been assailed by K-Electric. In its appeal, K-Electric contended that the premises of the respondent was inspected on 15.03.2017 and the respondent was found stealing electricity and the connected load was found much higher than the sanctioned load, therefore the detection bill amounting to Rs.421,470/- for 15,419 units for the period 04.10.2016 to 03.04.2017 was charged to the respondent along with assessed bill for May 2017. As per K-Electric, the respondent

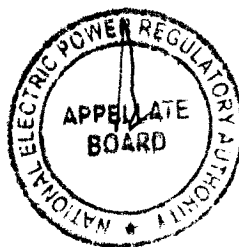




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challenged the detection bill of Rs.421,470/- only, whereas POI also decided the undisputed assessed bill for May 2017. K-Electric explained that the respondent initially challenged the above detection bill before Wafaqi Mohtasib and same was withdrawn on the plea that the dispute of detection bill will be settled with K-Electric. According to K-Electric, the respondent agreed for payment of the aforesaid detection bill, therefore FIR was not registered against him. K-Electric raised the objection regarding jurisdiction of POI to adjudicate the case of theft of electricity by bypassing the meter and pleaded for setting aside the impugned decision. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which however were not filed.

4. Notice issued and hearing of the appeal was conducted in Karachi on 11.06.2018, which was attended by the representatives of K-Electric and no one appeared for the respondent. During the course of arguments, it was informed by K-Electric that the respondent initially filed complaint before Wafaqi Mohtasib and agitated the detection bill of Rs.421,470/-, which subsequently was withdrawn by him. As per K-Electric, an amicable settlement was reached between the parties and as a result the respondent paid the detection bill of Rs.421,470/- for 15,419 units for the period 04.10.2016 to 03.04.2017. K-Electric stated that POI miserably failed to appreciate that the respondent was estopped by his words and conduct to challenge the aforesaid detection bill under Article 114 of the Qanoon-e-Shahadat Order, 1984, therefore the impugned decision is liable to be set aside.
5. Arguments heard and examined the record placed before us. K-Electric raised the

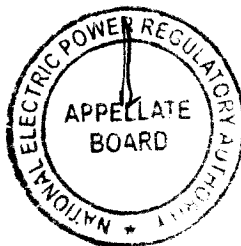




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objection on the jurisdiction of POI, it is observed that theft of electricity was alleged by K-Electric but neither the legal proceedings were initiated against the respondent nor the provisions of Consumer Service Manual (CSM) were followed. Objection of K-Electric in this regard is devoid of force, therefore rejected. On merits, the respondent disputed the arrears of Rs.538,547/- accumulated till May 2017 before POI vide complaint on 12.05.2017. The aforesaid arrears contained the detection bill of Rs.421,470/- for 15,419 units for the period 04.10.2016 to 03.04.2017 and the assessed bill of Rs.117,637/- for 4,350 units for May 2017, as such contention of K-Electric that the assessed bill for May 2017 was not disputed before POI bears no force, therefore over ruled. K-Electric claims that the amicable settlement was reached between the parties and the respondent paid the detection bill but K-Electric did not provide any documentary evidence in support of its version, hence objection of K-Electric in this regard is not sustainable in the eye of law.

Charging the detection/assessed bills consistently for the period 04.10.2016 to 03.04.2017 (November 2016 to April 2017) & May 2017 is violative of clause 9.1c (3) of CSM, which allows to charge the detection bill to a general supply consumer i.e. A-II maximum for three billing cycles. Hence the detection bill of Rs.421,470/- for 15,419 units for the period November 2016 to April 2017 and the assessed bill for 4,350 units for May 2017 are liable to be declared null and void. The respondent is liable to be charged the detection bill @ 3,406 units/month (as calculated by K-Electric in it's appeal) for the period March 2017 to May 2017 (three months) only, in pursuance of





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forgoing clause of CSM.

6. In view of above, we have reached to the conclusion that the detection bill of Rs.421,470/- for 15,419 units for the period November 2016 to April 2017 and the assessed bill for 4,350 units for May 2017 are null and void. However the respondent is obligated for payment of the detection bill @ 3,406 units/month for the period March 2017 to May 2017 (three months). Billing account of the respondent should be overhauled after making the adjustment of units already charged and payment made against the aforesaid detection/assessed bills.
7. The impugned decision is modified in above terms.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 03.07.2018

