



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

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No. NEPRA/AB/Appeal-060/POI-2018 / 2224-2228

December 14, 2018

1. Mst. Zahida Parveen
Plot No. 11/12, B-Area,
Liaquatabad, 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 Vs. Mst. Zahida Parveen Against the Decision Dated 31.01.2018 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 13.12.2018, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

No. NEPRA/AB/Appeal-060/POI-2018 / 2229
Forwarded for information please.

(Ikram Shakeel)

December 14, 2018

Assistant Director
Appellate Board

✓ Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 060/2018

K-Electric Limited

.....Appellant

Versus

Mst. Zahida Parveen, Plot No.11/12, B-Area, Liaqutabad, KarachiRespondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 31.01.2018 PASSED BY PROVINCIAL
OFFICE OF INSPECTION KARACHI REGION-II, KARACHI**

For the appellant:

Ms. Tatheera Fatima Deputy General Manager

Mr. Asif Shajer Deputy General Manager

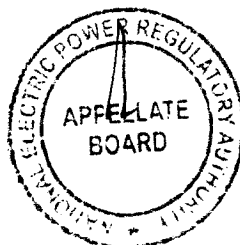
Mr. Masahib Ali Manager

For the respondent:

Nemo

DECISION

1. Brief facts of the case are that the respondent is a domestic consumer of K-Electric bearing Ref No.AL-101870 having a sanctioned load of 1 kW under the A-1R tariff. Premises of the respondent was inspected by K-Electric on 12.07.2017 and allegedly, the meter was found tampered, the respondent was found involved in the illegal abstraction of electricity through the hook connection and the connected load was noticed as 8.346 kW, being much higher than the sanctioned load. The respondent was issued a detection bill amounting to Rs.74,454/- for 3,095 units for the period 18.12.2016 to 16.06.2017 (6 months) by K-Electric on the basis of connected load, which was challenged by the

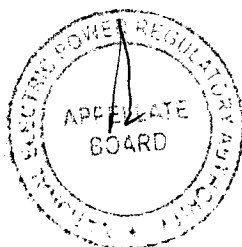




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respondent before POI on 05.08.2017. The matter was decided by POI vide its decision dated 31.01.2018, wherein the detection bill of Rs.74,454/- for 3,095 units for the period 18.12.2016 to 16.06.2017 was cancelled and K-Electric was directed to revise the same to one billing cycle.

2. The appeal in hand has been filed against the POI decision dated 31.01.2018 (hereinafter referred to as the impugned decision) by K-Electric, wherein it is contended that the premises of the respondent was checked on 12.07.2017 and the electricity was being consumed directly and the connected load observed was 8.346 kW, which is higher than the sanctioned load. According to K-Electric, the detection bill of Rs.74,454/- for 3,095 units for the period 18.12.2016 to 16.06.2017 charged to the respondent is justified and payable by the respondent. K-Electric submitted that FIR could not be registered against the respondent as he agreed for payment of the aforesaid detection bill. As per K-Electric, being a case of theft of electricity by bypassing the meter, POI was not empowered to decide the instant matter. K-Electric pleaded that the impugned decision is illegal, without jurisdiction, therefore liable to be struck down. Notice of the appeal was issued to the respondent for reply/para-wise comments, which however were not filed.
3. Hearing of the appeal was conducted in Karachi on 22.10.2018 in which Mr. Asif Shajer Deputy General Manager along with other officials represented the appellant K-Electric and no one appeared for the respondent. Representatives of K-Electric repeated the same arguments as earlier narrated in memo of the appeal and contended





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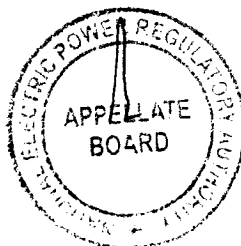
that the respondent was stealing electricity through the hook connection, hence the detection bill of Rs.74,454/- for 3,095 units for the period 18.12.2016 to 16.06.2017 was charged to the respondent as the actual energy was not recorded during the said period due to theft of electricity. K-Electric finally agreed for revision of the above detection bill for three months.

4. Arguments heard and the record perused. It is observed as under:

- i. Theft of electricity by the respondent is alleged by K-Electric but no FIR and other legal proceedings as required under law and Consumer Service Manual (CSM) were initiated by K-Electric. Therefore, the objection of K-Electric regarding jurisdiction of POI being a theft case is not sustainable and should be dismissed.
- ii. The respondent assailed the detection bill amounting to Rs.74,454/- for 3,095 units for the period 18.12.2016 to 16.06.2017 (January 2017 to June 2017) before POI. To assess the justification of the aforesaid detection bill, following comparison of the consumption data is done:

Period	Normal Mode Average Units/Month	Detection Mode Average Units/Month
Corresponding period before dispute January 2016 to June 2016	497	-
Disputed period January 2017 to June 2017	356	872
Period after dispute July 2017 to December 2017	588	-

The detection bill charged @ 872 units/month during the disputed period is much higher than the normal average consumption of 497 units/month and 588



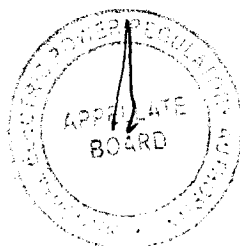


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units/month recorded during the corresponding period before the dispute and period after the dispute respectively. Moreover, the aforesaid detection bill was charged to the respondent in violation of chapter 9 of CSM, which allows charging the detection bill maximum for three billing cycles to general supply consumer in absence of approval of Chief Executive Officer. Hence there is no justification to charge the detection bill of Rs.74,454/- for 3,095 units for the period January 2017 to June 2017 and the same is liable to be cancelled as already determined in the impugned decision.

iii. However, the normal average consumption of disputed period is considerably lower than the normal average consumption of the periods before and after the dispute, which establishes that the actual consumption was not recorded during the said period. Hence, the respondent is liable to be charged the detection bill @ 588 units/month for three months only i.e. April 2017 to June 2017 as recorded during the period after the dispute, in pursuance of clause 9.1c(3) of CSM. The determination of POI for revision of the detection bill for one billing cycle is incorrect and should be withdrawn to that extent.

5. Forgoing in view, we have reached to the conclusion that the detection bill of Rs.74,454/- for 3,095 units for the period January 2017 to June 2017 is unjustified and declared null and void as already decided by POI. The respondent should pay the detection bill @ 588 units/month for three months only i.e. April 2017 to June 2017. Impugned decision for revision of the detection bill for one billing cycle is





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incorrect and withdrawn to this extent.

6. Impugned decision is modified in above terms.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 13.12.2018

