



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

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No. NEPRA/AB/Appeal-085/POI-2018 / 2230-2234

December 14, 2018

1. Irfan Ahmed
S/o. Ansar Ahmed,
Plot No. 1797, Block No. 14,
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 Vs. Irfan Ahmed Against the Decision Dated 01.03.2018 of the Provincial Office of Inspection to Government of the Sindh Karachi Region-II, Karachi**

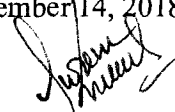
Please find enclosed herewith the decision of the Appellate Board dated 13.12.2018, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

(Ikram Shakeel)

No. NEPRA/AB/Appeal-085/POI-2018 / 2235
Forwarded for information please.

December 14, 2018


Assistant Director
Appellate Board

1 Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No.085/2018

K-Electric Limited

.....Appellant

Versus

Irfan Ahmed S/o Ansar Ahmed, Plot No.1797,
Block No.14, Federal B Area, Karachi

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 01.03.2018 PASSED BY PROVINCIAL
OFFICE OF INSPECTION KARACHI REGION-II, KARACHI**

For the appellant:

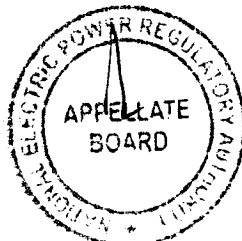
Ms. Tatheera Fatima Deputy General Manager
Mr. Asif Shajer Deputy General Manager
Mr. Masahib Ali Manager

For the respondent:

Mr. Irfan Ahmed

DECISION

1. As per facts of the case, the respondent is a domestic consumer of K-Electric bearing Ref No. LA-870636 having a sanctioned load of 2 kW under the A-1R tariff. Premises of the respondent was inspected by K-Electric on 01.11.2017 and allegedly, the respondent was found involved in the dishonest abstraction of electricity through the tampered meter (shunt installed inside the meter) and the connected load was noticed as 10.318 kW against the sanctioned load of 2 kW. Resultantly, a detection bill amounting to Rs.90,956/- for 3,873 units for the period 08.04.2017 to 09.10.2017 (6 months) was charged by K-Electric on the basis of connected load and added in the bill for





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November 2017, which was challenged by the respondent before POI. The matter was decided by POI vide its decision dated 01.03.2018, wherein the detection bill of Rs.90,956/- for 3,873 units for the period 08.04.2017 to 09.10.2017 was cancelled and K-Electric was directed to revise the same to one billing cycle.

2. K-Electric being dissatisfied with the aforementioned decision (hereinafter referred to as the impugned decision) filed an appeal before NEPRA, wherein it is contended that the premises of the respondent was checked on 01.11.2017 and the electricity was being consumed through the tampered meter (shunt found installed inside the meter) and the connected load observed was 10.318 kW. According to K-Electric, the respondent did not allow to replace the tampered meter since long, therefore the detection bill of Rs.90,956/- for 3,873 units for the period 08.04.2017 to 09.10.2017 was charged to the respondent. K-Electric submitted that Chief Executive Officer, K-Electric has empowered Deputy Chief Operating Officer (hereinafter referred to as the DCOO) for charging the detection bill beyond three months, hence the above detection bill is justified and payable by the respondent. K-Electric pleaded for setting aside the impugned decision. 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 Ms. Tatheera Fatima Deputy General Manager along with other officials represented the appellant K-Electric and Mr. Irfan Ahmed the respondent appeared in person. Representatives of K-Electric contended that the respondent was stealing electricity through the tampered meter, hence the detection bill of Rs.90,956/- for 3,873 units for the period 08.04.2017





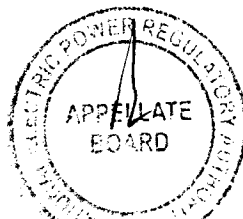
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to 09.10.2017 was charged to the respondent as the actual energy was not recorded during the said period due to theft of electricity. K-Electric asserted that the detection bill of Rs.90,956/- is justified as the consumption recorded during the disputed period is lower as compared to the consumption before the dispute i.e. February 2013 to April 2017.

4. Arguments heard and the record perused. The respondent assailed the detection bill amounting to Rs.90,956/- for 3,873 units for the period 08.04.2017 to 09.10.2017 (May 2017 to October 2017) before POI. To assess the justification of the aforesaid detection bill, the following analysis is done:

| Period | Normal Mode Average Units/Month | Detection Mode Average Units/Month |
|--|------------------------------------|---------------------------------------|
| Corresponding period before dispute May 2016 to October 2016 | 321 | - |
| Disputed period May 2017 to October 2017 | 403 | 1,049 |
| Corresponding Period after dispute May 2018 to October 2018 | 544 | - |

The detection bill charged @ 1,049 units/month during the disputed period is much higher than the normal average consumption of 321 units/month and 544 units/month recorded during the corresponding periods before and after the dispute. 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 (CEO). K-Electric is of the of plea that the above detection bill was charged for six months after approval of DCOO empowered by CEO K-Electric but in support of its contention, no document in this regard was produced by K-Electric. Hence the detection bill of Rs.90,956/- for





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3,873 units for the period May 2017 to October 2017 is unjustified and liable to be canceled as already determined in the impugned decision.

However, the normal average consumption of disputed period is lower than the normal average consumption of the period 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 @ 544 units/month for three months only i.e. August 2017 to October 2017 as recorded during the corresponding 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 withdrawn to that extent.

5. Forgoing in view, we have reached to the conclusion that the detection bill of Rs.90,956/- for 3,873 units for the period May 2017 to October 2017 is unjustified and declared null and void as already decided by POI. The respondent should pay the detection bill @ 544 units/month for three months i.e. August 2017 to October 2017.
6. Impugned decision is modified in above terms.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 13.12.2018

