



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

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No. NEPRA/AB/Appeal-135/POI-2017/ *080-084*

January 19, 2018

1. Irfan Alam Farooqui,
S/o Muhammad Nisar Hussain,
House No. D-11, Rofi Foundation,
Block-19, Gulistan-e-Jauhar,
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. Irfan Alam Farooqui Against the Decision Dated 10.07.2017 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 17.01.2018, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-135/POI-2017/ *085*

January 19, 2018

Forwarded for information please.

(Signature)
Assistant Director
Appellate Board

✓ Registrar

CC:

1. Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-135/POI-2017

K-Electric Limited

.....Appellant

Versus

Irfan Alam Farooqui S/o Muhammad Nasir Hussain,
House No.D-11, Ruffi Foundation, Block-19,
Gulistan-c-Jauhar, Karachi

.....Respondent

For the appellant:

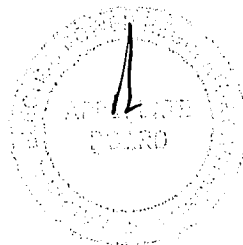
Ms. Tathcera Fatima Deputy General Manager (Distribution-Legal)
Mr. Asif Shajar Deputy General Manager
Mr. Imran Hanif Deputy Manager

For the respondent:

Mr. Irfan Alam

DECISION

1. Brief facts give rising to the filing of the instant appeal are that the respondent is a domestic consumer of K-Electric bearing Ref No. LA-415816 with a sanctioned load of 5 kW under A-1R tariff. The premises of the respondent was inspected by K-Electric on 21.06.2016 and allegedly the discrepancy of phase reversal for theft of electricity was noticed and the connected load was observed as 9.499 kW. After issuing notice dated 21.06.2016 to the respondent, a detection bill of Rs.128,873/-for 6,006 units for the





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period 18.12.2015 to 16.06.2016 (6 months) was charged to the respondent in July 2016 on the basis of connected load.

2. Being dissatisfied, the respondent initially filed a complaint before Wafaqi Mohtasib on 12.08.2016 against the aforesaid detection bill, which was disposed of by the Wafaqi Mohtasib vide its order dated 07.09.2016. K-Electric made a representation against the Wafaqi Mohtasib order dated 07.09.2016 before the President's Secretariat, whereby the said order of Wafaqi Mohtasib was set aside vide the President's Secretariat order dated 03.05.2017 on the ground that the Federal Ombudsman cannot transgress or interfere with the matters falling within the ambit of dispute resolution provided under NEPRA Act, 1997. Subsequently the respondent filed CP No.D-3424/2017 before the High Court of Sindh, Karachi which vide its order dated 27.05.2017 directed the respondent for approaching Provincial Office of Inspection, Karachi Region-II, Karachi (hereinafter referred to as POI) for further adjudication. Consequently the respondent approached POI on 30.05.2017 for the redressal of his grievance. The complaint of the respondent was disposed of by POI vide its decision dated 10.07.2017, 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.128,873/- of 6006 units for the period from 18.12.2016 to 16.06.2016 issued by the opponents has no justification on technical and legal grounds, therefore direct the Opponents to cancel the said bill. The opponents are directed to act in terms of above instructions accordingly. The complaint of the

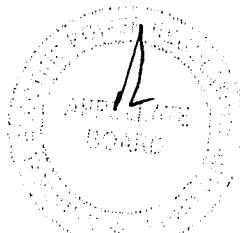




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applicant is disposed off with above remarks."

3. Through the instant appeal, the afore-referred decision dated 10.07.2017 (hereinafter referred to as the impugned decision) has been assailed by K-Electric under Section 38 (3) of the NEPRA Act 1997. In its appeal, K-Electric contended that the premises of the respondent was inspected on 21.06.2016 and the discrepancy of phase reversal from the overhead was noticed and the connected load was found much higher than the sanctioned load, therefore the detection bill amounting to Rs.128,873/- for 6,006 units for the period 18.12.2015 to 16.06.2016 was charged to the respondent in July 2016. K-Electric further contended that as the respondent agreed for payment of the aforesaid detection bill, therefore FIR was not registered against him. K-Electric further pointed out that the consumption of the respondent was increased by 35% after the removal of the discrepancy, which however was not considered by POI while deciding the matter. K-Electric raised the objection regarding jurisdiction of POI to adjudicate the case of theft of electricity through bypassing the meter.
4. Notice of the above appeal was issued to the respondent for filing reply/parawise comments, which were filed on 07.12.2017. In his reply/parawise comments to the appeal, the respondent rebutted the contention of K-Electric and averred that allegation of theft of electricity levelled by K-Electric is baseless; that the Site Inspection Report dated 21.06.2016 is fabricated as there was no representation of him during the alleged checking; that he never admitted the event of theft and payment of irregular bill thereof; and that there is no witness of higher connected load as claimed by K-Electric. The





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respondent further contended that the honorable Sindh High Court referred the matter to POI as the same being the competent forum for the adjudication of the instant billing dispute.

5. Notice issued and hearing of the appeal was conducted in Karachi on 29.12.2017 in which both the parties entered their appearance. During the course of arguments by the parties, it was informed by K-Electric that an amicable settlement was reached between the parties and as a result an adjustment of Rs.60,000/- was afforded to the respondent against the detection bill of Rs.128,873/- for 6,006 units for the period 18.12.2015 to 16.06.2016 and remaining amount was already deposited by the respondent. The respondent confirmed the settlement but pointed out that the subsequent bills were also excessive and K-Electric be directed to rectify the same. The appeal is accordingly dismissed being not pressed. However, K-Electric may consider the request of the respondent for the subsequent bills and in case, the respondent is not satisfied, he may seek his remedy before appropriate forum, if so advised.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 17.01.2018

