



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

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No. NEPRA/AB/Appeal-154/POI-2017/ *098-102*

January 19, 2018

1. Mst. Sofia Khatoon,
E-1, Al-Falah Society,
Malir Halt, 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. Tathcera Fatima,
Deputy General Manager,
K-Electric, First Floor,
Block F, Elander Complex,
Elander Road, Karachi
5. Electric Inspector,
Karachi Region-I,
Block No. 51, Pak Secretariat,
Shahra-e-Iraq, Saddar,
Karachi

Subject: Appeal Titled K-Electric Ltd Vs. Mst. Sofia Khatoon Against the Decision Dated 08.08.2017 of the Provincial Office of Inspection to Government of the Sindh Karachi Region-I, 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.

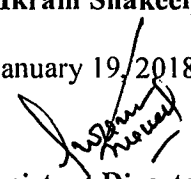
Encl: As Above


No. NEPRA/AB/Appeal-154/POI-2017/ *103*

Forwarded for information please.

(Ikram Shakeel)

January 19, 2018


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-154/2017

K-Electric LimitedAppellant

Versus

Mst. Sofia Khatoon, E-1, Al-Falah Society, Malir Halt, KarachiRespondent

For the appellant:

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

For the respondent:

Syed ZahcerAlam
Mr. HamcedAlam

DECISION

1. Brief facts leading to the filing of instant appeal are that the respondent is a domestic consumer of K-Electric bearing Ref No.AL-579389 with a sanctioned load of 1 kW under the A1-R tariff. The Premises of the respondent was inspected by K-Electric on 07.04.2015 and allegedly the respondent was found stealing the electricity through the use of an extra phase and the connected load was also noticed as 8.015 kW. Therefore a detection bill of Rs.54,669/- for 3,445 units for the period 04.09.2014 to 05.03.2015 (6 months) was charged to the respondent by K-Electric in May 2015 on the basis of connected load, which was assailed by the respondent before Provincial Office of

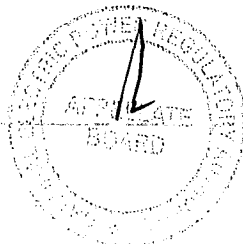




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Inspection, Karachi Region-I, Karachi (hereinafter referred to as POI) vide an application dated 21.05.2015. POI disposed of the matter vide its decision dated 08.08.2017, wherein the detection bill of Rs.54,669/- for 3,445 units for the period 04.09.2014 to 05.03.2015 was cancelled.

2. This appeal has been filed against the afore-referred decision (hereinafter referred to as the impugned decision) by K-Electric under Section 38 (3) of the NEPRA Act, 1997. In its appeal, it is inter alia, contended by K-Electric that being a case of theft of electricity, POI was not empowered to decide the instant matter. K-Electric further contended that during the inspection of the premises on 07.04.2015, the connected load was found much higher than the sanctioned load and actual consumption was not recorded due to illegal means used by the respondent. K-Electric prayed that the detection bill of Rs.54,669/- for 3,445 units for the period 04.09.2014 to 05.03.2015 charged to the respondent due to the illegal abstraction of electricity is legal, justified and the respondent is liable to pay the same.
3. The respondent was issued a notice for filing reply/parawise comments to the above appeal, which were filed on 12.07.2017. In her reply, the respondent refuted the allegation of theft of electricity levelled by K-Electric and submitted that neither any notice was served nor she was associated during the inspection, therefore raising the detection bill of Rs.54,669/- for 3,445 units for the period 04.09.2014 to 05.03.2015 is inconsistent with the provisions of Consumer Service Manual (CSM) and not payable. After issuing notice to both the parties, the hearing was held in Karachi on 30.12.2017





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in which Ms. Tatheera Fatima Deputy General Manager (Distribution Legal) along with her team represented the appellant K-Electric and Syed Zahcer Alam along with Mr. Hameed Alam appeared for the respondent. The representative of K-Electric repeated the same arguments as earlier taken in memo of the appeal and contended that site of the respondent was checked by K-Electric on 07.04.2015 and the respondent was found abstracting the electricity dishonestly and the connected load was much higher than the sanctioned load. According to K-Electric, the detection bill amounting to Rs.54,669/- for 3,445 units for the period 04.09.2014 to 05.03.2015 was charged to the respondent due to theft of electricity by the respondent. According to K-Electric, consumption of the respondent during the disputed period in comparison with the consumption of undisputed periods was low, which establishes that the respondent was using unfair means. K-Electric pleaded that the impugned decision is unjustified and liable to be set aside. On the contrary, the representatives for the respondent contended that the aforesaid detection bill was initially agitated by the respondent before K-Electric but there was no response. The representatives for the respondent averred that no prior notice was served upon the respondent before the inspection nor the provisions of CSM were followed, therefore there is no justification for such detection bill and the impugned decision is based on merit and should be maintained.

- i. We have heard arguments of both the parties and examined the record placed before us. As regards the preliminary objection of K-Electric regarding the jurisdiction of POI, it may be observed that the theft of electricity by the respondent is alleged by K-Electric but no FIR and other legal proceedings as





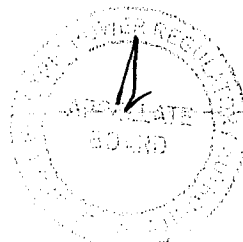
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required under law and CSM were initiated by K-Electric. Thus the objection of K-Electric in this regard is not sustainable. As regards merits of the case, a detection bill amounting to Rs.54,669/- for 3,445 units for the period 04.09.2014 to 05.03.2015 (October 2014 to March 2015) was charged to the respondent on connected load basis, which was assailed by the respondent before POI on 21.05.2015. The comparison of the consumption during the disputed period is as under:-

Period	Normal Mode Average Units/Month	Detection Mode Average Units/Month
Corresponding period before dispute October 2013 to March 2014	430	-
Disputed period October 2014 to March 2015	437	1,101
Corresponding period after dispute October 2015 to March 2016	287	-

Above table exhibits that the average normal consumption recorded during the disputed period is higher than the normal average consumption of corresponding undisputed periods before and after dispute, hence there is no justification to further charge the detection bill @ 1,101 units/month during the disputed period. We are inclined to agree with the determination of POI that the detection bill amounting to Rs.54,669/- for 3,445 units for the period 04.09.2014 to 05.03.2015 charged to the respondent is unjustified, therefore should be cancelled.

4. In consideration of what has been stated above, we have reached to the conclusion that the impugned order is based upon facts and law and no illegality or irregularity in





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the impugned decision has been pointed out, therefore, the impugned decision is upheld and the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 17.01.2018

