



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

NEPRA Office, Atta Turk Avenue (East), G5/1, Islamabad  
Tel. No. +92 051 2013200 Fax No. +92 051 2600030  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/AB/Appeal-129/POI-2018/ 698-702

March 29, 2019

1. Mouqem Raza  
S/o. Munshi Raza,  
House No. 53/B, Sector 3-B,  
Landhi Colony, 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-I,  
Block No. 51, Pak Secretariat,  
Shahra-e-Iraq, Saddar,  
Karachi

Subject: Appeal Titled K-Electric Vs. Mouqem Raza Against the Decision Dated 15.05.2018 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 28.03.2019, regarding the subject matter, for information and necessary action accordingly.

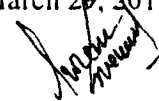
Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-129/POI-2018/ 703

March 29, 2019

Forwarded for information please.

  
Assistant Director  
Appellate Board

✓ 1. Registrar



**National Electric Power Regulatory Authority**

**Before Appellate Board**

In the matter of

**Appeal No. 129/2018**

K-Electric Ltd

.....Appellant

Versus

Mouqem Raza, S/o. Munshi Raza, House No. 53/B,  
Sector -3B, Landhi Colony, Karachi

..... Respondent

**APPEAL UNDER SECTION 38 (03) OF REGULATION OF GENERATION,  
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997  
AGAINST THE DECISION DATED 15.05.2018 PASSED BY PROVINCIAL  
OFFICE OF INSPECTION KARACHI REGION-I KARACHI.**

For the appellant:

Mr. Muhammad Riaz Deputy Manager  
Ms. Tatheera Fatima Deputy General Manager (Legal Distribution)  
Mr. Asif Shajar Deputy Manager  
Mr. Imran Hanif Deputy Manager

For the respondent:

Mr. Mouqem Raza  
Malik Allah Yar

**DECISION**

1. Through this decision, an appeal filed by K-Electric against the decision dated 15.05.2018 of Provincial Office of Inspection, Karachi Region-I, Karachi (hereinafter referred to as POI) is being disposed of.
2. Brief facts of the case are that respondent is a domestic consumer of K-Electric



## National Electric Power Regulatory Authority

bearing Ref. No. LA-400074 with a sanctioned load of 1kW under A1-R tariff. The site inspection was carried out by K-Electric on 31.05.2016 and allegedly the respondent was found involved in dishonest abstraction of electricity through an extra phase, total connected load was found as 5.358 kW against the sanctioned load 1 kW , therefore, a detection bill of Rs. 31,370/- for 1632 units for December 2015 to May 2016 i.e. 6 months was charged to the respondent in June 2016 on the basis of connected load. The site of the respondent was again checked by K-Electric on 21.09.2017 and reportedly the respondent was found using electricity through direct connection with 7.00 kW connected load. A detection bill of Rs. 70,199/- for 2509 units for the period from April 2017 to September 2017 i.e. 6 months was charged to the respondent in November 2017 on the basis of connected load. However no payment against the said detection bills was made by the respondent. Being aggrieved the respondent filed a complaint before POI on 21.11.2017 and challenged the 2nd detection bill of Rs. 70,198/- charged in November 2017, and previous paid bills of Rs. 31,370/- charged in June 2016 & bill of Rs. 20,304/- charged in May 2017. The complaint was decided by POI vide its decision dated 15.05.2018 with the following conclusion:

*"After conducting several numbers 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 & Regulations and above findings, this authority is of the*



## National Electric Power Regulatory Authority

*firm view that the two detection bills, amounting to Rs. 31,370/- of 1632 units for the period from 04.11.2015 to 05.05.2016 is paying by complainant in installment and 2nd detection bill amounting to Rs. 70,199/- of 2509 units for the period from 05.03.2017 to 06.09.2017, is hereby cancelled and revised up to ne billing cycle.*

- ❖ *The opponent is also directed to cancel the DET/assessed bill for the month of November 2017 and the same be issued on actual meter reading.*
- ❖ *It is further directed the opponents to waive if any all late payment surcharges and disconnection/ reconnection charges during the pendency of the complaint.*
- *The opponents are directed to act in term of above instructions, accordingly.*
- *The complaint of the applicant is disposed off with above remarks.*

3. Being dissatisfied with the POI decision dated 15.05.2018 (hereinafter referred to as impugned decision), K-Electric has filed the instant appeal wherein it is contended inter-alia that during both site visit inspections, the respondent was found using electricity illegally by means of direct hook connection. As per K-Electric the detection bills of Rs. 31,370/- for 1632 units for December 2015 to May 2016 i.e. 6 months charged in June 2016 and Rs. 70,199/- for 2509 units for the period from April 2017 to September 2017 i.e. 6 months charged in November 2017 were issued for electricity theft after fulfilling all the codal formalities; that the detection bills raised are justified and payable by the respondent; and that being a case of theft of electricity; POI has no jurisdiction as per the decision of apex court.



## National Electric Power Regulatory Authority

Notice of the appeal was issued to the respondent for filing reply/parawise comments, which were filed on 30.01.2019. In his reply, the respondent denied the allegation of theft of electricity and stated that solar system is installed on the premises of the respondent and some load was shifted to the solar system which was also checked by K-Electric staff during their visit. The respondent admitted that payment of the second detection bill (i.e. Rs. 70,199/-) was not made by him as the same was unjustified.

6. After issuing notices to both the parties, the hearing of the appeal was conducted in NEPRA's regional office at Karachi on 26.02.2019, in which both the parties participated. The learned counsel for K-Electric reiterated the arguments as earlier given in memo of the appeal and contended that the premises of the respondent was inspected by KE twice and on both occasions he was found stealing electricity through an extra phase/kunda, hence two detection bills of Rs. 31,370/- and 70,199/- were charged to the respondent on the basis of the connected load. K-Electric mentioned that the above detection bills were debited to the respondent due to theft of electricity, which are legal and payable by the respondent. As per K-Electric cancellation of the above bills by POI is not justified and prayed that impugned decision may be declared null and void. Conversely, the respondent repudiated the allegation of theft of electricity through the extra phase and averred that the detection bill of Rs. 70,199/- for 2509 units charged for the period April 2017 to



## National Electric Power Regulatory Authority

September 2017 and previous paid bill of Rs. 31,370/- charged in June 2016 & bill of Rs. 20,304/- charged in May 2017 are not justified and liable to be withdrawn.

7. Arguments heard and record placed was examined. It has been observed as under:-
- i. Preliminary objection of K-Electric regarding jurisdiction of POI being theft case is not valid as no legal and departmental procedure was followed to prove theft against the respondent. Obviously it is a metering and billing dispute and falls under the jurisdiction of POI.
  - ii. Complaint was filed before POI on 21.11.2017 regarding supplementary/average /arrears bill of Rs. 70,199/- charged in November 2017 and previous paid bills of Rs. 51,676/= which included the bill of Rs. 31,370 charged in June 2016 and bill of Rs. 20,304/- charged in May 2017. Charging of the bill of Rs. 31,370/- charged in June 2016 was admitted by K-Electric, but K-Electric did not mention charging of Rs. 20,304/- in May 2017. However this bill is the part of the second detection bill of Rs. 70,199/- for 2509 units charged for the period April 2017 to September 2017, hence no separate determination is needed for the same as done by POI.
  - iii. Pursuant to chapter 9 of the Consumer Service Manual, maximum bill chargeable to the respondent would not be more than three months in each case being a domestic consumer as no approval of Chief Executive Officer was sought for extending the detection period up to six months. Hence both the detection bills each charged for



## National Electric Power Regulatory Authority

six month are violative of Consumer Service Manual (CSM). The comparison of the electricity consumption between the disputed and undisputed period as per consumption data provided by K-Electric is as under :

### First detection bill:

- Consumption during the disputed period i.e. March 2016 to May 2016 = 788 units
- Consumption during the undisputed period for the same months of the previous year i.e. March 2015 to May 2015 = 905 unit
- Net detection bill to be charged =  $905 - 788 = 117$  units

### Second detection bill:

- Consumption during the disputed period i.e. July 2017-September 2017 = 797 units
- Consumption during the undisputed period for the same months of the previous year i.e. July 2016-September 2016 = 1109 unit
- Net detection bill to be charged =  $1109 - 797 = 312$  unit

The respondent is liable to pay first detection bill for 117 units and second detection bill for 312 units. The impugned decision is liable to be modified to this extent.

7. Upshot of above discussion is as under:

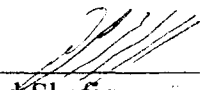
- i. The decision of POI regarding cancellation of detection bills of Rs. 30,370/- for 1632 units for the period December 2015 to May 2016 and detection bill of Rs. 70,199/- for 2509 units for the period April 2017 to September 2017 is upheld.




## National Electric Power Regulatory Authority

- ii. K-Electric may charge first detection bill of 117 units for the period March 2016-May 2016 & second detection bill of 312 units for the period July 2017-September 2017.

7. The appeal is modified of in the above terms.

  
\_\_\_\_\_  
Muhammad Shafique  
Member

  
\_\_\_\_\_  
Nadir Ali Khoso  
Convener

Dated: 28.03.2019