



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

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No. NEPRA/AB/Appeal-130/POI-2018/740-744

April 02, 2019

1. Abdul Hameed
Plot No. A-98, Sector-11-A,
North Karachi, 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. Abdul Hameed Against the Decision Dated 17.05.2018 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 02.04.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-130/POI-2018/745

Forwarded for information please.

1. Registrar

(Ikram Shakeel)

April 02, 2019

Assistant Director
Appellate Board



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 130/2018

K-Electric Limited

.....Appellant

Versus

Abdul Hameed, Plot No.A-798, Sector 11-A, North Karachi, Karachi Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 17.05.2018 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. Haresh Kumar Manager

Mr. Imran Hanif Deputy Manager

For the respondent:

Mr. Abdul Hameed

DECISION

1. Brief facts of the case are that the respondent is a domestic consumer of K-Electric bearing Ref No.AL-658053 having a sanctioned load of 1 kW under the A-1R tariff. Premises of the respondent was inspected by K-Electric on 11.09.2017 and allegedly the theft of electricity was observed through tampering the meter (shunt installed inside the meter) and the connected load was noticed as 15.352 kW including the load of three ACs being much higher than the sanctioned load. After issuing notice dated 11.09.2017, the respondent was served a detection bill amounting to Rs.297,096/- for 13,469 units for the period April 2017 to September 2017 (6 months) by K-Electric on the basis of connected load and added in the bill for October 2017, which was challenged by the



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respondent before the Provincial Office of Inspection (POI) on 17.10.2017. The disputed meter of the respondent was replaced with a new meter by K-Electric on 16.12.2017. Premises of the respondent was jointly checked by POI on 03.04.2018 and reportedly, a single phase meter was installed at the ground floor of premises and the connected load was noticed as 4.914 kW, which contradicts the inspection dated 11.09.2017 of K-Electric and another meter was also found installed to supply electric power to the first floor of the premises. The complaint of the respondent was decided by POI vide its decision dated 17.05.2018, wherein the detection bill of Rs.297,096/- for 13,469 units for the period April 2017 to September 2017 and the assessed bill for December 2017 were cancelled and K-Electric was directed to charge the electricity bill for December 2017 on the basis of actual meter reading.

2. Through the instant appeal, the POI decision dated 17.05.2018 (hereinafter referred to as the impugned decision) has been assailed by K-Electric, wherein it is contended that the premises was inspected by K-Electric on 11.09.2017 and theft of electricity was noticed through tampering the meter (shunt installed inside the meter) that the entire load of the premises noticed as 19.9 Ampere was running on the tampered meter; that the detection bill of Rs.297,096/- for 13,469 units for the period April 2017 to September 2017 was charged to the respondent to recover the revenue loss sustained due to theft of electricity; that FIR was not registered against the respondent as he agreed to pay the above detection bill; that the tampered meter was already replaced, hence no need of joint inspection conducted by POI; that POI wrongly decided the undisputed assessed bill for December 2017; and that the impugned decision be set



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aside.

3. Notice for filing reply/para-wise comments to the appeal was served to the respondent, which were filed on 31.01.2019. The respondent rebutted the version of K-Electric regarding charging the detection bill of Rs.297,096/- for 13,469 units for the period April 2017 to September 2017, denied the allegation of theft of electricity and contended that no prior notice was served to him, the connected load mentioned as 15.352 kW on the site inspection report (SIR) was agitated before POI, which during joint inspection dated 03.04.2018 of POI was observed as 4.914 kW. As per respondent, the grounds of K-Electric in the appeal are unfounded and he prayed for dismissal of the appeal.
4. Hearing of the appeal was conducted in Karachi on 26.02.2019 in which Ms. Tatheera Fatima Deputy General Manager along with other officials represented K-Electric and the respondent appeared in person. The representative for K-Electric contended that the respondent was found stealing electricity through tampering the meter during inspection dated 11.09.2017, hence to recover the revenue loss, the detection bill of Rs.297,096/- for 13,469 units for the period April 2017 to September 2017 was charged to the respondent. K-Electric averred that the load of another meter installed on the same premises was shifted on the tampered meter which resulted in the decrease in consumption of both the meters and may be confirmed through the examination of combined consumption of both the meters. Conversely, the respondent opposed the stance of K-Electric regarding the allegation of theft and contended that neither prior notice was served nor the alleged inspection was conducted in his presence and POI has



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rightly declared the above detection bill as null and void. The respondent supported the impugned decision and prayed for its maintainability.

5. Arguments heard and the record was perused. The respondent disputed the detection bill of Rs.297,096/- for 13,469 units for the period April 2017 to September 2017 before POI. K-Electric alleged that the above detection bill was charged as the respondent was stealing the electricity through shifting a load of another meter on the tampered meter. To verify the above allegation, a comparison of the consumption of both the meters is done below:

Year	Corresponding period of the year 2016		Disputed period of the year 2017		Corresponding period of the year 2018	
	Units charged on undisputed meter	Units charged on disputed meter	Units charged on undisputed meter	Units charged on disputed meter	Units charged on undisputed meter	Units charged on disputed meter
April	204	209	186	250	491	382
May	545	382	237	498	682	460
June	2,454	0	430	666	655	485
July	525	345	807	480	687	558
August	164	275	517	466	657	530
September	204	264	519	432	581	434
Total	4,096	1,475	2,696	2,792	3,753	2,849
Average units of both the meters	$= (4,096+1,475)/6 \text{ months} = 929$		$= (2,696+2,792)/6 \text{ months} = 915$		$= (3,753+2,849)/6 \text{ months} = 1,100$	
Detection units/month	-		2,710		-	

From the above table, it emerges that detection units charged @ 2,710 units/month during the disputed period i.e. April 2017 to September 2017 are much higher than the normal average consumption of corresponding periods prior and after the dispute. Besides, the above detection bill was charged for six months to the respondent by



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K-Electric in violation of clause 9.1c (3) of CSM. Therefore the detection bill of Rs.297,096/- for 13,469 units for the period April 2017 to September 2017 charged to the respondent by K-Electric is liable to be declared null and void being inconsistent with the ibid clause of CSM. The respondent could be charged the detection bill for three months only i.e. July 2017 to September 2017 in pursuance of clause 9.1c(3) of CSM, if justified. As the normal average consumption of both the meters recorded during the disputed period is even lesser than the normal average consumption of corresponding periods before and after the dispute, therefore, it would be judicious to charge the detection bill @ 1,100 units/month for the disputed period July 2017 to September 2017 as recorded during the corresponding period after the dispute.

As regards the assessed bill for December 2017, it was not challenged before POI by the respondent. Hence we are inclined to agree with the contention of K-Electric that the impugned decision for cancellation of the assessed bill for December 2017 and revision of the same as per actual meter reading is unjustified, beyond the prayer of the respondent and liable to be withdrawn to this extent.

6. Forgoing into consideration, we have reached the conclusion that:

- i. The detection bill of Rs.297,096/- for 13,469 units for the period April 2017 to September 2017 is null & void.
- ii. The respondent is obligated to pay the detection bill @ 1,100 units/month for the disputed period July 2017 to September 2017, however, the units already charged during the said period need to be adjusted.




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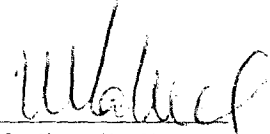
iii. The impugned decision for cancellation of the assessed bill for December 2017 and revision of the same as per actual meter reading is declared null and void to this extent.

iv. The revised bill may be issued to the respondent after adjustment of payments made (if any) against the above bills.

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



Muhammad Shafique
Member



Nadir Ali Khoso
Convener

Dated: 02.04.2019