



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

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No. NEPRA/AB/Appeal-134/POI-2018/ 755-759

April 05, 2019

1. Muhammad Sabir Hussain
S/o. Muhammad Rafique Khan
Plot No. KESC Survey No. 704,
KMC Plot No. 350, Block-G,
Sector-14, Aurangi Town, 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. Muhammad Sabir Hussain 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-134/POI-2018/ 760

Forwarded for information please.

(Ikram Shakeel)

April 05, 2019

Assistant Director
Appellate Board

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1. Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No.134/POI-2018

K-Electric Limited

.....Appellant

Versus

Muhammad Sabir Hussain, S/o Muhammad Rafique Khan,
Plot No. KESC Survey No.704, KMC Plot No.350, Block-G,
Sector-14, Aurangi Town, 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. Imran Hanif Deputy Manager

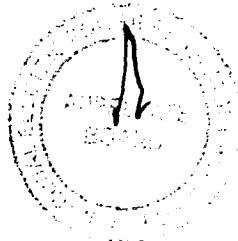
For the respondent:

Nemo

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. The respondent received the bill of Rs.194,441/- in November 2017, which included the detection bill amounting to Rs.167,695/- for 7,491 units for the period 22.03.2017 to 29.09.2017 (6 months), which was challenged by him before the Provincial Office of Inspection (POI) vide an application dated 13.12.2017. The complaint of the respondent was decided by POI vide its decision dated 17.05.2018 with the following conclusion:

“After conducting number of hearings, giving fair opportunities to hear both parties,

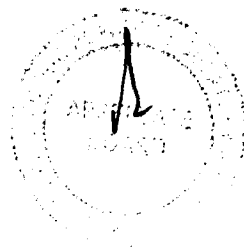




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scrutinizing the record made available with this authority and in the light of firm view that assessed billing of (last 3 years) for the period from December 2014 to date (As per Article 52 of Limitation Act 1908) is hereby canceled and the opponents directed to revise the same on actual meter reading basis. The detection bill amounting to Rs.167,695/- of 7,491 units for the period from 22.03.2017 to 29.09.2017 has no legal and technical ground, hence to be canceled. The opponents are directed to act in terms of the above instructions, accordingly. The complaint of the applicant is disposed of with above remarks."

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 respondent impugned the bill of November 2017 before POI, which contained (i) the detection bill of Rs.167,695/- for 7,491 units for the period 22.03.2017 to 29.09.2017 and (ii) the assessed bill of Rs.26,789/- for November 2017 but POI wrongly canceled the assessed bills of the last three years, which is beyond the prayer of the respondent. As per K-Electric, the grievance of the respondent regarding the above detection bill was redressed and POI was informed that the dispute of above detection bill stood resolved but the impugned decision was rendered without consideration of K-Electric's stance. K-Electric objected the sustainability of the impugned decision on the ground that POI is not empowered to decide the cases of theft of electricity, wherein the meter was bypassed.
3. Notice for filing reply/para-wise comments to the appeal was served to the respondent, which were filed on 22.02.2019. The respondent raised the preliminary objection and contended that the appeal be dismissed being time-barred. The respondent rebutted the

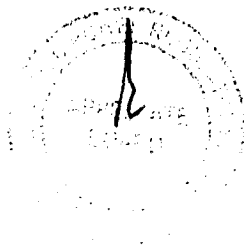




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version of K-Electric regarding charging the detection bill of 167,695/- for 7,491 units for the period 22.03.2017 to 29.09.2017 in October 2017 and contended that the bill of October 2017 amounting Rs.5,499/- for 395 units as per meter reading was payable but K-Electric malafidely charged the afore-referred detection bill without any justification. As per respondent, the electricity bills charged till September 2017 were charged as per meter reading and he made payment of the electricity bills regularly. The respondent prayed for dismissal of the appeal and for correction of bills till to date as per consumption of electricity.

4. Hearing of the appeal was conducted in Karachi on 29.03.2019 in which Ms. Tatheera Fatima Deputy General Manager along with other officials represented K-Electric and no one appeared for the respondent. The representative for K-Electric contended that the respondent assailed only the detection bill of 167,695/- for 7,491 units for the period 22.03.2017 to 29.09.2017 but POI wrongly canceled the assessed bills of last three years and directed to revise the same as per meter reading despite the fact that meter reading remained static during the months of assessed billing. As per K-Electric, the above detection bill is justified as low consumption was recorded during the detection period and the respondent is responsible to pay the same.
5. Arguments heard and record perused. Theft of electricity was alleged by K-Electric but neither legal proceedings were initiated against the respondent nor was Consumer Service Manual (CSM) followed. Hence objection of K-Electric regarding the jurisdiction of POI is not valid and overruled. It is a metering and billing dispute and POI





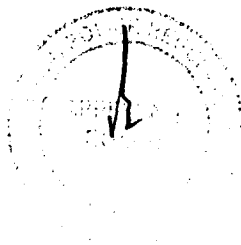
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has the jurisdiction to adjudicate the same. There is no force in the objection of respondent regarding the limitation as the copy of impugned decision dated 17.05.2018 was obtained by K-Electric on 23.05.2018 and the appeal against the same was filed before NEPRA on 19.06.2018 within the stipulated time period as envisaged in Section 38 (3) of NEPRA Act, 1997.

The respondent filed an application dated 13.12.2017 before POI and challenged the bill of Rs.194,441/- for November 2017, which included the detection bill of 167,695/- for 7,491 units for the period 22.03.2017 to 29.09.2017 charged in October 2017. Prayer of the respondent is reproduced below for the sake of convenience:

- i. To set aside the detection bill for October 2017 and direct K-Electric to issue correct bill as per meter reading.
- ii. To set aside the assessed bill for November 2017, and direct K-Electric to issue bill as per meter reading.
- iii. To restrain K-Electric from disconnection of his electric supply till the disposal of the case.
- iv. To direct K-Electric to issue the future bills as per meter reading and to replace the meter, if faulty.

As far as the detection bill of 167,695/- for 7,491 units for the period 22.03.2017 to 29.09.2017 (6 months) is concerned, K-Electric failed to follow the provisions of chapter 9 of CSM and charged the above detection bill beyond three billing cycles without soliciting the approval from Chief Executive Officer K-Electric. In addition, K-Electric did not produce any document i.e. SIR, detection proforma, prior notice, etc. to substantiate its stance regarding charging the above detection bill. Hence we are in





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agreement with the findings of POI that the detection bill of 167,695/- for 7,491 units for the period 22.03.2017 to 29.09.2017 is unjustified and liable to be canceled. Pursuant to clause 9.1c (3) of CSM, the respondent is liable to be charged for three months i.e. July 2017 to September 2017, if justified. Since the billing during the corresponding period before the dispute i.e. July 2016 to September 2016 was done in assessed mode and could not be made the basis for the assessment, so the comparison of the consumption between the disputed and corresponding period after the dispute is given as under:

Period	Average Units / Month
Disputed period July 2017 to September 2017	1,263
Corresponding period after the dispute July 2018 to September 2018	1,276

As evident above, actual consumption was not recorded during the disputed period i.e. July 2017 to September 2017, hence the respondent is liable to be charged the detection bill @ 1,276 units/month for the disputed period i.e. July 2017 to September 2017.

It is perceived that the respondent only challenged the assessed bill for November 2017 before POI, hence the impugned decision for cancellation of assessed bills for last three years and revision of the same as per meter is incorrect, beyond the prayer of the respondent and liable to be withdrawn to this extent. However, the assessed bill of 1,329 units for November 2017 is much higher as compared to the consumption of the corresponding month of the succeeding year i.e. November 2018. Hence the assessed bill for November 2017 is liable to be revised for 903 units as recorded in November 2018.





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6. Forgoing into consideration, we have reached the conclusion that:
- i. The detection bill of 167,695/- for 7,491 units for the period 22.03.2017 to 29.09.2017 is null & void as already concluded by POI.
 - ii. The respondent is obligated to pay the detection bill @ 1,276 units/month for the disputed period July 2017 to September 2017, however, the units already charged during the said period need to be adjusted.
 - iii. The impugned decision for cancellation of the assessed bills for the last three years and revision of the same as per actual meter reading is set aside to this extent. The assessed bill for 1,329 units for November 2017 is canceled and the same may be revised for 903 units.
 - 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 Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 02.04.2019

