



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

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No. NEPRA/AB/Appeal-138/POI-2018/ 761-765

April 05, 2019

1. Muhammad Aslam
House No. R-428,
Rafi Bungalows/Rafi Garden,
Malir City, Jamia Millia Road,
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. Muhammad Aslam Against the Decision Dated 25.05.2018 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 02.04.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

April 05, 2019

Assistant Director
Appellate Board

1. Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 138/2018

K-Electric Limited

.....Appellant

Versus

Muhammad Aslam, House No.R-428, Rafi Bungalows/
Rafi Garden, Malir City, Jama Millia Road, Karachi-

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 25.05.2018 PASSED BY PROVINCIAL
OFFICE OF INSPECTION KARACHI REGION-II, KARACHI**

For the appellant:

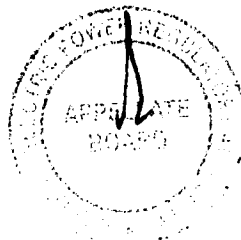
Ms. Tatheera Fatima Deputy General Manager (Local Distribution)
Mr. Imran Hanif Deputy Manager

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. LA-230371 with a sanctioned load of 1 kW under A1-R tariff. Premises of the respondent was inspected by K-Electric time and again and allegedly the respondent was found stealing electricity through proscribed means (hook connection, through the installation of shunt inside the meter) and the connected load was observed much above the sanctioned load. Hence four detection bills were successively charged by K-Electric to the respondent due to the theft of electricity, which are detailed below:



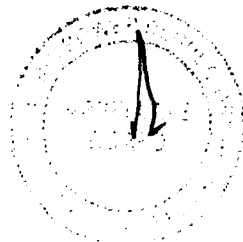


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SIR dated	Type of Bill	Period	Units charged	Amount (Rs.)
16.04.2016	First detection bill	18.09.2015 to 18.03.2016 (6 months)	1,646	32,548/-
29.02.2016	Second detection bill	19.03.2016 to 19.07.2016 (4 months)	2,145	52,624/-
06.10.2016	Third detection bill	20.07.2016 to 20.09.2016 (2 months)	2,170	46,479/-
11.04.2017	Fourth detection bill	21.09.2016 to 20.03.2017 (6 months)	4,228	64,708/-

2. Being aggrieved with the aforesaid detection bills, the respondent filed an application before the Provincial Office of Inspection, Karachi Region-II, Karachi (hereinafter referred to as POI) on 24.01.2018 and challenged the bill amounting to Rs.422,148/- for December 2017. POI disposed of the matter vide its decision dated 25.05.2018 in which all the above four detection bills along with late payment surcharges (LPS) and connection/disconnection charges were canceled and K-Electric was directed to charge the detection bill for two months only.

3. K-Electric has filed the instant appeal against the POI decision dated 25.05.2018 (impugned decision) before NEPRA. In its appeal, K-Electric contended that the premises of the respondent was inspected by K-Electric on 16.04.2016, 16.08.2016, 06.10.2016 and 11.04.2017 and on all the occasions, the respondent was found consuming electricity through unfair means and the connected load was noticed much higher than the sanctioned load. As per contention of K-Electric, all the four detection bills i.e. first detection bill of Rs.32,548/-, second detection bill of Rs.52,624/-, third detection bill of Rs.46,479/- and fourth detection bill of Rs.64,708/- were charged to the





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respondent in line with procedure laid down in Consumer Service Manual (CSM), whereas POI misinterpreted the provisions of CSM and curtailed the period of detection bills from 18 months to two months only without any cogent reasons. As per K-Electric, FIR could not be lodged against the respondent as he admitted theft of electricity and was ready to pay the aforesaid detection bills. K-Electric opposed the findings of POI and contended that prior notices as required under clause 14.1 of CSM were served to the respondent and the inspections of premises were conducted in the presence of the respondent's family members. K-Electric pointed out that the consumption trend and load in use indicate that theft of electricity was committed on the premises. K-Electric further submitted that it was a case of theft of electricity through bypassing the meter, therefore POI was not empowered to decide the instant matter.

4. The respondent was issued the notice for filing reply/para-wise comments to the appeal, which however were not filed.
5. After issuing the notice to both the parties, hearing of the appeal was held in Karachi on 29.03.2019 wherein Ms. Tatheera Fatima Deputy General Manager (Distribution Legal) along with other officials appeared for the appellant K-Electric but the respondent did not attend the hearing. Learned representative of K-Electric reiterated the same arguments as contained in memo of the appeal and argued that all the four detection bills i.e. first detection bill of Rs.32,548/-, second detection bill of Rs.52,624/-, third detection bill of Rs.46,479/- and fourth detection bill of Rs.64,708/- are justified and the respondent is responsible to pay the same. K-Electric opposed the impugned to the extent





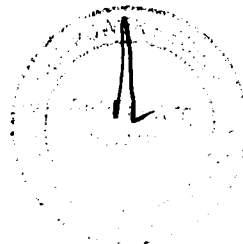
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of revision of the detection period from 18 months to 2 months and prayed for revision of all the four detection bills each for a period of two months.

6. Arguments of both the parties heard and the record placed before us was examined. K-Electric raised the preliminary objection against the jurisdiction of POI being theft of electricity case but failed to follow the procedure of CSM and did not take any legal action against the respondent on account of theft of electricity. Obviously, it is a metering and billing dispute and falls in the jurisdiction of POI. The objection of K-Electric in this regard is devoid of force, therefore rejected. Following detection bills were charged to the respondent by K-Electric:

Type of Bill	Period	Units charged	Amount (Rs.)
First detection bill	18.09.2015 to 18.03.2016 (6 months)	1,646	32,548/-
Second detection bill	19.03.2016 to 19.07.2016 (4 months)	2,145	52,624/-
Third detection bill	20.07.2016 to 20.09.2016 (2 months)	2,170	46,479/-
Fourth detection bill	21.09.2016 to 20.03.2017 (6 months)	4,228	64,708/-

As evident above, the respondent was charged consecutively for a period of eighteen months i.e. 18.03.2015 to 20.03.2017 by K-Electric in detection mode, whereas Chapter 9 of the Consumer Service Manual (CSM) allows DISCOs to charge the detection bill to a general supply consumer maximum for six months. However, in the instant case, K-Electric neither sought approval from CEO K-Electric for charging the detection bill up-to six months nor initiated any legal action against the respondent due to

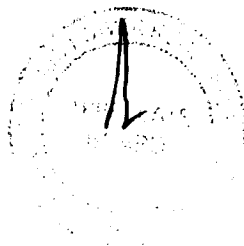




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the dishonest abstraction of electricity. Besides, K-Electric even failed to disconnect the electric supply of the respondent despite its allegation that the respondent was busy in consuming electricity through illegal means. Under these circumstances, we are of the view that first detection bill of Rs.32,548/- for 1,646 units for the period 18.09.2015 to 18.03.2016(6 months), second detection bill of Rs.52,624/- for 2,145 units for the period 19.03.2016 to 19.07.2016 (4 months), third detection bill of Rs.46,479/- for 2,170 units for the period 20.07.2016 to 20.09.2016 (2 months) and fourth detection bill of Rs.64,708/-for 4,228 units for the period 21.09.2016 to 20.03.2017 (6 months) are unjustified and liable to be set aside as already determined in the impugned decision. However, the respondent is responsible to pay the detection bill for three months i.e. January 2017 to March 2017 in pursuance of clause 9.1c(3) of CSM and the detection units to be charged @ 889 units/month for the said period as calculated by K-Electric in fourth detection bill. The impugned decision for charging the detection bill for two months is inconsistent with the foregoing clause of CSM and declared null and void to this extent.

7. Upshot of the above discussion is that the first detection bill of Rs.32,548/- for 1,646 units for the period 18.09.2015 to 18.03.2016 (6 months), second detection bill of Rs.52,624/- for 2,145 units for the period 19.03.2016 to 19.07.2016 (4 months), third detection bill of Rs.46,479/- for 2,170 units for the period 20.07.2016 to 20.09.2016 (2 months) and fourth detection bill of Rs.64,708/- for 4,228 units for the period 21.09.2016 to 20.03.2017 (6 months) are declared null and void. The respondent is obligated to pay the detection bill @ 889 units/month for three months





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only i.e. January 2017 to March 2017, however, the units already charged during the said months need to be adjusted. Billing account of the respondent should be revised by K-Electric after making an adjustment of payments made against the above detection bills.

8. The impugned decision is modified in the above terms.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 02.04.2019

