



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-146/POI-2018/ 777-781

April 09, 2019

1. Ali Imran  
S/o. Abdul Bari,  
Plot No. DV-38-A, Waheedabad,  
Bulbahar No. 2, Nazimabad,  
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. Ali Imran Against the Decision Dated 29.06.2018 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 05.04.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

No. NEPRA/AB/Appeal-146/POI-2018/ 782

Forwarded for information please.

(Ikram Shakeel)

April 09, 2019

Assistant Director  
Appellate Board

1. Registrar



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-146/POI-2018/ 777-781

April 09, 2019

1. Ali Imran  
S/o. Abdul Bari,  
Plot No. DV-38-A, Waheedabad,  
Bulbahar No. 2, Nazimabad,  
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. Ali Imran Against the Decision Dated 29.06.2018 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 05.04.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

No. NEPRA/AB/Appeal-146/POI-2018/ 782

Forwarded for information please.

(Ikram Shakeel)

April 09, 2019

Assistant Director  
Appellate Board

1. Registrar



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No.146/2018

K-Electric Ltd

..... Appellant

Versus

Ali Imran, S/o. Abdul Bari, Plot No. DV-38-A,  
Waheedabad, Gulbahar No.2, Nazimabad, Karachi

..... Respondent

**APPEAL UNDER SECTION 38 (03) OF REGULATION OF GENERATION,  
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997  
AGAINST THE DECISION DATED 29.06.2018 PASSED BY PROVINCIAL  
OFFICE OF INSPECTION KARACHI REGION-I, SADDAR, KARACHI.**

### For the appellant:

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

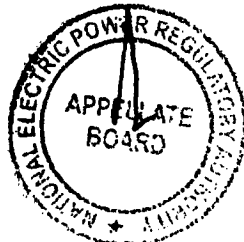
### For the respondent:

Nemo

## DECISION

1. Through this decision, an appeal filed by K-Electric against the decision dated 26.06.2018 of Provincial Office of Inspection/Electric Inspector, Karachi Region-I, Karachi (hereinafter referred to as POI) is being disposed of.
2. Brief facts of the case are that respondent is a commercial consumer of K-Electric bearing Ref. No. LA-921266 with a sanctioned load of 5 kW under A-2c tariff. The site inspection was carried out by K-Electric on 28.05.2016 and allegedly the respondent was found involved in dishonest abstraction of electricity through an

Page 1 of 4





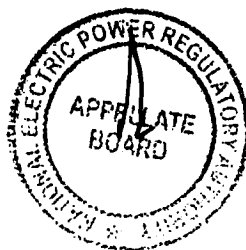
## National Electric Power Regulatory Authority

extra phase by puncturing incoming main three phase cable, total connected load was found as 11.129 kW against the sanctioned load of 5 kW therefore, a detection bill of Rs. 241,650/- for 8,984 units for 22.10.2015 to 20.04.2016 i.e. (6 months) was charged to the respondent in June 2016 on the basis of connected load. Being aggrieved the respondent filed a complaint before POI on 26.04.2018 and challenged the arrears of Rs. 321,604/- charged in February 2018. The complaint was decided by POI vide its decision dated 29.06.2018 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 firm view that the two detection bill, amounting to 241,650/- of 8984 units for the period from 22.10.2015 to 20.04.2016, has no legal and technical ground hence to be cancelled.*

- ❖ *The opponent is also directed to cancel the assessed bill for the month of January 2017 and revised on actual meter reading basis.*
- ❖ *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 29.06.2018 (hereinafter referred to as impugned decision), K-Electric has filed the instant appeal before NEPRA. In its appeal K-Electric inter-alia stated that during the site inspections, the respondent was found using electricity illegally by means of direct hook connection, that; a detection bill of Rs. 241,650/- for 8984 units for 22.10.2015 to 20.04.2016 (6 months) was issued for electricity theft after fulfilling all the codal formalities that; the detection bills raised are justified and payable by the respondent, that; being

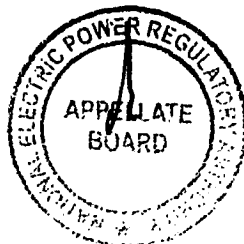




## National Electric Power Regulatory Authority

a case of theft of electricity, POI has no jurisdiction as per the decision of apex court, that; FIR was not lodged as the consumer agreed to pay the detection bill, that; the consumer illegally extended the load. K-Electric raised another preliminary objection and stated that the complaint was filed by Mr. Ali Imran and hearing was also attended by the same person before POI, but he could not prove his locus standi despite their objection as the registered consumer of K-Electric is Mst. Nuzhat Begum. As per K-Electric, the application of the respondent is not maintainable and entertainable before POI as per law and the impugned decision is liable to be set aside.

6. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which however were not filed.
7. Notice was issued to both the parties and the appeal was heard in Karachi on 29.03.2019. There was no representation for the respondent, whereas K-Electric was represented by Ms. Tatheera Fatima and other officials. The learned representative for K-Electric reiterated the same arguments as earlier given in memo of the appeal and raised the preliminary objections regarding the jurisdiction of POI being a theft of energy case through bypassing the meter and the complaint filed by an unauthorized person. K-Electric contended that the detection bill of Rs. 241,650/- charged to the consumer is justified and payable by the consumer.
8. Arguments heard and record placed was examined. It has been observed as under:-





## National Electric Power Regulatory Authority

- i. Preliminary objection of K-Electric regarding jurisdiction of POI being theft case is not valid as K-Electric neither followed the procedure for dishonest abstraction of electricity as laid down in Chapter 9 of Consumer Service Manual nor initiated any legal proceeding against the consumer. Evidently it is a metering and billing dispute and falls under the jurisdiction of POI.
- ii. As regards the other preliminary objection of K-Electric that the complainant was not a registered consumer hence has no locus standi to file a complaint before POI, it is admitted that the registered consumer of K-Electric is Mst. Nuzhat Begum but application was filed before POI by Mr. Ali Imran, the respondent. We are in agreement with the arguments of K-Electric that such objection was raised before POI but was neither entertained nor discussed by POI. Hence, we are of the view that the impugned decision is defective and liable to be set aside.

7. For the foregoing reasons, the impugned decision is set aside and the case is remanded back to the POI for a decision afresh after addressing the aforementioned issue.

  
\_\_\_\_\_  
Muhammad Qamar-uz-Zaman  
Member

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

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

Dated: 05.04.2019

