



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

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No. NEPRA/AB/Appeal-147/POI-2018/ 783-789

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

(Ikram Shakeel)

No. NEPRA/AB/Appeal-147/POI-2018/ 788

April 09, 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.147/2018

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:

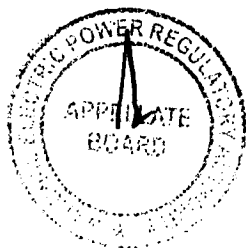
Ms. Tatheera Fatima Deputy General Manager (Legal Distribution)
Mr. Imran Hanif, Deputy Manager

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, 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 bearing Ref. No. AL-474307 with a sanctioned load of 1kW under A-1R tariff. The site inspection was carried out by K-Electric on 09.12.2017 and allegedly the respondent was found involved in dishonest abstraction of electricity through ABC





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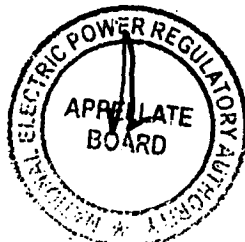
wire, total connected load was found as 6.882 kW against the sanctioned load 1kW. A detection bill of Rs. 52,918/- for 2405 units for 04.06.2017 to 05.12.2017 i.e. 6 months was charged to the respondent in December 2017 on the basis of connected load. Feeling aggrieved the respondent filed a complaint before POI on 26.04.2018 and challenged the arrears bill of Rs. 52,927/- charged on 26.12.2017. 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 parities, 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 bills, amounting to Rs. 52,918/- of 2405 units for the period from 04.06.2017 to 05.12.2017 has no legal and technical grounds hence to be cancelled..

➤ *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 detection bill of Rs. 52,918/- was issued on 26.12.2017 as the respondent was found stealing electricity during the site visit dated 09.12.2017, that; POI has no jurisdiction as theft was committed by by-passing the meter, that; FIR was not lodged as the consumer agreed to pay the detection bill,

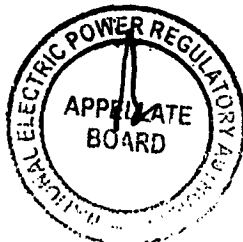




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that; the consumer illegally extended the load. K-electric raised another preliminary objection and stated that the complaint was filed by Mr. Ali Imran and hearing was also attended by the same person before POI, but he could not prove his locus standi because the registered consumer of K-Electric is Mr. Azimat Ullah, hence the application is not maintainable and entertainable as per law. According to K-Electric such objection was also raised before POI but not entertained. K- Electric prayed that the impugned decision of POI be set aside.

4. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which however were not submitted.
5. Notice was issued to both the parties and hearing of the appeal was conducted in Karachi on 29.03.2019 in which no one entered appearance for the respondent. The representatives for K-Electric raised the preliminary objection regarding the jurisdiction of POI as the theft was established through by -passing the meter. It is noted that 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 proceedings against the consumer. Obviously it is a billing and metering dispute and POI is competent to make the determination, hence objection of K-Electric in this regard is invalid and rejected. As regards other preliminary objection of K-Electric that the complainant is not a registered consumer hence has no locus standi to file a complaint before POI, it is observed that the registered





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consumer of K-Electric is Mr. Azimat Ullah 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 hold that the impugned decision is defective and liable to be set aside.

6. 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

