



Before the Appellate Board  
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/018/POI/2020/1048-152

October 28, 2020

1. Mrs. Hameeda Anees  
W/o. Muhammad Anees Khan,  
House No. R-839, Second Floor,  
Block-14, Dastagir, Federal B. Area,  
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/POI  
Karachi Region-I,  
Adjacent to City School, PAF Chapter,  
Baloch Colony, Shaheed-e-Millat Road,  
Karachi

Subject: **Appeal Titled K-Electric Vs. Mrs. Hameeda Anees Against the Decision Dated 28.10.2019 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 28.10.2020, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)  
Assistant Director  
Appellate Board

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



# National Electric Power Regulatory Authority

## Before Appellate Board National Electric Power Regulatory Authority, Islamabad

In the matter of

### Appeal No. 018/2020

K-Electric Limited

.....Appellant

Versus

Mrs. Hameeda Anees w/o Muhammad Anees Khan, House No.R-839,  
Second Floor, Block-14, Dastagir, Federal B. Area, Karachi

.....Respondent

### **APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 28.10.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION KARACHI REGION-II, KARACHI**

#### For the appellant:

Ms. Tatheera Fatima Deputy General Manager (Distribution-Legal)

Mr. Imran Hanif Manager

Mr. Kashif Kamran Deputy Manager

#### For the respondent:

Mrs. Hameeda Anees

### **DECISION**

1. Briefly speaking, the respondent is a domestic consumer of K-Electric bearing Ref No. AL-696862 with a sanctioned load of 1 kW under the A-1R tariff. As per site inspection report (SIR) dated 11.12.2018 of K-Electric, the respondent was found using kunda for theft of electricity and the connected load was observed as 8.428 kW which is much higher than the sanctioned load. After issuing notice dated 11.12.2018 to the respondent, a detection bill of Rs.159,271/- for 7,370 units for the period 08.06.2018 to 07.12.2018 (6 months) was charged to the respondent on the basis of the connected load.
2. Being dissatisfied, the respondent filed a complaint before the Provincial Office of Inspection (POI) and agitated the above detection bill. During the joint checking of



## National Electric Power Regulatory Authority

POI on 26.09.2019, billing meter of the respondent was found working within BSS limits and connected load of the second floor of the premises was observed as 2.305 kW. The complaint of the respondent was disposed of by POI vide decision dated 28.10.2019 wherein the detection bill of Rs.159,271/- for 7,370 units for the period 08.06.2018 to 07.12.2018 was declared unjustified and cancelled.

3. Through the instant appeal, K-Electric has assailed the above mentioned decision of POI (hereinafter referred to as the impugned decision) before NEPRA. In its appeal, K-Electric contended that premises of the respondent was inspected on 11.12.2018 and the respondent was found stealing electricity through hook connection, three families were living in the premises and the connected load was found higher than the sanctioned load, therefore the detection bill of Rs.159,271/- for 7,370 units for the period 08.06.2018 to 07.12.2018 was charged to the respondent to recover the loss sustained by K-Electric due to the theft of electricity. K-Electric opposed the impugned decision on the plea that during hearing POI decided to conduct the joint inspection of the premises of the respondent for analyzing the provision of Kunda but on the contrary in his letter dated 23.09.2019, directions were given by POI to ascertain the facts of the case including checking of metering equipment and verification of load. As per K-Electric, the respondent took advantage of prior intimation of joint inspection and the connected load was observed as 2.305 kW with no discrepancy. According to K-Electric, the respondent admitted theft of electricity and agreed for payment of the aforesaid detection bill, therefore FIR was not registered against him. K-Electric submitted that the consumption of the respondent does not reflect the actual load installed at the premises, which has been overlooked by POI.



## National Electric Power Regulatory Authority

K-Electric raised the objection regarding the jurisdiction of POI to adjudicate the case of theft of electricity by bypassing the meter and pleaded for setting aside the impugned decision.

4. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which were filed on 05.03.2020. In the reply, the respondent denied the allegation of theft of electricity levelled by K-Electric and contended that the site inspection was carried out in her absence. The respondent rebutted the stance of K-Electric regarding illegal extension of load and submitted that the exaggerated billing was done by K-Electric without adopting the due course of law and the present appeal is suffering by the infirmity of law, hence not maintainable under the law. The respondent finally prayed for dismissal of the appeal and for upholding the impugned decision.
5. Notice was issued and hearing of the appeal was conducted in NEPRA Regional Office Karachi on 13.10.2020, which was attended by both the parties. Representatives for K-Electric repeated the same arguments as contained in memo of the appeal and contended that the respondent was stealing electricity through hook connection, hence the detection bill of Rs.159,271/- for 7,370 units for the period 08.06.2018 to 07.12.2018 is justified and payable by the respondent. On the contrary, the respondent appearing in person refuted the allegation of theft of electricity and argued that the above detection bill is unjustified and not payable by the respondent. The respondent reiterated her stance as given in the reply/para-wise comments and prayed for maintainability of the impugned decision.
6. Arguments heard and the record placed before us was examined. It is observed as



## National Electric Power Regulatory Authority

under:

- i. K-Electric has raised the objection on the jurisdiction of POI. It is observed that theft of electricity was alleged by K-Electric but neither the legal proceedings were initiated against the respondent nor the provisions of CSM were followed. Hence objection of K-Electric in this regard is devoid of force and rejected.
- ii. The respondent disputed the detection bill of Rs.159,271/- for 7,370 units for the period 08.06.2018 to 07.12.2018 before POI. Charging the detection bill for six months i.e. 08.06.2018 to 07.12.2018 is violative of clause 9.1c (3) of CSM, which allows K-Electric to charge the detection bill to a general supply consumer i.e. A-I maximum for three billing cycles in the absence of approval of the Chief Executive Officer. Besides the above detection bill was charged on the basis of connected load i.e. 8.428 kW but neither it was regularized nor verified by POI. To ascertain the justification of the above detection bill, consumption data is examined below:

Period	Average units/month
Period before dispute: July 2017 to December 2017	140
Dispute period: July 2018 to December 2018	142
Period after dispute: May 2019 to October 2019	138

As evident from the above table, the average consumption of the respondent during the disputed period July 2018 to December 2018 is compatible with the undisputed average consumption of the years 2017 and 2019. Said comparison of consumption data negates the allegation of theft levelled by K-Electric to the respondent and there is no justification to charge any detection bill to the respondent on account



## National Electric Power Regulatory Authority

of theft of electricity. Under these circumstances, we are inclined to agree with the impugned decision for cancellation of the detection bill of Rs.159,271/- for 7,370 units for the period 08.06.2018 to 07.12.2018. The billing account of the respondent may be overhauled, accordingly.

7. Foregoing in view, the appeal is dismissed.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Dated: 28.10.2020