



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

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No. NEPRA/AB/Appeal/057/POI/2020/ 1037-1042


October 28, 2020

1. Shamim Khan
S/o. Ramzan Khan,
House No. 2-H, 13/9,
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. Iqbal Ahmed Qureshi
Advocate High Court,
Suit No. 4-A, First Floor,
Farid Chambers, Main Abdullah Haroon Road,
Saddar, Karachi
6. Electric Inspector/POI
Karachi Region-II, Government of Sindh,
Plot No. SF-2, Block-N, North Nazimabad,
Near Sarina Mobile Market,
Main Sakhi Hasan Chowrangi, Karachi

Subject: Appeal Titled K-Electric Vs. Shamim Khan Against the Decision Dated 28.01.2020 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 27.10.2020, 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



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Before Appellate Board, National Electric Power Regulatory Authority, Islamabad

In the matter of

Appeal No.057/2020

K-Electric Limited

.....Appellant

Versus

Shamim Khan S/o Rmazan Khan, House No.2-H, 13/9,
Nazimabad, Karachi

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 28.01.2020 PASSED BY PROVINCIAL OFFICE OF INSPECTION KARACHI REGION-II, KARACHI

For the appellant:

Ms. Tatheera Fatima Deputy General Manager

Mr. Asif Shajer Deputy General Manager

Mr. Najamuddin Sheikh Deputy General Manager

For the respondent:

Mr. Iqbal Advocate

Mr. Shamim Khan

DECISION

1. Brief facts of the case are that the respondent is a domestic consumer of K-Electric bearing Ref No.LA-081283 having a sanctioned load of 1 kW under the A-1R tariff. Premises of the respondent was inspected by K-Electric on 23.06.2014 and allegedly the respondent was found stealing electricity through tampering (yellow phase reversed) the meter (first meter) and the connected load was observed as 13.749 kW, which is much higher than the sanctioned load. Resultantly, a detection bill (first detection bill) of Rs.280,848/- for 16,681 units for the period 06.12.2013 to 05.06.2014 (6 months) was debited to the respondent by K-Electric in June 2014 on the basis of connected load. The first meter of the respondent was replaced with a new



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meter (second meter) by K-Electric on 07.08.2014 and sent to the metering testing laboratory.

2. Being aggrieved, the respondent initially filed CP No.D-5450/2014 before the High Court of Sindh, Karachi on 23.10.2014 and assailed the bill of June 2014 total amounting to Rs.332,175/-, which contained the aforesaid first detection bill. During the pendency of the case before the honorable High Court, another detection bill (second detection bill) of Rs.45,054/- for 2,569 units for the period July 2014 to August 2014 (2 months) was charged by K-Electric to the respondent on 19.11.2014. Subsequently, the premises of the respondent was again inspected by K-Electric on 27.06.2019 and it was alleged that the second meter was found tampered by the respondent for committing the theft of electricity and the connected load was observed as 15.628 kW. K-Electric charged another detection bill (third detection bill) of Rs.135,607/- for 6,033 units for the period 06.12.2018 to 03.06.2019 to the respondent on the basis of the connected load. High Court of Sindh, Karachi vide order dated 19.09.2019 referred the matter to the Provincial Office of Inspection (POI) for the decision within 60 days. Consequently, the respondent approached POI vide an application dated 25.09.2019 against the irregular billing charged by K-Electric. The complaint of the respondent was disposed of by POI vide its decision dated 28.01.2020 with the following conclusion:

"After conducting several number of hearings, giving fair opportunities to hear both the parties, scrutinizing the record, made available with this office and in the light of relevant law & Regulations and above findings, this authority is of the firm view that the first detection bill amounting to Rs.280,848/- of 16,681 units for the period from 06.12.2013 to 05.06.2014 and second detection bill amounting to Rs.45,054/-



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of 2569 units for the period from July 2014 to August 2014 are hereby cancelled and revised the same up-to two billing cycles instead of 08 months, as per Consumer Service Manual. The opponents are directed to cancel the 3rd detection bill amounting to Rs.135,607/- of 6033 units for the period from 06.12.2018 to 03.06.2019 and revised up-to two billing cycles instead of 06 months as per Consumer Service Manual. The opponents are directed to act in terms of the above instructions, accordingly. The complaint of the applicant is disposed of with the above remarks."

3. Subject appeal has been filed against the above-referred decision by K-Electric wherein it is contended that three detection bills (first detection bill of Rs.280,848/- for 16,681 units for the period 06.12.2013 to 05.06.2014, second detection bill of Rs.45,054/- for 2,569 units for the period July 2014 to August 2014 and third detection bill of Rs.135,607/- for 6,033 units for the period 06.12.2018 to 03.06.2019) were charged to the respondent on account of theft of electricity committed through tampering the meter. As per K-Electric, the respondent assailed the first detection bill of Rs.280,848/- before both the forums honorable High Court of Sindh and the POI. As regards the second detection bill of Rs.45,054/-, K-Electric submitted that the respondent accepted theft of electricity and paid the aforesaid second detection bill. According to K-Electric, POI cancelled the undisputed third detection bill of Rs.135,607/-, which is beyond the prayer of the respondent. K-Electric submitted that the respondent accepted theft of electricity and was ready to pay the detection bill, hence FIR was not registered against him. K-Electric further submitted that the law does not bound K-Electric to serve the inspection notice as per clause 14.1 of CSM to the respondent in the cases of theft of



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electricity. K-Electric prayed that it was a case of theft of electricity through bypassing the meter, therefore POI is 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 notice to both the parties, hearing of the appeal was held in NEPRA Regional Office Karachi on 28.09.2020 wherein both the parties appeared. The representative for K-Electric raised the preliminary objection that the POI afforded the relief beyond the prayer of the respondent by declaring the undisputed second and third detection bills as cancelled. The representative for K-Electric opposed the findings of POI for allowing three detection bills for four months instead of total of fourteen months. K-Electric prayed that the period of all three detection bills may be revised each for three months. On the contrary, the respondent contradicted the stance of K-Electric and contended that the procedure of CSM was not followed while charging the detection bills. The respondent prayed that the impugned decision may be maintained.
6. Arguments heard and the record perused. Following are our observations:
 - i. 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.
 - ii. There is no force in the contention of K-Electric that only the first detection bill was



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assailed by the respondent before POI. As per application dated 25.09.2019 of the respondent, entire irregular bills were challenged, the relevant portion of his prayer is reproduced below:

“To direct K-Electric and IBC Nazimabad to delete all bogus and illegal arrears from the bill and after correcting the same as per actual meter reading issue a fresh bill to me on account of Consumer No.LA-081283, A/C No.0400023704518, after adjusting the payments already made by me so that the applicant may able to pay the actual amount due against him to the K-Electric as the K-Electric and IBC Nazimabad are playing with fundamental rights of the applicant and trying to extract maximum money from the applicant by playing fraud and misrepresentation upon the Applicant. To direct the K-Electric and IBC Nazimabad to issue bills strictly as per available meter reading, not on the basis of presumption and assumptions.”

In consideration of the above, POI has rightly assumed its jurisdiction to decide the fate of the following detection bills:

SIR dated	Detection bill	Period		Months	Units	Amount (Rs.)
23.06.2014	First	06.12.2013	05.06.2014	6	16,681	280,848/-
23.06.2014	Second	July 2014	August 2014	2	2,569	45,054/-
27.06.2019	Third	06.12.2018	03.06.2019	6	6,033	135,607/-

iii. It is observed that the respondent was charged the two detection bills continuously for eight months (first detection bill for 06.12.2013 to 05.06.2014 and second detection bill for July 2014 to August 2014) on account of theft of electricity as observed by K-Electric on 23.06.2014, which is not consistent with the clause 9.1c(3) of the Consumer Service Manual (CSM). Said clause of CSM allows K-Electric to charge the detection bill maximum for three months to the respondent being a general supply consumer i.e. A-I in the absence of approval of Chief Executive Officer K-Electric. Similarly, charging the third detection bill for six months i.e. 06.12.2018 to 03.06.2019 due to theft of electricity as noticed during



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K-Electric checking dated 27.06.2019 is also violative of ibid clause of CSM.

Hence, we are inclined to agree with the determination of POI that the first detection bill of Rs.280,848/-, second detection bill of Rs.45,054/- and third detection bill of Rs.135,607/- charged by K-Electric to the respondent are unjustified and liable to be cancelled.

iv. Since the first meter of the respondent was found tampered by K-Electric on 23.06.2014 and it was replaced on 07.08.2014, hence the respondent may be charged a detection bill for three months (06.05.2014 to 07.08.2014) on the basis of connected load i.e.13.749 kW, pursuant to clause 9.1c(3) of CSM against the first and second detection bills. In the same way, the respondent may be charged another detection bill for three months (04.03.2019 to 03.06.2019) on the basis of connected load i.e.15.628 kW as per clause 9.1c(3) of CSM against the third detection bill. The impugned decision to this extent is liable to be modified.

7. The upshot of the above discussion is that:

i. the impugned decision to the extent of cancellation of following detection bills is correct and maintained:

Detection bill	Period		Months	Units	Amount (Rs.)
First	06.12.2013	05.06.2014	6	16,681	280,848/-
Second	July 2014	August 2014	2	2,569	45,054/-
Third	06.12.2018	03.06.2019	6	6,033	135,607/-

ii. The respondent may be charged a detection bill for three months i.e.06.05.2014 to 07.08.2014 on the basis of connected load i.e.13.749 kW and another detection bill for three months i.e. 04.03.2019 to 03.06.2019 on the basis of connected load i.e. 15.628 kW, according to clause 9.1c(3) of CSM.



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- iii. The billing account of the respondent should be revised by K-Electric after adjusting units already charged/payments made (if any) against the aforesaid detection bills.
8. In view of above, the appeal is partially accepted and the impugned decision is modified accordingly.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 27.10.2020