



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

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No. NEPRA/AB/Appeal/066/POI/2020/ 1172

November 30, 2020

1. Shahid Iqbal Sheikh
House No. L-2917, Block-III,
Scheme-33, Gulzar-e-Hijri,
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-II, Government of Sindh,
Plot No. ST-2, Block-N, North Nazimabad,
Near Sarina Mobile Market,
Main Sakhi Hasan Chowrangi, Karachi

Subject: Appeal Titled K-Electric Vs. Shahid Iqbal Sheikh Against the Decision Dated 13.02.2020 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 25.11.2020. regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)
Deputy Director (M&E)

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.066/POI-2020

K-Electric LimitedAppellant

Versus

Shahid Iqbal Sheikh, House No.L-2917, Block-02, Metrovill-III,
Scheme-33, Gulzar-e-Hijri, KarachiRespondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 13.02.2020 PASSED BY PROVINCIAL
OFFICE OF INSPECTION KARACHI REGION-II, KARACHI**

For the appellant:

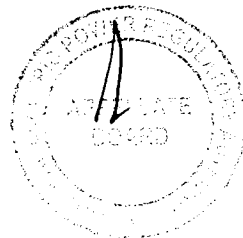
Ms. Tatheera Fatima Deputy General Manager (Distribution-Legal)
Mr. Najamdin Sheikh Deputy General Manager
Mr. Masahib Ali Manager
Mr. Muhammad Rafiq Manager

For the respondent:

Mr. Shahid Iqbal Sheikh

DECISION

1. As per facts of the case, the respondent is a domestic consumer of K-Electric bearing Ref No.LA-038145 with a sanctioned load of 3 kW under the A-1R tariff. As per site inspection report (SIR) dated 10.10.2017, the respondent was using a hook connection for theft of electricity and the connected load was noticed as 10.532 kW being higher than the sanctioned load. Therefore a detection bill amounting to Rs.169,800/- for 7,521 units for the period 18.03.2017 to 06.09.2017 (6 months) was charged by K-Electric to the respondent on 30.05.2019.
2. Being dissatisfied, the respondent filed a complaint before the Provincial Office of

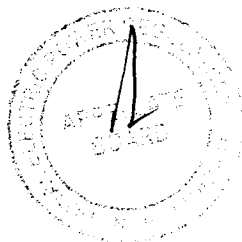




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Inspection (POI) on 30.07.2017 and challenged the above detection bill. The complaint of the respondent was disposed of by POI vide decision dated 13.02.2020 wherein the detection bill of Rs.169,800/- for 7,521 units for the period 18.03.2017 to 06.09.2017 was cancelled.

3. Appeal in hand has been filed against the afore-referred decision of POI (hereinafter referred to as the impugned decision) before NEPRA in which it is contended that the premises of the respondent was inspected on 10.10.2017 and the respondent was found involved in illegal abstraction of electricity through hook connection, two families were living and the connected load was observed higher than the sanctioned load. K-Electric further contended that the detection bill of Rs.169,800/- for 7,521 units for the period 18.03.2017 to 06.09.2017 was charged to the respondent after completing all codal formalities. As per K-Electric, the above detection bill was charged to the previous tenant of the respondent, who was habitual to use the electricity through unfair means, hence the respondent cannot dispute the said detection bill. 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 opposed the findings of POI for the comparison of the consumption of the disputed period with the previous period and submitted that the fate of the detection bill should not be relied on the consumption data of the respondent. K-Electric point out that the POI is not authorized to decide the case of theft of electricity, wherein the meter has been bypassed as per the verdict of apex courts and prayed for setting aside the impugned decision.





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4. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which were filed on 16.11.2020. In his reply, the respondent contended that K-Electric is habitual in charging fake detection bills to the consumers of Karachi. As per respondent, the POI vide impugned decision rightly cancelled the detection bill of Rs.169,800/- on technical grounds but K-Electric officials are threatening him and his family. The respondent prayed for dismissal of the appeal and maintainability of the impugned decision.
5. After issuing notice, hearing of the appeal was conducted in NEPRA Regional Office Karachi on 16.11.2020, which was attended by K-Electric officials and the respondent appeared in person. Representatives for K-Electric opposed the impugned decision on the plea that theft of electricity was committed by the respondent through bypassing the meter and the connected load was noticed as 10.532 kW but POI declared the detection bill of Rs.169,800/- for 7,521 units for the period 18.03.2017 to 06.09.2017 as cancelled. As per representatives for K-Electric, the above detection bill was charged to the previous tenant of the respondent, who submitted an undertaking for the payment of the same. K-Electric finally prayed for setting aside the impugned decision. On the other hand, the respondent reiterated the same contentions as given in the reply to the appeal and averred that a bill of Rs.99,000/- was issued by K-Electric to the previous tenant in the year 2018 which was paid in installments till April 2019. Hence charging the detection bill for the period April 2017 to September 2017 in May 2019 has no justification.





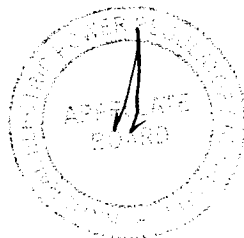
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6. Arguments were heard and the record was examined. Following are our observations:
- K-Electric raised the objection on the jurisdiction of POI, it is observed that theft of electricity was alleged by K-Electric but neither the legal proceedings were initiated against the respondent nor the provisions of Consumer Service Manual were followed. Hence objection of K-Electric in this regard is devoid of force and rejected.
 - K-Electric charged the detection bill of Rs.169,800/- for 7,521 units for the period 18.03.2017 to 06.09.2017 (April 2017 to September 2017) to the respondent in May 2019 due to theft of electricity committed by the respondent as observed on 10.10.2017. The respondent asserted that the arrear bill of Rs.99,000/- was issued by K-Electric in the year 2018, which was paid in installments till April 2019 and the above detection bill is neither justified nor payable. To verify the version of the respondent, the billing statement as provided by K-Electric is scrutinized below:

Billing statement

Month	Dues	Current bill	Total	Payment	Balance	Due date
Jul-18	17,200	81,298	98498	0	98498	-
Aug-18	98498	2245	100743	20000	80743	27.08.2018
Sep-18	80743	1549	82292	11558	70734	19.09.2018
Oct-18	70734	2148	72882	12157	60725	22.10.2018
Nov-18	60725	1991	62716	11999	50717	22.11.2018
Dec-18	50717	932	51649	10941	40708	17.12.2018
Jan-19	40708	726	41434	10735	30699	21.01.2019
Feb-19	30699	595	31294	10604	20690	25.02.2019
Mar-19	20690	650	21340	10659	10681	21.03.2019
Apr-19	10681	1472	12153	11189	964	19.04.2019
May-19	964	3141	4105	3149	956	23.05.2019

The above statement transpires that the arrears of Rs.98,498/- till July 2018 were paid





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by the respondent in monthly installments along with the current bill charged by K-Electric till May 2019. Hence there is no justification to charge the detection bill for the period April 2017 to September 2017 to the respondent on 30.05.2019. Even otherwise, the consumption trend does not support the version of K-Electric as the total 2,792 units charged during the disputed period April 2017 to September 2017 are higher than the total 2,448 units charged during the corresponding period before the dispute i.e. April 2016 to September 2016 and total 2,760 units charged during the corresponding period after the dispute i.e. April 2018 to September 2018. In view of the above discussion, the detection bill of Rs.169,800/- for 7,521 units for the period 18.03.2017 to 06.09.2017 charged to the respondent on 30.05.2019 is unjustified and should be cancelled as already determined by POI. The billing account of the respondent may be revised after adjusting payments made (if any) against the above detection bill.

7. Foregoing in view, the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member/SA (Finance)

Muhammad Shafique
Member/SA (Legal)

Nadir Ali Khoso
Convener/DG (M&E)

Dated: 25.11.2020

