



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

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No. NEPRA/AB/Appeal/207/POI/2019/ 991-995

October 28, 2020

1. Akhtar Rasool
S/o. Ghulam Rasool,
Plot No. 315, Block-A-G/7,
Tanga Stand, Sher Shah,
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. Akhtar Rasool Against the Decision Dated 15.04.2019 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 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



National Electric Power Regulatory Authority

Before Appellate Board National Electric Power Regulatory Authority, Islamabad

In the matter of

Appeal No. 207/2019

K-Electric LimitedAppellant

Versus

Akhtar Rasool S/o Ghulam Rasool, Plot No.315, Block A-G/7,
Tanga Stand Sher Shah, KarachiRespondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 15.04.2019 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

For the respondent:

Nemo

DECISION

1. As per facts of the case, the respondent is a domestic consumer of K-Electric bearing Ref No. AL-961011 with a sanctioned load of 2 kW under the A-1R tariff. As per site inspection report (SIR) dated 12.10.2017 of K-Electric, the respondent was using extra phase for theft of electricity and the connected load was observed as 11.266 kW including two ACs which is much higher than the sanctioned load. After issuing notice dated 12.10.2017 to the respondent, the assessed bill of Rs.21,425/- was debited by K-Electric in October 2017. Afterwards, a detection bill of Rs.284,061/- for 12,628 units for the period 10.09.2016 to 12.09.2017 (12 months) was charged to the



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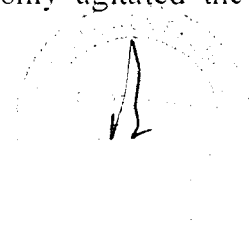
respondent on the basis of the connected load and added in the bill for November 2017.

2. Being dissatisfied, the respondent filed a complaint dated 29.11.2017 before the Provincial Office of Inspection (POI) and assailed the assessed bill of October 2017 and the detection bill of Rs.284,061/- charged in November 2017. The complaint of the respondent was disposed of by POI vide decision dated 15.04.2019 wherein the POI directed K-Electric to revise the period of detection bill of Rs.284,061/- from twelve months to two months only and charge the bill for October 2017 on the basis of meter reading.
3. Subject appeal has been filed against the afore-referred decision dated 15.04.2019 (hereinafter referred to as the impugned decision) by K-Electric before NEPRA. In its appeal, K-Electric contended that the premises of the respondent was inspected on 12.10.2017 and the respondent was found stealing electricity through an extra phase and the connected load was found much higher than the sanctioned load, therefore the detection bill of Rs.284,061/- for 12,628 units for the period 10.09.2016 to 12.09.2017 was charged to the respondent. As per K-Electric, the respondent admitted theft of electricity and agreed for payment of the aforesaid detection bill, therefore FIR was not registered against him. According to K-Electric, the aforesaid detection bill was charged in accordance with chapter 9 of Consumer Service Manual (CSM). 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 however were not filed.



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5. Notice was issued and hearing of the appeal was conducted in NEPRA Regional Office Karachi on 13.10.2020, which was attended by K-Electric officials and no one entered appearance for the respondent. Representatives for K-Electric repeated the same arguments as contained in memo of the appeal and contended that the respondent admitted theft of electricity and submitted an undertaking due to which FIR was not lodged against him. The representatives for K-Electric termed the detection bill of Rs.284,061/- for 12,628 units for the period 10.09.2016 to 12.09.2017 as justified on the plea that the respondent was involved in the dishonest abstraction of electricity and CSM April 2010 allows K-Electric to determine the period of detection bill by itself. K-Electric prayed for revision of the detection bill for six months instead of two months as allowed by POI.
6. Arguments heard and the record placed before us was examined. It is observed as under:
 - i. 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 CSM were followed. K-Electric did not submit the copy of undertaking of the respondent to prove its stance that the respondent admitted theft of electricity. Hence objection of K-Electric in this regard is devoid of force and rejected.
 - ii. The respondent disputed the detection bill of Rs.284,061/- for 12,628 units for the period 10.09.2016 to 12.09.2017 and assessed bill of Rs.21,425/- for October 2017 before POI. K-Electric only agitated the impugned decision to the extent of





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revision of the above detection bill from twelve months to two months.

- iii. Charging the detection bill for twelve months i.e. 10.09.2016 to 12.09.2017 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. Similarly the determination of POI for revision of the above detection bill for two months is not in line with the foregoing clause of CSM. Under these circumstances, it is concluded that the charging of the detection bill amounting to Rs.284,061/- for 12,628 units for the period 10.09.2016 to 12.09.2017 by K-Electric and the finding of POI for revision of the same for two months are unjustified and both are liable to be declared null and void.
- iv. The respondent is liable to be charged the detection bill maximum for three months in pursuance of clause 9.1c (3) of CSM.

7. Upshot of the above discussion, it is concluded as under:

- i. The impugned decision for cancellation of detection bill of Rs.284,061/- for 12,628 units for the period 10.09.2016 to 12.09.2017 is correct and maintained to this extent.
- ii. The determination of POI for revision of the detection bill for two months only is inconsistent with CSM, hence should be withdrawn.
- iii. The respondent should be charged the detection bill for three months i.e. 11.06.2017 to 12.09.2017 and the units already charged in normal mode/payment





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made during these months be adjusted accordingly.

8. Foregoing in view, the impugned decision is modified.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 27.10.2020

