



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

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No. NEPRA/AB/Appeal/257/POI/2019/1017-1021


October 28, 2020

1. Asim Khan  
S/o. Shahban Khan,  
Plot No. St-3-A, Flat No. E-27,  
Block-14, Dastagir Ruqayya Square,  
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-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. Asim Khan Against the Decision Dated 29.07.2019 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.257/2019**

K-Electric Limited

.....Appellant

Versus

Asim Khan s/o Shahban Khan Plot No.ST-3-A, Flat No.E-27  
Block-14, Datagir Ruqayya, 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 29.07.2019 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:

Nemo

## **DECISION**

1. Brief facts leading to the filing of instant appeal are that the respondent is a domestic consumer of the appellant K-Electric bearing Ref No. AL-236014 having a sanctioned load of 1 kW under the A-1R tariff. During inspection dated 03.10.2018 of the premises of the respondent, K-Electric observed use of hook connection for theft of electricity and the connected load i.e. 9.092 kW being higher than the sanctioned load. After issuing notice dated 03.10.2018 to the respondent, a detection bill of Rs.178,271/- for 8,092 units for the period 04.04.2018 to 05.10.2018 (6 months) was charged to the respondent on the basis of the connected load and added in the billing month of November 2018.
2. Being dissatisfied, the respondent filed an application dated 19.03.2019 before the Provincial Office of Inspection (POI) and disputed the above detection bill. Matter of



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the respondent was disposed of by POI vide decision dated 29.07.2019 wherein the detection bill of Rs.178,271/- for 8,092 units for the period 04.04.2018 to 05.10.2018 was cancelled and K-Electric was directed to revise the detection bill for one month.

3. Instant appeal 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 03.10.2019 and the respondent was found stealing electricity and the connected load was observed higher than the sanctioned load, therefore the detection bill of Rs.178,271/- for 8,092 units for the period 04.04.2018 to 05.10.2018 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 the Consumer Service Manual (CSM). K-Electric pointed out that POI is not authorized to decide the case of theft of electricity where the meter was tampered and prayed for setting aside the impugned decision. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which however were not filed.
4. After issuing notice, hearing of the appeal was conducted in NEPRA Regional Office Karachi on 13.10.2020, which was attended only by K-Electric officials and no one appeared for the respondent. Representatives for K-Electric opposed the impugned decision on the plea that theft of electricity was proved and POI revised the period of detection bill of Rs.178,271/- for 8,092 units for the period 04.04.2018 to 05.10.2018 for one month only in violation of chapter 9 of CSM. K-Electric prayed for revision of the above detection bill at least for three months as per CSM.
5. Arguments were heard and the record was examined. Following are our observations:



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- 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 merit and rejected.
  - ii. The respondent disputed the detection bill of Rs.178,271/- for 8,092 units for the period 04.04.2018 to 05.10.2018 before POI. Pursuant to clause 9.1c(3) of CSM, the respondent being domestic consumer may be charged the detection bill maximum for three billing cycles in the absence of approval of CEO K-Electric but in the instant case, K-Electric has debited the above detection bill for a period of six months in violation of foregoing clause of CSM. Under these circumstances, the impugned decision for cancellation of the detection bill of Rs.178,271/- for 8,092 units for the period 04.04.2018 to 05.10.2018 is correct and liable to be maintained to this extent.
  - iii. Similarly, the determination of POI for revision of the period of the above detection bill from six months to one month is inconsistent with the clause 9.1c(3) of CSM and withdrawn to this extent.
  - iv. We are convinced with the arguments of K-Electric that the respondent is liable to be charged the detection bill for three months i.e. 04.07.2018 to 05.10.2018 in pursuance of clause 9.1c(3) of CSM.
6. Summing up the above discussion, it is held that the detection bill of Rs.178,271/- for 8,092 units for the period 04.04.2018 to 05.10.2018 charged to the respondent is unjustified and cancelled. The respondent may be charged the detection bill for three months i.e. 04.07.2018 to 05.10.2018, however, the bill on account of the respondent may be revised after adjusting units already charged; payments made (if any) against



the above detection bill.

7. The impugned decision is modified in the above terms.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Dated: 28.10.2020