



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

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No. NEPRA/AB/Appeal/258/POI/2019/1022-1026

October 28, 2020

1. Sohail Qureshi
Plot No. R-1067, Block 16,
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. Sohail Qureshi Against the Decision Dated 06.08.2019 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



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Before Appellate Board, National Electric Power Regulatory Authority, Islamabad

In the matter of

Appeal No.258/2019

K-Electric Limited

.....Appellant

Versus

Sohail Qureshi, Plot No.R-1067, Block-16, Federal B. Area, KarachiRespondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 06.08.2019 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. Sohail Qureshi

DECISION

1. Brief facts leading to the filing of instant appeal are that the respondent is a domestic consumer of K-Electric bearing Ref No.AL-235479 having a sanctioned load of 10 kW under the A-IR tariff. K-Electric charged the following detection bills to the respondent on the plea that the respondent is involved in the dishonest abstraction of electricity and the connected load observed was much higher than the sanctioned load:

Detection bill	Period		Months	Units	Amount (Rs.)
First	-	-	-	-	135,498/-
Second	-	-	-	-	152,705/-
Third	-	-	-	-	77,437/-
Fourth	April 2018	July 2018	04	11,733	270,974/-
Fifth	September 2018	February 2019	06	26,174	612,321/-

2. Being aggrieved with the irregular billing, the respondent filed an application dated 17.05.2019 before the Provincial Office of Inspection (POI) and assailed the arrears of



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Rs.1,189,841/- till April 2019. The application of the respondent was disposed of by POI vide its decision dated 06.08.2019 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 authority and in the light of relevant law and Regulations and above findings, this authority is of the firm view that the detection bill of Rs.612,312/- of 26,174 units for the period from September 2018 to February 2019 issued by the opponents are hereby cancelled and revised the same up-to two billing cycles as per Consumer Service Manual. If the opponent has been given the rebate to the complainant amounting to Rs.365,640/-, it should be reflected in future billing accordingly. 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. K-Electric has filed the instant appeal against the POI decision dated 06.08.2019 before NEPRA wherein it is contended that total rebate of Rs.365,640/- against three detection bills (first detection bill of Rs.135,498/-, second detection bill of Rs.152,705/- and third detection bill of Rs.77,437/-) had been afforded in different dates till the year 2018 but POI directed that the aforesaid rebate be reflected in future bills of the respondent, hence this finding of POI is baseless and liable to be set aside. As per K-Electric, premises of the respondent was inspected time and again and on all occasions, he was found stealing electricity through Kunda and the connected load was observed much higher than the sanctioned load, hence further two detection bills i.e. fourth detection bill of Rs.270,974/- for 11,733 units for the period April 2018 to July 2018 (4 months) and fifth detection bill of Rs.612,321/- for 26,174 units for the period September 2018 to February 2019 (6 months) were charged to the respondent. According to K-Electric, the respondent defaulted on the payments of monthly electricity bills, hence the dues accumulated to the tune of Rs.1,171,321/- till July 2019. K-Electric raised the



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objection that the POI is not empowered to entertain the cases of theft of electricity, wherein the meter was bypassed as per verdict of the apex court. K-Electric prayed for setting aside the impugned decision.

4. Notice was issued to the respondent for filing reply/para-wise comments to the appeal, which were filed on 22.09.2020. In his reply, the respondent denied the allegation of theft of electricity levelled by K-Electric and contended that he was not associated during the site inspection dated 29.01.2019 of the premises. The respondent submitted that if he was involved in stealing of electricity why K-Electric did not take any action as per NEPRA Act 1997. The respondent supported the impugned decision and prayed for dismissal of the appeal.
5. Notice for hearing was issued to both the parties and the appeal was heard in NEPRA Regional Office Karachi on 28.09.2020, which was attended by both the parties. The representatives for K-Electric contended that the impugned decision to the extent of revision of the period of fifth detection bill of Rs.612,321/- for 26,174 units from six months to two months is acceptable and will be implemented accordingly. The representatives for K-Electric opposed the finding of POI about the reflection of rebate of Rs.365,640/- in the future bills and argued that the said rebate had already been afforded against the three (first, second, third) detection bills on different dates. K-Electric prayed for setting aside the impugned decision.
6. Arguments heard and the record perused. 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 the Consumer Service Manual (CSM)



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were followed. The objection of K-Electric in this regard is devoid of force, therefore rejected.

- ii. The respondent assailed the arrears of Rs.1,189,841/- till April 2019 before POI, which contained the following five detection bills:

Detection bill	Period		Months	Units	Amount (Rs.)
First	-	-	-	-	135,498/-
Second	-	-	-	-	152,705/-
Third	-	-	-	-	77,437/-
Fourth	April 2018	July 2018	04	11,733	270,974/-
Fifth	September 2018	February 2019	06	26,174	612,321/-

- iii. K-Electric claims that a rebate of Rs.365,640/- had already been afforded to the respondent against the first, second and third detection bills. The billing statement of the respondent was examined, wherein it was revealed that the rebate of Rs.365,643/- had already been given to the respondent as per detail given below:

Date	TV license fee	Income tax	E-duty	GST	Bill	Rebate
02.11.2016	0	0	1,694/-	19,308/-	114,496/-	135,498/-
31.12.2017	221.67/-	6,027.12/-	1,768/-	20,477.5/-	124,212.7/-	152,707/-
28.06.2018	71.54/-	0	966.42/-	11,119.64/-	65,281/-	77,438.7/-
Total Amount in (Rs.)						365643.7/-

Hence the determination of POI for reflection of rebate of Rs.365,640/- in the future bills of the respondent is not correct and liable to be withdrawn to this extent.

- iv. There is no determination in the impugned decision regarding the fourth detection bill of Rs.270,974/- for 11,733 units for the period April 2018 to July 2018 charged by K-Electric. The respondent neither challenged the impugned decision before NEPRA nor raised any objection against the same in his reply to the appeal. Hence,



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the fourth detection bill is recoverable from the respondent.

- v. As far as the fifth detection bill of Rs.612,321/- for 26,174 units for the period September 2018 to February 2019 is concerned, K-Electric agreed to reduce the period of the fifth detection bill from six months to two months as already decided by POI.
7. In consideration of the above, it is concluded that the impugned decision for reflection of the rebate of Rs.365,640/- in future bills is not based on facts and withdrawn to this extent. K-Electric may recover the fourth detection bill of Rs.270,974/- for 11,733 units for the period April 2018 to July 2018 and the fifth detection bill for two months only. The billing account of the respondent may be overhauled accordingly.
8. The appeal is disposed of in the above terms.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 27.10.2020

