



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

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No. NEPRA/AB/Appeal/062/POI/2021/ 1053

December 28, 2021

- | | |
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| 1. Salman Majeed
House No. 02, Block-73,
Sector - 11-D, New Karachi,
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. Salman Majeed Against the Decision Dated 08.03.2021 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 29.11.2021, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)
Deputy Director (M&E)/
Appellate Board

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No.062/POI-2021

K-Electric Limited

.....Appellant

Versus

Salman Majeed, House No.73/2, Sec 11-D,
New Karachi, Karachi

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 08.03.2021 PASSED BY PROVINCIAL OFFICE OF INSPECTION KARACHI REGION-II, KARACHI

For the Appellant:

Mr. Asif Shajer General Manager
Ms. Tatheera Fatima Deputy General Manager
Mr. Najamuddin Sheikh Deputy General Manager
Mr. Masahib Ali Manager
Mr. Amir Masood Manager
Mr. Sarmad Ali Manager

For the Respondent:

Mr. Salman Majeed
Ms. Shabana

DECISION

1. Brief facts of the case are that the Respondent is a domestic consumer of the K-Electric bearing Ref No. LC-167457 having a sanctioned load of 2 kW under the A-1R tariff. Premises of the Respondent was inspected by the K-Electric on 20.02.2020 and allegedly the Respondent was found stealing electricity through the kunda and the connected load observed was 4.1 kW. Resultantly, a detection bill of Rs.38,791/- for 2,059 units for the period 11.08.2019 to 28.01.2020 six (6) months was charged by the K-Electric to the Respondent on 28.02.2020.





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2. Being aggrieved, the Respondent initially approached the Honorable Wafaqi Mohtasib and challenged the above detection bill on 28.07.2020. The Honorable Wafaqi Mohtasib referred the matter to the Provincial Office of Inspection, Karachi Region-II, Karachi (the POI) for the adjudication. The Respondent disputed the arrears of Rs.58,964/- for June 2020 before the POI, which contained the above-mentioned detection bill. The complaint of the Respondent was disposed of by the POI vide its decision dated 08.03.2021, wherein the detection bill of Rs.38,791/- for 2,059 units for the period 11.08.2019 to 28.01.2020 was cancelled.
3. The appeal in hand, has been filed against the above-referred decision by the K-Electric before the NEPRA in which it is contended that the premises of the Respondent was inspected on 20.02.2020 and the Respondent was found consuming electricity through the hook connection and the connected load was observed as 4.1 kW. As per the K-Electric, the detection bill of Rs.38,791/- for 2,059 units for the period 11.08.2019 to 28.01.2020 was charged to the Respondent to recover loss incurred due to theft of electricity as per provisions of the Consumer Service Manual (CSM). According to the K-Electric, the FIR was not registered against the Respondent as he accepted theft of electricity and agreed to pay the above detection bill. The K-Electric pointed out that being a case of theft of electricity through bypassing the meter, the POI was not authorized to decide the instant matter as per verdict of the apex court.
4. The Respondent was issued the notice for filing reply/para-wise comments to the appeal, which however were not filed.





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5. After issuing notice, hearing of the appeal was held at the NEPRA Regional Office Karachi on 19.11.2021, wherein the representatives for the K-Electric were present and the Respondent appeared in person. The representative for the K-Electric reiterated the same arguments as contained in memo of the appeal and contended that the Respondent was found stealing the electricity through the hook connection for which the notice dated 30.02.2020 was served to the Respondent and a detection bill of Rs.38,791/- for 2,059 units for the period 11.08.2019 to 28.01.2020 was charged to the Respondent. According to the K-Electric, the Respondent was involved in the illegal abstraction of electricity since long but the above detection bill was debited for six (6) months only as per the provisions of the CSM. The K-Electric prayed for setting aside the impugned decision. On the contrary, the Respondent denied the allegation of theft of electricity levelled by the K-Electric and argued that all the documents produced by the K-Electric before the NEPRA are forged and have no valid basis. As per the Respondent, the K-Electric was requested thrice to conduct the survey of the premises but there was no response. As per the Respondent, four (4) meters are installed in the premises wherein the Respondent lives in the ground floor and the above detection bill charged by the K-Electric belongs to the first floor. The Respondent finally defended the impugned decision and prayed for upholding the same.
6. Arguments were heard and the record placed before us was perused. Following are our observations:
- i. K-Electric raised the preliminary objection for the jurisdiction of the POI being theft





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of electricity case but failed to follow the procedure as laid down in the CSM and did not take any legal action against the Respondent on account of theft of electricity. Indeed, it is a metering and billing dispute and falls in the jurisdiction of the POI. The objection of the K-Electric in this regard is devoid of force, therefore rejected.

ii. Following detection bill was charged by the K-Electric to the Respondent:

Table-A

SIR dated	Discrepancies	Bill type	Period		Units	Amount (Rs.)
20.02.2020	Theft of electricity	Detection	11.08.2019	28.01.2020	2,059	38,791/-

Examination of the record shows that the above detection bill was prepared on the basis of the connected load i.e. 4.1 kW as found during the inspection of the premises. However, the connected load of the Respondent was neither verified by the POI nor any action was initiated by the K-Electric for regularization of the connected load beyond the sanctioned load. Besides, the above detection bill was charged by the K-Electric to the Respondent for six (6) months in violation of the Clause 9.1c(3) of the CSM, which allows the K-Electric to charge the detection bill maximum for three (3) months to the Respondent being a general supply consumer i.e. A-I sans approval of the Chief Executive Officer. Moreover, the consumption history of the Respondent does not justify the charging of the above mentioned disputed bills. Under these circumstances, the detection bill of Rs.38,791/- for 2,059 units for the period 11.08.2019 to 28.01.2020 is unjustified and the same is liable to be declared null and void as already decided by the POI.

iii. It would be judicious to charge the detection bill for three (3) months as per the



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formula given in Annex-VIII of the CSM, the calculation in this regard is done below:

Table-B

Bill type	Months	Duration	Units/month to be charged
Detection	Nov-2019 to Jan-2020	03	= Sanctioned load (kW) x Load Factor x No. of Hours/month = 2 x 0.2 x 730 = 292 units

7. From forgoing discussion, we have concluded that the detection bill of Rs.38,791/- for 2,059 units for the period 11.08.2019 to 28.01.2020 is unjustified, hence the same should be cancelled. The Respondent may be charged the detection bill @ 292 units/month for the period November 2019 to January 2020. The billing account of the Respondent may be overhauled after making the adjustment of payments made, if any, against the above-disputed bill.

8. In view of above, the appeal is partially accepted.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 29.11.2021

