



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

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No. NEPRA/AB/Appeal/074/POI/2021/ 24

March 01, 2022

1. Qutubuddin,
S/o. Hafiz Nooruddin,
Plot No. R-241, Block-18, Samanabad,
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. Qutubuddin Against the Decision Dated 07.04.2021 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 07.02.2022, 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.074/POI-2021

K-Electric Limited

.....Appellant

Versus

Qutubuddin S/o Hafiz Nooruddin, Plot No.R-241,
Block-18, Samanabad, 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 07.04.2021 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. M. Ahad Manager

For the Respondent:

Mr. Qutubuddin Advocate
Mr. Muhammad Hussain Advocate

DECISION

1. Brief facts of the case are that the Respondent is a domestic consumer of the Appellant (the K-Electric) bearing Ref No. LA-067942 having a sanctioned load of 2 kW under the A-1R tariff. Premises of the Respondent was inspected by the K-Electric on 17.05.2019 and allegedly the Respondent was found stealing electricity through the hook connection and the connected load observed was 11.606 kW being higher than the sanctioned load of 2 kW. After issuing notice dated



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17.05.2019, a detection bill amounting to Rs.201,342/- for 9,150 units for the period November 2018 to April 2019 six (6) months was charged by the K-Electric to the Respondent.

2. Being aggrieved, the Respondent approached the Provincial Office of Inspection, Karachi Region-II, Karachi (the POI) on 26.07.2019 and agitated the abovementioned detection bill. The complaint of the Respondent was disposed of by the POI vide its decision dated 07.04.2021, wherein the detection bill of Rs.201,342/- for 9,150 units for the period November 2018 to April 2019 six (6) months was cancelled.
3. Through the instant appeal, K-Electric has assailed the above-referred decision of the POI (hereinafter referred to as the impugned decision) before the NEPRA in which it is contended that the premises of the Respondent was inspected on 17.05.2019 and the Respondent was found consuming electricity through the hook connection, four families were living in the premise of ground+ two floors and the connected load was observed as 11.606 kW. As per the K-Electric, notice dated 17.05.2019 thereof was served to the Respondent, and a detection bill of Rs.201,342/- for 9,150 units for the period November 2018 to April 2019 -6 months was charged to the Respondent as per provisions of the Consumer Service Manual (CSM), which was cancelled by the POI without any cogent reasons. 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.



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4. The Respondent was issued the notice for filing reply/para-wise comments to the appeal, which were filed on 25.06.2021. In the reply, the Respondent opposed the maintainability of the Appeal, inter alia, on the grounds that the fabricated inspection report was prepared in the office of K-Electric; that the premises comprise of the single-story floor having four rooms; that the allegation of the K-Electric for illegal use of electricity through the hook connection is false, fabricated, frivolous and just to blackmail him; that the alleged hook connection shown in the picture is the bunch of TV, PTCL, and net cables; that no notice of K-Electric with regard to the alleged inspection was served/received; that the POI has rightly cancelled the detection bill of Rs.201,342/- for 9,150 units for the period November 2018 to April 2019, which was issued by the K-Electric without any cogent evidence; that neither the theft of electricity was accepted by him nor he requested not to lodge FIR. The Respondent finally prayed for the dismissal of the appeal.

5. After issuing notice, hearing of the appeal was held at the NEPRA Regional Office Karachi on 20.01.2020, wherein the representatives for the K-Electric were present and the Respondent appeared in person. The representatives 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 during the inspection dated 17.05.2019 for which the notice dated 17.05.2019 was served to the Respondent and a detection bill of Rs.201,342/- for 9,150 units for the period November 2018 to April 2019 six (6) months was charged to the Respondent. According to the K-Electric, the Respondent was involved in the illegal abstraction of



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electricity for a long time, as the consumption of the Respondent increased after the removal of the discrepancy. K-Electric prayed for setting aside the impugned decision and further pleaded to allow the above-said detection bill. On the contrary, the Respondent appearing in person denied the allegation of theft of electricity levelled by the K-Electric and argued that the premises is a single-story building of 120 Sq. Yards and the alleged hook connection associated with his premises were the PTCL, TV, and network cables. As per Respondent, such high connected load as alleged by K-Electric was neither verified nor the said checking reports were signed by him, hence there is no justification to charge the detection bill of Rs.201,342/- for 9,150 units for the period November 2018 to April 2019 six (6) months based on the alleged connected load of 11 kW. 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 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



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Scrutiny of the record shows that the above detection bill was prepared on the basis of the connected load i.e. 11.606 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 i.e. 2 kW. Besides, the above detection bill was charged by the K-Electric to the Respondent for six (6) months in violation of 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. Under these circumstances, the detection bill of Rs.201,342/- for 9,150 units for the period November 2018 to April 2019 six (6) months is unjustified and the same is liable to be declared null and void as already decided by the POI.

iii. According to Clause 9.1c(3) of the CSM, the Respondent may be charged the detection bill for three (3) months i.e. February 2019 to April 2019 and the basis of calculation of the detection bill be made as per the formula given in Annex-VIII of the CSM in below table:

Table-B

Bill type	Months	Duration	Units/month to be charged
Detection	Feb-2019 to Apr-2019	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:

- i. The detection bill of Rs.201,342/- for 9,150 units for the period November 2018 to April 2019 six (6) months is unjustified, hence the same should be cancelled.



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to April 2019 six (6) months is unjustified, hence the same should be cancelled.

- ii. The Respondent may be charged the detection bill @ 292 units/month for the period February 2019 to April 2019.
 - iii. The billing account of the Respondent may be overhauled after making the adjustment of payments made/units already charged against the above detection bill.
8. The impugned decision is modified in the above terms.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 07.02.2022