



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

NEPRA Office , Ataturk Avenue (East), G5/1, Islamabad
Tel. No.+92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: ikramshakeel@nepra.org.pk

No. NEPRA/Appeal/023/2024/ *754*

August 15, 2025

- | | |
|---|--|
| 1. Niaz Ahmed (Tenant/User),
(Mr. Muhammad Ilyas),
Plot No. C1-205, Sector No. 6-B,
North Karachi, Karachi
Cell No. 0333-2138150 | 2. Chief Executive Officer,
K-Electric Ltd, KE House,
39-B, Sunset Boulevard,
DHA-II, Karachi |
| 3. Asif Shajer,
General Manager (Regulations),
K-Electric Ltd, KE House,
39-B, Sunset Boulevard,
DHA-II, Karachi | 4. Ms. Tatheera Fatima,
Advocate,
K-Electric Ltd, 1 st Floor,
Block F, Elander Complex,
Elander Road, Karachi |
| 5. POI/Electric Inspector,
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 No.023/2024 (K-Electric vs. Niaz Ahmed) Against the Decision Dated 25.01.2024 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 15.08.2025 (05 pages), regarding the subject matter, for information and necessary action, accordingly.

Encl: As Above

(Ikram Shakeel)
Deputy Director
Appellate Board

Forwarded for information please.

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



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.023/POI-2024

K-Electric Limited

.....Appellant

Versus

Niaz Ahmed, Plot No.C1-205,
Sector 6-B, North Karachi, Karachi

.....Respondent

APPEAL U/S 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Ms. Tatheera Fatima
Mr. Muhammad Irshad, Manager
Mr. Anas Lakhani, Deputy Manager

For the Respondent:

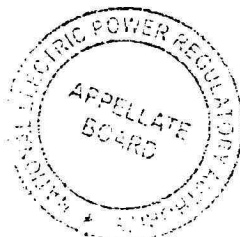
Mr. Niaz Ahmed

DECISION

1. Brief facts leading to the filing of instant appeal are that Mr. Niaz Ahmed (hereinafter referred to as the "Respondent") is an industrial consumer of K-Electric Limited (hereinafter referred to as the "Appellant") bearing Ref No.0400007294415 (AP-077747) with a sanctioned load of 11 kW and the applicable Tariff category is B-1. The Respondent filed eight applications before the Provincial Office of Inspection, Karachi Region-II, Karachi (hereinafter referred to as the "POI") and challenged the following eight assessed bills for the months, i.e. November 2022, March 2023 to September 2023 charged by the Appellant:
 - i Assessed bill of Rs.242623/- for 6599 units for November 2022.
 - ii Assessed bill of Rs.259106/- for 6600 units for March 2023.
 - iii Assessed bill of Rs.418922/- for 9656 units for April 2023
 - iv Assessed bill of Rs.413017/- for 8046 units for May 2023
 - v Assessed bill of Rs.432304/- for 10133 units for June 2023
 - vi Assessed bill of Rs.377294/- for 8446 units for July 2023
 - vii Assessed bill of Rs.573898/- for 10120 units for August 2023
 - viii Assessed bill of Rs.546696/- for 10218 units for September 2023

M.
G.

Appeal No.023/POI-2024



Page 1 of 5

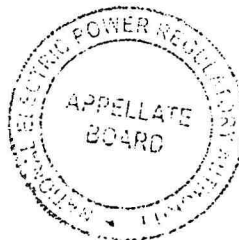
2. During joint checking dated 12.10.2023 of POI, the allegations of direct theft levelled against the Respondent were proved false, as the same were based on doubt. All the applications of the Respondent were clubbed by POI and disposed of vide single consolidated decision dated 25.01.2024 wherein the assessed bills charged for November 2022 and from March 2023 to September 2023 were cancelled. As per the POI decision, the Appellant was directed to charge the revised bills for the said months as per the consumption of the corresponding month of the previous year, when the meter was working in normal mode.
2. Subject appeal has been filed against the afore-referred decision dated 25.01.2024 of the POI (hereinafter referred to as the "impugned decision") by the Appellant before the NEPRA, wherein it is contended that the premises of the Respondent was inspected several times and on all occasions, the Respondent was found running factory but the meter was found stopped. The Appellant further contended that a letter was also written to police against the Respondent on account of theft of electricity; that the assessed bills for November 2022, from March 2023 to September 2023 were charged to the Respondent, which were initially challenged before the utility court and thereafter before the POI. As per Appellant, the videos of direct theft of electricity were sent to Assistant Electric Inspector through whatsapp as evidence as per Chapter 9 of the CSM, hence there is no need to for joint inspection of POI, however the lower forum turned down the request of the Appellant and carried out joint inspection on 12.10.2023, wherein 21 loom machines were found installed without motors and connections. According to the Appellant, the case is also pending before the utility court against the Respondent; however, the POI deliberately passed the impugned decision during the pendency of the case before the utility court. The Appellant submitted that the connected load was noticed as 0.932 kW, which does not correspond to the consumption of the undisputed months, but the POI did not consider the pictorial evidence and facts as provided in CSM-2021. The Appellant contended that the Respondent was using electricity directly; hence, past consumption cannot be made the basis for the determination of the fate of the impugned detection bill. The Appellant raised the preliminary objection that the POI is not empowered to decide the case of theft of electricity wherein the meter has been bypassed as per the verdict of the apex court.

3. Proceedings by the Appellate Board

Upon filing of the instant appeal, a Notice dated 19.03.2024 was sent to the Respondent

Appeal No.023/POI-2024

Page 2 of 5





National Electric Power Regulatory Authority

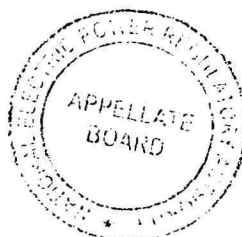
for filing reply/para-wise comments to the appeal within ten (10) days. In response, the Respondent submitted his reply on 04.03.2025 wherein he denied the allegation of theft of electricity through extra phase and contended that the entire proceedings including alleged checking forged, fabricated, and bogus and the Appellant could not prove the allegation of direct theft of electricity before the POI during the proceedings as well as during joint checking of the lower forum. The Respondent finally prayed for upholding the impugned decision.

4. Hearing

- 4.1 Hearing in the matter was fixed for 05.05.2025 at Karachi and accordingly, the notices dated 24.04.2025 were sent to the parties (i.e., the Appellant and the Respondent) to attend the hearing. As per schedule, the hearing was conducted at the NEPRA Regional Office Karachi, which was attended by both parties. The representatives for the Appellant contended that the Respondent is habitual in stealing electricity through extra phase, and the meter was found stopped during various checking as well as monthly readings; therefore assessed bills for the months i.e. November 2022, March 2023 to September 2023 were charged to the Respondent to recover the revenue loss sustained. The Appellant further contended that no notice is required in the case of direct theft of electricity, hence the impugned finding of the POI is not correct. As per the Appellant, the Respondent created hurdle by restricting access to the meter and threatening the officials; therefore, meter reading could not be taken. According to the Appellant, a letter was written to the police against the Respondent; as such, the POI has no jurisdiction to adjudicate the instant billing dispute, pursuant to the judgment of the honorable Supreme Court of Pakistan reported as PLD 2012 SC 371. The Appellant defended the charging of the impugned assessed bills and prayed that the same be declared as justified and payable by the Respondent.
- 4.2 The Respondent appearing in person denied the allegation of theft of electricity levelled by the Appellant and averred that the entire proceedings were carried out unilaterally and the Appellant failed to prove theft of electricity through material evidence as well as during the joint checking of POI. The Respondent supported the impugned decision for revision of the assessed bills on the basis of consumption of the previous year and prayed for upholding the same.

M.
60

Appeal No.023/POI-2024



Page 3 of 5



National Electric Power Regulatory Authority

5. Arguments were heard and the record was perused. Following are our observations:

5.1 In its appeal, the Appellant has claimed that the Respondent was involved in the theft of electricity. In this regard, the pictorial evidences were shown by the Appellant to prove their allegation of theft of electricity wherein it was observed that the Respondent was using electricity through bypassing the meter. The Appellant debited eight assessed bills of November 2022, March 2023 to September 2023 to the Respondent on the basis of connected load, which are under dispute.

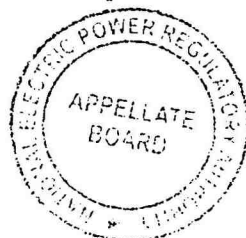
5.2 In case of direct theft, the Appellant was *inter alia*, required to process the case as theft of electricity, information of such offense be provided to the police in writing by the concerned officer not below Grade 17, disconnection of the electricity be varied out immediately under the supervision of concerned officer and the removed material was preserved as proof before the court during trial as per Clause 9.1 of the CSM-2021. However, in the instant case, the Appellant neither lodged FIR nor disconnected the electricity of the premises as per the above-referred procedure to establish direct theft. During joint checking dated 12.10.2023, the billing meter of the Respondent was found working ok and the allegation of direct theft was not established.

5.3 To further verify the contention of the Appellant, the consumption data of the Respondent is reproduced below:

Month	Units	Month	Units	Month	Units	Month	Units	Month	Units
Jan-20	424	Jan-21	435	Jan-22	197	Jan-23	164	Jan-24	815
Feb-20	450	Feb-21	441	Feb-22	193	Feb-23	771	Feb-24	851
Mar-20	431	Mar-21	486	Mar-22	184	Mar-23	6055	Mar-24	808
Apr-20	342	Apr-21	616	Apr-22	225	Apr-23	9019	Apr-24	912
May-20	271	May-21	713	May-22	228	May-23	7515	May-24	1191
Jun-20	348	Jun-21	723	Jun-22	249	Jun-23	9568	Jun-24	1327
Jul-20	480	Jul-21	503	Jul-22	241	Jul-23	7975	Jul-24	1126
Aug-20	509	Aug-21	277	Aug-22	256	Aug-23	9579	Aug-24	1206
Sep-20	466	Sep-21	229	Sep-22	251	Sep-23	9687	Sep-24	1015
Oct-20	608	Oct-21	240	Oct-22	230	Oct-23	296		
Nov-20	508	Nov-21	249	Nov-22	6053	Nov-23	13		
Dec-20	435	Dec-21	208	Dec-22	183	Dec-23	0		
Total	5272	Total	5120	Total	8490	Total	60642	Total	9251

As evident from the above table, the consumption of the Respondent during the disputed months is much higher than the consumption of the periods before and after the dispute, which does not support the contention of the Appellant w.r.t the assessed bills charged in November 2022 and March 2023 to September 2023. The Appellant even failed to prove

M. Q. M.



theft of electricity before the lower forum. Thus, we are of the considered view that the following assessed bills for November 2022, March 2023 to September 2023 charged to the Respondent based on the connected load are illegal and the same are liable to be declared as null and void as already determined by the POI.

5.4 The highest consumption of 1327 units was recorded in the billing history of the Respondent in June 2024, thus, it would be fair and appropriate to revise the disputed bills @ 1327 units/month for the months, i.e. November 2022, March 2023 to September 2023 to the Respondent. The impugned decision is liable to be modified to this extent.

6. In view of what has been stated above, it is concluded that:

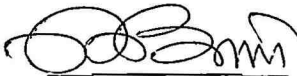
6.1 Following eight assessed bills charged by the Appellant to the Respondent are unjustified and rightly cancelled by the POI:

- i Assessed bill of Rs.242623/- for 6599 units for November 2022.
- ii Assessed bill of Rs.259106/- for 6600 units for March 2023.
- iii Assessed bill of Rs.418922/- for 9656 units for April 2023
- iv Assessed bill of Rs.413017/- for 8046 units for May 2023
- v Assessed bill of Rs.432304/- for 10133 units for June 2023
- vi Assessed bill of Rs.377294/- for 8446 units for July 2023
- vii Assessed bill of Rs.573898/- for 10120 units for August 2023
- viii Assessed bill of Rs.546696/- for 10218 units for September 2023

6.2 The Respondent may be charged the revised bills @ 1327 units/month for the months i.e. November 2022, March 2023 to September 2023 as recorded in June 2024.

6.3 The billing account of the Respondent may be overhauled after making adjustments of units already charged/payments against the impugned bills.

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



Abid Hussain
Member/Advisor (CAD)

Dated: 15-08-2025



Naweed Illahi Sheikh
Convener/DG (CAD)



Muhammad Irfan-ul-Haq
Member/ALA (Lic.)

