



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

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No. NEPRA/Appeal/102/2023/ *649*

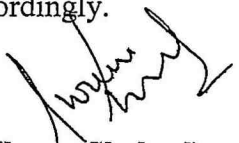
July 09, 2025

- | | |
|---|--|
| 1. Muhammad Aamir,
S/o. Bashir Ahmed,
Plot No. CR-197, Shah Baig Gabol Goth,
Sector 16/A, North Karachi, Karachi
Cell No. 0345-2151270 | 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.102/2023 (K-Electric vs. Muhammad Aamir) Against the Decision Dated 12.09.2023 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 09.07.2025 (05 page), 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.102/POI-2023

K-Electric Limited

.....Appellant

Versus

Muhammad Aamir S/o. Bashir Ahmed,
Plot CR-197, Shah Baig Gabol Goth, Sector 16-A,
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. Muhammad Aamir
Mr. Muhammad Advocate

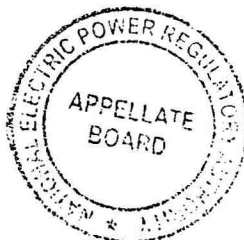
DECISION

1. Brief facts leading to the filing of instant appeal are that Muhammad Aamir (hereinafter referred to as the "Respondent") is an industrial consumer of K-Electric Limited (hereinafter referred to as the "Appellant") bearing Ref No.0400009972887 (AP-070992) with a sanctioned load of 22 kW and the applicable Tariff category is B-1. As per the site inspection report dated 18.04.2023, the Respondent was found stealing electricity through Kunda, and the connected load was observed as 33.328 kW, higher than the sanctioned load. Therefore, a detection bill of Rs.2,175,345/- for 56,951 units for six months for the period from 07.10.2022 to 07.04.2023 was charged to the Respondent on the basis of 40% load factor of the connected load i.e. 33.328 kW. In addition, an assessed bill of Rs.416,769/- for 9,732 units was charged to the Respondent in June 2023.
2. Being aggrieved, the Respondent approached the Provincial Office of Inspection, Karachi Region-II, Karachi (hereinafter referred to as the "POI") and challenged the above detection and assessed bills. During joint checking dated 08.06.2023, the billing meter of the Respondent was found working within permissible limits and 16 mm incoming cable was found intact. The matter was decided by the POI vide the decision dated 12.09.2023

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wherein the detection bill of Rs.2,175,345/- for 56,951 units for six months for the period from 07.10.2022 to 07.04.2023 and the assessed bill of Rs.416,769/- for 9,732 units were cancelled. As per the POI decision, the Appellant was directed to charge the revised bill for 661 units for June 2023 as per consumption recorded in November 2022.

3. Subject appeal has been filed against the afore-referred decision dated 12.09.2023 of the POI (hereinafter referred to as the "impugned decision") by the Appellant before the NEPRA, wherein it is contended that the Respondent was stealing electricity directly through Kunda and the connected load was noticed as 33.328 kW during the checking dated 18.04.2023, therefore a detection bill of Rs.2,175,345/- for 56,951 units for six months for the period from 07.10.2022 to 07.04.2023 was charged to the Respondent on the basis of the connected load. The Appellant further contended that the premises of the Respondent was again inspected on 07.06.2023 for meter reading purposes, however, the same couldn't be taken due to the loss of keys of locked meters, therefore the assessed bill of Rs.416,769/- for 9,732 units was charged to the Respondent based on connected load as observed in the previous inspection. As per the Appellant, the above detection/assessed bills were challenged before the POI vide two complaints. According to the Appellant, the Respondent reduced the connected load by removing the motors of looms machines before the joint checking dated 08.06.2023 of POI. The Appellant submitted that the pictorial evidence regarding direct theft of electricity was produced before the POI, however, the said forum failed to associate the evidence and record submitted by the Appellant as well as failed to use a jurisdictional approach. The Appellant further submitted that the premises was operational as evident from the evidence attached with the appeal and threatened the officials of the Appellant during inspection. The Appellant contended that the Respondent was using electricity directly hence consumption cannot be made the basis for the determination of the fate of the impugned detection bill. The Appellant further contended that the above detection bill was served to the Respondent after the completion of codal formalities, however, the POI cancelled the same and did not consider the pictorial evidence of direct use of electricity, hence the impugned decision is liable to be set aside. 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.

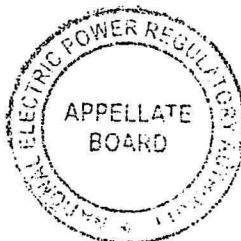
4. Proceedings by the Appellate Board

Upon filing of the instant appeal, a Notice dated 24.10.2023 was sent to the Respondent

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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.

5. Hearing

- 5.1. 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 detection bill of Rs.2,175,345/- for 56,951 units for six months for the period from 07.10.2022 to 07.04.2023 was debited on the basis of connected load i.e. 33.328 kW on account of direct theft of electricity as evident from the video of the inspection dated 18.04.2023. 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 threatened the officials, therefore meter reading could not be taken on 07.06.2023. According to the Appellant, the assessed bill of Rs.416,769/- for 9,732 units to the Respondent based on the connected load. The Appellant submitted that FIR was lodged 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 PKD 2012 SC 371. The Appellant defended the charging of the impugned detection and assessed bills and prayed that the same be declared as justified and payable by the Respondent.
- 5.2. The Respondent appearing in person denied the allegation of theft of electricity levelled by the Appellant and averred that 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 and prayed for upholding the same.



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

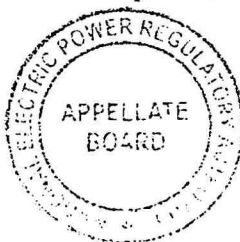
6.1 In its appeal, the Appellant has claimed that the Respondent was involved in the theft of electricity. In this regard, the pictorial evidences were shown by the Appellant to prove their allegation of theft of electricity wherein it was observed that the Respondent was using electricity through bypassing the meter. The Appellant debited the detection bill of Rs.2,175,345/- for 56,951 units for six months for the period from 07.10.2022 to 07.04.2023 to the Respondent on the basis of 40% load factor of the connected load i.e. 33.328 kW. In furtherance, an assessed bill of Rs.416,769/- against 9,028 units was charged to the Respondent in June 2023, which are under dispute.

6.2 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 wrote letter to the police of the registration of FIR nor disconnected the electricity of the premises as per the above-referred procedure to establish direct theft. During joint checking dated 08.06.2023, the billing meter of the Respondent was found working within permissible limits and 16 mm incoming cable was found intact.

6.3 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	Month	Units
Jan-20	167	Jan-21	134	Jan-22	166	Jan-23	0	Jan-24	156	Jan-25	152
Feb-20	168	Feb-21	176	Feb-22	151	Feb-23	151	Feb-24	160	Feb-25	150
Mar-20	181	Mar-21	144	Mar-22	168	Mar-23	231	Mar-24	151	Mar-25	135
Apr-20	103	Apr-21	200	Apr-22	199	Apr-23	169	Apr-24	147	Apr-25	139
May-20	1	May-21	188	May-22	180	May-23	206	May-24	146	May-25	
Jun-20	120	Jun-21	187	Jun-22	254	Jun-23	0	Jun-24	156	Jun-25	
Jul-20	203	Jul-21	190	Jul-22	227	Jul-23	156	Jul-24	137	Jul-25	
Aug-20	221	Aug-21	176	Aug-22	191	Aug-23	171	Aug-24	149	Aug-25	
Sep-20	122	Sep-21	188	Sep-22	252	Sep-23	171	Sep-24	146	Sep-25	
Oct-20	280	Oct-21	198	Oct-22	262	Oct-23	160	Oct-24	162	Oct-25	
Nov-20	162	Nov-21	193	Nov-22	661	Nov-23	171	Nov-24	155	Nov-25	
Dec-20	141	Dec-21	167	Dec-22	0	Dec-23	153	Dec-24	150	Dec-25	
Average	156	Average	178	Average	226	Average	145	Average	151	Average	144

As evident from the above table, the consumption of the Respondent during the disputed



period is compatible with the consumption of the periods before and after the dispute. The Appellant debited the detection bill @ 9,709 units per month for six months to the Respondent, which is much higher than the normal average consumption of the Respondent before and after the dispute. Thus we are of the considered view that the detection bill of Rs.2,175,345/- for 56,951 units for six months for the period from 07.10.2022 to 07.04.2023 charged to the Respondent based on 40% load factor of the connected load i.e. 33.328 kW and the assessed bill of Rs.416,769/- against 9,028 units are illegal and the same are liable to be declared as null and void as already determined by the POI.

6.4 The highest consumption of 661 units was recorded in the billing history of the Respondent, thus it would be fair and appropriate to revise the disputed bills @ 661 units/month for the months i.e. December 2022 to March 2023, and June 2023 to the Respondent. The impugned decision is liable to be modified to this extent.


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


7.1 The detection bill of Rs.2,175,345/- for 56,951 units for six months for the period from 07.10.2022 to 07.04.2023 and the assessed bill of Rs.416,769/- against 9,028 units for June 2023 charged to the Respondent are unjustified and the same are cancelled.


7.2 The Respondent may be charged the revised bills @ 661 units/month for the months i.e. December 2022 to March 2023 and June 2023 to the Respondent as recorded in November 2022.

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

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

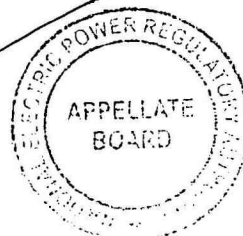

Abid Hussain
Member/Advisor (CAD)


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


Naweed Illahi Sheikh
Convener/DG (CAD)

Dated: 09-07-2025

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