



Registrar

National Electric Power Regulatory Authority
Islamic Republic of Pakistan

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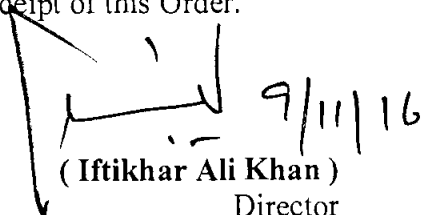
NEPRA/R/TCD.09(CAD)/15287-88
November 9, 2016

Chief Executive Officer
K-Electric Limited (KEL)
KE House, Punjab Chowrangi
39 – B, Sunset Boulevard, Phase-II
Defence Housing Authority
Karachi.

Subject: **ORDER IN THE MATTER OF COMPLAINT FILED BY MR. SARWAR ZUBARI UNDER SECTION 39 OF THE REGULATIONS OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED REGARDING DETECTION BILL (CONSUMER # LA-927731)**
Complaint # KE-110/2016

Please find enclosed herewith the Order of NEPRA regarding the subject matter for necessary action and compliance within thirty (30) days of receipt of this Order.

Encl: As above


(Iftikhar Ali Khan)
Director
Registrar Office

Copy to:

Mr. Sarwar Zubari
House No. B-365/10
Federal B. Area,
Karachi



**BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)**

Complaint No: KE-110/2016

Mr. Sarwar Zubari

House No. B-365/10
Federal B. Area
Karachi.

..... **Complainant**

Versus

K-Electric Limited

KE House No.39-B
Sunset Boulevard DHA Phase-II
Defense Housing Authority
Karachi.

..... **Respondent**

Date of Hearing: May 27, 2016

Complainant: 1) Mr. Sarwar Zubari

Respondent: 1) Mr. Faisal, GM (IBC-FB.A)
2) Mr. Abdul Rabb, DGM (IBC-FB.A)
3) Mr. Asif Shajar, DGM (Regulations)

Date of Decision: November , 2016

Subject: **ORDER IN THE MATTER OF COMPLAINT FILED BY MR. SARWER ZUBARI UNDER SECTION 39 OF THE REGULATIONS OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED REGARDING DETECTION BILL (CONSUMER # LA-927731)**

ORDER

This Order shall dispose of the complaint filed by Mr. Sarwar Zubari (hereinafter referred to as "the Complainant") against K-Electric Limited (hereinafter referred to as the "Respondent" or "KE") under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997.

(2). The Complainant in his complaint stated that in the month of October 2014 he received an excessive bill amounting to Rs.18,695/- on account of alleged theft of electricity while the same was paid by him in installments. Meanwhile, the Complainant added that some of the KE officials demanded bribe amounting to Rs.20000/- before charging the said bill, having no other efficacious remedy he paid Rs.10000/- for stopping the same. The Complainant further stated that in the month of October 2015 KE charged another bill amounting to Rs. 1,02,000/- upon which he approached KE, when his grievances were not addressed thereby he was left with no other option but to pay the bill in part payment (under protest). The Complainant prayed the Authority to intervene in the matter.

(3). **The matter was taken up with KE for submission of para-wise comments. In response, KE vide letter dated May 16, 2016 reported that a site inspection dated August 19, 2105 was carried out at the premises of the Complainant after serving inspection notice dated August 19, 2105 under section 20 of the Electricity Act, 1910. As per Site Inspection Report (SIR) dated August 19, 2105, a discrepancy of "Meter found Neutral Break, Load In Use" was reported and connected load was found to be as 8.042 kW against sanctioned load of 5.00 kW. Thereupon, a notice dated August 19, 2105 under section 39, 39-A, 44 and 26-A of the Electricity Act, 1910 was served upon the Complainant to explain the reasons behind the mentioned discrepancy which the Complainant refused to acknowledge. After lapse of the stipulated period, a detection bill amounting to Rs.97,576/- for 7253 units was charged on the basis of the SIR for the period of six months, i.e. commencing from February 07, 2015 to August 06, 2015. KE further submitted that the Complainant was using electricity through unauthorized means; hence the detection bill is justified and liable to be paid by him.**

(4). To examine the matter further, a hearing was held at Karachi on May 27, 2016 which was attended by both the parties, who advanced their respective arguments based upon their earlier submissions. KE further apprised that at the time of checking meter equipment of the Complainant a discrepancy of "meter stop neutral broken" was found with running load of seven 07 Amp and wherein KE requested the authority to order the Complainant to allow KE for replacing the impugned meter. Thereupon the Complainant denied the allegations leveled by KE and placed his submissions over the reported SIR, issuance of notice(s), raising of detection bill. In view of the above, the competent authority decided that the impugned meter of the Complainant should be changed and KE was ordered to replace the same on immediate basis. Accordingly, the said meter was replaced by KE in the month of June 2016.

(5). After examining the case in light of the available record, relevant documentary evidence, arguments advanced during the hearing and applicable law, following has been observed:

- i. The connection is single phase, under residential category (House) Al-R, having sanctioned load of 5 kW. As per report of KE, site inspection of premises of the



Complainant was carried out on August 19, 2105 and discrepancy of "meter found neutral broken" was found. On the basis of this discrepancy, KE assessed the consumption of the Complainant as 7253 units (1209 units per month) for the period commencing from February 07, 2015 to August 06, 2015 and after deducting already charged 1252 units, KE raised detection bill of 7253 units amounting to Rs.97,576/-. However, the Complainant denied the said allegations leveled by KE and raised observation over the SIR and issuance of notices

- ii. The billing statement of the Complainant's account provided by KE is as under;

Month	No of units kWh Consumed		
	2014	2015	2016
January	116	77	148
February	95	89	143
March	112	100	132
April	154	148	161
May	177	482	245
June	544	275	634 (MCO)
July	485	125	389
August	470	122 (SIR)	221
September	571	164	143
October	325	231	154
November	183	105	
December	127	144	

- iii. The inspection of the premises was carried out on August 19, 2105 and KE has charged detection bill for the period commencing from February 07, 2015 to August 06, 2015. The above table depicts the consumption of the Complainant as under:

- Consumption during the disputed period year 2015 i.e. from February 07, 2015 to August 06, 2015 was 1252 units (Average monthly= 209 units)
- Consumption during the same months of disputed period after inspection and 02 two months after MCO i.e. from February 07, 2016 to August 06, 2016 was 1782 units (Average monthly 297 units).
- Consumption during the period of (06) six months immediately after inspection i.e. from September 2015 to February 2016 was 935 units (Average monthly = 156 units)

- Consumption in corresponding months of previous year i.e. from September 2014 to February 2015 was 1372 units (Average monthly = 229 units).
- iv. The above billing record reveals that there is minor increase in the consumption of the Complainant during the period after inspection as well as replacement of meter in the month of June 2016 (about 88 units per months) as compared with the consumption recorded in disputed months of year 2015. Moreover, the consumption of the Complainant has decreased (about 73 units per months) immediately after inspection i.e. September 2015 to February 2016 as compared to the consumption recorded during the corresponding months of previous years. Furthermore, the documents as provided by KE does not support the version of KE that the Complainant was involved in theft of electricity.
- v. It is evident from the documentary made so available that KE has not followed the procedure laid down in CSM for establishing illegal abstraction of electricity in true letter and spirit. Furthermore, KE has not provided any proof from which it could be ascertained that the Complainant was involved in illegal abstraction of electricity.
- vi. Further, as per provisions of CSM FIR is mandatory in case of direct theft of electricity. If the Complainant was involved in theft of electricity by using extra phase/hook, then KE should have lodged FIR against him, but there is nothing on record as far as FIR is concerned. In this regard, KE has further submitted that it is not possible to lodge FIR in all cases due to requirement of supporting documents, which are not provided by the consumers after detection of theft.

(6). In view of above, the detection bill amounting to Rs. 97,576/- for 7253 units is without any legal justification. KE has failed to substantiate its case with any cogent evidence. Further, non-compliance of the provision provided in CSM has tainted the entire proceedings. Therefore, KE is hereby directed as under;

- To waive the impugned detection bill, LPS and any other illegal/hidden charges levied by KE during the disputed period.
- Replace the Complainant single phase meter with a three phase and regularize the excessive load in accordance with the relevant procedures laid down in CSM
- KE is also directed to investigate the issues, which are raised by the Complainant in his compliant for the year 2014 and take legal action against the delinquent



officials involved in demanding illegal gratification i.e. bribe from the Complainant.

- To ensure compliance with the procedure provided in CSM for all cases falling under Chapter 09 thereof.

(7). Compliance report be submitted within thirty (30) days.

Member (Consumer Affairs) 18/11/16

Islamabad, November 8 . 2016