



OFFICE OF THE
REGISTRAR

National Electric Power Regulatory Authority
Islamic Republic of Pakistan

NEPRA Tower, Attaturk Avenue (East), G-5/1, Islamabad
Phone: 9206500, Fax: 2600026
Website: www.nepra.org.pk, Email: registrar@nepra.org.pk

No. NEPRA/Dir.(CAD)/TCD-09/13691-92

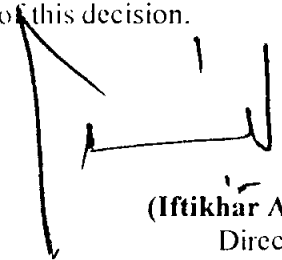
October 3, 2016

Chief Executive Officer
K-Electric Limited,
KE House No. 39-B, Sunset Boulevard Phase-II,
Defence Housing Authority,
Karachi

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. RAJAB ALI UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED REGARDING DETECTION/ASSESSED BILLING(CONSUMER # AL-984788)
Complaint # KE-02/2015

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

Encl: As Above


31/10/16
(Iftikhar Ali Khan)
Director

Copy to:

Mr. Rajab Ali
Ground Floor, Kabla Compound
Ranchor Line, Hardas Street
Karachi



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No: KE-02-2016

Mr. Rajab Ali **Complainant**
Ground Floor, Kabla Compound
Ranchor Line, Hardas Street
Karachi.

Versus

K- Electric Limited **Respondent**
KE House, 39-B, Sunset Boulevard, Phase II
DHA, Karachi.

Date of Hearing: May 27, 2016

On behalf of:
Complainant: Mr. Rajab Ali

Respondent:

- i. Mr. Yasir Qamar DGM (Operations)
- ii. Syed Azhar Ali, Legal Co-ordinator
- iii. Mr. Asif Shajar DGM (Regulations)
- iv. Mr. Imran Hanif AM (Regulations)

Date of Decision: Sept; 30, 2016

Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY MR. RAJAB ALI UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED REGARDING DETECTION/ASSESSED BILLING (CONSUMER # AL-984788)**

DECISION

This decision shall dispose of the complaint filed by Mr. Rajab Ali (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 has stated their usage of electricity is usually on lower side, however, KE has been charging assessed bills which are not as per his meter dial. Moreover, the Complainant stated that he approached KE in writing for correction of the said impugned bill(s) but the issue remained unresolved. The Complainant prayed that KE be directed to stop issuing assessed bills and redress his genuine grievances.

3. The matter was taken up with KE for submission of para-wise comments. In response, KE vide letter dated January 28, 2016 reported that the meter of the Complainant is installed in dilapidated surrounding due to which true consumption of the Complainant could not be ascertained, therefore, the Complainant was billed on assessed mode twice during the past twelve months. KE further added that the meter of the Complainant could not be replaced due to non-availability of safe and reliable location which is responsibility of the Complainant as well and it has been recommended that the meter installed at premises of the Complainant be replaced. Moreover, a site inspection was also carried out at the premises of the Complainant after serving inspection notice dated July 10, 2015 under section 20 of the Electricity Act, 1910 and the same was not acknowledged by the Complainant. As per the said Site Inspection Report (SIR) a discrepancy of "Meter stop, electricity being used directly" was found and connected load was reported to be 4.92 kW against sanctioned load of 1 kW. Thereupon, a notice under section 39, 39-A, 44 and 26-A of the Electricity Act, 1910 was served upon the Complainant to explain the reason behind the reported discrepancy and the same was also not acknowledged by the Complainant. After lapse of the stipulated time period, a detection bill amounting to Rs.29,262/-/- for 2441 units was processed on the basis of SIR, covering a period of six months i.e. from December 27, 2014 to June 24, 2015. Further KE stated that the Complainant was involved in illegal abstraction of electricity; hence, the detection bill is justified and liable to be paid by the Complainant. The report of KE was sent to the Complainant for information/comments. In response, the Complainant vide letters dated March 14, 2016 and March 30, 2016 approached this office and raised observations over the case.

4. In order to examine the matter further, a hearing was held at Karachi on May 27, 2016 which was attended by both the parties, wherein the parties advanced their respective arguments on the basis of their earlier submissions. The Complainant raised observation over the SIR dated July 10, 2015, meter reading process, issuance of notice(s), raising of detection bill, and denied the allegations leveled by KE. KE advanced its respective arguments based upon its earlier version and further informed that the detection bill was calculated on the basis of connected load.

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 supply of premises of the Complainant is single phase, residential connection having sanctioned load of 1 kW. As per report of KE, site inspection of premises of the Complainant was carried out on July 10, 2015 and discrepancy of "Meter stopped: electricity being used

directly” was found. On the basis of the said discrepancy, KE assessed the detection bill 3105 units (518 units per month), for the period of 6 six months from December 27, 2014 to June 21, 2015 and after deducting already charged 664 units, KE raised the detection bill of 2441 units amounting to Rs.29,262/-. The Complainant has denied the allegations leveled by KE.

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

Month	No of units kWh Consumed			
	2013	2014	2015	2016
January		18	0	0 (Adjusted)
February	253	0	106	0
March	318	260	142	262 (Average)
April	286	151	140	547 (Average)
May	294	160	149	0
June	296	342	127	0
July	330	118	270 (SIR)	170
August	250 (Assessed)	210	220 (Assessed)	
September	473	121	482 (Assessed)	
October	133 (Average)	133 (Assessed)	407 (Average)	
November	133 (Assessed)	117 (Assessed)	220 (Assessed)	
December	500	119 (Assessed)	374 (Average)	

a. As per site inspection of premises of the Complainant carried out by KE on July 10, 2015, the above table depicts the consumption of the Complainant as under:

- Consumption of the Complainant during the disputed period i.e. from January 2015 to June 2015 was **664 units (Average monthly=111 units)**,
- Consumption of the Complainant in corresponding months of previous year i.e. from January 2014 to June 2014 was **931 units (Average monthly=155 units)**,

iii. The above billing record reveals that consumption of the Complainant's account was already recorded on lower side during the period for which KE has charged detection bill, as compared to the consumption recorded in the same months of the previous year(s). The consumption of the Complainant premises after inspection could not be ascertained as KE has issued consecutive Assessed/Average bills to the Complainant after site inspection i.e. August 2015 to December 2015 and March 2016 to April 2016 which are on higher side and against the provisions of Consumer Service Manual (CSM).

- iv. As per SIR dated July 10, 2015 and January 14, 2016 submitted by KE, the meter having No.SAF75867 and make EPI is installed at premises of the Complainant, however, the billing statement of the Complainant's account disclose that the meter No.A95577 and make SBL which is contradictory and the same is required to be updated.
- v. The billing account of the Complainant's premises has been examined in detail from year 2013 and it is observed that KE has also charged consecutive assessed/average bills to the Complainant before inspection as well i.e. August 2013, October 2013, November 2013, October 2014 to December 2014 which are on higher side and unjustified.
- vi. Moreover, from the documents provided by KE, it has been established that the procedure laid down in the chapter 09 of CSM for establishing illegal abstraction of electricity has not been followed in true letter and spirit.
- vii. As per provisions of Consumer Service Manual (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 the record is silent in this case. Further, KE has added 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 foregoing, detection bill amounting to Rs.29,262/- for 2441, charged against the Complainant is without any legal justification. KE has failed to substantiate its case with any cogent evidence. Further, the non-compliance of the procedure provided in Chapter 9 of CSM has tainted the entire proceedings. In view of the said, KE is hereby directed to waive of the impugned detection bill, adjust the assessed/average bills as stated above and update the meter particulars.

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


Member (Consumer Affairs)

Islamabad. Sept. 30, 2016