



Registrar

National Electric Power Regulatory Authority
Islamic Republic of Pakistan

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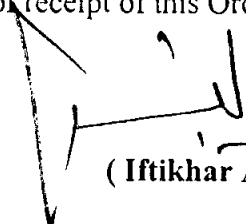
NEPRA/R/TCD.09(CAD)/15770-71
November 16, 2016

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

Subject: **ORDER IN THE MATTER OF COMPLAINT FILED BY MR. ABID HUSSAIN UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED REGARDING DETECTION BILL (CONSUMER # LB-233073)**
Complaint # KE-10/2016

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


16/11/16
(Iftikhar Ali Khan)
Director
Registrar Office

CC:

Mr. Abid Hussain
703, Bakshi Residency, Nazimabad-I
Karachi.



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

Complaint No: KE-10-2016

Mr. Abid Hussain **Complainant**
703, Bakshi Residency, Nazimabad-I
Karachi.

Versus

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

Date of Hearing: May 26, 2016

On behalf of

Complainant: i. Mr. Abid Hussain
ii. Mr. Rustam Khan

Respondent:

- i. Mr. Rafique Ahmed - GM (Regulations)
- ii. Mr. Sheeraz Azeem - DGM (Operations)
- iii. Mr. Asif Shajar - DGM (Regulations)
- iv. Mr. Rashid Ali - AM (Operations)

Date of Order: November , 2016

Subject: ORDER IN THE MATTER OF COMPLAINT FILED BY MR. ABID HUSSAIN UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST K-ELECTRIC LIMITED REGARDING DETECTION BILL (CONSUMER # LB-233073)

ORDER

This Order shall dispose of the complaint filed by Mr. Abid Hussain (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.

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(2). The Complainant submitted that in the billing month of November, 2015 KE charged a detection bill amounting to Rs. 89,960/- on the pretext of damaged meter & misuse of electricity. Thereon, the Complainant approached KE for redressal of the issue but the same remained unresolved. The Complainant prayed for the intervention of the Authority and redressal of his grievances.

(3). The matter was taken up with KE for submission of para-wise comments. In response, KE vide letter dated December 29, 2015 reported that a site inspection was carried out at the premises of the Complainant dated November 27, 2015 after serving notice under section 20 of the Electricity Act, 1910. As per site inspection report (SIR) a discrepancy of "terminal strip broken and meter tampered" was reported and 7.603 kW against sanctioned load of 4.0 kW. Thereupon, a notice dated November 27, 2015 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, however the Complainant refused to acknowledge the same. After lapse of the stipulated time period, a detection bill amounting to Rs.89,960/- for 4542 units was issued on the basis of connected load, covering a period of six (06) months commencing from May 2015 to November 2015. Moreover, KE added that since the Complainant was involved in using electricity through unauthorized means therefore, the detection bill is justified and liable to be paid by the Complainant.

(4). The report of KE was sent to the Complainant for information/comments. In response, the Complainant vide letter dated March 09, 2016 submitted rejoinder, wherein he raised objections over the report of KE and denied the allegation leveled upon him. Accordingly, the matter was again taken up with KE in light of submissions of the Complainant and some additional documents were sought from KE with respect to billing history of the Complainant, rationale of detection bill, proof of discrepancy etc. In response, KE vide its letter dated March 25, 2016 submitted the documents. Moreover KE 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.

(5). To examine the matter further, a hearing was held at Karachi on May 26, 2016 which was attended by both the parties wherein the parties advanced respective arguments based upon their earlier submissions. During the proceedings, the Complainant raised observation over the process of carrying out Site Inspections, issuance of notice(s), raising of detection bill and denied the allegations leveled by KE. Moreover, the Complainant contended that since his apartment is situated at 7th floor of the building then it is not possible for him to break the strip of meter which is installed on the ground floor of the building. KE advanced its respective arguments based upon their earlier version submitted vide its letter dated December 29, 2015 and further informed that the detection bill was calculated on the basis of connected load of 7.603 kW and the impugned meter was replaced on February 16, 2016 (after 03 months) of inspection.

(6). After examining the case in detail in light of the available record, relevant documentary evidence, and applicable law, following has been observed:

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- i. The connection of the premises is single phase, under residential category (Flat) Al-R, having sanctioned load of 1 kW. As per report of KE, a site inspection of premises of the Complainant was carried out on November 27, 2015 and discrepancy of “terminal strip broken and meter tempered” was found. On the basis of this discrepancy, KE assessed the consumption of the Complainant as 5795 units (966 units per month) as per connected load of 7.603 kW for covering period of six (06) months i.e. from May 19, 2015 to November 17, 2015 and after deducting already charged 718 units, KE charged detection bill of 4542 units amounting to Rs.89,960/- to the Complainant. The Complainant denied the said allegations leveled by KE.
- ii. The billing statement of the Complainant's accounts provided by KE is as under:

Month	No of units KWh consumed			
	2013	2014	2015	2016
January	112	108	95	138
February	125	99	116	66 (MCO)
March	105	100	115	91
April	145	154	159	107
May	168	178	207	128
June	157	212	217	154
July	155	158	212	190
August	171	192	159	104
September	104	150	169	171
October	176	199	362	
November	132	179	134 (SIR)	
December	101	115	139	

- iii. The inspection of the premises of the Complainant was carried out on November 27, 2016 and KE has charged the detection bill to the Complainant for the period commencing from May 19, 2015 to November 17, 2015. The above table depicts the consumption of the Complainant as under:

- Consumption during the disputed period i.e. from May, 2015 to November, 2015 was 1253 units (Average monthly= 209 units)
- Consumption in corresponding months of previous year i.e. from May 2014 to November 2014 was 1090 units (Average monthly = 182 units).

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- Consumption during the period of (10) ten months after inspection i.e. from December 2015 to September 2016 was 1288 units (Average monthly = 129 units)
 - Consumption in corresponding months of previous year i.e. from December 2014 to September 2015 was 1564 units (Average monthly = 156 units).
- iv. The above billing record advocates that the consumption of the Complainant account was already on higher side during the period for which KE has charged detection bill as compared with the consumption recorded in the corresponding months of the previous year (2014). Moreover, the consumption of the Complainant has also decreased after site inspection as compared to the consumption recorded during the corresponding months of previous year(s). Furthermore, the billing history of premises does not support the version of KE that the Complainant was involved in theft of electricity.
- v. KE has penalized the Complainant on account of illegal abstraction of electricity i.e. terminal strip broken and meter tampered. In this regard, procedure is laid down in Chapter 9 of the Consumer Service Manual (CSM) which provides, inter alia, for securing the existing meter in the presence of the consumer or his representative, installation of check meter, issuance of notice and examining the reply of the consumer. Once illegal abstraction is confirmed, detection bill is to be restricted to three billing cycles and up-to six months with the approval of the CEO or his authorized committee. But in the instant case neither check meter was installed nor was the billing difference between the check & impugned meter charged by KE to the Complainant as per the relevant procedures laid down in CSM.
- vi. Additionally, the relevant meter was not secured in the presence of the owner/occupier or his Authorized representative/respectable person of the locality, constituting contravention of the procedure laid down in Chapter 9 of the CSM.
- vii. From the documents provided by KE it has not been established that the procedure laid down in the CSM for establishing illegal abstraction of electricity has been followed in true letter and spirit. Further, KE has not provided any proof from which it could be ascertained that the Complainant was involved in illegal abstraction of electricity. Additionally KE has also failed to calculate the actual quantum of energy at premises though means of installing a check meter at the premises.

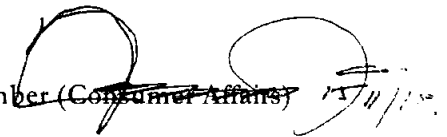
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(7). In view of above, the detection bill for 4542 units amounting to Rs.89,960/- charged by KE is without legal justification. Non-compliance of the procedure provided in Chapter 9 of CSM has tainted the entire proceedings. Therefore, KE is hereby ordered to:

- a) Waive the impugned detection bill, LPS and any other illegal/hidden charges levied by KE during the disputed period.
- b) Regularize the excessive load and replace the meter of the Complainant in accordance with the relevant procedures laid down in CSM.
- c) To ensure compliance with the procedure provided in CSM for all cases falling under Chapter 09 thereof.
- d) Take legal action against the responsible officials who failed to follow the applicable rules and regulations in true letter and spirit.

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


Member (Consumer Affairs) 13/11/16

Islamabad, November 15, 2016

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