



National Electric Power Regulatory Authority
Islamic Republic of Pakistan

Registrar

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No. NEPRA/R/TCD-09/ 11096-98

24-4-2013

Chief Executive Officer
Karachi Electric Supply Company (KESC)
KESC House No. 39-B, Sunset Boulevard Phase-II
Defence Housing Authority, Karachi.

Subject: **Decision of the Authority on the Motion for Leave for Review Filed by KESC in the Matter of Complaint Filed by Mr. Muhammad Ameen Under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 Against KESC Regarding Detection Bill**
Complaint # KESC-254-2012

Reference is made to the motion for leave for review filed by KESC vide letter dated January 04, 2013 against the decision of Member (Consumer Affairs) dated December 11, 2012 regarding the subject matter.

2. Please find enclosed the decision of the Authority on the motion for leave for review for necessary action and compliance within 30 days of the receipt of this decision.

Encl : As Above

— 54 —
(Syed Safer Hussain)

Copy to:

1. Syed Muhammad Taha
Chief Distribution Officer
Karachi Electric Supply Company (KESC)
KESC House No. 39-B, Sunset Boulevard Phase-II
Defence Housing Authority, Karachi.
2. Mr. Muhammad Ameen
D-110, Block-4, Gulshan-e-Iqbal
Karachi

No. NEPRA/R/TCD-09/ 11099

24-4-2013

Forwarded for information, please.

1. Director (CAD)
2. Assistant Legal Advisor (CAD)
3. Master File [w.r.t. ATC / VC / M (L) D#255 dated 17.04.2013]

CC:

1. Vice Chairman / Member Licensing
2. Member (M&E)
3. Member (Tariff)
4. Member (C.A)


Registrar



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

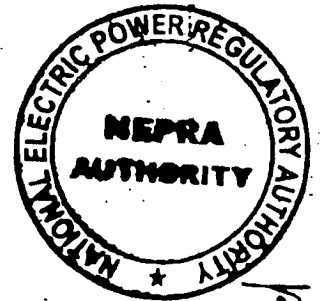
Complaint No: 254-2012

Karachi Electric Supply Company (KESC) KESC House No 39-B Sunset Boulevard Phase-II Defence Housing Authority, Karachi.	Petitioner
Versus		
Mr. Mohammad Ameen R/o D-110, Block-4, Gulshan-e-Iqbal Karachi	Complainant

Date of Decision: March 20, 2013

Present:

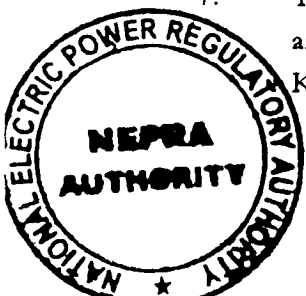
- | | | |
|---------------------------|-------------|-----------------------------------|
| 1) Mr. Shaukat Ali Kundi | <i>Vice</i> | Chairman/ Member (Licensing) |
| 2) Mr. Habibullah Khilji | | Member (Monitoring & Enforcement) |
| 3) Khawaja Muhammad Nacem | | Member (Tariff) |
| 4) Maj (R) Haroon Rashid | | Member (Consumer Affairs) |



Subject: DECISION OF THE AUTHORITY ON THE LEAVE FOR REVIEW FILED BY KESC IN THE MATTER OF COMPLAINT FILED BY MR. MOHAMMAD AMEEN UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST KESC REGARDING DETECTION BILL

1. This decision shall dispose off the review motion dated January 04, 2013 filed by Karachi Electric Supply Company (hereinafter referred to as the 'KESC' or 'Petitioner') against the decision of Member (Consumer Affairs) dated December 11, 2012 in the matter of complaint of Mr. Mohammad Ameen (hereinafter referred to as the 'Complainant').
2. The brief facts of the case are that the Complainant in the complaint dated July 02, 2012 stated that KESC charged him a detection bill of Rs.338,834/- which is unjustified as he had been paying his monthly electricity bills regularly. The Complainant requested for correction of his electricity bill.

3. To proceed with the matter, the complaint was referred to the KESC vide letter dated July 05, 2012 for submission of para wise reply. In response, KESC vide its letter dated July 16, 2012 submitted that the connected load of the Complainant is 23.23 kW against sanctioned load of 1.746 kW. A site inspection was carried out at the premises of the Complainant after serving the inspection notice dated May 15, 2012. As per site inspection report, meter terminal strip found reopened, meter found slow on blue phase due to shunt. A notice under section 39, 39A, 44 & 26A of the Electricity Act, 1910 dated May 15, 2012 was served upon the consumer in order to give him a fair opportunity to explain the reason of discrepancy but no response was received within the stipulated time. A reminder as final notice was sent in June 2012. Consequently, a detection bill of 18955 units was processed on the basis of Site Inspection Report (SIR) covering the period from November 18, 2011 to May 21, 2012 amounting to Rs.309,204/-. KESC further submitted that the Complainant is involved in illegal abstraction of electricity; therefore the detection bill is justified and liable to be paid by the Complainant.
4. The report of KESC was communicated to the Complainant for his information/rejoinder. In response, the Complainant vide letter dated August 12, 2012 made his observations over the report of KESC and informed that the allegation of KESC regarding connected load of 23.23kW was baseless and no notice was served upon him. The Complainant also denied the allegation of KESC regarding presence of shunt in the meter. He submitted that the impugned meter was replaced by KESC and a digital meter was installed and after replacement of the meter there had been no difference in consumption and his consumption was between 1300 to 1400 units per month despite having standby generator and 6 hours load shedding.
5. The matter was again taken up with KESC vide letter dated September 04, 2012 in light of observations of the Complainant. Also information regarding billing statement of the premises, breakup of detection bill, assessment of load was sought from KESC which was submitted by KESC vide letter dated September 07, 2012.
6. To further investigate the matter, a hearing was held on October 16, 2012 at NEPRA office Islamabad which was attended only by KESC whereas the complainant informed that he cannot attend the hearing due to medical grounds and his version as already submitted in his complaint may be considered. During the hearing, KESC's representative argued the case on the basis of earlier points submitted in the reply. KESC's representative further submitted that the Complainant was involved in theft of electricity and after replacement of meter, the consumption of the Complainant had increased. KESC representative informed that the connected load of the Complainant is 24.5 kW.
7. The case was examined in light of documents provided by both the parties and arguments advanced by the Petitioner during the hearing. The record submitted by KESC did not establish that the procedure laid down in Consumer Service Manual was



followed therefore, detection bill charged by KESC was required to be withdrawn. However, the billing statement of the premises revealed that the consumption of the Complainant after replacement of meter had increased as compared to the corresponding months of the previous two years therefore, KESC through the decision of Member (Consumer Affairs) dated December 11, 2012 was allowed to charge the detection bill on the basis of average consumption recorded on the new meter as per the following formula:

$$\begin{aligned} \text{Units to be charged during} & \quad (\text{Average monthly consumption (units) from June} \\ \text{the period November 18, 2011} & = \text{2012 to September 2012})/4 \times 6 - (\text{Units already} \\ \text{to May 21, 2012} & \quad \text{charged by KESC during November 18, 2011 to} \\ & \quad \text{May 21, 2012}) \\ & = (1339+1124+2315+1729) \times 6 - 5679 = 4081 \text{ units} \end{aligned}$$

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8. Being aggrieved by the impugned decision, KESC filed the instant Review Motion under the signatures of Director Distribution Strategy whereas the same was required to be submitted by CEO KESC as per the standing instructions of NEPRA; however, the Authority considered the review motion filed by KESC. In terms of Regulation 3(2) of the NEPRA (Review Procedure) Regulations, 2009, a motion seeking review of any order of the Authority is competent only upon discovery of new and important matter of evidence or on account of some mistake or error apparent on the face of record. The perusal of the decision sought to be reviewed clearly indicates that all material facts and representation made were examined in detail and there is no occasion to amend the impugned decision. No error inviting indulgence as admissible in law has been pleaded out. Therefore, the Authority is convinced that the review would not result in the withdrawal or modification of the impugned decision. Moreover, the review petition is time barred under NEPRA Complaint Handling and Dispute Resolution (Procedures) 2011 and NEPRA (Review Procedure) Regulations, 2009. Hence the motion for review is declined.

Maj (R) Haroon Rashid
15/4

(Maj (R) Haroon Rashid)
Member

Khawaja Muhammad Naeem
16/4/2013

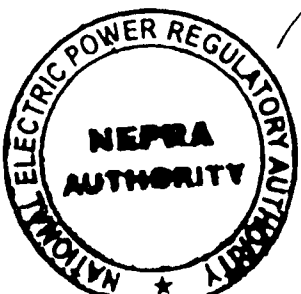
(Khawaja Muhammad Naeem)
Member

Habibullah Khilji
17/4/2013

(Habibullah Khilji)
Member

Shaukat Ali Kundi
18.04.13

(Shaukat Ali Kundi)
Chairman



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