



National Electric Power Regulatory Authority
Islamic Republic of Pakistan

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Registrar

No. TCD 09/8113-157

9-10-2012

Chief Executive Officer
Karachi Electric Supply Company Ltd. (KESC)
KESC House, Punjab Chowrangi,
39 - B, Sunset Boulevard, Phase-II
Defence Housing Authority
Karachi.

DD (CAD)

11/10

Subject: Complaint of Mr. Yawar Abbas under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 against KESC regarding Extra Amount in the Bill (AC No. 0213807190133) Complaint # KESC-11/2012

Please find enclosed herewith the decision of Member (Consumer Affairs) in the subject matter for necessary action and compliance within 30 days of the receipt of this letter.

12/11/12

Encl: As above

(Syed Safer Hussain)

Copy:

1. Mr. Amer Zia
Director (Strategy Planning and Compliance)
Karachi Electric Supply Company Ltd.
House No. 10-B, St. 65,
F-8/3, Islamabad.
2. Mr. Yawar Abbas
S/O Syed Nasir Hussain Jaffari,
C/O Shop No. 4-A, Mehboob Square,
Block 14, Federal B Area,
Karachi

No. TCD 09/ 8116

9-10-2012

Forwarded for information, please.

Registrar

Senior Advisor (CAD) [w.r.t. Dy. No. 1054 dated 09.10.2012]
Master File

CC:

1. Acting Chairman / Member (CA)
2. Member (Lic.)
3. Member (M&E)
4. Member (Tariff)

(15)

BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No: KESC-11-2012

Syed Yawar Abbas Complainant

Versus

Karachi Electric Supply Company (KESC) Respondent

Date of Hearing: July 24, 2012

Date of Decision: October 05, 2012

On behalf of:

Complainant: Syed Yawar Abbas

Respondent: Mr. Amer Zia, Director (S,P&C)

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY SYED YAWAR ABBAS UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST KESC REGARDING EXTRA AMOUNT IN THE BILL (AC NO 0213807190133)

DECISION

1. This Decision shall dispose of the complaint filed by Syed Yawar Abbas (hereinafter referred to as the "complainant") against Karachi Electric Supply Company (hereinafter referred to as the "respondent" or "KESC") with NEPRA on January 9, 2012 under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997.

2. Precisely, the complainant in his complaint mentioned that he is doing the business of photography and has never ignored to pay the electric consumption bills within due date. The consumption of electricity is between 800-1150 units per month depending upon the business. He further informed that in the month of March and April 2011 a person purporting as an official of KESC visited his shop and demanded illegal gratification and threatened that if the demanded amount was not paid he would suffer heavy losses and his electricity connection will be disconnected by involving him in false cases. On May 4, 2011 an official of KESC visited his shop and checked his meter. On August 03, 2011 and September 30, 2011 the same person who has inspected the meter served notices under section 39, 39-A, 44 and 26-A of Electricity Act 1910 with the allegation of extra phase in use at the premises and he again demanded Rs.100,000/- as bribe and upon refusal

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the complainant was threatened to face the consequences. Afterwards, the complainant received an electricity bill amounting to Rs.240,122/- and he submitted an application to KESCO on November 21, 2011 denying the allegations contained in the notices. The complainant further informed that he has installed generator for the use of electricity in the shop during the load shedding period. The complainant further submitted that the extra amount of bill to the tune of Rs.240,122/- is illegal, unlawful, unauthorized and void ab-initio and is liable to be set aside. The complainant prayed for directing KESCO to withdraw the amount of Rs.240,122/- charged illegally, issuance of fresh bills based on actual consumption and restoring KESCO from disconnection of electricity supply till finalization of the case by NEPRA.

3. As per procedure, the complaint was referred to KESCO for submission of para wise comments. In response, KESCO vide its letter dated February 03, 2012 submitted report and informed that the premises of the complainant having sanctioned load of 20.286 kW was inspected on May 01, 2011 and extra phase was found in use. Accordingly, a notice dated August 03, 2011 under section 39, 39A, 44 and 26A of Electricity Act, 1910 was served upon the complainant which was acknowledged by the consumer. Consequently, a detection bill of 13881 units was processed on the basis of site inspection report covering the period of 6 months i.e. from November 02, 2010 to May 03, 2011 amounting to Rs.240,122/- KESCO further informed that the consumer was involved in illegal abstraction of electricity and the detection bill charged against the complainant is justified and is liable to be paid by him.

4. The report of KESCO was forwarded to the complainant for his information/rejoinder. In response, the complainant vide his letter dated February 18, 2012 made some observations upon the report of KESCO. Accordingly, the case was again taken up with KESCO vide Consumer Affairs Division letter dated March 01, 2012. In response, KESCO vide its letter dated March 13, 2012 informed that the said complainant had also filed a complaint before the Waqaf Mohasib for the same issue. Accordingly, the complainant was informed vide Consumer Affairs Division letter dated March 16, 2012 and April 18, 2012 that NEPRA cannot intervene in the matter at that stage. The complainant vide his letter dated April 30, 2012 approached NEPRA and informed that the Federal Government had not yet appointed the Waqaf Mohasib and he had therefore submitted an application for withdrawal of his complaint from the office of Waqaf Mohasib and requested Consumer Affairs Division for processing of his case. Subsequently, the complainant provided an affidavit stating therein that his complaint was not pending before any other forum. In light of affidavit of the complainant, the case was again taken up with KESCO vide Consumer Affairs Division letter dated May 22, 2012 wherein some additional information about the case was sought. The response was submitted by KESCO vide its letter dated June 05, 2012 and June 26, 2012 wherein it was reported by KESCO that the inspection was carried out on May 04, 2011 and notice under section 39, 39A, 44 and 26A of Electricity Act, 1910 was issued to the complainant on August 03, 2011 which was not responded by the complainant therefore another notice was also issued to him on September 30, 2011. Moreover, KESCO informed that the inspection was carried out in presence of the complainant and the discrepancy was shown to him. The detection bill was processed on the basis of connected load. KESCO assessed the consumption of the complainant as 18921 units for the period from November 02, 2010 to May 03, 2011. During this period already charged units were 5013 units and the remaining 13881 units were added as detection bill against the complainant.

5. To probe further into the matter, hearing was held at Consumer Affairs Division on July 21, 2012 which was attended by both the parties. During the hearing, the complainant denied the allegations leveled against him by KESCO. He availed that there was no extra phase in his shop and the installations mentioned by KESCO in the site inspection report are fake because the same could not be accommodated in his shop and his connected load has never been 20 kW as stated by KESCO. The complainant informed that his actual load is 10 kW and he had applied to KESCO for regularization of load on July 26, 1999 but the same had not yet been regularized by KESCO. KESCO officials got his signatures on a blank paper and later on filled installed load in it at their own which was not to his knowledge. The complainant further informed that his connection was disconnected on May 16, 2012 with final meter reading as 97276 whereas he has received bills upto 9812 meter that reading. The complainant requested for waiver of detection bill, correction of bill up to 97276 meter reading and immediate restoration of his electricity supply. The KESCO representative argued the case on the basis of their earlier version and opposed the arguments of the complainant.

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6. I have given due consideration to the record produced and argument submitted by the parties. KESFC has alleged that the consumer was involved in theft of electricity by using extra phase. If it was so, the matter was required to be reported to police for registration of FIR against the complainant. Pursuant to the provisions of Consumer Service Manual, registration of FIR is mandatory for theft of electricity but KESFC has not reported the matter to the police for registration of FIR. The complainant had denied the allegations leveled against him by KESFC. Moreover, KESFC has not followed the procedure to establish illegal abstraction of electricity (for tampering the meter) as explained in the GSM.

Billing history of the consumer provided by KESFC is as under:

Period	Units consumed
Units consumed during November 2009 to May 2010	8916 units
Units consumed during November 2010 to May 2011	5267 units (Disputed)
Units consumed during November 2011 to May 2012	4181 units

Scrutiny of the billing history shows that the units consumed in the disputed period i.e. from Nov 2010 to May 2011 are higher than the succeeding period when the extra phase was removed. Therefore charging of detection bill by KESFC for 13881 units during this period is not sustainable and liable to be set aside.

8. Forgoing in view, KESFC is directed to withdraw the detection bill of RS.210,122/- (of 13881 units) and credit the amount, if already paid as detection bill, in the future bill of the complainant.

(Signature)
 (Masud Ahmad)
 Member (Consumer Affairs)

October 05, 2012