



**Before the Appellate Board
National Electric Power Regulatory Authority
(NEPRA)
Islamic Republic of Pakistan**

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No. NEPRA/AB/Appeal/176/POI/2019/ 236-239


March 10, 2020

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| 1. Mansoor Ali Abro
S/o. Adam Khan Abro,
House No. B-93, Maryam Garden,
Kotri, District Jam Shoro | 2. Chief Executive Officer,
HESCO Ltd, ,
WAPDA Offices Complex,
Hussainabad, Hyderabad |
| 3. Executive Engineer
HESCO Ltd,
Operation Division,
Kotri | 4. Electric Inspector/POI
Hyderabad Region,
Government of Sindh,
Building No. 48/B, Civil Lines,
Hyderabad |

Subject: **Appeal Titled HESCO Vs. Mansoor Ali Against the Decision Dated 21.03.2019 of the Provincial Office of Inspection to Government of the Sindh Hyderabad Region, Hyderabad**

Please find enclosed herewith the decision of the Appellate Board dated 09.03.2020, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above


(Ikram Shakeel)

No. NEPRA/AB/Appeal/176/POI/2019/

March 10, 2020

Forwarded for information please.

**Assistant Director
Appellate Board**

1. Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

**Before Appellate Board, National Electric Power Regulatory Authority,
Islamabad**

In the matter of

Appeal No. 176/2019

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 21.03.2019 PASSED BY PROVINCIAL
OFFICE OF INSPECTION HYDERABAD REGION, HYDERABAD**

Hyderabad Electric Supply Company LimitedAppellant

Versus

Mansoor Ali Abro S/o Adam Khan Abro,
House No.B-93, Maryam Garden, Kotri District JamshoroRespondent

For the appellant:

Mr. G. Farooq Tunio Executive Engineer

For the respondent:

Mr. Mansoor Ali Abro

DECISION

1. Hyderabad Electric Supply Company Limited (HESCO) is a licensee of National Electric Power Regulatory Authority (hereinafter referred to as NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the license and the respondent is its consumer having domestic consumer bearing Ref No. 09-37221-0022427 having a sanctioned load of 1 kW under the A-1 tariff.
2. Brief facts of the case are that the respondent filed a complaint dated 19.07.2018 before the Provincial Office of Inspection (POI) and challenged the bills charged by HESCO during the period June 2016 to June 2018 (25 months). As per HESCO, the respondent was found stealing electricity through a hook connection, therefore

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the above bills were charged. POI disposed of the matter vide its decision dated 21.03.2019, wherein the bills for the periods June 2016 to July 2018 and September 2018 to October 2018 along with late payments surcharges (LPS) were cancelled and HESCO was directed to revise the same @ 292 units/month.

3. Through the instant appeal, HESCO has assailed the decision dated 21.03.2019 of POI (hereinafter referred to as the impugned decision) in which HESCO contended that the premises of the respondent is a double story bungalow and the connected load of the respondent is approximately 10 kW including the load of ACs. HESCO further contended that the respondent was involved in theft of electricity which caused the decline in the consumption during the disputed months, hence the bills charged to the respondent are justified and the respondent is responsible to pay the arrears of Rs.159,210/- but the POI did not consider the arguments and record of HESCO and rendered the impugned decision against the justice. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which however were not filed.
4. Hearing of the appeal was fixed for 10.01.2020 at Hyderabad and notice thereof was served upon both the parties. On the date of hearing, both the parties were in attendance. XEN HESCO reiterated the same grounds as contained in memo of the appeal and contended that the detection bills were charged to the respondent on account of theft of electricity committed by him through an extra phase. XEN HESCO averred that the premises of the respondent was inspected by metering and testing (M&T) HESCO on 13.08.2018 and the respondent was found stealing electricity through the hook connection and the connected load of the respondent





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was noticed as 4 kW being higher than the sanctioned load. To support his version, XEN HESCO submitted the documentary evidence of alleged theft along with the consumption data of the respondent. On the other hand, the respondent appearing in person denied the allegation of theft of electricity and argued that the detection bills were charged by HESCO due to personal grudge with him. The respondent defended the impugned decision and pleaded for upholding the same.

5. Arguments heard and the record examined. The respondent disputed the electricity bills for the period June 2016 to June 2018 (25 months) before POI vide complaint dated 19.07.2018 as per detail given below:

Months	Units	Months	Units
Jun-16	595	Jul-17	197
Jul-16	0	Aug-17	566
Aug-16	65	Sep-17	0
Sep-16	58	Oct-17	581
Oct-16	0	Nov-17	576
Nov-16	75	Dec-17	6
Dec-16	21	Jan-18	585
Jan-17	270	Feb-18	1164
Feb-17	270	Mar-18	2382
Mar-17	197	Apr-18	1164
Apr-17	192	May-18	0
May-17	137	Jun-18	2340
Jun-17	197	-	-
Total Units		11,638	
Average Units per month		465	

POI vide impugned decision revised the bills @ 292 units/months for the period June 2016 to July 2018 and September 2018 to October 2018. It is observed that the consumption already charged @ 465 units/month by HESCO during the disputed months is much higher than the consumption i.e. 292 units/month as calculated by POI in the impugned decision. We are inclined to agree with the



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determination of POI to the extent of revision of the bills @ 292 units/month as per sanctioned load of the respondent, however, the period of the disputed bills need to be ascertained.

It is noticed that the bills for the months i.e. July 2018 and September 2018 to October 2018 (3 months) were not challenged by the respondent before POI, hence the finding of POI to the extent of revision of the bills for these months i.e. July 2018 and September 2018 to October 2018 is without lawful authority, beyond the prayer of the respondent and declared null and void to this extent. However, the bills for the disputed months i.e. June 2016 to June 2018 (25 months) be revised @ 292 units/month.

6. Forgoing into consideration, the appeal is partially accepted

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 09.03.2019