



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

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No. NEPRA/Appeal/037/POI/2022/ 829

August 15, 2022

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| 1. Naeem Khan.
House No. R-588, Adam Town.
Sector No. 11-C/1, North Karachi.
Karachi | 2. Chief Executive Officer.
K-Electric, KE House.
39-B, Sunset Boulevard.
DHA-II, Karachi |
| 3. Asif Shajer.
Deputy General Manager.
K-Electric, KE House.
39-B, Sunset Boulevard.
DHA-II, Karachi | 4. Ms. Tatheera Fatima,
Deputy General Manager.
K-Electric, First Floor.
Block F, Elander Complex.
Elander Road, Karachi |

Subject: **Decision of the Appellate Board Regarding Review Petition Filed By K-Electric Vs. Naeem Khan Against the Decision of the Appellate Board Dated 22.04.2022 In The Matter K-Electric Vs. Naeem Khan**

Please find enclosed herewith the decision of the Appellate Board dated 12.08.2022, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

(Ikram Shakeel)
Deputy Director (M&E)
Appellate Board

Forwarded for information please.

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



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

REVIEW PETITION FILED BY K-ELECTRIC UNDER THE NEPRA REVIEW
(PROCEDURE) REGULATIONS, 2009 AGAINST THE DECISION DATED 22.04.2022
OF NEPRA IN THE APPEAL NO.037/PO1-2022

K-Electric Limited

.....Petitioner

Versus

Naeem Khan, House No.R-588, Adam Town,
Sector No.11-C/1, North Karachi, Karachi

.....Respondent

For the Petitioner:

Mr. Asif Shajer General Manager
Ms. Tatheera Fatima Deputy General Manager
Mr. Masahib Ali Manager
Mr. Amir Masood Manager
Mr. Umar Tausif Manager

For the Respondent:

Mr. Naeem Khan
Mr. Bilal Hassan

DECISION

1. Through this decision, the review petition filed by K-Electric (hereinafter referred to as the "Petitioner") against the decision dated 22.04.2022 of the National Electric Power Regulatory Authority (hereinafter referred to as the "NEPRA") is being disposed of.
2. Mr. Naeem Khan (hereinafter referred to as the "Respondent") is a domestic consumer of Petitioner Ref No. AL-449151 with a sanctioned load of 2 kW under the tariff category A-1R. As per the site inspection report dated 15.12.2018 of the Petitioner, the Respondent was found stealing electricity through the hook connection and the



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connected load observed was 12.912 kW higher than the sanctioned load of 2 kW. After issuing notice dated 15.12.2018, a detection bill amounting to Rs.184,582/- for 8,211 units for six (6) months i.e. 06.05.2018 to 06.11.2018 was charged by the Petitioner to the Respondent and added in the bill for December 2018.

3. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Karachi Region-II, Karachi (the "POI") on 10.01.2019 and agitated the abovementioned detection bill. The complaint of the Respondent was disposed of by the POI vide decision dated 09.02.2022, wherein the detection bill of Rs.184,582/- for 8,211 units for six (6) months i.e. 06.05.2018 to 06.11.2018 was cancelled.
4. The Petitioner assailed the decision dated 09.02.2022 of the POI before the NEPRA vide the Appeal No.037/POI-2022, which was disposed of vide NEPRA Appellate Board decision dated 22.04.2022 (hereinafter referred to as the "impugned decision") with the following conclusion:

"For the foregoing reasons, we are inclined to agree with the determination of POI that the detection bill of Rs.184,582/- for 8,211 units for the period 06.05.2018 to 06.11.2018 six (6) months charged by the K-Electric to the Respondent is unjustified and the same should be withdrawn. Foregoing in view, the impugned decision is maintained and the appeal is dismissed."

5. The Petitioner filed a review petition before the NEPRA on 19.05.2022, wherein the impugned decision was opposed inter alia, on the following grounds: (1) the disputed detection bill was debited to the Respondent in the light of Consumer Service Manual (the "CSM") after fulfillment of all legal and technical requirements and the



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Respondent is liable to pay the same; (2) the Appellate Board neither considered the connected load of the premises having ground+01 floors nor focused on the pictorial evidences and documents; (3) the Respondent was involved in theft of electricity through puncturing the cable, hence the consumption of the Respondent declined drastically during the disputed period as compared to the connected load of the premises; (4) the consumption pattern after the replacement of the punctured cable was not taken into consideration for the determination of fate of detection bill; (5) the above detection bill was prepared on the basis of connected load as provided by the Respondent which was not denied by him; (6) the consumer account number of the Respondent was wrongly mentioned in the impugned decision, which may be corrected. The Petitioner prayed that the impugned decision is liable to be set aside.

6. Hearing

A hearing in the matter of the subject review petition was scheduled for 04.07.2022 at NEPRA Regional Office Karachi for which notices dated 28.06.2022 were issued to both parties (The Petitioner and Respondent). On the date of the hearing, both parties (the Petitioner and Respondent) were present. The representatives for the Petitioner repeated the same contentions as given in the review petition and stated that the impugned decision was rendered without considering the consumption pattern after the removal of the discrepancy. The representatives for the Petitioner stated that the detection bill of Rs.184,582/- was charged based on the connected load of the Respondent, which was neither denied by the POI nor rebutted by the Respondent.

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hence the revision of the impugned detection bill based on sanctioned load i.e. 2 kW is not correct. On the other hand, the Respondent appearing in person defended the impugned decision and prayed for upholding the same.

7. Arguments were heard and the record was examined. Following are our observations:

7.1 The issues of POI jurisdiction and the connected load were duly considered and deliberated by the Appellate Board and have already been addressed in the impugned decision.

7.2 On the assertion of the Petitioner to consider pictorial evidence, it is observed that through the pictures submitted by the Petitioner, it is trying to prove that the Respondent was involved in the direct theft of electricity by puncturing the incoming cable and bypassing the meter. The direct theft of electricity is dealt with under Clause 9.1(a) of the CSM-2010 providing the procedure to be followed by the Distribution Company to process the case of theft of electricity by involving the local police. The said clause of the CSM is reproduced below for the sake of convenience:

"9.1 (a) DIRECT THEFT OF ELECTRICITY BY REGISTERED/ UNREGISTERED CONSUMERS OF K-ELECTRIC.

i) If a premises/person is found to be hooked directly with the K-Electric's supply line by bypassing the metering equipment or if the consumer is using electricity direct from the K-Electric supply line and/or the person living on the premises is not a consumer of the K-Electric; then the K-Electric shall inert alia, process the case of THEFT of electricity. For

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all such cases, the K-Electric shall register FIR with the Police. The FIR is to be registered by a responsible officer of the K-Electric, not below the rank of Sub Divisional Officer.

ii) All theft cases of direct hooking would be dealt by K-Electric strictly in accordance with relevant clauses of the Electricity Act 1910. The disconnection of electricity shall be carried out immediately under the supervision of the Sub Divisional Officer of the area or any other authorized Officer of the K-Electric. The removed material shall be preserved as proof of theft and the same shall be handed over to the police authorities while reporting to the Police.

iii) The K-Electric shall be authorized to recover its loss by raising a detection bill as per its own procedure."

7.3 In the instant case, the Petitioner claimed that the electricity was being used directly by the Respondent. Having found the above discrepancy, the Petitioner was required to follow the procedure stipulated in Clause 9.1(a) of the CSM-2010 including FIR against the Respondent, disconnection of electric supply and handing over the removed material as proof to the police. However, instead of following the procedure as laid down including lodging FIR and handing over the proof of theft to the Police as required under the law, the petitioner has submitted the snaps/pictures with its review motion which under the given circumstances cannot be considered by this forum as the basis to justify the detection bill raised by the Petitioner against the Respondent.

7.4 The Petitioner raised another objection that the increase in consumption of the



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Respondent after the replacement of the punctured incoming cable was not considered by the NEPRA Appellate Board while rendering the impugned decision. To verify the claim of the Petitioner, the consumption of the disputed period from June 2018 to November 2018 is compared with the consumption of the undisputed months of the years 2017 and 2019 in the below table:

Period before dispute		Disputed period		Period after dispute	
Month	Units	Month	Units	Month	Units
Jun-17	191	Jun-18	184	Jun-19	343
Jul-17	238	Jul-18	280	Jul-19	320
Aug-17	321	Aug-18	514	Aug-19	351
Sep-17	278	Sep-18	533	Sep-19	409
Oct-17	240	Oct-18	184	Oct-19	477
Nov-17	243	Nov-18	220	Nov-19	319
Average	252	Average	319	Average	370

The above comparative analysis indicates that the normal average consumption charged during the disputed period June 2018 to November 2018 is higher than the normal average consumption of the corresponding months of the previous year i.e. 2017 and slightly lesser than the normal average consumption of the corresponding months of the succeeding year i.e. 2019. This scenario does not support the version of the Petitioner to debit the detection bill @ 1.687 units/month for the disputed period June 2018 to November 2018 to the Respondent. Hence the detection bill of Rs.184,582/- for 8,211 units for six (6) months i.e. 06.05.2018 to 06.11.2018 was rightly cancelled being inconsistent with the facts and the provisions of the CSM. The impugned decision is liable to be maintained to this extent.



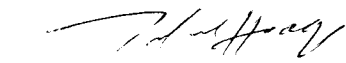
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7.5 The petitioner has rightly pointed out that the wrong account No.LB-184368 was written in the impugned decision instead of actual account No.AL-449151. Therefore, the impugned decision dated 22.04.2022 of the Appellate Board is hereby modified to the extent of the correction of billing account No.AL-449151. The Petitioner is directed to overhaul the billing account of the Respondent bearing Ref No. AL-449151 as per NEPRA Appellate Board decision dated 22.04.2022.

8. In view of the above discussion, the review petition is partially accepted to the extent of correction of account No. AL-449151 of the Respondent in the impugned decision and the Appellate Board impugned decision dated 22.04.2022 stands modified accordingly.


Syed Zawar Haider
Member


Abid Hussain
Convener


Muhammad Irfan-ul-Haq
Member

Dated: 12-03-2022