



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

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No. NEPRA/AB/Appeal/037/POI/2022/ 441

April 22, 2022

- |  |  |
|--|--|
| 1. Nacem Khan,<br>House No. R-588, Adam Town,<br>Sector No. 11-C/1, North Karachi,<br>Karachi  | 2. Chief Executive Officer,<br>K-Electric, KE House,<br>39-B, Sunset Boulevard,<br>DHA-II, Karachi                                   |
| 3. Asif Shajer,<br>Deputy General Manager,<br>K-Electric, KE House,<br>39-B, Sunset Boulevard,<br>DHA-II, Karachi  | 4. Ms. Tatheera Fatima,<br>Deputy General Manager,<br>K-Electric, First Floor,<br>Block F, Elander Complex,<br>Elander Road, Karachi |
| 5. Electric Inspector/POI<br>Karachi Region-II.<br>Plot No. ST-2, Block-N, North Nazimabad.<br>Near Sarina Mobile Market,<br>Main Sakhi Hassan Cowrangi, Karachi |  |

Subject: **Appeal Titled K-Electric Vs. Nacem Khan the Decision Dated 09.02.2022 of the Provincial Office of Inspection to Government of the Sindh Karachi Region-II, Karachi**

Please find enclosed herewith the decision of the Appellate Board dated 22.04.2022, 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

### Appeal No.037/POI-2022

K-Electric Limited

.....Appellant

Versus

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

.....Respondent

### **APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 09.02.2022 PASSED BY THE PROVINCIAL OFFICE OF INSPECTION KARACHI REGION-II, KARACHI**

#### For the Appellant:

Mr. Asif Shajer General Manager  
Ms. Tatheera Fatima Deputy General Manager  
Mr. Sohail Sheikh Deputy General Manager  
Mr. Masahib Ali Manager

#### For the Respondent:

Mr. Naeem Khan  
Mr. Bilal Hassan

### **DECISION**

1. Briefly speaking, the Respondent is a domestic consumer of the K-Electric bearing Ref No. LB-184368 with a sanctioned load of 2 kW under the tariff category A-1R. Premises of the Respondent was inspected by the K-Electric on 15.12.2018 and allegedly the Respondent was found stealing electricity through the hook connection and the connected load observed was 12.912 kW being higher than the sanctioned load of 2 kW. After issuing notice dated 15.11.2018, a detection bill amounting to Rs.184,582/- for 8,211 units for the period 06.05.2018 to 06.11.2018 six (6) months was charged by the K-Electric to the Respondent and added in the bill for



## National Electric Power Regulatory Authority

December 2018.

2. Being aggrieved, the Respondent file 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 the period, 06.05.2018 to 06.11.2018 six (6) months was cancelled.
3. Through the instant appeal, K-Electric has assailed the above-referred decision of the POI (hereinafter referred to as 'the impugned decision') before the NEPRA in which it is contended that the premises of the Respondent was inspected on 15.11.2018 and the Respondent was found consuming electricity directly by puncturing the incoming cable and the connected load was observed as 12.912 kW. As per the K-Electric, notice dated 15.11.2018 thereof was served to the Respondent, and a detection bill of Rs.184,582/- for 8,211 units for the period 06.05.2018 to 06.11.2018 six (6) months was charged to the Respondent after the completion of codal formalities, which is payable by the Respondent. According to the K-Electric, the FIR was not registered against the Respondent as he accepted theft of electricity and agreed to pay the above detection bill. K-Electric pointed out that being a case of theft of electricity through bypassing the meter, the POI was not authorized to decide the instant matter as per verdict of the apex court. K-Electric submitted that the site inspection report and consumption data reflect that the Respondent was involved in the theft of electricity by using a hook connection. K-Electric further submitted that the POI did not consider that the Respondent is habitual in creating hurdles in recording actual consumption,



## National Electric Power Regulatory Authority

hence the impugned decision does not cover the fair justice. K-Electric stated that the POI did not conduct the joint inspection of the premises of the Respondent to verify the connected load. K-Electric prayed that the impugned decision be struck down.

4. The Respondent was issued the notice for filing reply/para-wise comments to the appeal, which were filed on 11.04.2022. In the reply, the Respondent raised the preliminary objection regarding limitation and submitted that the appeal filed before the NEPRA is time-barred. The Respondent further submitted that the appeal was filed by the K-Electric with ulterior motives and for blackmailing. As per Respondent, K-Electric failed to produce documentary evidence in favor of its appeal. According to the Respondent, K-Electric did not submit the certified copy of the impugned decision along with the appeal. The Respondent defended the impugned decision and contended that the impugned decision was passed by the POI after fulfillment of the legal course of law, technical aspects, and hearing both the parties. The Respondent denied the allegation of theft of electricity levelled by K-Electric and contended that the K-Electric did not adopt the procedure as laid down in the Consumer Service Manual (CSM) and the detection bill was issued with malafide intention and on the basis of bogus documentary evidence i.e. SIRs, notice just to grab the money from him. The Respondent finally prayed for the dismissal of the appeal.
5. After issuing notice, hearing of the appeal was held at the NEPRA Regional Office Karachi on 11.04.2022, wherein the representatives for the K-Electric were present and the Respondent appeared in person. The representatives for the K-Electric reiterated the same arguments as contained in memo of the appeal and contended that



## National Electric Power Regulatory Authority

the premises of the Respondent having three floors was inspected on 15.11.2018, wherein he was found stealing the electricity directly, two families were living and the connected load was found as 12.912 kW for which the prior notice was served to the Respondent and a detection bill of Rs.184,582/- for 8,211 units for the period, 06.05.2018 to 06.11.2018 six (6) months was charged to the Respondent. According to the K-Electric, the Respondent was involved in the illegal abstraction of electricity for a long time, as such the previous consumption of the Respondent cannot be based for the determination of the fate of the detection bill. K-Electric prayed for setting aside the impugned decision and pleaded to allow the above-said detection bill. On the contrary, the Respondent appearing in person refuted the allegation of theft of electricity levelled by the K-Electric and argued that neither prior notice was served nor alleged checking was conducted by the K-Electric in his presence. As per Respondent, being a responsible government servant it is a shameful act for him to involve in the theft of electricity. The Respondent opposed the charging of detection bill of Rs.184,582/- for 8,211 units for the period 06.05.2018 to 06.11.2018 on the basis of alleged connected load of 12.91 kW and informed that such high consumption charged by K-Electric is not compatible with the load of the premises. The Respondent supported the impugned decision and prayed for upholding the same.

6. Arguments were heard and the record placed before us was perused. Following are our observations:

- i. While addressing the preliminary objection raised by the Respondent regarding limitation, it is observed that copy of the impugned decision dated 09.02.2022 was obtained by the K-Electric on 22.02.2022 and the appeal was filed before



## National Electric Power Regulatory Authority

NEPRA on 08.03.2022 within thirty (30) days from the date of receipt of the impugned decision. The objection of the Respondent is not legally sustainable, hence dismissed.

- ii. K-Electric raised the preliminary objection for the jurisdiction of the POI being theft of electricity case but failed to follow the procedure as laid down in the CSM and did not take any legal action against the Respondent on account of theft of electricity. Indeed, it is a metering, and billing dispute and falls in the jurisdiction of the POI. The objection of the K-Electric in this regard is devoid of force and therefore rejected.

- iii. Following detection bill was charged by the K-Electric to the Respondent:

**Table-A**

SIR dated	Discrepancies	Bill type	Period		Units	Amount (Rs.)
15.11.2018	Theft of electricity	Detection	06.05.2018	06.11.2018	8,211	184,382/-

K-Electric claims that the FIR was not registered against the Respondent as he admitted theft of electricity and was ready to pay the above detection bill, however, K-Electric did not produce any document in this regard. It is further noted that the above detection bill was charged on the basis of connected load i.e. 12.912 kW but such illegally extended load was neither regularized nor any action was taken by the K-Electric against the Respondent as per provisions of the CSM. To further verify the contention of the K-Electric, the consumption data of the Respondent is analyzed in the below table:



## National Electric Power Regulatory Authority

Period before dispute		Disputed period	
Month	Units	Month	Units
Jun-17	191	Jun-18	184
Jul-17	238	Jul-18	280
Aug-17	321	Aug-18	514
Sep-17	278	Sep-18	533
Oct-17	240	Oct-18	184
Nov-17	243	Nov-18	220
<b>Total</b>	<b>1,511</b>	<b>Total</b>	<b>1,915</b>

The above comparison of the consumption data reveals that the total consumption of the Respondent during the disputed period June 2018 to November 2018 is higher than the total consumption recorded during the corresponding period of the year 2017. 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.

7. Foregoing in view, the impugned decision is maintained and the appeal is dismissed.

Abid Hussain  
Member/Advisor (CAD)

Nadir Ali Khoso  
Convener/Senior Advisor (CAD)

Dated: 22.04.2022