



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

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No. NEPRA/Appeal/074/POI/2021/ *S28*

August 15, 2022

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|---|--|
| 1. Qutubuddin,<br>S/o. Hafiz Nooruddin,<br>Plot No. R-241, Block-18,<br>Samanabad, Federal B. Area,<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 |

Subject: **Decision of the Appellate Board Regarding Review Petition Filed By K-Electric Vs. Qutubuddin Against the Decision of the Appellate Board Dated 07.02.2022 In The Matter K-Electric Vs. Qutubuddin**

Please find enclosed herewith the decision of the Appellate Board dated 10.08.2022, 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  
07.02.2022 OF NEPRA IN THE APPEAL NO.074/POI-2021**

K-Electric Limited

.....Petitioner

Versus

Qutubuddin S/o Hafiz Nooruddin, Plot No.R-241,  
Block-18, Samanabad, Federal B. Area, Karachi

.....Respondent

For the Petitioner:

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

For the Respondent:

Mr. Qutubuddin Advocate  
Mr. Muhammad Hussain Khan Advocate

## DECISION

1. Through this decision, the review petition filed by K-Electric (hereinafter referred to as the "Petitioner") against the decision dated 07.02.2022 of the National Electric Power Regulatory Authority (hereinafter referred to as the "NEPRA") in Appeal No.074/POI-2021 titled "K-Electric Vs Qutubuddin" is being disposed of.
2. Mr. Qutubuddin (hereinafter referred to as the "Respondent") is a domestic consumer of the Petitioner bearing Ref No. LA-067942 having a sanctioned load of 2 kW under the tariff category A-1R. As per Site Inspection Report dated 07.05.2019



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of the inspection allegedly carried out by the Petitioner, the Respondent was stealing electricity through the hook connection and the connected load was observed as 11.606 kW. Notice dated 17.05.2019 was sent to the Respondent and a detection bill amounting to Rs.201,342/- for 9,150 units for six (06) months from November 2018 to April 2019 was debited by the Petitioner to the Respondent.

3. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Karachi Region-II, Karachi (the "POI") on 26.07.2019 against the abovementioned detection bill. The complaint of the Respondent was disposed of by the POI vide its decision dated 07.04.2021, wherein the detection bill of Rs.201,342/- for 9,150 units for six (06) months from November 2018 to April 2019 charged by the Petitioner was cancelled.
4. The Petitioner disputed the afore-referred decision dated 07.04.2021 of the POI before the NEPRA vide the Appeal No.074/POI-2021, which was disposed of vide NEPRA Appellate Board decision dated 07.02.2022 (hereinafter referred to as the "impugned decision") with the following conclusion:

*"From forgoing discussion, we have concluded that:*

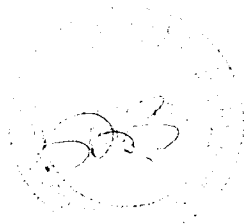
- i. The detection bill of Rs.201,342/- for 9,150 units for the period November 2018 to April 2019 six (6) months is unjustified, hence the same should be cancelled.*
- ii. The Respondent may be charged the detection bill @ 292 units/month for the period February 2019 to April 2019.*
- iii. The billing account of the Respondent may be overhauled after making the adjustment of payments made/units already charged against the above detection bill. The impugned decision is modified in the above terms."*



5. The Petitioner filed a review petition before the NEPRA on 05.04.2022, wherein the impugned decision has been opposed inter alia, mainly on the following grounds; (1) the POI has no jurisdiction to decide the instant dispute being theft of electricity case through bypassing the meter; (2) the impugned decision for revision of the detection bill on the basis of the sanctioned load is not consistent with the provisions of the Consumer Service Manual-2010 (the "CSM-2010"), which allows the Petitioner to debit the detection bill on the basis of sanctioned load or connected load, whichever is higher; (3) the detection bill was prepared on the basis of connected load witnessed during the site inspection and that the Respondent did not raise any objection on the Site Inspection Report; (4) the impugned decision for revision of the detection bill should be calculated based on 25% load factor instead of 20% load factor, which is allowed at page 88 of the CSM.

**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 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 facts that the connected load of the Respondent i.e. 11 kW was neither denied by the POI nor by the Respondent, hence the revision of the impugned detection bill on the basis of sanctioned load i.e. 2 kW is not correct. The Petitioner reiterated that the revision of the detection bill for three





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months on the basis of 20% load factor was not in line with the provisions of the CSM, which allows the Petitioner to charge the detection bill at 25% load factor of the connected load. The representatives of the Petitioner finally prayed that the case may be remanded back to the POI for verification of the connected load of the Respondent. The Respondent appearing in person rebutted the version of the representatives of the Petitioner regarding the connected load of 11kW and averred that the premises is a single-storey building and is under construction. The Respondent further refuted the allegations of the Petitioner and stated that the site inspection report prepared by the Petitioner is false, fake, and cannot be based for the determination of the detection bill. The Respondent supported 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. As regards the contention of the Petitioner regarding 25% load factor used for the calculation of the detection bill, it is observed that the stated 25% load factor is stipulated in CSM-2021 implemented on 13.01.2021. The dispute, however, pertains to the period November 2018 to April 2019 which shall be dealt with under the then applicable document including the CSM-2010. Since the CSM-2010 did not specify the load factor for the calculation of the detection bill; therefore the load factor of 20% as specified in



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the load factor chart of the Customer Service Hand Book-2005 of the Petitioner has been used to calculate the detection bill in the impugned decision. In view thereof, the Petitioner's assertions to apply the load factor given in the CSM-2021 retrospectively are not valid.

7.2 In terms of Regulation 3 (2) of NEPRA (Review Procedure) Regulations, 2009, a motion seeking review of any order of the Authority is competent only upon discovery of a mistake or error apparent on the face of the record or a new and important matter of evidence. In the instant review motion, no mistake or error apparent on the face of the record has been highlighted by the Petitioner. Further, the Petitioner has not come up with any new and important matter of evidence which was not considered by the Appellate Board while making its decision dated 07.02.2022. Therefore, there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law.

8. In view of the above, the instant review motion of the Petitioner is dismissed and the decision dated 07.02.2022 of the Appellate Board is upheld.

Syed Zavar Haider  
Member

Muhammad Irfan-ul-Haq  
Member

Abid Hussain  
Convener

Dated: 10/01/2022