



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

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No. NEPRA/AB/Appeal/112/POI/2021/ 420

April 18, 2022

- |  |  |
|--|--|
| 1. Moula Bux Khatian,<br>S/o. Karim Dad Khan,<br>R/o. House No. 26/1,<br>10 <sup>th</sup> Gizri Street, Phase-IV,<br>D.H.A, 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. Tanveer Habib,<br>Advocate High Court,<br>Khatian Law Associates,<br>Suit No. 87, Farced Chambers,<br>Main Abdullah Haroon Road,<br>Karachi | 6. Electric Inspector/POI<br>Karachi Region-II,<br>Plot No. ST-2, Block-N,<br>North Nazimabad,<br>Near Sarina Mobile Market,<br>Main Sakhi Hassan Cowrangi,<br>Karachi |

Subject: **Appeal Titled K-Electric Vs. Moula Bux Khatian the Decision Dated 28.06.2021 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 28.03.2022, 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.112/POI-2021

K-Electric Limited

.....Appellant

Versus

Moula Buksh Khatian S/o Karim Dad Khan, R/o House No.26/1,  
10<sup>th</sup> Gizri Street, Phase-IV, D.H.A, Karachi

.....Respondent

### **APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 28.06.2021 PASSED BY THE PROVINCIAL OFFICE OF INSPECTION KARACHI REGION-II, KARACHI**

#### For the Appellant:

Mr. Asif Shajer General Manager  
Mr. Najamuddin Sheikh Deputy General Manager  
Mr. Masahib Ali Manager  
Mr. Abid Hussain Mastoi Deputy Manager

#### For the Respondent:

Mr. Tanveer Habib Advocate  
Mr. Moula Bux Khatian

### **DECISION**

1. Brief facts of the case are that the Respondent is a domestic consumer of the K-Electric bearing Ref No.LA-485077 having a sanctioned load of 1 kW under the A-1R tariff category. The Respondent initially filed a complaint dated 13.01.2017 before the Provincial Office of Inspection, Karachi Region-II, Karachi (the POI), wherein he inter alia, prayed, (i) to declare impugned bills and reminder of the K-Electric as illegal, void, (ii) to direct K-Electric to issue revised bill on actual consumption with change of meter and (iii) for adjustment of excessive payments in the future bills. The Respondent



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subsequently assailed the arrears of Rs.107,378/- till August 2017 before the POI vide another complaint. The dispute of billing of the Respondent was disposed of by the POI vide decision dated 28.06.2021, wherein the K-Electric was directed (i) to cancel the bill of Rs.107,378/- till August 2017, (ii) to cancel the assessed/detection/average bills for the period September 2017 to date; (iii) to adjust the excessive amount in the future bills and (iv) to install a new healthy meter at once after completion of codal formalities.

2. 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 its appeal, the K-Electric opposed the impugned decision, *inter alia*, on the grounds that the Respondent made payment of only ten (10) bills against the ninety four (94) monthly bills raised for the period September 2013 to June 2021; that the electricity was disconnected by the K-Electric time and again but the same was restored by the Respondent illegally through hook connection from the LT service of distribution network, hence the bills were charged on assessed/average basis; that the two detection bills i.e. first detection bill of Rs.17,427/- for 883 units for the period 30.03.2017 to 27.09.2017 (6 months) and second detection bill of Rs.52,038/- for 2,942 units for the period 30.05.2019 to 27.11.2019 (6 months) were charged to the Respondent due to illegal consumption of electricity; that the Respondent filed complaint before the POI on 13.01.2017 and challenged the arrears of Rs.77,381/-, hence the POI has jurisdiction only to decide the billing of last three years i.e. February 2014 and afterwards but the POI did not consider the Article 52 of the Limitation Act 1908; that the Respondent did not provide consumption statement of gas since the year 2014 and only submitted few monthly bills of the years 2016 and 2017, whereas the POI cancelled the assessed billing since September 2017 to date, as such the POI has exercised the powers



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beyond its limits without considering disputed and undisputed periods; that the Respondent admitted theft of electricity and requested for rebate, hence the revised bill of Rs.72,598/- was issued to the Respondent as per settlement which was paid by him; that the Respondent was again involved in theft of electricity, therefore proposal of out of court of settlement was turned down; that the billing meter were installed twice but the Respondent deliberately used the electricity directly; that the POI is not empowered to decide theft of electricity wherein the meter has been bypassed as per verdict of apex court. K-Electric finally prayed for setting aside the impugned decision.

3. The Respondent was issued the notice for filing reply/para-wise comments to the appeal, which were filed on 30.11.2021. In his reply, the Respondent stated that he made payment of Rs.50,000/- as per the monthly consumption of the power. The Respondent denied the allegation of theft of electricity and submitted that the gas bills were submitted to the K-Electric to confirm that the premises remained vacant. As per Respondent, the contentions of K-Electric are biased to cause willful damage to his dignity with ulterior motives by raising the unjustified and illegal arrears of Rs.107,378/-. According to the Respondent, K-Electric failed to provide the evidence of their correspondence or visit of the premises, wherein K-Electric staff was directed to inspect the closed house in question and for submission of the report. The Respondent submitted that the premises is vacant since its purchase in the year 2006. The Respondent further submitted that the snaps of the premises with regard to the use of direct wire were taken in his absence and cannot be treated as valid proof. The Respondent stated that the K-Electric charged the irregular billing to the premises despite the premises being vacant, which can be verified through the nil gas consumption.



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The Respondent contended that no notice or bill was served by K-Electric for the information regarding their claim of bills. The Respondent further contended that the billing meter was removed and taken away since the year 2016 and no-body is residing in the premises as communicated vide an affidavit on 21.02.2017. The Respondent finally prayed for the dismissal of the appeal with cost.

4. After issuing notice, hearing of the appeal was held at the NEPRA Regional Office Karachi on 04.03.2022, wherein the representatives for the K-Electric were present and the Respondent appeared along with a counsel. The representatives for the K-Electric reiterated the same arguments as contained in memo of the appeal and argued that the Respondent was using electricity directly, hence the assessed/average/detection bills were charged to the Respondent. The representatives for K-Electric stated that the Respondent challenged the arrears of Rs.107,378/- till August 2017 before the POI but the said forum decided the fate of billing till June 2021, which is beyond the prayer of the Respondent. The representatives for K-Electric contended that the Respondent is liable to get relief for the last three years from the date of application before the POI. As per K-Electric, the billing dispute up to January 2016 was settled with the Respondent and he made a payment of Rs.71,000/-. K-Electric representatives agreed to waive off remaining amount of Rs.36,378/- against the total arrears of Rs.107,378/- till August 2017. The representative for K-Electric further offered to withdraw the assessed/average bills from September 2017 and onwards subject to the provision of gas bills showing nil consumption for said period. On the contrary, the Respondent appearing in person repudiated the contentions of K-Electric and averred that the plot was purchased in the year 2006 from a person who was killed in Lyari gang war.



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Respondent stated that the premises never remained in his use and all the billing claims of the K-Electric are fake, unjustified, and not payable. As per Respondent, he is a retired bureaucrat and remained in respectable positions and cannot imagine the illegal use of electricity. The Respondent asserted that the gas bills showing nil consumption were produced before the POI, who rightly cancelled the illegal, unjustified bills. The Respondent assured for provision of the billing statement of gas bills to substantiate his version with regard to the vacant premises. The Respondent finally prayed for upholding the impugned decision and for removal of connection of the premises on permanent basis.

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

- i. 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 Consumer Service Manual (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, therefore rejected.
- ii. The Respondent disputed the arrears of Rs.107,378/- till August 2017 before the POI, hence the fate of the bills charged for the last three years i.e. September 2014 to August 2017 will be determined in accordance with Article 181 of the Limitation Act, 1908. The Respondent claimed that the premises remained vacant since the year 2006 and there was no use of electricity. However, he only provided the gas bills for the months i.e. April 2016, May 2016, August 2016, September 2016, November 2016 and August 2017. A perusal of said bills indicates nil gas consumption of the Respondent's





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|  |                 |
|--|-----------------|
| Jul-15                                   | 3146.77/-       |
| Aug-15                                   | 5013.72/-       |
| Sep-15                                   | 2476.96/-       |
| Oct-15                                   | 3445.48/-       |
| Nov-15                                   | 150.46/-        |
| Jan-16                                   | 2049.78/-       |
| Feb-16                                   | 1833.47/-       |
| Mar-16                                   | 1833.47/-       |
| Apr-16                                   | 2867.38/-       |
| May-16                                   | 3185.4/-        |
| Jun-16                                   | 3314.15/-       |
| Jul-16                                   | 3182.82/-       |
| Aug-16                                   | 3182.82/-       |
| Sep-16                                   | 3448.58/-       |
| Oct-16                                   | 3462.86/-       |
| Nov-16                                   | 2616.3/-        |
| Dec-16                                   | 4230.76/-       |
| Jan-17                                   | 863.3/-         |
| Mar-17                                   | 1520.21/-       |
| Apr-17                                   | 1833.47/-       |
| May-17                                   | 2184.71/-       |
| Jun-17                                   | 1781.26/-       |
| Jul-17                                   | 3182.82/-       |
| Aug-17                                   | 2289.78/-       |
| <b>Total amount (Rs.) to be credited</b> | <b>68,344/-</b> |

However, the remaining amount of Rs.39,034/- till August 2017 is payable by the Respondent. The impugned decision is liable to be modified to this extent.

- iii. During the hearing, the K-Electric agreed to waive off the average/assessed/detection bills from September 2017 and onward subject to the confirmation of nil gas consumption of the premises during the above said period. Gas billing statement as provided by the Respondent is reproduced below for verification of version of the Respondent regarding nil gas consumption:





# National Electric Power Regulatory Authority

Date: 11/11/2021

## SUI SOUTHERN GAS COMPANY LIMITED Customer's Complete History

112/21

Customer # 0915563218 Unit: A Group: A-03

WOULA BUKSH

HIND 101 ISMAIL GOTH UC 8 GABA PAT DEHLAL BAKHT HAWKSBAY Karachi

Meter No. 83547567

Area

Block No. 09

Circle: KARACHI

| Month  | Date       | Days | Reading | CM | GCY | MMBTU    | Charges | P/Bill | Rent | GST | WHT | Current Bill | Arrears | Net Bill |
|--------|------------|------|---------|----|-----|----------|---------|--------|------|-----|-----|--------------|---------|----------|
| Nov-21 | 04-11-2021 | 30   | A       | 86 | 0   | 1,041.26 | 0.0000  | 173    | 40   | 36  |     | 365          | 1,855   | 2,720    |
| Oct-21 | 06-10-2021 | 30   | A       | 86 | 0   | 1,057.81 | 0.0000  | 173    | 40   | 36  |     | 372          | 1,920   | 2,630    |
| Sep-21 | 08-09-2021 | 30   | A       | 86 | 0   | 1,052.92 | 0.0000  | 173    | 40   | 36  |     | 372          | 1,893   | 2,560    |
| Aug-21 | 05-08-2021 | 30   | A       | 86 | 0   | 1,049.51 | 0.0000  | 173    | 40   | 36  |     | 372          | 1,853   | 2,500    |
| Jul-21 | 06-07-2021 | 30   | A       | 86 | 0   | 1,052.87 | 0.0000  | 173    | 40   | 36  |     | 372          | 1,920   | 2,630    |
| Jun-21 | 04-06-2021 | 30   | A       | 86 | 0   | 1,056.49 | 0.0000  | 173    | 40   | 36  |     | 372          | 1,978   | 2,750    |
| May-21 | 05-05-2021 | 30   | A       | 86 | 0   | 1,054.08 | 0.0000  | 173    | 40   | 36  |     | 372          | 1,920   | 2,630    |
| Apr-21 | 06-04-2021 | 30   | A       | 86 | 0   | 1,061.31 | 0.0000  | 173    | 40   | 36  |     | 372          | 1,988   | 2,750    |
| Mar-21 | 05-03-2021 | 30   | A       | 86 | 0   | 1,069.65 | 0.0000  | 173    | 40   | 36  |     | 372          | 2,046   | 2,850    |
| Feb-21 | 03-02-2021 | 30   | A       | 86 | 0   | 1,065.24 | 0.0000  | 173    | 20   | 33  |     | 342          | 1,904   | 2,600    |
| Jan-21 | 03-01-2021 | 31   | A       | 86 | 0   | 1,064.53 | 0.0000  | 1,243  | 10   | 46  | 89  | 140          | 235     | 1,618    |
| Jan-20 | 04-01-2020 | 31   | A       | 86 | 0   | 1,064.56 | 0.0000  | 2,993  | 15   | 657 | 89  | 340          | 561     | 4,000    |
| Jan-19 | 07-01-2019 | 30   | A       | 86 | 0   | 1,050.65 | 0.0000  | 163    | 20   | 31  |     | 215          | 478     | 690      |
| Dec-18 | 07-12-2018 | 30   | A       | 86 | 0   | 1,034.53 | 0.0000  | 163    | 20   | 31  |     | 215          | 340     | 560      |
| Nov-18 | 06-11-2018 | 30   | A       | 86 | 0   | 1,050.39 | 0.0000  | 163    | 20   | 31  |     | 215          | 4       | 300      |
| Oct-18 | 05-10-2018 | 30   | A       | 86 | 0   | 1,006.59 | 0.0000  | 153    | 20   | 29  |     | 202          | 6,611   | 6,710    |
| Sep-18 | 06-09-2018 | 30   | A       | 86 | 0   | 1,056.79 | 0.0000  | 149    | 20   | 29  |     | 197          | 6,235   | 6,400    |
| Aug-18 | 06-08-2018 | 30   | A       | 86 | 0   | 1,062.42 | 0.0000  | 149    | 20   | 29  |     | 197          | 6,070   | 6,270    |
| Jul-18 | 05-07-2018 | 30   | A       | 86 | 0   | 1,067.98 | 0.0000  | 149    | 20   | 29  |     | 414          | 5,644   | 6,000    |
| Jun-18 | 05-06-2018 | 30   | A       | 86 | 0   | 1,064.57 | 0.0000  | 149    | 20   | 29  |     | 414          | 5,210   | 5,600    |
| May-18 | 07-05-2018 | 30   | A       | 86 | 0   | 1,060.11 | 0.0000  | 149    | 20   | 29  |     | 414          | 4,776   | 5,100    |
| Apr-18 | 05-04-2018 | 30   | A       | 86 | 0   | 1,067.72 | 0.0000  | 149    | 20   | 29  |     | 414          | 4,342   | 4,700    |
| Mar-18 | 06-03-2018 | 30   | A       | 86 | 0   | 1,069.49 | 0.0000  | 149    | 20   | 29  |     | 414          | 3,908   | 4,300    |
| Feb-18 | 04-02-2018 | 30   | A       | 86 | 0   | 1,077.50 | 0.0000  | 140    | 20   | 29  |     | 414          | 3,475   | 3,800    |

NOT VALID FOR COURT

It is evident from the above table that the Respondent was charged the gas bills with minimum charges for the period February 2018 to November 2021. It is further observed that the reading of the gas meter noted as 86 in the gas bill for August 2017 is the same as given in the above table, which indicates that the nil consumption was recorded during the period September 2017 and onwards. We are convinced with the arguments of the Respondent regarding nil gas consumption and of the view that the electricity bills of the Respondent for the period September 2017 and onwards till the disposal of the case are cancelled and the same are liable to be revised on a minimum basis. The impugned decision is liable to be modified to this extent.

iv. Since the Respondent intends to remove the billing account of the premises permanently,

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the K-Electric may proceed in accordance with the procedure as laid down in the CSM.

6. In view of what has been stated above, it is concluded that:

- i. The Respondent should pay the arrears of Rs.39,034/- till August 2017 as per the finding given in para 5(ii) above.
- ii. The entire assessed/detection/average bills charged by the K-Electric for the period September 2017 and onward till date are cancelled. The Respondent may be charge the revised bills with minimum charges for the period September 2017 and onwards till the decision of the case.
- iii. The billing account of the Respondent be overhauled as per paras 6(i) and (ii) above and the payments made against the bills for the period September 2014 and onwards till date be adjusted accordingly.
- iv. K-Electric may disconnect the supply of the premises permanently and feed the permanent disconnection code to the consumer's account of the Respondent after the completion of the codal formalities.

7. The appeal is disposed of in the above terms.

Abid Hussain  
Member/Advisor (CAD)

Nadir Ali Khoso  
Convener/Senior Advisor (CAD)

Dated: 28.03.2022