



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

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No. NEPRA/AB/Appeal/073/2021/ /296

November 18, 2022

- |   |  |
|---|--|
| 1. Muhammad Abdul Bari,<br>Plot No. A-604, Block-H,<br>North Nazimabad, 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 Against the Decision of the Appellate Board Dated 15.02.2022 In The Matter Titled "K-Electric Vs. Muhammad Abdul Bari"**

Please find enclosed herewith the decision of the Appellate Board dated 12.11.2022, 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 15.02.2022 OF NEPRA IN THE APPEAL NO.073/POI-2021**

K-Electric Limited

.....Petitioner

Versus

Muhammad Abdul Bari, Plot No.A-604, Block-H,  
North Nazimabad, Karachi

.....Respondent

For the Petitioner:

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

For the Respondent:

Nemo

## **DECISION**

1. Through this decision, the review petition filed by K-Electric (hereinafter referred to as the "Petitioner") against the decision dated 15.02.2022 of the National Electric Power Regulatory Authority (hereinafter referred to as the "NEPRA") in Appeal No.073/POI-2021 titled "K-Electric Vs Muhammad Abdul Bari" is being disposed of.
2. Mr. Muhammad Abdul Bari (hereinafter referred to as the "Respondent") is a domestic consumer of the Petitioner bearing Ref No. LA-850560 having sanctioned load of 5 kW under the tariff category A-1R. Facts related to subject dispute are that





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a site inspection was carried out by the Petitioner and as per Site Inspection Report dated 05.09.2020, the Respondent was found stealing electricity through the hook connection and the connected load was observed as 12.412 kW. Therefore, a detection bill amounting to Rs.210,046/- for 11,489 units for six (06) months from March 2020 to August 2020 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 29.12.2020 against the abovementioned detection bill. The complaint of the Respondent was disposed of by the POI vide its decision dated 14.04.2021, wherein the detection bill of Rs.210,046/- for 11,489 units for six (06) months from March 2020 to August 2020 charged by the Petitioner was cancelled.
4. The Petitioner disputed the afore-referred decision dated 14.04.2021 of the POI before the NEPRA vide the Appeal No.073/POI-2021, which was disposed of vide NEPRA Appellate Board decision dated 15.02.2022 (hereinafter referred to as the "impugned decision") with the following conclusion:

*"From forgoing discussion, we have concluded that the detection bill of Rs. 210,046/- for 11,489 units for the period March 2020 to August 2020 six (6) months is unjustified, hence the same should be cancelled. The Respondent may be charged the detection bill @ 730 units/month for the period June 2020 to August 2020. The billing account of the Respondent may be overhauled after making the adjustment of payments made/units already charged against the above-disputed detection bill. In view of the above, the appeal is partially accepted."*

5. The Petitioner filed this review petition before the NEPRA on 05.04.2022, wherein the impugned decision has been opposed, *inter alia*, on the 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 revised Consumer Service Manual (the “CSM”), 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 on the basis of 25% load factor instead of 20% load factor, which is allowed at page 88 of the revised CSM.

**6. Hearing:**

6.1 Hearing in the matter of the subject review petition was initially 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 given date of the hearing, the Respondent failed to appear. In order to provide an opportunity of hearing to both parties, the case was adjourned till the next date.

6.2 After issuing notices dated 21.10.2022, hearing of the appeal was again conducted at NEPRA Regional Office Karachi on 28.10.2022 wherein 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. 12.412 kW was neither denied by the POI nor by the Respondent, hence the revision

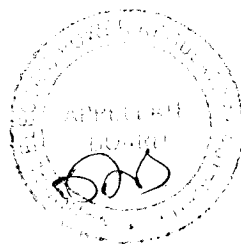


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of the impugned detection bill on the basis of sanctioned load i.e. 5 kW is not correct. The Petitioner reiterated that the revision of the detection bill for three months on the basis of 20% load factor was not in line with the provisions of the revised CSM, which allows the Petitioner to charge the detection bill at the rate of 25% load factor of the connected load being higher than the sanctioned load. The representatives of the Petitioner pressed for modification of the impugned decision to the extent of revision of the detection bill on the basis of the connected load i.e. 12.412 kW.

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

7.1 The issue of POI jurisdiction was duly considered and deliberated by the Appellate Board and has already been addressed in the impugned decision. During the hearing, the representatives for the Petitioner pressed to allow the detection bill on the basis of connected load i.e. 12.412 kW allegedly observed during site visit on 05.09.2020. Regarding the regularization of connected load, the Petitioner took stance that since the matter was sub-judice, therefore, the connected load could not be regularized. The record shows that the site inspection was carried out by the Petitioner on 05.09.2020 and the detection bill of Rs.210,046/- was charged on 30.10.2020 on the basis of site inspection. However, while issuing detection bill nothing barred the Petitioner to initiate the process for regularization of the extended load of the Respondent. Since the complaint lodged by the Respondent before the POI on 29.12.2020 i.e. after 60



days of issuance of the above detection bill, there is no evidence available that the Petitioner initiated process to regularize the connected load besides issuing the detection bill. As such, the claim of the Petitioner regarding 12.412 kW connected load of the Respondent is without valid force, hence rejected.

7.2 As regards the contention of the Petitioner regarding the 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 March 2020 to August 2020 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 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.

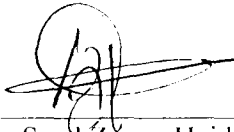
7.3 In terms of Regulation 3 (2) of NEPRA (Review Procedure) Regulations, 2009, a motion seeking review of any order of the Authority is competent only upon discovery of a mistake or error apparent on the face of the record or a new and important matter of evidence. In the instant review motion, no mistake 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



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decision dated 15.02.2022. Therefore, there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law.

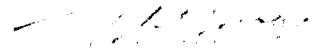
8. In view of the above, the instant review motion of the Petitioner is dismissed and the decision dated 15.02.2022 of the Appellate Board is upheld.



Syed Zavar Haider  
Member



Abid Hussain  
Convener



Muhammad Irfan-ul-Haq  
Member

Dated: 12/11/2022

