



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

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No. NEPRA/Appeal/100/POI/2020/ 967

September 16, 2022

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|---|--|
| 1. Ali Imran
S/o. Abdul Bari,
Plot No. DV-38-A. Waheedabad,
Gulbahar No. 2, Nazimabad, 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 Against the Decision of the Appellate Board Dated 17.11.2021 In The Matter Titled "K-Electric Vs. Ali Imran"**

Please find enclosed herewith the decision of the Appellate Board dated 15.09.2022, 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 17.11.2021 OF NEPRA IN THE APPEAL NO.100/POI-2020

K-Electric Limited

.....Petitioner

Versus

Ali Imran, S/o. Abdul Bari, Plot No. DV-38-A,
Firdous Colony, Gulbahar, Near Post Office, Karachi

..... Respondent

For the Petitioner:

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

For the Respondent:

Mr. Ali Imran

DECISION

1. Through this decision, the review petition filed by K-Electric (hereinafter referred to as the "Petitioner") against the decision dated 17.11.2021 of the National Electric Power Regulatory Authority (hereinafter referred to as the "NEPRA") in Appeal No.100/POI-2020 titled "K-Electric Vs. Ali Imran" is being disposed of.
2. Mr. Ali Imran (hereinafter referred to as the "Respondent") is a commercial consumer of the Petitioner bearing Ref No. LA 921266 having a sanctioned load of 5 kW under the tariff category A-2C. As per Site Inspection Report dated 28.05.2016 of the inspection allegedly carried out by the Petitioner, the Respondent was stealing



electricity through an extra phase and the connected load was observed as 11.129 kW. Therefore, a detection bill of Rs.241,650/- for 8,984 units for six months from 22.10.2015 to 20.04.2016 was charged to the Respondent based on the connected load and added to the bill for June 2016. Subsequently, the Petitioner charged an assessed bill of 1,746 units to the Respondent in January 2017 on the plea that the Respondent was found using a hook connection during the meter reading dated 20.01.2017.

3. Being aggrieved with the actions of the Petitioner, the Respondent filed a complaint before the Provincial Office of Inspection, Karachi Region-II, Karachi (hereinafter referred to as the "POI") on 26.04.2018 and challenged the arrears of Rs. 321,604/- charged in March 2018 which included the above detection bill and the assessed bill for January 2017. The complaint was decided by the POI vide the decision dated 29.06.2018 (hereinafter referred to as the "first decision").
4. The Petitioner filed appeal No.146/POI-2018 before the NEPRA against the first decision. The NEPRA Appellate Board vide the decision dated 05.04.2019 set aside the first decision of the POI on account of *locus standi* and the case was remanded back to the POI for decision afresh. Thereafter, the POI adjudicated the matter again and pronounced its decision on 13.08.2020 (hereinafter referred to as the "second decision"), wherein the detection bill of Rs.241,650/- for 8,984 units for six months from 22.10.2015 to 20.04.2016 and the assessed bill of January 2017 were cancelled.



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5. The Petitioner disputed the second decision before NEPRA vide Appeal No.100/POI-2020, which was disposed of on 17.11.2021 (hereinafter referred to as the "impugned decision") with the following conclusion:

"In consideration of the above, the impugned decision for cancellation of the detection bill of Rs.241,650/- for 8,984 units for the period from 22.10.2015 to 20.04.2016 and the assessed bill for January 2017 is correct and maintained to this extent. The Respondent should be charged the detection bill for 1,549 units for the period February 2016 to April 2016 three (3) months and the bill of 730 units for January 2017. The billing account of the Respondent may be overhauled after adjusting the payment made, if any against the above dispute bills. The appeal is disposed of in the above terms."

6. The Petitioner filed a review petition before the NEPRA on 10.01.2022, wherein the impugned decision has been opposed, *inter alia*, mainly on the following grounds; (1) the jurisdiction of the POI does not invoke in the instant case of 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 on the basis of 25% load factor instead of 20% load factor, which is allowed at page 88 of the CSM.



7. Hearing

7.1 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 Petitioner reiterated the same contentions as in the memo of the review petition and stated that the impugned decision was rendered without considering the facts that the connected load of the Respondent i.e. 11.129 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. 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 CSM-2021, which allows the Petitioner to charge the detection bill at 25% load factor of the connected load. The Respondent appearing in person rebutted the version of the Petitioner regarding the connected load of 11kW and averred that lathe machines, cutter, and drill machines are available at the premises and their load is compatible with the sanctioned load of 5 kW. The Respondent further refuted the allegation of the Petitioner for use of electricity through unfair means and stated that the Petitioner may conduct a survey for verification of alleged extension of load and illegal abstraction of electricity. The Respondent supported the impugned decision and prayed for upholding the same.

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

8.1 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 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 22.10.2015 to 20.04.2016 which shall be dealt with under the then applicable document including the CSM-2010. Since the CSM-2010 did not specify 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 are not valid.

8.2 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 17.11.2021. Therefore, there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law.

9. In view of the above, the instant review motion of the Petitioner is dismissed and

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National Electric Power Regulatory Authority

the decision dated 17.11.2021 of the Appellate Board is upheld.

Syed Zawar Haider
Member

Muhammad Irfan-ul-Haq
Member

Abid Hussain
Convener

Dated: 18/3/2022