



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

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No. NEPRA/Appeal/072/2021/ & 089/2021/ 773

December 13, 2023

- |   |  |
|---|--|
| 1. M/s. Burraque Flour Mills,<br>Through its Director,<br>Muhammad Iqbal Khan, Plot No.<br>E-146, Phase-II, Site Super Highway,<br>Karachi  | 2. Chief Executive Officer,<br>K-Electric Ltd,<br>KE House, 39-B, Sunset Boulevard,<br>DHA-II, Karachi   |
| 3. Asif Shajer,<br>Deputy General Manager,<br>K-Electric Ltd, KE House,<br>39-B, Sunset Boulevard,<br>DHA-II, Karachi   | 4. Tatheera Fatima,<br>Deputy General Manager,<br>Distribution Legal, K-Electric Ltd,<br>1 <sup>st</sup> Floor, Block F, Elander Complex,<br>Elander Road, Karachi |
| 5. POI/Electric Inspector,<br>Karachi Region-II, Government of Sindh,<br>Plot No. ST-2, Block-N, North<br>Nazimabad, Near Sarina Mobile Market,<br>Main Sakhi Hasan Chowrangi,<br>Karachi |  |

**Subject: Appeal No.072/2021 (K-Electric Vs. M/s. Burraque Flour Mills) & 089/2021 (M/s. Burraque Flour Mills Vs. K-Electric) Against the Decision Dated 14.04.2021 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 13.12.2023 (05 pages), regarding the subject matter, for information and necessary action accordingly.

**Encl: As Above**

**(Ikram Shakeel)  
Deputy Director (AB)**

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



# National Electric Power Regulatory Authority

## Before The Appellate Board

In the matter of

### Appeal No.072/POI-2021

K-Electric Limited

Versus

.....Appellant

M/s. Burraque Flour Mills, Through its Director  
Muhammad Iqbal Khan, Plot No.E-146, Phase-II,  
Site Super Highway, Karachi

.....Respondent

&

### Appeal No. 089/POI-2021

M/s. Burraque Flour Mills, Through its Director  
Muhammad Iqbal Khan, Plot No.E-146, Phase-II,  
Site Super Highway, Karachi

.....Appellant

Versus

K-Electric Limited

.....Respondent

## APPEAL U/S 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

### For K-Electric:

Ms. Tatheera Fatima Deputy General Manager  
Mr. Sohail Sheikh Deputy General Manager  
Mr. Masahib Ali Manager  
Mr. Amir Masood Manager  
Mr. Munawar Manager  
Mr. Islam Ahmed

### For the Consumer:

Mr. Arsalan Mazhar Manager  
Mr. Haq Nawaz Khan

## DECISION

1. As per facts of the case, M/s. Burraque Flour Mills is an industrial consumer of K-Electric bearing Ref No.BL-005871 with sanctioned load of 425 kW and the applicable Tariff category is B-2b. The billing meter of the Consumer was checked by K-Electric on 23.11.2020 and reportedly, its yellow phase was found dead stop due to the defective Current Transformer (CT) and the connected load was observed as 400 kW. The defective CT of the yellow phase of the billing meter of the Consumer was replaced with a new CT by K-Electric on 25.11.2020. Thereafter, a notice dated 02.12.2020 was issued to the Consumer and a





## National Electric Power Regulatory Authority

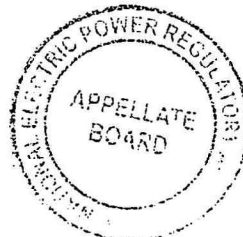
detection bill of Rs.3,409,022/- for 181,528 units for the period June 2020 to November 2020 six (6) months was charged to the Consumer by the K-Electric @ 32.87% slowness of the billing meter.

2. Being aggrieved, the Consumer filed a complaint dated 19.01.2021 before the Provincial Office of Inspection, Karachi Region-II, Karachi (hereinafter referred to as the "POI") and challenged the above-said detection bill. The complaint of the Consumer was decided by the POI vide decision dated 14.04.2021 (hereinafter referred to as the "impugned decision"), wherein the detection bill of Rs.3,409,022/- for 181,528 units for the period June 2020 to November 2020 was cancelled and K-Electric was allowed to recover 60,510 units for two (2) months only.
3. Being dissatisfied with the impugned decision, both parties filed cross-appeals before the NEPRA. As the facts and subject matter of the appeals are the same, both had been clubbed and disposed of through a single/consolidated decision dated 17.03.2022, the operative portion of which is reproduced below:

*"Summing up the foregoing discussion, we hold that:*

- i. The detection bill of Rs.3,409,022/- for 181,528 units for the period June 2020 to November 2020 six (6) months charged by the K-Electric to the Consumer on account of 32.87% slowness of the billing meter is illegal, unjustified, and inconsistent with Clause 4.4 of the CSM-2010 and same along with late payment surcharges is cancelled.*
  - ii. The Consumer is liable to be charged the detection bill for (92,369 off-peak + 1,709 peak) for the period September 2020 to November 2020.*
  - iii. The billing account of the Consumer may be revised after making the adjustment of payment made against the above detection bill. In view of the above, both the appeals are disposed of."*
4. The Consumer filed a review petition before NEPRA on 06.06.2022 against the decision dated 17.03.2022 of the Appellate Board, which was subsequently disposed of as withdrawn by the Consumer vide decision dated 12.11.2022.
  5. Meanwhile, the Consumer assailed the decision dated 17.03.2022 of the NEPRA Appellate Board before the Appellate Tribunal (NEPRA) vide Appeal No.14/NT/2022. The Appellate Tribunal (NEPRA) vide order dated 13.04.2023 set aside the aforesaid decision dated 17.03.2022 of the Appellate Board and remanded back the matter to NEPRA for decision afresh in accordance with law.

*Handwritten signature*



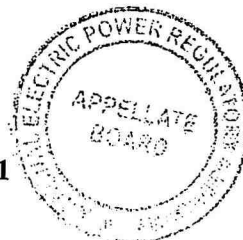


## National Electric Power Regulatory Authority

### 6. Hearing:

6.1 Accordingly, the hearing was conducted at NEPRA Head Office Islamabad on 05.05.2023, which however was adjourned due to lack of quorum of the Appellate Board. Finally, the hearing was held at NEPRA Head Office Islamabad on 06.11.2023, which was attended by both parties. At the outset of the hearing, K-Electric representatives repeated their objection regarding limitation and contended that appeal No.089/2021 of the Consumer is badly time-barred and prayed for its dismissal. On merits, K-Electric representatives stated that the detection bill of Rs.3,409,022/- for 181,528 units for the period June 2020 to November 2020 six (6) months was debited to the Consumer @ 32.87% slowness observed in the billing meter due to one defective CT on 23.11.2020. K-Electric representatives termed the above detection bill as justified and payable by the Consumer with the plea that the fault in the meter existed since long, however, the above detection bill was charged to the Consumer for six months only as per Chapter 9 of the Consumer Service Manual 2010 (the "CSM-2010"). According to K-Electric, actual consumption could not be charged during the disputed period from June 2020 to November 2020, which may be verified through the readings of the check meter installed at the dedicated PMT of the Consumer. K-Electric finally prayed to allow the entire period of the detection bill.

6.2 On the contrary, the representative for the Consumer rebutted the stance of K-Electric regarding limitation and argued that the appeal No.089/POI-2021 was filed within the prescribed time as envisaged in Section 38(3) of the NEPRA Act, as such the objection of K-Electric regarding limitation is not valid. On merits, the representative for the Consumer stated that neither prior notice was served nor the alleged inspection was conducted in the presence of POI or the Consumer. The representative for the Consumer denied the allegation of theft of electricity and submitted that the meter under dispute was functioning correctly till 23.11.2020, hence there is no justification to charge the detection bill of Rs.3,409,022/- on account of 32.87% slowness of the billing meter. He further opposed the charging of the above-referred detection bill and submitted that the decrease in consumption during the disputed period from June 2020 to November 2020 was due to the less allocation of wheat quota and sanctions of COVID-19 throughout the country. He opposed the determination of POI for revision of the detection bill for 60,510 units and pleaded for withdrawal of the same.





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

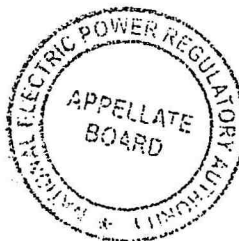
7.1 While addressing the point of limitation raised by K-Electric, it is noticed that a copy of the impugned decision dated 14.04.2021 was obtained by the Consumer on 15.04.2021 and the appeal No.089/POI-2021 was filed before NEPRA on 17.05.2021 i.e. after thirty-two (32) days. The appeal is therefore considered to have been filed within thirty (30) days after excluding seven (7) days allowed for dispatch under Regulation 4(2)(b) of the NEPRA (Procedure for Filing Appeal) Regulations, 2012. The objection of K-Electric in this regard is devoid of force and, hence dismissed.

7.2 The billing meter of the Consumer was checked by K-Electric on 23.11.2020 and reportedly its yellow phase was found dead due to the defective CT, which was replaced with a new CT on 25.11.2020. K-Electric charged a detection bill of Rs.3,409,022/- for 181,528 units for the period June 2020 to November 2020 six (6) months to the Consumer due to 32.87% slowness of the billing meter in December 2020, which was agitated by him before the POI.

7.3 According to Clause 4.4(e) of the CSM-2010, the Consumer may be charged the detection bill maximum for two months in case of a slow meter. However, in the instant case, K-Electric charged the above detection bill for a period of six months i.e. June 2020 to November 2020 due to a slow meter, which is inconsistent with the ibid clause of the CSM-2010. Therefore there is no justification to charge the detection bill of Rs.3,409,022/- for 181,528 units for the period June 2020 to November 2020 six (6) months to the Consumer being inconsistent with the foregoing clause of the CSM-2010.

7.4 It is an admitted fact that the monthly reading of the Consumer was taken by K-Electric on 11.11.2020 and during subsequent checking dated 23.11.2020, the impugned meter of the Consumer was found running 32.87% slow due to the defective CT of the yellow phase. Later on, K-Electric replaced the defective CT of the impugned meter with a new CT on 25.11.2020. Thus the Consumer is liable to be charged the detection bill for two retrospective billing cycles till the reading dated 11.11.2020 as per Clause 4.4(e) of the CSM-2010.

7.5 Further, K-Electric is liable to recover the bill with enhanced Multiplication Factor (the "MF") for the period from 11.11.2020 (meter reading date) to 25.11.2020 (date of CT replacement) as per Clause 4.4(c) of the CSM-2010. The Impugned decision is liable to be modified to this extent.



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8. Summing up the foregoing discussion, we hold that:

8.1 The detection bill of Rs.3,409,022/- for 181,528 units for the period June 2020 to November 2020 six (6) months charged by the K-Electric to the Consumer on account of 32.87% slowness of the billing meter is illegal, unjustified, and inconsistent with Clause 4.4(e) of the CSM-2010 and same along with late payment surcharges is cancelled.

8.2 The Consumer is liable to be charged the revised detection bill for two retrospective billing cycles till the meter reading dated 11.11.2020 as per Clause 4.4(e) of the CSM-2010.

8.3 Further, the bill with enhanced MF for the period from 11.11.2020 (meter reading date) to 25.11.2020 (date of CT replacement) be charged as per Clause 4.4(c) of the CSM-2010.

8.4 The billing account of the Consumer may be revised after making the adjustment of payment made against the above detection bill.

9. In view of the above, both the appeals are disposed of.

Abid Hussain  
Member

Muhammad Irfan-ul-Haq  
Member

Naweed Illahi Sheikh  
Convener

Dated: 13-12-2023

