



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

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No. NEPRA/Appeal/019/2024/*20*

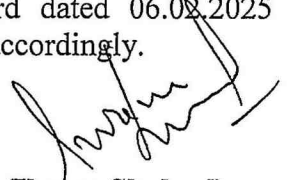
February 06, 2025

- | | |
|--|---|
| 1. Abdul Shakoor (Globe Builders),
FL-01, Block-06, Flat-H-015,
Gulistan-e-Jauhar, Karachi
Cell No. 0333-3208348
0306-0003151 | 2. Chief Executive Officer,
K-Electric Ltd,
KE House, 39-B, Sunset Boulevard,
DHA-II, Karachi |
| 3. Aamir Shahzad Malik,
General Manager (Distribution Legal),
39-B, Sunset Boulevard,
DHA-II, Karachi | 4. Asif Shajer,
Deputy General Manager,
K-Electric Ltd, KE House,
39-B, Sunset Boulevard,
DHA-II, Karachi |
| 5. Tatheera Fatima,
Deputy General Manager,
Distribution Legal, K-Electric Ltd,
1 st Floor, Block F, Elander Complex,
Elander Road, Karachi | 6. POI/Electric Inspector,
Karachi Region-II, Government of Sindh,
Plot No. ST-2, Block-N, North Nazimabad,
Near Sarina Mobile Market,
Main Sakhi Hasan Chowrangi,
Karachi |

Subject: **Appeal No.019/2024 (K-Electric Vs. Abdul Shakoor) Against the Decision Dated 29.01.2024 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 06.02.2025 (05 pages), regarding the subject matter, for information and necessary action, accordingly.

Encl: As Above


(Ikram Shakeel)
Deputy Director
Appellate Board

Forwarded for information please.

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



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.019/POI-2024

K-Electric Limited

.....Appellant

Versus

Abdul Shakoor,
Flat H-015, F-01, Globe Center, Block-06,
Gulistan-e-Jauhar, Karachi

.....Respondent

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

For the Appellant:

Mr. Asif Shajer General Manager
Ms. Tatheera Fatima
Mr. Muhammad Salman DGM
Mr. Muhammad Irshad Manager
Mr. S.M. Ali Deputy Manager

For the Respondent:

Mr. Abdul Shakoor
Mr. Siraj Ahmed

DECISION

1. Brief facts leading to the filing of instant appeal are that Mr. Abdul Shakoor (hereinafter referred to as the "Respondent") is a domestic consumer of K-Electric Limited (hereinafter referred to as the "Appellant") bearing Ref No.0400004811893 (LA-249671) with a sanctioned load of 04 kW and the applicable Tariff category is A-1R. As per the site inspection report dated 15.06.2023, the Respondent was stealing electricity through tampering with meter, and the connected load was observed as 5.026 kW. Therefore, a detection bill of Rs.147,482/- for 2,859 units for six months for the period from 17.12.2022 to 07.06.2023 was charged to the Respondent on the basis of 23% load factor of the connected load i.e. 5.026 kW.
2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Karachi Region-II, Karachi (hereinafter referred to as the "POI") and challenged the above detection bill. The complaint was decided by the POI vide the decision dated 29.01.2024 wherein the detection bill of Rs.147,482/- for 2,859 units for

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six months for the period from 17.12.2022 to 07.06.2023 was cancelled. As per the POI decision, the Appellant was directed to charge the revised detection bill for net 124 units.

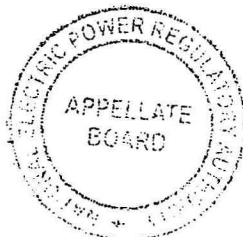
3. Subject appeal has been filed against the afore-referred decision dated 29.01.2024 of the POI (hereinafter referred to as the “impugned decision”) by the Appellant before the NEPRA, wherein it is contended that the Respondent was stealing electricity through tampering with the meter and the connected load was noticed as 5.026 kW during the checking dated 15.06.2023, therefore a detection bill of Rs.147,482/- for 2,859 units for six months for the period from 17.12.2022 to 07.06.2023 was charged to the Respondent on the basis of the connected load. The Appellant further contended that the above detection bill was served to the Respondent after the completion of codal formalities, however, the POI cancelled the same on the basis of consumption trend and did not consider the pictorial evidence of theft of electricity. The Appellant opposed the finding of the POI with regard to the prior notice and submitted that no notice is required to be served on consumers for conducting a raid in case of the theft of electricity. As per the Appellant, the determination of the POI based on consumption of the previous year is not based on merits as the drop in consumption confirms that the Respondent was stealing electricity through tampering with the meter. The Appellant finally prayed for setting aside the impugned decision.

4. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, a Notice dated 13.03.2024 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. In response, the Respondent submitted his reply on 29.03.2024 wherein he denied the allegation of theft of electricity through tampering with the meter and contended that neither inspection was carried out in his presence nor the impugned meter was checked by the POI for verification of alleged tampering. The Respondent supported the impugned decision and prayed for upholding the impugned decision.

5. **Hearing**

- 5.1. Hearing in the matter was fixed for 08.10.2024 at NEPRA Regional Office, Karachi, and accordingly, the notices dated 30.09.2024 were sent to the parties (i.e. the Appellant and the Respondent) to attend the hearing. As per schedule, the hearing was conducted at the NEPRA Regional Office Karachi which was attended by both parties. The representatives for the Appellant contended that the detection bill of Rs.147,482/- for 2,859 units for six





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months for the period from 17.12.2022 to 07.06.2023 was debited on the basis of connected load i.e. 5.026 kW on account of theft of electricity through tampering with the meter as observed during the inspection dated 15.06.2023. The Appellant further contended that the impugned finding of the POI on the basis of consumption pattern is not correct and the same is liable to be reviewed at the appellate stage. The Appellant defended the charging of the impugned detection bill and prayed that the same be declared as justified and payable by the Respondent.

5.2. The Respondent appearing in person denied the allegation of theft of electricity leveled by the Appellant and averred that entire proceedings were carried out unilaterally by the Appellant. As per Respondent, the Appellant failed to prove theft of electricity through material evidence, as such there is no justification to debit any detection bill on false and fabricated stories. The Respondent finally supported the impugned decision and prayed for upholding the same.

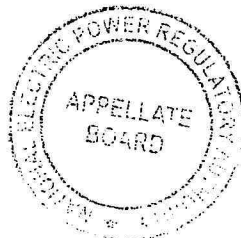
6. Arguments were heard and the record was perused. Following are our observations:

6.1 In its appeal, the Appellant has claimed that M&T on 15.06.2023 detected that the impugned meter of the Respondent was intentionally tampered for dishonest abstraction of electricity. Thereafter, the Appellant debited a detection bill of Rs.147,482/- for 2,859 units for six months for the period from 17.12.2022 to 07.06.2023 to the Respondent, which was challenged by the Respondent before the POI.

6.3. Having found the above discrepancies, the Appellant was required to follow the procedure stipulated in Clause 9.2.2 of the CSM-2021 to confirm the illegal abstraction of electricity by the Respondent and thereafter charge the Respondent accordingly. However, in the instant case, the Appellant has not followed the procedure as stipulated under the ibid clause of the CSM-2021. From the submissions of the Appellant, it appears that the billing meter of the Respondent was checked and removed by the Appellant in the absence of the Respondent.

6.4. As per the judgment of the Supreme Court of Pakistan reported in PLD 2012 SC 371, the POI is the competent forum to check the metering equipment, wherein theft of electricity was committed through tampering with the meter and decide the fate of the disputed bill, accordingly. However, in the instant case, the Appellant did not produce the impugned meter before the POI for verification of the allegation regarding tampering.

6.5. According to Clause 9.2.3c(i) of the CSM-2021, the Respondent being a general supply consumer i.e. A-I be charged the detection bill maximum for three months in the absence



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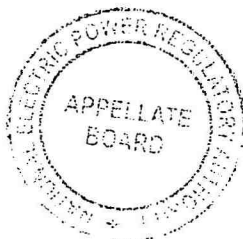
of approval of the CEO, however, the Appellant debited the detection bill for six months without soliciting approval from the CEO being competent authority. This shows gross negligence on the part of the Appellant.

- 6.6. Clause-6.1 of the CSM-2021 provides clear mechanism of meter reading and Clause-6.2 envisages the procedure of percentage checking to ensure the accuracy of meter reading. Recording of correct meter readings is the responsibility of the Appellant. Clause 6.1.4 of CSM-2021 provides that meter readers are responsible for checking irregularities/ discrepancies in the metering system at the time of reading meters and report the same in the reading book/discrepancy book or through any other appropriate method as per the practice. The concerned officer/official has to take corrective action to rectify these discrepancies, however, the officials of the Appellant failed to point out any such discrepancy or take appropriate action timely.
- 6.7. To further check the authenticity of the impugned detection bill, the consumption data of the Respondent is compared with the corresponding consumption of the preceding and succeeding years in the below table:

Period before dispute		Disputed period		Period after dispute	
Month	Units	Month	Units	Month	Units
Jan-22	49	Jan-23	196	Jan-24	159
Feb-22	42	Feb-23	116	Feb-24	158
Mar-22	12	Mar-23	118	Mar-24	175
Apr-22	406	Apr-23	145	Apr-24	227
May-22	427	May-23	167	May-24	257
Jun-22	367	Jun-23	344	Jun-24	336
Average	217	Average	181	Average	218
Detection bill @ 657 units/month					

The above table shows that the average consumption charged during the disputed period is less than the average consumption of corresponding months of the preceding and succeeding years. This indicates that the actual consumption was not recorded by the impugned meter during the disputed period. However, the detection bill charged @ 657 units/month for the disputed period is much higher than the average consumption of corresponding months of the preceding and succeeding years. It is further observed that the detection bill was assessed based on the connected load i.e. 5.026 kW, which has neither been verified by the POI being competent forum nor the said load regularized by the Appellant to date as evident from the bill of November 2024.

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- 6.8. In view of the foregoing discussion, we are of the considered view that the detection bill of Rs.147,482/- for 2,859 units for six months for the period from 17.12.2022 to 07.06.2023 is unjustified, and the same is cancelled.
- 6.9. According to Clause 9.2.3b(i) read with Clause 9.2.3c(i) of the CSM-2021, the Respondent may be charged the detection bill maximum for three months i.e. April 2023 to June 2023 on the basis of consumption of corresponding months of the year 2022. Calculation in this regard is done below:

Period: April 2023 to June 2023

- A. Total units to be charged = C/L (KW) x LF x No. of Hrs. x No. of Months
= 04 x 0.2 x 730 x 03 = 1,752 units
- B. Total units already charged = 145+167+344 = 656 units
- C. Net units to be charged = A-B = 1,752-656 = **1,096 units**

- 6.10. In view of the above, the Respondent is liable to be charged the revised detection bill for net 1,096 units for three months as calculated in the above table. The impugned decision is liable to be modified to this extent.


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


7.1 The detection bill of Rs.147,482/- for 2,859 units for six months from 17.12.2022 to 07.06.2023 charged to the Respondent is unjustified and the same is cancelled.


7.2 The Respondent may be charged the revised detection bill for net 1,096 units for three months i.e. April 2023 to June 2023 as per Clause 9.2.3c(i) of the CSM-2021.

7.3 The billing account of the Respondent may be overhauled after making adjustments of units already charged/payments against the impugned detection bill.

8. The impugned decision is modified in the above terms.

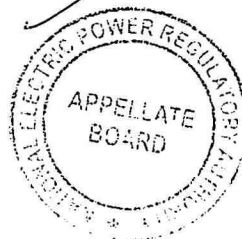

Abid Hussain
Member/Advisor (CAD)


Naweed Illahi Sheikh
Convener/DG (CAD)


Muhammad Irfan-ul-Haq
Member/ALA (Lic.)

Dated: 06-02-2025

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