



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

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No. NEPRA/Appeal/091/2023/063

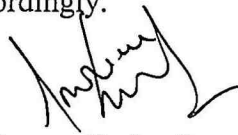
January 06, 2025

- |  |   |
|--|---|
| 1. Nasiruddin Ghori,<br>S/o. Shujauddin Ghori,<br>House No. C-033, Block-13,<br>Gulberg, F.B. Area, Karachi<br>Cell No. 0333-3327727                               | 2. Chief Executive Officer,<br>K-Electric Ltd,<br>KE House, 39-B, Sunset Boulevard,<br>DHA-II, Karachi  |
| 3. Aamir Shahzad Malik,<br>General Manager (Distribution Legal),<br>39-B, Sunset Boulevard,<br>DHA-II, Karachi   | 4. Asif Shajer,<br>Deputy General Manager,<br>K-Electric Ltd, KE House,<br>39-B, Sunset Boulevard,<br>DHA-II, Karachi   |
| 5. 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 | 6. POI/Electric Inspector,<br>Karachi Region-II, Government of Sindh,<br>Plot No. ST-2, Block-N, North Nazimabad,<br>Near Sarina Mobile Market,<br>Main Sakhi Hasan Chowrangi,<br>Karachi |

Subject: **Appeal No.091/2023 (K-Electric Vs. Nasiruddin Ghori) Against the Decision Dated 08.08.2023 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 06.01.2025 (06 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 Appellate Board

In the matter of

## Appeal No.091/POI-2023

K-Electric Limited

.....Appellant

Versus

Nasiruddin Ghorri S/o. Shujauddin Ghorri, House No.C-033,  
Block-13, Gulberg, F.B. Area, 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 Legal Counsel  
Mr. Muhammad Salman DGM  
Mr. Muhammad Irshad Manager

### For the Respondent:

Mr. Nasiruddin Ghorri

## DECISION

1. Brief facts leading to the filing of instant appeal are that Mr. Nasiruddin Ghorri (hereinafter referred to as the "Respondent") is a domestic consumer of K-Electric Limited (hereinafter referred to as the "Appellant") bearing Ref No.04000013164377 (LA-223745) with a sanctioned load of 1 kW and the applicable Tariff category is A-1R. As per the site inspection report dated 10.04.2015, the Respondent was stealing electricity through Kunda, and the connected load was observed as 10.362 kW. Therefore, a detection bill of Rs.70,889/- for 4,820 units for six months from 12.09.2014 to 13.03.2015 was charged to the Respondent on the basis of 14% load factor of the connected load i.e.10.362 kW and added to the bill for May 2015.
2. Being aggrieved, the Respondent initially approached the honorable High Court of Sindh, Karachi through C.P.No.D-281/2022. The Honorable High Court vide order dated 13.02.2023 referred the matter to POI for the decision within three months. Subsequently, the Respondent filed a complaint before the Provincial Office of Inspection, Karachi Region-II, Karachi (hereinafter referred to as the "POI") on 05.04.2023 and challenged

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the above detection bill. The complaint was decided by the POI vide the decision dated 08.08.2023 wherein the detection bill of Rs.70,889/- for 4,820 units for six months from 12.09.2014 to 13.03.2015 was cancelled.

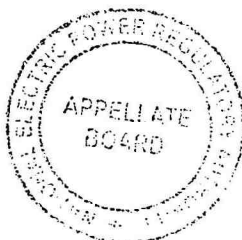
3. Subject appeal has been filed against the afore-referred decision dated 08.08.2023 of the POI (hereinafter referred to as the "impugned decision") by the Appellant before the NEPRA, wherein it is contended that the Respondent was stealing electricity directly through Kunda and the connected load was noticed as 10.362 kW during the checking dated 10.04.2015, therefore a detection bill of Rs.70,889/- for 4,820 units for six months from 12.09.2014 to 13.03.2015 was charged to the Respondent on the basis of the connected load. The Appellant further contended that the above detection bill was challenged before the honorable High Court in the year 2022 after a lapse of seven years, as such the complaint of the Respondent was barred by time. As per the Appellant, the honorable High Court vide order dated 13.02.2023 referred the matter to POI for decision within three months, however, the said forum failed to decide the matter within time. According to the Appellant, the FIR was not lodged against the Respondent as he admitted theft of electricity and agreed to pay the detection bill. The Appellant submitted that a rebate of Rs.46,590/- was afforded against the impugned detection bill under the Azadi offer in the year 2022-23, as such there is no justification to challenge the impugned bill before the POI. The Appellant further submitted that the Site Inspection Report and billing statement reflect that the Respondent was involved in the theft of electricity by taking the hook, hence the impugned decision is liable to be set aside. The Appellant raised the preliminary objection that the POI is not empowered to decide the case of theft of electricity wherein the meter has been bypassed as per the verdict of the apex court.

4. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, a Notice dated 04.10.2023 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.

5. **Hearing**

- 5.1. A hearing in the matter was fixed for 08.10.2024 at the NEPRA Regional Office Karachi which was attended by both parties. The representatives for the Appellant contended that





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the detection bill of Rs.70,889/- for 4,820 units for six months from 12.09.2014 to 13.03.2015 was debited on the basis of connected load i.e. 10.362 kW on account of direct theft of electricity as evident from the inspection dated 10.04.2015. The Appellant further contended that no notice is required in the case of direct theft of electricity, hence the impugned finding of the POI is not correct. As per the Appellant, the complaint of the Respondent is barred by time being filed after a lapse of seven years. According to the Appellant, the POI has no jurisdiction to adjudicate the instant matter being direct theft of electricity. 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 and the Appellant failed to prove theft of electricity through material evidence. The Respondent 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 raised the preliminary objection for the jurisdiction of the POI being a direct theft of electricity case, which will be addressed in the below paras.

The Appellant has claimed that the Respondent was involved in the direct theft of electricity. Since the dispute regarding the billing pertains to the year 2015, hence the case will be dealt with under Consumer Service Manual 2010 (the "CSM-2010"). Clause 9.1(a) of the CSM-2010 specifies the instances of direct theft of electricity by registered/un-registered consumers as well as the procedure to be adopted by the concerned distribution company to deal with such cases; the same is reproduced below for the sake of convenience:

*"9.1 (a) DIRECT THEFT OF ELECTRICITY BY REGISTERED/ UN-REGISTERED CONSUMERS OF K-Electric.*

*i) If a premises/person is found to be hooked directly with the K-Electric's supply line by bypassing the metering equipment or if the consumer is using electricity direct from the K-Electric supply line and/or the person living on the premises is not a consumer of the K-Electric; then the K-Electric shall inert alia, process the case of THEFT of electricity. For all such cases, the K-Electric shall register FIR with the Police. The FIR is to be registered by a responsible officer of the K-Electric, not below the rank of Sub Divisional Officer.*





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ii) *All theft cases of direct hooking would be dealt by K-Electric strictly in accordance with relevant clauses of the Electricity Act 1910. The disconnection of electricity shall be carried out immediately under the supervision of the Sub Divisional Officer of the area or any other authorized Officer of the K-Electric. The removed material shall be preserved as proof of theft and the same shall be handed over to the police authorities while reporting to the Police.*

iii) *K-Electric shall be authorized to recover its loss by raising a detection bill as per its own procedure."*

In the instant case, the Appellant claimed that the electricity was being used directly by the Respondent. Therefore, having found the alleged theft by the Respondent, the Appellant was required to take the following actions in accordance with Clause 9.1(a) of CSM-2010:

- i. Register FIR against the Respondent by an officer, not below the rank of SDO.
- ii. Disconnection of electricity under the supervision of the SDO of the area.
- iii. Preserve the removed material as proof of theft and hand it over to the Police while reporting the crime to the Police.
- iv. Raise the detection bill to recover the loss.

The above procedure specifies the manner to prove the distribution company's claim of direct theft of electricity and is to be followed mandatorily to take punitive action against the person involved in theft and recovery of loss thereof. Accordingly, upon knowing of the alleged theft of electricity by the Respondent, the Appellant was required to immediately approach the Police, in the manner specified in the above Clause of CSM-2010 along with proof of theft of electricity. In the instant case, however, the Appellant raised a detection bill against the Respondent without following the procedure specified in Clause 9.1(a) of the CSM-2010 to prove the charge of theft before raising a detection bill. Thus due to the procedural infirmities, the Appellant's claim that the Respondent was involved in the direct theft of electricity is not proven and cannot become the basis for raising the detection bill against the Respondent. The Appellant has given justification for not lodging an FIR against the Respondent that he admitted the theft and agreed to pay the detection bill. However, no documentary proof of such admittance of theft of electricity and consent to pay the detection bill by the Respondent has been submitted before us. Therefore, the excuse as submitted by the Appellant for not lodging FIR against the Respondent is not acceptable for deviating from the laid down procedure.

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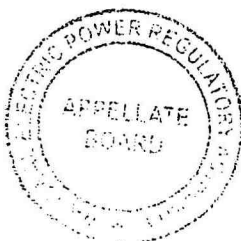
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The Appellant was required to approach the Police along with the proof of theft which the Appellant did not do. We are of the considered view that the Police being the investigation agency is competent to probe the criminal offense and ascertain the authenticity of such material evidences. However, instead of following the procedure as laid down including lodging an FIR and handing over the proof of theft to the Police as required under the law, the Appellant has submitted the snaps/pictures with its Appeal which under the given circumstances cannot be considered by this forum as the basis to justify the detection bill raised by the Appellant against the Respondent. In view of the foregoing discussion, it is established that the Appellant failed to follow the procedure as laid down in Chapter 9 of the CSM-2010 and did not take any legal action against the Respondent on account of the theft of electricity. Indeed, it is a metering, and billing dispute and falls in the jurisdiction of the POI. The Appellant even did not raise the said objection during the proceedings before the honorable High Court of Sindh. The POI adjudicated the matter in compliance with the order dated 13.02.2023 of the Honorable High Court of Sindh. As such, the objection of the Appellant in this regard is devoid of force and therefore rejected.

6.2 Similarly, another objection of the Appellant regarding limitation has no force as the Respondent approached the POI on 05.04.2023 which is within three years from the order dated 13.02.2023 of the honorable High Court of Sindh, Karachi as per Article 181 of the Limitation Act, 1908.

6.3 The Appellant debited the detection bill of Rs.70,889/- for 4,820 units for six months from 12.09.2014 to 13.03.2015 to the Respondent @ 14% load factor of the connected load i.e. 10.362 kW, which needs to be verified through analysis of consumption data in the below table:

Period before dispute		Disputed period		Period after dispute	
Month	Units	Month	Units	Month	Units
Oct-13	361	Oct-14	432	Oct-15	338
Nov-13	327	Nov-14	280	Nov-15	271
Dec-13	238	Dec-14	119	Dec-15	198
Jan-14	212	Jan-15	182	Jan-16	175
Feb-14	209	Feb-15	67	Feb-16	148
Mar-14	238	Mar-15	351	Mar-16	208
Average	264	Average	239	Average	223
Detection bill @ 1,042 units/month					




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The above table shows that the average consumption charged during the disputed period is compatible with the average consumption of corresponding months of the preceding and succeeding years. Moreover, the detection bill charged @ 1,042 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 connected load i.e. 10.362 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 billing statement.

- 6.3. In view of the foregoing discussion, we are of the considered view that the detection bill of Rs.70,889/- for 4,820 units for six months from 12.09.2014 to 13.03.2015 is unjustified, and the same is cancelled, which is also the determination of the POI.
7. Foregoing in view, the appeal is dismissed.

  
Abid Hussain  
Member/Advisor (CAD)

  
Naweed Illahi Sheikh  
Convener/DG (CAD)

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

Dated: 06-01-2025

