



National Electric Power Regulatory Authority

ISLAMIC REPUBLIC OF PAKISTAN

NEPRA TOWER

Attaturk Avenue (East) Sector G-5/1, Islamabad.

**Consumer Affairs
Department**

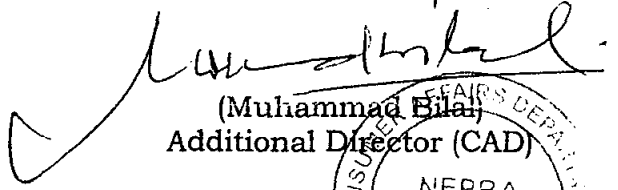
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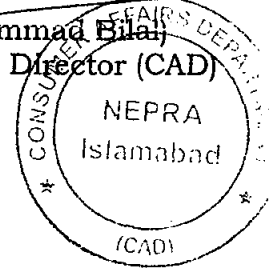
Chief Executive Officer
K-Electric Limited, KE House No. 39-B,
Sunset Boulevard Phase-II, Defense Housing Authority Karachi.

**Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. SIKANDAR ALI
UNDER SECTION 39 OF THE REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT. 1997
AGAINST K-ELECTRIC LIMITED (KEL) REGARDING EXCESSIVE BILLING
(CONSUMER # LA-974467)
Complaint No. KElectric-NHQ-20450-03-23**

Please find enclosed herewith the decision of the NEPRA Consumer Complaints Committee dated May 06, 2024 regarding the subject matter for necessary action and compliance within twenty (20) days positively.

Encl: As above


(Muhammad Bilal)
Additional Director (CAD)



Copy to:

1. Mr. M. Imran Hussain Qureshi
Chief Regulatory Affairs Officer & Govt. Relations Officer,
K-Electric Limited Office, 56 A, Street No. 88, G-6/3, Islamabad.
2. Mr. Sikandar Ali,
Flat No. 304, Corner Point Building, Pedro Road,
Garden, East Karachi.
Cell: 0332-2594132



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

MOTION FOR LEAVE FOR REVIEW IN COMPLAINT NO. KElectric-NHQ-20450-03-23

K-Electric Limited (KE)

KE House No.39B, Sunset Boulevard
Defence Housing Authority, Karachi.

.....

Petitioner

VERSUS

Mr. Sikandar Ali,

Flat No. 304, Corner Point Building,
Pedro Road, Garden, East Karachi,
Contact# 03322594132

.....

Complainant

Date of Hearing:

February 14, 2024

On behalf of Complainant:

Mr. Sikandar Ali

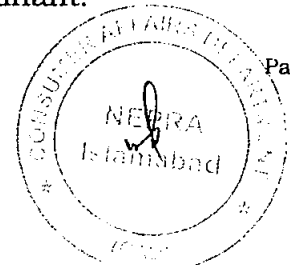
On behalf of Petitioner:

1. Mr. Ahsan Rehman (Regulatory Affairs K-Electric Limited)
2. Mr. Waqar Siyal (K-Electric Limited)

Subject: **DECISION IN THE MATTER OF MOTION FOR LEAVE FOR REVIEW FILED BY K-ELECTRIC LIMITED AGAINST THE DECISION OF NEPRA CONSUMER COMPLAINTS TRIBUNAL IN THE MATTER OF COMPLAINT OF MR. SIKANDAR ALI AGAINST K-ELECTRIC LIMITED REGARDING DETECTION BILL (CONSUMER NO. LA-974467)**

This decision shall dispose of the motion for leave for review filed by K-Electric Limited (hereinafter referred to as the ("KE" or "Petitioner") against the decision of NEPRA Consumer Complaints Tribunal dated October 23, 2023 in the matter of complaint filed by Mr. Sikandar Ali (hereinafter referred to as "the Complainant") against K-Electric, under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (hereinafter referred to as the NEPRA Act).

2. Brief facts of the case are that NEPRA received the subject complaint wherein it was contended that KE has charged detection bill amounting to Rs.317,135/- to the Complainant without any justification. The Complainant requested NEPRA to intervene in the matter and direct KE to withdraw the detection bill. The matter was taken-up with KE for submission of para-wise comments/report. In response, KE submitted that a discrepancy of shunt in meter was reported and connected load was found to be 10 kW. Accordingly, a detection bill amounting to Rs.317,135/- for the period from April 2022 to September 2022 was processed on the basis of connected load. In light of written/verbal arguments of the parties, applicable law, KE was directed vide NEPRA Regional Office Karachi order dated October 23, 2023 to withdraw the detection bill of Rs.317,135/- charged to the Complainant.

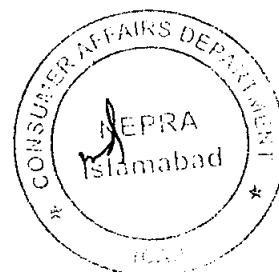


3. Being aggrieved with the decision of NEPRA Regional Office Karachi, KE filed a motion for leave for review under NEPRA (Review Procedure) Regulations, 2009. KE in its review has, inter alia submitted as under:

- i) The Complainant is the rightful and legal owner of the premises and he is liable to clear the outstanding dues of the premises. Furthermore as per SIR remarks occupant of the premises was present and communicated load of the premises during the site inspection and the same can be reaffirmed by the electricity consumption that the premises was not vacant and in use during the disputed period. Moreover, the documents mentioned in the said decision submitted by the Complainant in support of proof of vacancy of his premises was not shared with KE. Further, the presence of said documents is also not sufficient as a proof of vacancy of the premises unless the claim is cross verified by statement of gas bill showing zero consumption during the period of vacancy besides confirmation by neighbors and other residents of the project.
- ii) KE further submitted that the illegal abstraction reported at complainant's meter was not only based on the site inspection report but further reaffirmed by the meter testing report. Hence, the understanding that procedure for charging of detection bill as mentioned in chapter 9.2.2 of NEPRA CSM was not followed is factually incorrect.
- iii) The detection bill charged to the complainant is in line with the NEPRA regulations and based on the cogent evidence. In addition, KE has already revised the detection bill from six months to three months upon complainant's request in good faith for amicable resolution of the dispute.

4. The motion for leave for review filed by KE was considered and accordingly a hearing was held on February 14, 2024 which was attended by both the parties. The motion for leave for review is disposed of in the following terms:

- i. The argument raised by KE has no basis for issuance of the detection bill that the Complainant is the owner of the premises and he is liable to clear the outstanding dues of the premises.
- ii. The electricity meters are installed at a common place of the building. The Complainant has no access to the said location. The metering location is locked having keys with KE. The Complainant is of the view that he is unaware of any shunt in the meter, however, checking was carried out in his absence, therefore, any shunt, if found, is not attributable to him and the same may be mischief of any official. During the hearing, KE was directed to intimate that how many other meters were checked on the same day. In response, KE has confirmed that only meter of the Complainant was checked randomly. This raises a question that why KE officials did not check other meters installed very close to the meter of the Complainant.
- iii. The premises was purchased in the month of July 2022 by the Complainant which was vacant at the time of inspection carried out by KE due to death of his mother.
- iv. Procedure for establishment of illegal abstraction of electricity has been laid down in clause 9.2.2 of Consumer Service Manual (CSM) which states that KE to secure metering installation without removing it in the presence of the consumer or his representative, install check meter at the premises and declare it as a billing meter and take photos / record video as proof of theft of electricity for production before the competent forum.



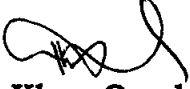
- v. Moreover clause 9.2.3 stipulates the procedure for issuance of detection bill in order of priority i.e. previous billing history, future billing history and finally on the basis of load whereas KE has charged the detection bill on the basis of load without looking into the billing history of the Complainant.
- vi. The gas consumption history of the Complainant has also been analyzed which shows consumption at the premises. Moreover, the discrepancy in the meter though not attributable to the Complainant; yet the Complainant has been benefitted due to non-recording of true consumption on the meter. Therefore, the detection bill is chargeable to the Complainant in accordance with above provisions of Consumer Service Manual (CSM).


The billing history of the complainant is as under:


Month	2021 (kWh)	2022 (kWh)	2023 (kWh)
January	92	22	139
February	199	86	152
March	25	146	326
April	581	255	213
May	618	194	451
June	492	58	443
July	47	83	499
August	40	58	442
September	135	63	402
October	220	293	412
November	144	434	360
December	111	291	228

KE has charged detection bill to the Complainant for the period of April 2022 to September 2022. After site inspection, there is some increase in consumption of the Complainant. The consumption during the disputed period is 711 units whereas the consumption in the corresponding months of the next year is 2450 units. KE has charged detection bill to the Complainant for 9723 units. Moreover, the detection bill cannot be revised on the basis of previous year consumption as the premises was not under occupancy of the Complainant during the last year; therefore, the detection bill is required to be revised on the basis of healthy consumption recorded in corresponding months of the next year.

5. Foregoing in view, the impugned decision dated October 23, 2023 is modified and KE is directed to revise the detection bill on the basis of healthy consumption recorded during April 2023 to September 2023. A report in this regard be submitted within twenty (20) days, positively.


(Lashkar Khan Qambrani)
Member Complaint Resolution Committee/
Director (CAD)


(Moqem ul Hassan)
Member Complaint Resolution Committee/
Assistant Legal Advisor


(Naweed Ulahi Shaikh)
Convener Complaint Resolution Committee/
Director General (CAD)

Islamabad: May 06, 2024

