



National Electric Power Regulatory Authority
Islamic Republic of Pakistan

2nd Floor, OPF Building, G-5/2, Islamabad
Ph: 9206500, 9207200, Fax: 9210215
E-mail: registrar@nepra.org.pk

Registrar

No. TCD 01/ 4846-48

May 29, 2012

Chief Executive Officer
Peshawar Electric Supply Company (PESCO)
WAPDA House
Sakhi Chashma Shami Road
Peshawar

Subject: **DECISION OF THE AUTHORITY IN THE MATTER OF A REVIEW PETITION
FILED BY PESHAWAR ELECTRIC SUPPLY COMPANY (PESCO) AGAINST THE
DECISION OF CONSUMER AFFAIRS DIVISION REGARDING COMPLAINT FILED
BY MR. HABIBULLAH V/S PESCO**
Complaint # PESCO-115/2011

Enclosed please find herewith decision of the Authority along with Dissenting Note of Mr. Shaukat Ali Kundi, Member NERPA in the subject matter for compliance within 30 days of the receipt of this letter.

Encl: As above

Sd/-
(Syed Safeer Hussain)

Copy:-

1. C.E/Customer Services Director
Peshawar Electric Supply Company (PESCO)
WAPDA House
Sakhi Chashma Shami Road
Peshawar
2. Mr Habib Ullah S/o Faiz Ullah
R/o District Tank
Khyber Pakhtunkhwa

May 29, 2012

hussain
Registrar



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No: PESCO-115-2011

Peshawar Electric Supply Company

Petitioner

Versus

Mr. Habibullah

Complainant

Date of Hearing: February 14, 2012

Date of Decision: April 10, 2012

Before :

1. Mr. Ghiasuddin Ahmed (Acting Chairman)
2. Mr. Shaikat Ali Kundi (Member)
3. Mr. Habibullah Khilji (Member)

On behalf of Petitioner:

- 1) Mr. Fida Ahmed Khan, Chief Engineer/CSO.
- 2) Mr. Nadeem Anwar, Manager Operation, Bannu.
- 3) Mr. M. Zubair Khan, Deputy Manager (Operation), City, DI Khan.
- 4) Mr. Ishtiaq Ali, Deputy Manager (Operation) Tank
- 5) Mr. Arif Mehmood Sadozai, Deputy Manager (Operation) Rural DI Khan

On behalf of the Complainant: Nil

DECISION OF THE AUTHORITY IN THE MATTER OF A REVIEW PETITION FILED BY PESHAWAR ELECTRIC SUPPLY COMPANY (PESCO) AGAINST THE DECISION OF THE AUTHORITY ON COMPLAINT FILED BY MR HABIBULLAH

DECISION

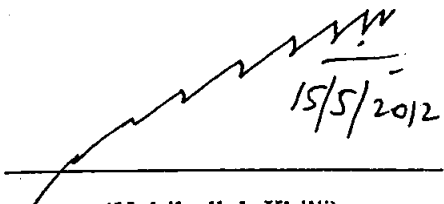
1. This decision shall dispose of a review petition filed by Peshawar Electric Supply Company (PESCO) (hereinafter referred as "petitioner") against the decision of Consumer Affairs Division in the matter of Mr. Habibullah
2. The review petition was filed by the petitioner/PESCO against the decisions of Consumer Affairs Division in four cases. The petitioner has raised the following contentions in the review petition:
 - i) "The complainant has taken direct connection from LL Line of PESCO and assessments charges leveled upon the complainant. The case of EIR was properly reported by the PESCO field formation staff to concerned Police Station but the police authorities are not

registering proper FIR against the complainant due to some other facts on the grounds. Moreover there are huge numbers of such like cases which are also difficult for police authorities to register FIRs and maintain it.

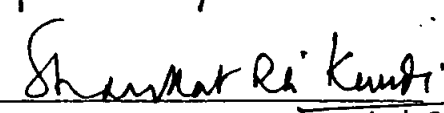
- ii) As per CSM Clause 9.1(III), PESCO shall be authorized to recover its loss by raising detection bills as per its own procedure, hence the detections bills has been made accordingly.
 - iii) The report of field formation to concerned police station may be considered as FIR, as in the said decision PESCO will sustain not only revenue loss but it will also open a Pandora Box for the PESCO as numerous cases exist who are approaching to NEPRA for their unjustified relief on the same grounds"
3. A hearing into the matter was conducted on 14.02.2012 wherein the representatives of the petitioner were present. However Mr. Habibullah did not attend the hearing
 4. The representatives on behalf of the petitioner in the hearing submitted that electricity supply of Mr. Habibullah was disconnected due to non payment and ERO was implemented in March 07, 2009. At the time of ERO an amount of Rs. 3125/- was outstanding against him. The complainant is involved in theft of electricity therefore, to recover the loss sustained by the petitioner, various detection bills were charged. However, no payment has been made by the complainant. Matter was reported to police on March 29, 2010 for lodging of FIR against the complainant but police was reluctant to do so. Copy of the letter written to police along with photographs have been provided to CAD at start of hearing.
 5. Petitioner (PESCO) further submitted that the complainant is involved in theft of electricity by using direct hook. There are so many such like cases where theft is taking place but police is reluctant to lodge FIR despite best efforts by PESCO officials.
 6. Having gone through the respective submissions of the petitioner, the Authority has observed that registration of FIRs is though difficult as the police is not cooperating with the DISCOs but it is mandatory as per the provision of Consumer Service Manual and the petitioner should try their best to lodge FIRs against the consumers involved in theft of electricity. The Authority is also of the view that PESCO is equally responsible for taking lenient approach towards lodging of FIRs.
 7. The Authority has further observed that in this case, connection was permanently disconnected, Equipment Removal Order (ERO) implemented and P Disc code allotted as such the complainant is no more consumer of the petitioner. PESCO has charged detection bills after the ERO taking the plea that the complainant was involved in theft of electricity. In addition to that, no solid proof has been given by PESCO that the complainant was involved in theft of electricity.
 8. The Authority has further observed that detection bills charged to the complainant are on higher side and do not correspond to billing history and sanctioned load of complainant. PESCO is not justified to raise such high value detection bills even if the complainant was using electricity directly. From the scrutiny of the record provided by PESCO it reveals that average consumption of Mr. Habibullah was 25 units per month whereas PESCO has charged after permanent disconnection, an average of 681 units per month as detection bill which is not justified.
 9. By taking lenient view and keeping into consideration the ground difficulties being faced by PESCO in registration of FIRs, the Authority has decided to consider the letters (written by PESCO to police for registration of FIRs) as evidence against the complainants for theft of electricity.
 10. In view of the foregoing, the Authority has decided to modify the impugned decision as under

The complainant is liable to pay the amount of Rs.3125/- which was outstanding against him at the time of ERO on March 07, 2009. In addition to this amount i.e. Rs 3125/-, detection bill @ 25 units


per month be charged to the complainant from the date of ERO till the date of receipt of complaint by NEPRA i.e. June 30, 2011. Revised bill accordingly be issued to the complainant for payment. The complainant be provided electricity connection as per the policy after recovering the arrears in case the complainant is interested for seeking reconnection/new connection.


15/5/2012.

(Habibullah Khilji)
Member

The dissenting note is attached -


(Shaukat Ali Kundi) 15/5/12
Member



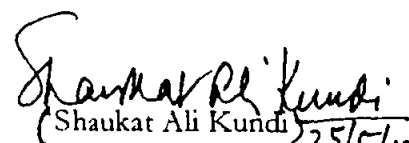
(Ghiasuddin Ahmed)
Acting Chairman

**DISSENTING NOTE OF MEMBER LICENSING REGARDING DECISION OF THE
AUTHORITY ON THE REVIEW REQUEST FILED BY PESCO AGAINST THE
DECISION OF CONSUMER AFFAIRS DIVISION IN THE MATTER OF MR HABIB
ULLAH V/S PESCO**

I dissent to the majority decision for the review petition filed by PESCO in the matter of Mr. Habib Ullah Vs PESCO for the following reasons:

- i) Once the Equipment Removal Order (ERO) is issued, and the equipment removed and P-Disc code allotted to the complainant, he ceases to be the consumer of PESCO. PESCO persistently issued bills to him for several months which is neither tenable nor prudent.
- ii) The complainant has been issued detection bills three (3) times for a total period of nine (9) months. This testifies that the PESCO staff was not vigilant to prevent/control of theft, if any.
- iii) PESCO has failed to produce any ample evidence to substantiate that the complainant was in fact stealing energy incessantly.
- iv) The mandatory provisions of registration of FIR as provided in Consumer Service Manual have not been adhered to by PESCO.

Under these circumstances I am unable to hold that PESCO is justified in charging detection bill to the complainant for illegal abstraction of electricity and therefore uphold the decision of Consumer Affairs Division, which has been impugned by PESCO.


(Shaukat Ali Kundi) 25/5/11
Member (Licensing)