



National Electric Power Regulatory Authority

ISLAMIC REPUBLIC OF PAKISTAN
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Sector G-5/1, Islamabad.
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Consumer Affairs Department

6650
TCD.08/ -2022
December 30, 2022

Chief Executive Officer,
Quetta Electric Supply Company (QESCO),
Zarghoon Road, Quetta.

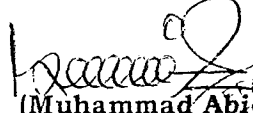
Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. ABDUL SAMAD
MANAGING PARTNER MEHMOOD KHAN AGRICULTURAL FOUNDRY UNDER
SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND
DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST QESCO
REGARDING DETECTION BILLING (REF# 24 48134 0361203)
Case No. QESCO-QET-8520-10-21

Please find enclosed herewith the decision of the NEPRA Consumer Complaints Tribunal dated December 30, 2022 regarding the subject matter for necessary action and compliance within thirty (30) days, positively.

Encl: As above

Copy to:

1. C.E./Customer Services Director, QESCO, Zarghoon Road, Quetta.
2. Director Commercial, QESCO, Zarghoon Road, Quetta.
3. Superintending Engineer (Operations), Quetta Circle, Block 4, Satellite Town, Quetta.
4. Mr. Abdul Samad, Managing Director Samad Steel Mill Plot C-56, Phase-1,
Industrial Area, Eastern Bypass, Quetta.
Cell # 0300-3823922, 0336-8043797, 0333-7839093


(Muhammad Abid)
Assistant Director (CAD)
NEPRA
Islamabad
30/12/2022



**BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)**

Complaint No. QESCO-QET-8520-10-21

Mr. Abdul Samad,
Managing Partner - Mahmood Agricultural Foundry,
Muhalla Haji Ghebi Road, Quetta.
Contact# 0336-8043797

.....Complainant

Versus

Quetta Electric Supply Company (QESCO)
Zarghoon Road, Quetta.

..... Respondent

Date of Hearing(s):

- 1) January 31, 2022
- 2) August 01, 2022
- 3) October 29, 2022

On behalf of:

Complainant:

- 1) Syed Salim Ahmed, Legal Counsel
- 2) Mr. Abdul Samad
- 3) Mr. Ziauddin
- 3) Mr. Jahanzab Khan

Respondent:

- 1) Mr. Muhammad Nizam, Regional Manager (M&T)
- 2) Mr. Abdul Nasir, Superintending Engineer (Operation)
- 3) Mr. Obaid Ur-Rehman, Deputy Manager (P&I)
- 4) Mr. Muhammad Naeem, Executive Engineer (Operation)
- 5) Mr. Ivon Das, Deputy Manager (M &T)
- 6) Mr. Saif Ullah, Deputy Manager (M &T)
- 7) Mr. Abrar Ahmed Shirzai, DD Technical
- 8) Mr. Mumtaz Ahmed, Revenue Officer
- 9) Mr. Ghulam Mujtaba Rind, SDO (Operation)

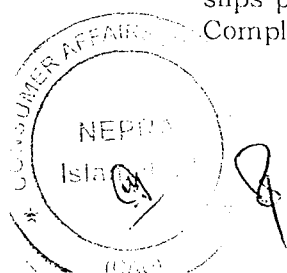
Subject:

**DECISION IN THE MATTER OF COMPLAINT FILED BY MR ABDUL SAMAD
MANAGING PARTNER MEHMOOD KHAN AGRICULTURE FOUNDRY UNDER
SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION
AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST QESCO
REGARDING DETECTION BILLING (REF# 24 48134 0361203)**

DECISION

This decision shall dispose of the complaint filed by Mr. Abdul Samad, Managing Partner Mahmood Khan Agriculture Foundry, Quetta (hereinafter referred to as "the Complainant") against Quetta Electric Supply Company (hereinafter referred to as the "Respondent" or "QESCO"), under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (hereinafter referred to as the "NEPRA Act").

2. The brief facts of the case are that QESCO team visited the premises bearing reference No. 24-48134-0361203 on March 20, 2021 for replacement of energy meter on account of extension of load from 495 kW to 1000 kW and found some discrepancies. Accordingly, QESCO issued a detection bill amounting to Rs. 16,302,874/- which was paid by the Complainant. Subsequently, QESCO officials again visited the said premises on May 02, 2021 whereby QESCO officials found that the Complainant had tempered the security slips pasted on 11 kV panel, therefore, QESCO disconnected the electricity supply of the Complainant against reference No. 24-48134-0361203. On the same day QESCO also



disconnected the electricity supply of another reference No. 24-48134-0361208, which is also in the name of the Complainant and adjacent to the premises. Moreover, QESCO lodged an FIR No. 29 dated May 03, 2021 against the Complainant on the charges of theft of electricity. In response the Complainant filed a constitutional petition No. 736/2021 on May 06, 2021 before the Honourable High Court of Balochistan praying therein for acquitment from FIR No. 29, adjustment of paid detection bill in future billing, restraining QESCO for issuance of further detection bills and to restore electricity supply of both the connections. The Honourable High Court of Balochistan vide order dated June 17, 2021 disposed of the petition in following terms:

"Learned counsel for the respondents stated that under Section 39 of the Regulation of Generation Transmission and Distribution of Electric Power (RGT&DEP) Act 1997, the petitioner has an alternate remedy, which he may avail.

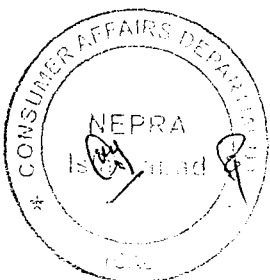
Learned counsel for the petitioner conceded the fact of having an alternate remedy, therefore, requested for withdrawal of the petition. He stated that the petitioner shall be paying the amount of electricity future monthly consumption bill regularly. He further requested that as far as amount of deduction bill is concerned, the petitioner be permitted to submit a surety equivalent to the said amount with further request to restore the electricity of the premises of the petitioner.

*.....
Thus, in view of the above, the request so made by the petitioner is allowed. The petitioner is at liber to avail his remedies provided by law in respect of cases before the concerned court/forum. The petitioner should deposit the monthly consumed bill of the electricity regularly. As far as the disputed amount mentioned in the deduction bill is concerned, the petitioner should submit surety equivalent to the said amount before the Additional Registrar of this court which shall be subject to decision of the forums if so availed by the petitioner. The petition is disposed of accordingly.*

Upon submission of the surety the Chief Engineer/Operation Director, QESCO should constitute a committee within 24 hours and to issue direction for restoration of the electricity within next 24 hours."

3. Subsequently, in pursuance of the orders of the Honourable High Court of Balochistan the Complainant filed a complaint dated October 26, 2021 before NEPRA whereby it was apprised by the Complainant that he is carrying out business with title of M/s Mahmood Agriculture Foundry at Plot No. F-66, Phase-4, Industrial Area Eastern Bypass Quetta. The Complainant also submitted that his plot is further divided into Plot No. F-66/A, F-66/B & F-66/C and QESCO has provided electricity connections at Plot No. F-66/A having reference No. 24-48134-0361203 with present sanctioned load of 1000 kW, Plot No. F-66/B against reference No. 24-48134-0361208 with sanctioned load of 995 kW and Plot No. F-66/C which has no electricity connection. The monthly electricity bills were being paid regularly by the Complainant till disconnection of electricity supply on May 02, 2021. The Complainant also informed that the electricity metering equipment/transformers are installed in a separate room under lock and key in the control of QESCO and are easily accessible to QESCO for checking and the Complainant cannot temper with the metering equipment i.e. replace CTs/PTs or security slips due to inaccessibility in the panel room and without taking shut down. The Complainant further submitted as under:

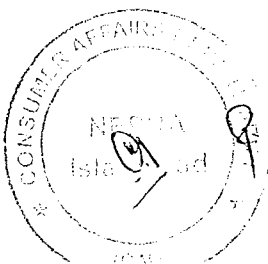
- (i) He applied for extension of load from 495 kW to 1000 kW against reference No. 24-48134-0361203 and after necessary departmental procedure, QESCO officials visited the site on March 18, 2021 for installation of HT TOU meter at the premises i.e. Plot No. F-66/A, however, during the installation of meter; QESCO officials threatened him that there are some discrepancies in metering equipment and demanded huge amount as bribe. On his refusal QESCO issued a detection bill amounting to Rs. 16,302,874/- dated March 22, 2021 which was paid by the Complainant on the same date to avoid embarrassing situation rather than fulfilling illegal demand of bribe. The detection bill was issued without exercising legal requirements i.e issuance of notice, however the same was paid under coercion.



- (ii) On May 02, 2021 QESCO officials again inspected the premises and disconnected the electricity connection on the charges of theft and an FIR was also lodged against him in Police Station bearing No. 29/2021 under sections 462-II and 186 of Pakistan Penal Code. He challenged the illegal actions of QESCO before Honorable High Court of Balochistan vide C.P No 736/2021 wherein the Honorable Court vide order dated May 07, 2021 directed QESCO to restore electricity connections subject to deposit of all outstanding amount.
- (iii) QESCO officials instead of complying with the orders of Court dated May 07, 2021 arranged a raid on May 08, 2021 without following the procedure laid down in Consumer Service Manual and three PTs were taken with the allegations that the Complainant is involved in theft of electricity from the other connection bearing reference No. 24-48134-0361208 installed at Plot No. F-66/B. QESCO issued two bills i.e. Rs. 3,063,897/- on account of monthly bill for the Month of May, 2021 which was paid, however, a detection bill amounting to Rs. 4,658,436/- was not paid as QESCO had already charged a detection bill amounting to Rs. 16,302,874/- during the month of March, 2021.
- (iv) Furthermore, the Honorable court vide Order dated June 17, 2021 disposed of the petition bearing No. 736/2021 that the petitioner is at liberty to avail his remedies before the concerned court/forum, however, he should deposit the monthly bills regularly. As far as disputed amount is concerned, the petitioner should submit surety equivalent to the said disputed amount mentioned in the bill before Additional Registrar of the Court.
- (v) The Court of Session Judge, Sariaab Division against FIR No. 29 of 2021 has acquitted the Complainant which proves that both the detections bills were revengeful action of QESCO and the QESCO has not challenged the same decision at any appellate court, therefore, the said order attained finality. Later on, the electricity connection was restored during the month of July, 2021 upon submission of surety equal to the detection bills to the Registrar of High Court of Balochistan.
- (vi) The Complainant in his complaint prayed that the action of QESCO be declared null & void and the detection bills amounting to Rs. 16,302,874/- be refunded besides cancellation of the other detection bill amounting to Rs. 4,658,436/- against reference No. 24-48134-0361203.

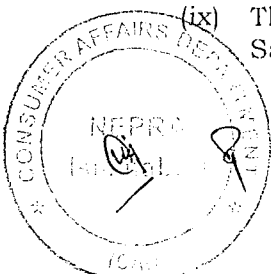
4. The subject matter was taken up with QESCO vide letter dated October 27, 2021. QESCO officials failed to submit detailed report regarding the matter within the stipulated time. Therefore, a hearing was held on January 31, 2022 at NEPRA Regional Office Quetta which was attended by both the parties wherein the case was discussed in detail and QESCO officials were instructed to provide detailed written report regarding the matter along with supporting documents/evidence. QESCO officials submitted detailed report regarding the matter alongwith video recorded at the time of checking of 11kV panel carried out in the presence of representatives of Energy Department, Government of Balochistan and the representative of the Complainant. QESCO vide report dated February 16, 2022 submitted as under:

- (i) The connection in the name of M/s Mehmood Agriculture Foundry bearing reference No. 24-48134-0361203 having sanctioned load 495 kW under tariff B-2 was running at 11 kV Asim Abad Feeder where line losses were at higher side despite the fact that only fourteen (14) connections were running on the feeder. To ascertain the high losses of the feeder a committee was constituted vide office order dated March 11, 2021 for B-2 connections and another committee was constituted for B-3 connections vide office order dated March 24, 2021.
- (ii) The Committee constituted for B-2 connections visited the premises of the Complainant for replacement of dusty window glass of meter against reference No. 24-48134-0361203, however, during the visit it was observed that security slips pasted on MSB were found doubtful and caution 100 (reverse energy) was also shown by the meter. The wiring of the CT's was found interchanged and the meter impulse was also abnormal. The committee recommended for downloading of meter data to confirm doubt of theft.



- (iii) Another committee was also constituted by QESCO vide office order dated March 18, 2021 for installation of meter to execute extension of load from 495 kW to 1000 kW. The said committee visited the site on March 20, 2021 and before replacement of the meter it was observed that reverse energy caution and yellow-blue phases CT indication was blinking on meter display. Afterwards MSB was opened in presence of standing committee and owner/consumer of the mill whereby yellow-blue phases CT wiring was found interchanged.
- (iv) During the process of downloading the meter data, password was not accepted by the meter, therefore, meter manufacturing company was contacted which confirmed that the password has been changed and further confirmed that the meter has been un-programmed. The manufacturing company provided default password and then the meter data was downloaded. The downloaded data confirmed that existing meter has been fabricated/changed with the original meter. The meter security slips were also found fake/bogus.
- (v) Consumption of the premises was also found having low load factor. As per load factor, the consumption/utilization of electricity by an industrial connection i.e. Steel Mill (B-2) for just one hour is beyond imagination. The discrepancy was brought in the notice of the Complainant/consumer.
- (vi) The Complainant/consumer admitted the above and agreed to pay the loss sustained to QESCO and deposited detection bill amounting to Rs. 16,302,874/- calculated on the basis of detection bill policy. Agreeing and depositing the detection bill by the consumer clearly shows that he was neither threatened nor any illegal gratification was demanded. The consumer did not lodge any complaint regarding payment of detection bill at any forum which confirms that the consumer was involved in illegal abstraction of electricity.
- (vii) After depositing detection bill, the industrial panel with new meter was installed in presence of the committee in order to extend the load from 495 (B-2) kW to 1000 kW (B-3) and meter accuracy was checked and the panel was sealed with proper security slips on March 23, 2021. However, on May 02, 2021 during a checking by the standing committee with representative of Energy Department, Government of Balochistan and Police Department it was found that security slips pasted backside of the 11 kV panel were tempered. Initial inspection report was prepared/signed and an FIR was lodged against the Complainant in concerned Police Station on account of tempering of security slips and connection of the Complainant was disconnected. In order to ascertain the cause of tempering of security slips, another committee was constituted vide office order dated May 06, 2021. During the checking, remote controlled devices/switches were recovered which were installed and concealed inside porcelain of 03x Potential Transformers (P.T). The remote controlled devices were connected in the secondary terminals of all 03x P.Ts, which resulted in recording of units and accuracy of meter in control of the consumer. All three P.Ts were secured with security slips and handed over to Police Investigating Officer. The detection bill amounting to Rs. 4,635,570/- for 204760 units for a period of one month i.e. May, 2021 was served upon the Complainant. The data downloading report confirms controlling of consumption by the Complainant.
- (viii) Stealing through such an extra ordinary method attracted the attention of QESCO to check another connection of the Complainant bearing reference No. 24-48134-0361208 under tariff B-3 with sanctioned load of 995 kW which was installed at a nearby premises. The metering equipment installed at reference No. 24-48134-0361208 was also tempered by the Complainant. Even in earlier several checking, stealing of energy could not be found out because accuracy of the meter was in the control of the Complainant at the time of checking due to control devices/switches connected in series of secondary 3x P.Ts terminals. The connections were disconnected on account of dishonest abstraction of energy and detection bills were served in accordance with relevant provisions of Consumer Service Manual (CSM).

- (ix) The Complainant filed a case before Special Judge Electricity Court/Session Judge Sariab Division against FIR No. 29 of 2021 wherein the court acquitted the



Complainant. The stance of the Complainant that QESCO has not challenged the same decision at any appellate court is not correct as QESCO filed appeal against the decision before High Court of Balochistan.

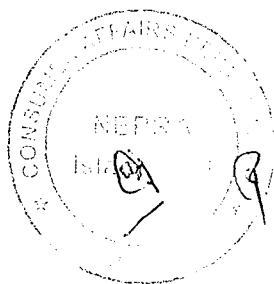
- (x) Furthermore, after disconnecting the electricity supply of the Complainant due to illegal abstraction of electricity; the line losses of 11kV Asim Abad Feeder showed clear improvement. Moreover, it is possible to disconnect the electricity supply to the panel room without obtaining shutdown from Grid Station using cut off points installed near the Complainant premises.

5. In order to proceed further, hearings were also held at NEPRA Regional Office, Quetta wherein both the parties (QESCO officials & the Complainant) participated and the case was discussed in detail whereby both the parties advanced their arguments. The Complainant argued that it is responsibility of QESCO officials to check any irregularities/ discrepancies in the metering system and no such discrepancy was pointed out by QESCO earlier; which shows that QESCO imposed detection bill(s) with malafide intentions. Furthermore, no notice was served upon him by QESCO regarding discrepancies and entering in the premises which is violation of relevant provisions of Consumer Service Manual (CSM). Moreover, metering equipment is installed in a separate room, under lock & key in the custody of QESCO officials, therefore, the Complainant was unable to have any accesses to the said room for replacement of CTs/PTs or tempering the security slips and such activity cannot be performed without taking shutdown from the grid. QESCO officials responded that theft was being carried out through an advance method i.e. by using remote controlled devices and accuracy of the meter was in control of the Complainant, therefore, meter readers could not pointed out the discrepancy and locked rooms can be opened using help of experts. QESCO representatives further submitted that it is possible to disconnect the electricity supply to the panel room without obtaining shutdown from Grid Station using cut off points installed near the consumers/Complainant's premises.

6. During the hearing, the Complainant was further asked about recording of low consumption & load factor at the premises before March, 2021 and subsequent increase in consumption & load factor after March, 2021. The Complainant submitted that prior to March, 2021 the business was not working in good condition, therefore, he arranged investment and material to increase production of industry, hence, consumption & load factor was increased. Accordingly, he was asked that if the business condition was not good then why application for extension of load and new connection(s) for same type of business was submitted. However, no satisfactory response was provided. The Complainant was provided another opportunity to justify his increased production by producing production data duly aligned with the record of Federal Board of Revenue (FBR) but the Complainant apprised that he has no such data available. Later on the Complainant vide letter dated November 15, 2022 received on November 24, 2022 again reiterated his earlier version and submitted some unattested documents showing purchase and sale of material, which cannot be relied upon. The Complainant further submitted that data downloading report/snaps/videos presented by QESCO officials are fake/bogus and all actions of QESCO officials were part of a planned strategy to raise unjustified inflated bills and victimization of the Complainant. During the hearing, the Complainant showed some pages which were typed on the pattern of computerized data downloading; meaning thereby that the Complainant was misleading the tribunal which clearly shows his malafide intention.

7. The case has been examined in detail in light of the record made so available by the parties, arguments advanced during the hearing and applicable law. Following has been observed:

- (i) The Complainant is a consumer of QESCO and had sanctioned load of 495 kW under B-2 tariff running with reference No. 24 48134-0361203 and is fed through 11 kV Asim Abad Feeder, Quetta. The connection was installed in March 2019 in the name of M/s Mehmood Khan Agriculture Foundry. According to QESCO line losses of the said feeder were at higher side despite the fact that only fourteen (14) connections are running on the feeder having 10 Nos industrial connections. In order to probe the cause of line losses QESCO took serious steps to lower the line losses in the jurisdiction of Spezand Sub Division. During the process of checking of premises of different industrial connections, QESCO officials observed certain discrepancies in the



metering equipment of the complainant, therefore, QESCO charged a detection bill to the Complainant on account of theft of electricity, however, the Complainant is of the view that QESCO officials victimized him due to non-payment of illegal gratification. QESCO took following steps to reduce the line losses of the Spezand Sub Division which show that there was no malafide intension of the QESCO officials:

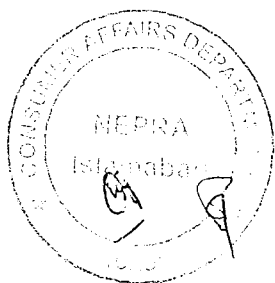
- a) QESCO constituted a committee vide office order dated February 17, 2021 for checking of B-2 connections under Spezand Sub Division. In compliance, the said committee visited the premises of different B-2 connections including the premises of the Complainant which were visited on March 04, 2021 whereby certain discrepancies were noticed. The Committee recommended for data downloading of the instant connection; however the same was not done by QESCO.
- b) QESCO constituted another Committee vide office order dated March 11, 2021 for checking of meter accuracy and data downloading of B-2 industrial connections and some other connections of Spezand Sub Division, however, the committee was superseded by constituting another committee vide office order dated March 31, 2021 for replacement of meters of B-2 industrial connections and a few other connections under Spezand Sub Division.
- c) QESCO constituted a committee vide office order dated March 24, 2021 for checking/downloading of meters of B-3 industrial connections under Spezand Sub Division.

The record revealed that the Complainant was not victimized rather QESCO officials were performing their duties without any discrimination.

- (ii) The Complainant had also applied for extension of load from 495 kW to 1000 kW, therefore, a standing committee was constituted by QESCO vide office order dated March 18, 2021 for execution of extension of load. The committee visited the premises of the Complainant on March 20, 2021, however, before replacement of meter, the committee noticed some discrepancies in the metering equipment as earlier pointed out on March 04, 2021.
- (iii) The Consumer Service Manual (CSM) envisages a procedure for establishing illegal abstraction of energy. Relevant provisions are given as under:

- (1) **Clause-9.2.1.** Following indications shall lead to further investigations by DISCO for illegal abstraction of electricity.

- (a) Prize bond/postal order/meter security slip removed.
- (b) Bond Terminal cover seal of the meter broken/bogus/tampered.
- (c) Terminal cover of the meter missing.
- (d) Holes made in the meter body.
- (e) MSB of the meter showing signs of tampering.
- (f) Meter hanging loose/tilted/physically unbalanced.
- (g) Meter glass broken.
- (h) Meter dead stop/burnt/display wash.
- (i) Meter sticking.
- (j) Meter digits upset.
- (k) Meter running reverse.
- (l) CT / PT damaged
- (m) EPROM damaged.
- (n) Neutral broken.
- (o) Glass smoky/unable to read
- (p) Polarity changed
- (q) Shunt in meter
- (r) Chemical in meter
- (s) Meter body repasted
- (t) AMR meter communication error



- (u) Any other means which can cause interference in true recording of MDI (kW) and units (kWh) by the metering installation.

(2) **Clause- 9.2.2. Procedure for Establishing Illegal Abstraction.**

Upon knowledge of any of the items in 9.2.1, the concerned office of DISCO will act as follows:

- (a) Secure metering installation without removing it in the presence of the consumer or his representative.
- (b) Install check meter at the premises and declare it as a billing meter
- (c) DISCO may take photos / record video as proof of theft of electricity for production before the competent forum.
- (d) Once confirmed that illegal abstraction is being done, the consumer shall be served with a notice by the SDO/AM(O) informing him/her of the allegations and giving him/her seven days for furnishing a reply.
- (e) The consumer's reply to the notice shall be examined by the XEN/DM(O). If the reply is not satisfactory or if no reply is received or if the allegations as leveled are admitted, the SDO/AM(O) with the approval of the XEN/DM(O) will immediately serve a detection bill to the consumer for the energy loss.

(3) **Clause-9.2.3. Issuance of Detection Bill.**

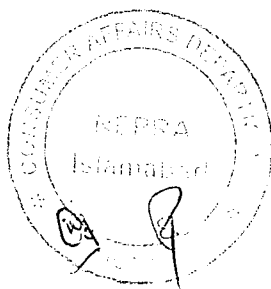
- (a) The detection bill along with a disconnection notice for payment within seven days will be served by the SDO/AM(O) to the consumer.
- (b) The detection bill will be assessed on the basis of any of the following methods in the order of priority:
 - (i) Previous consumption / Billing History.
 - (ii) On the basis of future undisputed consumption if no previous credible consumption is available
 - (iii) $\text{No of detection units} = \text{Load} \times \text{Load Factor} \times 730 \times \text{Months}$

Where:

- Load means the connected load or sanctioned load in KW whichever is higher
- Months = Period of charging detection bill
- Load Factor as per Annexure-V
- 730 = Average number of hours in months

Provided that the units already charged in routine billing during the detection bill period be adjusted.

- (c) Maximum period for charging detection bills shall be: Restricted to three billing cycles for general supply consumers i.e. A-1, A-2 & general services consumers i.e. A-3 and extendable up to a maximum of six months, subject to approval of the Chief Executive Officer (CEO) of DISCO. The CEO may delegate its powers and authorize a committee comprising at least three officers of Chief Engineer / Director level to allow charging of detection bill up to six months to these consumers on case to case basis after proper scrutiny so that no injustice is done with the consumer. In such cases action will also be initiated against the concerned officer for



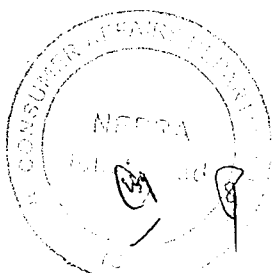
not being vigilant enough. Restricted to maximum six billing cycles for other consumer categories.

- (d) Upon payment of the detection bill, the tampered meter shall be replaced by DISCO immediately at the cost of consumer and no further action will be taken against the consumer.

Though QESCO did not follow complete process as mentioned in preceding paras, however, record/data provided in next paras is sufficient to prove that the Complainant was involved in illegal abstraction of electricity through an advanced method which caused a huge financial loss to the government exchequer.

- (iv) The site visit carried out by QESCO was regarding installation of HT TOU meter owing to extension of load from 495 kW to 1000 kW but prior to installation of another meter i.e. HT TOU meter, some discrepancies were again noticed (as previously noticed on March 04, 2021), therefore, data of the impugned meter bearing No. 00031458 was also downloaded on March 20, 2021. The Complainant was also present during the checking which is clear from the appended signatures of him on the checking proforma, as such the claim of the Complainant that QESCO carried out checking unilaterally is without any standing. Further, in the light of discrepancies, QESCO assessed consumption of the premises on 346 kW load as 757740 units for the period from October 2020 to March 2021 and after deducting already charged 65380 units (actually charged units during the period are 66240); QESCO charged detection bill for 692360 units amounting to Rs. 16,302,874/-. The Complainant requested for partial payment of the detection bill at different banks which was allowed by QESCO. The version of the Complainant that he was forced to pay the impugned bills is not based on facts. If the Complainant was not involved in theft of electricity he would have not paid the detection bill. Furthermore, the request of the Complainant for partial payments proves that the Complainant was involved in theft of electricity. The Consumer Service Manual (CSM) envisages that the detection bill is to be issued on the basis of previous billing history or future undisputed consumption if no previous credible consumption is available and lastly on the basis of load. The data of the impugned meter was also downloaded by QESCO at site. Therefore the point of view of the Complainant regarding non completion of codal formalities before issuance of detection bill is baseless. The data downloading report shows unassailable events regarding involvement of the Complainant in illegal abstraction of electricity by stopping the energy meter. Some of the data events are depicted hereunder in table No. 1:

Table No. 1					
Power Outage of Meter No. 31458 when Load was 495 kW					
S.No.	Event Occurrence		Event Recovery		Duration
	Date	Time	Date	Time	
(1)	27-12-2020	3:49:52	27-12-2020	10:22:21	6 hrs 32 mins
(2)	04-01-2021	12:07:53	04-01-2021	12:28:17	0 hrs 20 mins
(3)	05-01-2021	19:45:03	05-01-2021	20:24:17	0 hrs 39 mins
(4)	08-01-2021	9:46:36	08-01-2021	14:34:44	4 hrs 48 mins
(5)	09-01-2021	23:30:15	10-01-2021	12:51:04	13 hrs 20 mins
(6)	11-01-2021	12:01:13	11-01-2021	13:49:11	1 hrs 47 mins
(7)	13-01-2021	13:10:21	13-01-2021	15:20:46	2 hrs 10 mins
(8)	15-01-2021	10:35:59	15-01-2021	13:33:06	2 hrs 57 mins
(9)	16-01-2021	0:22:56	16-01-2021	2:47:03	2 hrs 24 mins
(10)	22-01-2021	10:07:39	22-01-2021	13:44:19	3 hrs 36 mins
(11)	24-01-2021	9:07:23	24-01-2021	10:52:23	1 hrs 45 mins
(12)	29-01-2021	10:06:30	29-01-2021	16:06:48	6 hrs 00 mins
(13)	17-02-2021	14:43:38	17-02-2021	16:07:12	1 hrs 23 mins
(14)	19-02-2021	9:46:55	19-02-2021	13:16:49	3 hrs 29 mins
(15)	23-02-2021	3:58:43	23-02-2021	5:34:16	1 hrs 35 mins



(16)	24-02-2021	15:46:40	24-02-2021	18:57:42	3 hrs 11 mins
(17)	15-03-2021	12:05:48	15-03-2021	12:31:33	0 hrs 25 mins
(18)	15-03-2021	12:56:35	15-03-2021	13:18:54	0 hrs 22 mins
(19)	15-03-2021	14:47:35	15-03-2021	15:12:02	0 hrs 24 mins
(20)	15-03-2021	16:54:22	15-03-2021	19:01:02	2 hrs 06 mins

Table No. 2

Disconnection of Phases at the Premises of the Complainant

S.No	Phase	Event Occurrence		Event Recovery	
		Date	Time	Date	Time
(1)	C	11-06-2019	9:49:02	11-06-2019	13:44:57
(2)	C	11-06-2019	14:05:55	11-06-2019	17:42:09
(3)	C	11-06-2019	18:00:36	11-06-2019	18:27:11
(4)	C	16-09-2019	15:13:51	16-09-2019	16:08:35
(5)	C	04-10-2019	1:06:26	04-10-2019	6:27:48
(6)	C	02-11-2019	19:24:10	02-11-2019	20:03:22
(7)	A	11-12-2019	23:01:08	12-12-2019	11:42:49
(8)	B	11-12-2019	23:25:52	12-12-2019	8:29:32
(9)	C	03-02-2020	20:07:36	03-02-2020	20:51:17
(10)	C	03-02-2020	23:17:45	04-02-2020	1:34:38
(11)	C	06-08-2020	15:29:59	06-08-2020	15:59:34
(12)	A	05-01-2021	20:24:18	05-01-2021	20:40:24
(13)	B	05-01-2021	20:24:18	05-01-2021	20:40:24
(14)	C	05-01-2021	20:24:18	05-01-2021	20:41:59
(15)	C	20-01-2021	12:24:55	20-01-2021	12:38:20
Under Voltage Events					
(16)	A	05-01-2021	20:24:18	05-01-2021	20:41:59
(17)	B	05-01-2021	20:24:18	05-01-2021	20:40:24
(18)	C	05-01-2021	20:24:18	05-01-2021	20:41:59

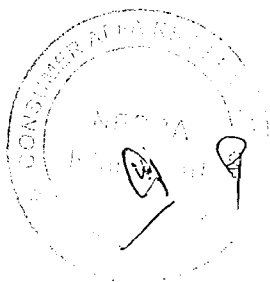
The above table shows that Phase-A and Phase-B did not record events w.e.f. December 11, 2019 to January 05, 2021 meaning thereby that these two phases were bypassed by the Complainant completely whereas Phase-C was used to pass the electricity as per his will by using controlled devices. The Phase A&B were brought into circuit w.e.f. January 05, 2021 at 20:24:18 hours and prior to that the power outage occurred at 19:45:03 and was restored at 20:24:17 on the same day which shows that the Phase-A & B were brought operational. Moreover, the under voltage events did not record any event for Phase-A&B w.e.f. December 12, 2019 at 11:42:49 hours and when these phases were brought into circuit on January 5, 2021 at 20:24:18 hours the Phase-A&B recorded under voltage events. Furthermore, it is evident from the meter downloading report that the Complainant had also disturbed the software of meter No. 31458 installed against reference No. 24-48134-0361203.

- (v) The load profile downloading data proves that the Complainant was involved in theft of electricity. Load profile shows that the Complainant stopped the meter when the supply from grid station was running smoothly which is evident from the grid station log sheets. Due to brevity some events from load profile downloading data are given as under:

Table No. 3

Load Profile Data Meter No. 31458 with Load 495 kW

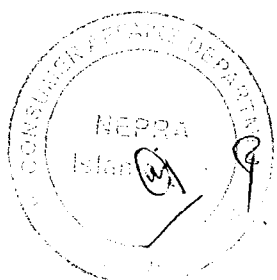
S. No.	Date	Time	Date	Time
1	27-12-20	3:30:00	27-12-20	10:30:00
2	16-01-21	0:00:00	16-01-21	3:00:00
3	24-01-21	9:00:00	24-01-21	11:00:00
4	23-02-21	3:30:00	23-02-21	6:00:00
5	15-03-21	14:30:00	15-03-21	15:30:00



The load profile records data at each half an hour interval if there is no intervention by any means. In the instant case on December 27, 2020 after 03:30 hours the load profile should have been recorded at 04:00, 04:30 & 05:00 hours and so on, however, recording of consumption on the energy meter was stopped after the interval of 03:30 i.e. 03:49 hours and resumed prior to 10:30 hours i.e. 10:22 hours as shown at S.No. 1 of table No. 1 whereas the power supply was running smoothly from grid station.

- (vi) The above event reports show power outages and phases disconnection in previous record and such consumers may play smart to control the future consumption, as such QESCO has rightly issued the detection bill on the basis of load, however, QESCO should have issued the detection bill on the basis of 495 kW sanctioned load instead of 346 kW load as per provisions of Consumer Service Manual. After payment of detection bill amounting to Rs. 16,302,874/- QESCO extended the load of the Complainant from 495 (B-2) kW to 1000 kW (B-3) by replacing the metering equipment on March 23, 2021 and the 11 kV panel was secured by security slips.
- (vii) For the purpose of checking, another team of QESCO visited the premises of the Complainant on May 02, 2021 in the presence of representatives from Energy Department, Government of Balochistan and Police Department where representatives of the Complainant were present as well. During the visit of the said committee, security slips pasted on 11 kV panel were found tampered. In order to ascertain the actual cause of tampering of security slips, QESCO constituted a standing committee vide office order dated May 06, 2021. Accordingly, the standing committee visited the site on May 07, 2021 and observed illegal abstraction of electricity. The Committee recovered remote controlled devices/switches which were installed inside porcelain of 03x Potential Transformers (P.Ts) which resulted recording of units and accuracy of meter in the control of consumer. QESCO has produced video recording regarding recovery of remote control devices which is evident that the Complainant was involved in theft of electricity with modern equipment. QESCO disconnected the electricity supply of the Complainant on May 02, 2021 and FIR bearing No. 29 was also lodged against the owner on May 03, 2021. In order to recover the loss of energy, QESCO assessed the consumption of the Complainant as 438,000 units on the basis of 1000 kW load for the month of May 2021 on 60% load factor and after deducting already charged 233240 units; a detection bill amounting to Rs. 4,635,570/- for 204760 units was issued to the Complainant.
- (viii) The data of the impugned meter bearing No. 0000321 (extended load 1000 kW) shows that the Complainant was involved in illegal abstraction of electricity. Some of the events retrieved through data downloading of the impugned meter are shown below:

Table No. 4					
Event wise data retrieval report Meter No. 00321 (load 100kW)					
S.No.	Event Occurrence		Event Recovery		Duration
	Date	Time	Date	Time	
(1)	21-04-21	20:17:28	22-04-21	8:57:44	12 hrs 40mins
(2)	22-04-21	21:09:34	23-04-21	9:23:42	12 hrs 24 mins
(3)	23-04-21	20:02:18	24-04-21	9:04:46	13 hrs 02 mins
(4)	24-04-21	12:20:39	24-04-21	13:00:41	0 hrs 40 mins
(5)	24-04-21	19:46:33	24-04-21	21:41:14	01 hrs 54 mins
(6)	24-04-21	21:48:25	24-04-21	22:23:47	0 hrs 35 mins
(7)	24-04-21	23:53:53	25-04-21	8:56:29	09 hrs 03 mins
(8)	25-04-21	20:01:14	26-04-21	9:11:59	13 hrs 10 mins
(9)	26-04-21	20:13:26	26-04-21	22:25:52	2 hrs 12 mins
(10)	26-04-21	22:49:25	27-04-21	8:53:59	10 hrs 04 mins
(11)	27-04-21	11:29:49	27-04-21	12:31:44	01 hrs 01 mins
(12)	27-04-21	13:58:22	27-04-21	15:24:31	1 hrs 26 mins
(13)	27-04-21	15:24:41	27-04-21	16:13:38	0 hrs 48 mins
(14)	28-04-21	9:01:29	28-04-21	11:32:58	02 hrs 31 mins



(15)	28-04-21	20:36:53	29-04-21	9:20:34	12 hrs 44 mins
(16)	29-04-21	21:55:45	30-04-21	9:08:37	11 hrs 13 mins
(17)	30-04-21	19:50:17	01-05-2021	9:11:31	13 hrs 21 mins
(18)	01-5-2021	22:37:58	02-05-2021	3:33:45	04 hrs 54 mins
(19)	02-5-2021	4:18:19	02-05-2021	8:53:22	4 hrs 35 mins
(20)	02-5-2021	9:06:57	02-05-2021	10:00:25	0 hrs 53 mins

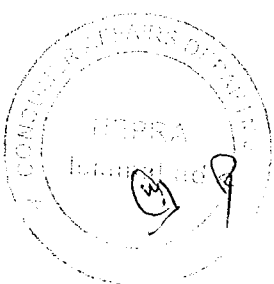
The load profile downloading data of the meter also reflects that the Complainant stopped the meter when supply from grid station was running smoothly. Some events from load profile downloading data are given hereunder:

Table No. 5				
Load Profile Data Meter No. 00321 with Load 1000 kW				
S.No.	Date	Time	Date	Time
(1)	25-04-21	20:00:00	26-04-21	9:30:00
(2)	26-04-21	22:30:00	27-04-21	9:00:00
(3)	27-04-21	11:00:00	27-04-21	13:00:00
(4)	27-04-21	13:30:00	27-04-21	16:30:00
(5)	27-04-21	23:30:00	28-04-21	0:00:00
(6)	28-04-21	4:30:00	28-04-21	5:00:00
(7)	28-04-21	9:00:00	28-04-21	12:00:00
(8)	28-04-21	20:30:00	29-04-21	9:30:00
(9)	29-04-21	14:30:00	29-04-21	15:00:00
(10)	29-04-21	21:30:00	30-04-21	9:30:00

As explained above (after table No. 3), the load profile records data at each half an hour interval if there is no intervention by any means. In the instant case when load was extended from 495 kW to 1000 kW and new meter No. 00321 was installed, after 20:00 hours on April 25, 2021 the load profile should have been recorded at 20:30, 21:00 & 21:30 hours and so on, however, recording of consumption on the energy meter was stopped after the interval of 20:00 i.e. 20:01:14 hours and resumed on April 26, 2021 prior to 09:30 hours i.e. 09:11:59 hours as shown at S.No. 8 of table No. 4 whereas the power supply was running smoothly from grid station.

- (ix) The above tables show that mostly the long hours of meter stoppage was carried out during night when the electricity supply was running smoothly from the grid station.
- (x) The Complainant did not pay the detection bill and filed a case before Special Judge Electricity Court/Session Judge Sariat Division against FIR No. 29 of 2021 wherein the court acquitted the Complainant. The Complainant had been acquitted based on technical grounds (from legal point of view) not on merits which does not exonerate the consumer from payment of detection bills.
- (xi) Further, stance of the Complainant regarding requirement of 24 hours prior notice for entering a consumer premises relates to cases involving general inspections but the same does not apply in cases of alleged illegal abstraction of power. Therefore, the Complainant's contention of procedural non-compliance due to non-issuance of prior notice is misplaced and accordingly dismissed. Rights and Obligations vis-à-vis Consumer and DISCO are given in Chapter-14 of Consumer Service Manual (CSM). Access to the employees of DISCO in the premises of the consumer is governed by Clause-14.1 of Consumer Service Manual (CSM) which is reproduced here under:

"Clause-14.1. Access to/at the Consumer's Premises. A duly authorized employee of DISCO shall be entitled at all reasonable times, and

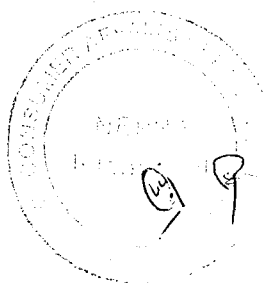


on informing the occupier of his intention after giving a notice of clear 24 hours (however, no notice is required for conducting raid in case of theft/illegal abstraction of electricity), to enter the premises to which energy is or has been, or is to be supplied by DISCO”.

- (xii) Another data to be analyzed is billing history of the Complainant which shows that monthly consumption of units and load factor also increased manifold when electricity supply was restored after removal of discrepancies/devices being used for abstraction of electricity. Detail of consumption with respect to load factor for the year 2020, 2021 and 2022 is given as under:

Table No. 6			
Electricity Consumption w.r.t. Load Factor for the Year 2020			
Month	Units Billed (kWh)	MDI kW	Load Factor (%) L.F= $\frac{\text{Units Consumed}}{\text{Load} \times 730} \times 100$
January	13280	325	5.60
February	9760	325	4.11
March	13440	288	6.39
April	10400	378	3.77
May	10560	328	4.41
June	11200	330	4.65
July	11520	331	4.77
August	8320	326	3.50
September	11200	328	4.68
October	7680	325	3.24
November	11200	333	4.61
December	10400	346	4.12
Electricity Consumption w.r.t. Load Factor for the Year 2021			
Month	Units Billed (kWh)	MDI kW	Load Factor (%) L.F= $\frac{\text{Units Consumed}}{\text{Load} \times 730} \times 100$
January	12000	320	5.14
February	13760	334	5.64
March	11200	325	4.72
April	146180	1080	18.54
May	233240	1080	29.58
June	5160	1066	0.66
July	0	0	0.00
August	2840	21	18.53
September	151880	1060	19.63
October	179640	1060	23.22
November	137240	1060	17.74
December	3560	1060	0.46
Electricity Consumption w.r.t. Load Factor for the Year 2022			
Month	Units Billed (kWh)	MDI kW	Load Factor (%) L.F= $\frac{\text{Units Consumed}}{\text{Load} \times 730} \times 100$
January	109360	1060	14.13
February	319160	1080	40.48
March	336220	1080	42.65
April	274260	1080	34.79
May	198260	1060	25.62
June	123460	1060	15.96
July	248720	1060	32.14

QESCO pointed out that before March, 2021 monthly consumption & load factor of the Complainant was very low and increased manifold after March, 2021 (when detection bill was charged w.e.f. October, 2020 to March, 2021), and after August, 2021 when electricity supply was restored. However, the



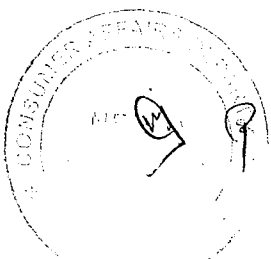
Complainant tried to justify his low consumption before March, 2021 with reason that his business was not in a good position and industry was not operating on higher scale, however, this justification is not acceptable because if the business was not good then why he applied for extension of load from 495 kW to 1000 kW. Furthermore, the Complainant has also other units of similar nature of business, therefore, his argument of low business activities is hereby dismissed. Moreover, when the discrepancies were removed in March 2021 and connections were restored (w.e.f. August, 2021 to onwards) significant increase in the monthly consumption & load factor has been observed as depicted above.

- (xiii) Similarly during the period from May 02, 2021 to July 13, 2021 when the connections remained disconnected; the units sent out from the grid station decreased on 11 kV Asim Abad Feeder, Quetta significantly. Analysis of month-wise losses of Asim Abad Feeder support the argument of QESCO regarding theft of electricity by the Complainant through an advance method because losses of the feeder decreased after removal of remote control devices from P.Ts i.e. w.e.f. May, 2021. Detail of line losses is given below:

Table No. 7					
S.No.	Month	Unit Sent Out (Million)	Unit Billed (Million)	Unit lost (Million)	Prog% of losses
(1)	Jan-21	1.284	0.437	0.847	51.3
(2)	Feb-21	1.345	0.371	0.974	53.8
(3)	Mar-21	1.464	0.522	0.942	55.0
(4)	Apr-21	1.597	1.475	0.122	49.8
(5)	May-21	0.597	3.8127	-3.23	26.4
(6)	Jun-21	0.669	0.608	0.061	25.6
(7)	Jul-21	0.645	0.660	-0.02	-2.3
(8)	Aug-21	1.039	0.665	0.374	21.3
(9)	Sep-21	1.006	0.919	0.087	16.6
(10)	Oct-21	1.087	0.933	0.154	9.5
(11)	Nov-21	0.769	0.939	-0.17	9.5
(12)	Dec-21	1.003	0.645	0.358	14.2

- (xiv) The Complainant has another industrial connection against reference No. 24-48134-0361208 under tariff B-3 with sanctioned load of 995 kW which is adjacent to the premises. Illegal abstraction of electricity was also observed at the premises. Therefore, QESCO constituted another committed vide office order dated May 07, 2021 which visited the said site on May 08, 2021 and found the same way of theft of electricity as observed in the case of reference No. 24-48134-0361203, therefore, the Complainant was served upon a detection bill amounting to Rs. 63,368,905/-. The Complainant filed a separate complaint against the said detection bill at NEPRA. The said complaint has been allotted Complaint No. QET-8522-10-21 and is being decided separately.

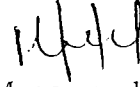
8. In view of above it is concluded that prior to observation of illegal abstraction of electricity through modernized gadgets i.e. remote control devices; consumption of the Complainant/load factor was very low and increased manifold in next month soon after the discrepancies (devices) were removed. The Complainant tried to justify low consumption of electricity with bad working conditions of his business which cannot be accepted as the Complainant had applied for new connection for another premises of same type of business and extension of load for current premises. Moreover, the Complainant could not produce any authentic documents/data w.r.t. increased production & sale duly aligned with data of Federal Board of Revenue (FBR). Moreover, the event-wise data downloading report, load profile, billing history, record of line losses etc. proves that the Complainant was involved in illegal abstraction of electricity and both detection bills issued by QESCO are justified and required to be paid by the Complainant.



9. Foregoing in view, both the detection bills amounting to Rs. 16,302,874/- (already paid) and Rs. 4,658,436/- against reference No. 24-48134-0361203 are justified. Therefore, QESCO is directed to recover the outstanding detection bill amounting to Rs. 4,658,436/. Compliance report be submitted within thirty (30) days.



(Lashkar Khan Qambrani)
Member Consumer Complaints Tribunal
Director (CAD)



(Moqem ul Hassan)
Member Consumer Complaints Tribunal
Assistant Legal Advisor (CAD)



(Naweed Illahi Shaikh) 30/12/22
Convener Consumer Complaints Tribunal/
Director General (CAD)

Islamabad, December 30, 2022

