



**National Electric Power Regulatory Authority**

ISLAMIC REPUBLIC OF PAKISTAN

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

Phone: 051-2013200, Fax: 051-2600021

**Consumer Affairs  
Department**

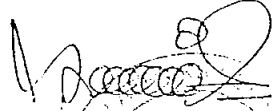
TCD.08/670-2023  
February 15, 2023

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 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 0361208)**  
Case No. **QESCO-QET-8522-10-21**

Please find enclosed herewith the decision of the NEPRA Complaints Tribunal dated February 15, 2023 regarding the subject matter for necessary action and compliance within thirty (30) days, positively.

Encl: As above

  
(Muhammad Abid)  
Assistant Director (CAD)  
NEPRA  
Islamabad  
ICAD

**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 Partner Mehmood Agricultural Foundry, Plot C-56, Phase-1, Industrial Area, Eastern Bypass, Quetta.  
Cell # 0300-3823922, 0336-8043797, 0333-7839093



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

**Complaint No. QESCO-QET-8522-10-21**

**Mr. Abdul Samad,**  
Managing Partner – Mehmood 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, Advocate
- 2) Mr. Abdul Samad
- 3) Mr. Ziauddin
- 4) Mr. Jahanziab Khan

**Respondent:**

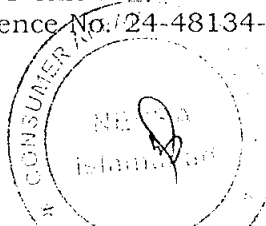
- 1) Mr. Muhammad Nizam, Regional Manager (M&T)
- 2) Mr. Abdul Nasir, Superintending Engineer (Operation)
- 3) Mr. Obaid-Ur-Rehman, Deputy Manager (P&I)
- 4) Mr. Muhammad Naeem, Executive Engineer (Operation)
- 5) Mr. Ivon Das, Deputy Manager (M &T)
- 6) Mr. Saif Ullah, Deputy Manager ( M &T)
- 7) Mr.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

**Subject:** **DECISION IN THE MATTER OF COMPLAINT FILED BY MR ABDUL SAMAD**  
**MANAGING PARTNER MEHMOOD AGRICULTURAL FOUNDARY UNDER**  
**SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION**  
**AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST QESCO**  
**REGARDING DETECTION BILLING (REF# 24 48134 0361208)**

**DECISION**

This decision shall dispose of the complaint filed by Mr. Abdul Samad, Managing Partner Mehmood 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 of the Complainant having electricity connection with reference No. 24-48134-0361203 on May 02, 2021 whereby QESCO officials found that the Complainant had tampered the security slips pasted on 11 kV panel. On the same day, QESCO officials also visited the premises of another connection of the Complainant against reference No. 24-48134-0361208 which is



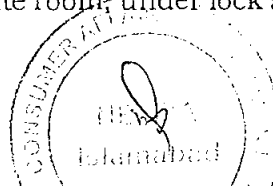
adjacent to the earlier premises and disconnected the electricity supply of both the connections on May 02, 2021 on the pretext of illegal abstraction of electricity. Moreover, QESCO lodged an FIR No. 35/2021 dated May 08, 2021 against the Complainant on the charges of theft of electricity. The Complainant filed a constitutional petition No. 736/2021 on May 06, 2021 before the Honourable High Court of Balochistan against FIR No. 29/2021 dated May 06, 2021 registered against the Complainant for theft of electricity pertaining to reference No. 24-48134-0361203. The Complainant in the petition prayed inter alia for restoration of electricity supply of both connections, restraining QESCO from issuance of detection bills etc. 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 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 (detection) 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 (detection) 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 that he is carrying out business with title of M/s Mehmood Agriculture Foundry at Plot No. F-66, Phase-4, Industrial Area Eastern Bypass Quetta. 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 Nos. 24-48134-0361203 with present sanctioned load of 1000 kW and at Plot No. F-66/B against reference No. 24-48134-0361208 with sanctioned load of 995 kW, however, Plot No. F-66/C has no electricity connection. The monthly electricity bills were being paid regularly till illegal disconnection of electricity supply on May 02, 2021. The electricity meters/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 tamper 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) QESCO officials installed a check meter at their premises located at Plot No. F/66/B on March 24, 2021 in series with the existing meter. On April 07, 2021, an inspection team headed by the Superintending Engineer (Operation) visited their premises without serving any notice and removed the existing meter from the premises. QESCO officials assured them before the representatives of the Quetta Chamber of Commerce that the removed meter would be tested in their presence but till date that promise has not been fulfilled, as testing of the removed meter was not carried out in their presence and the results of the downloaded data have not been shared with them.
- (ii) Subsequently, QESCO officials issued a notice dated April 12, 2021 to them stating that HT TOU meter of the Complainant was checked by the inspection team on April 07, 2021 and found fake security slips on the OCB 11kV panel. In response to the said notice, the Complainant submitted their reply vide letter dated April 23, 2021 and requested to withdraw the notice issued to them as the metering equipment is installed in a separate room, under lock and key in custody

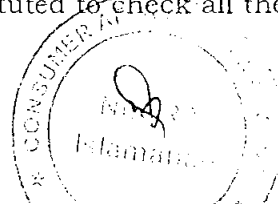


of QESCO officials for recording and testing of metering equipment or observing any irregularity or technical fault while the Complainant does not have any access to the same.

- (iii) QESCO officials visited their premises again on May 02, 2021 and disconnected their electricity supply without complying with the legal requirements as enumerated in Electricity Act 1910 and NEPRA Consumer Service Manual (CSM). Being aggrieved with the afore-stated actions of QESCO, they filed the Constitutional Petition No. 736/2021 before the Hon'able High Court of Balochistan wherein the Honorable Court vide order dated May 07, 2021 directed QESCO to restore the electricity connections subject to payment of all outstanding amounts/electricity charges.
- (iv) 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. During their raid, QESCO officials checked all the installations and instruments available at the premises and three PTs were taken by them with the allegations that the Complainant is involved in theft of electricity. An FIR was also lodged against him in Police Station bearing No. 35/2021 under sections 462-H and 462-K of Pakistan Penal Code. QESCO issued two bills i.e. Rs. 2,664,376/- on account of monthly bill for the month of May, 2021 which was paid, however, a detection bill amounting to Rs. 63,368,905/- was not paid.
- (v) Furthermore, the Hon'able 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.
- (vi) The Court of Session Judge, Sariat Division against FIR No. 35 of 2021 has acquitted the Complainant which proves that issuance of detection bill was 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.
- (vii) The Complainant reiterated the above in the grounds of his complaint and prayed that the action of QESCO be declared null and void and QESCO be directed to withdraw the detection bill amounting to Rs. 63,368,905/- raised against reference No. 24-48134-0361208. An appropriate action may also be taken against QESCO officials for committing illegalities and irregularities towards the Complainant.

4. The subject matter was taken up with QESCO vide letter dated October 27, 2021 for submission of report. QESCO officials failed to submit report regarding the matter within the stipulated time. In this regard, 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 written report regarding the matter along with supporting documents/evidence, data downloading reports, billing history etc. In response, QESCO officials submitted detailed report regarding the matter along with video recorded at the time of checking of 11kV panel. QESCO vide report dated February 22, 2022 submitted as under:

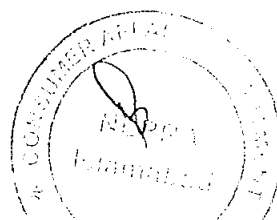
- (i) The connection in the name of M/s Mehmood Agriculture Foundry bearing reference No. 24-48134-0361208 having sanctioned load 995 kW under tariff B-3 running at 11 kV Asimabad Feeder was installed on July 04, 2020. The monthly line losses and progressive losses of the said feeder were at higher side despite the fact that only fourteen (14) number connections were running on the feeder. The data of 11 kV feeder shows that after installation of the said connection; losses of the feeder abnormally increased upto 72.4%, therefore, two separate committees for B-2 & B-3 connections were constituted to check all the connections running



on 11kV Asinabad Feeder, Quetta. The committee constituted for B-2 connections checked and replaced the meters of B-2 connections.

- (ii) During the earlier checking by M&T department it was observed that consumption against reference No. 24-48134-0361208 was low with high recorded MDI, therefore, it was decided to install backup meter in series with already installed billing meter. A committee was constituted vide office order dated March 22, 2021 to install the backup meter besides downloading the data of billing meter. The said committee installed a backup meter and downloaded the data of already installed billing meter. Certain discrepancies were observed in the billing meter, therefore, the same was removed from site and backup meter was declared as billing meter. On May 02, 2021 during a checking by the standing committee it was found that security slips pasted on backside of the 11 kV panel were tampered, therefore, connection of the Complainant was disconnected.
- (iii) Another connection owned by the same consumer bearing reference No. 24-48134-0361203 was caught on account of electricity theft through remote controlled devices in the PTs. After detecting such a mechanism of illegal abstraction of electricity it was decided that the Complainant's electricity connection bearing reference No. 24-48134-0361208 should also be checked. In this regard, a committee visited the site on May 08, 2021. During checking remote controlled devices / switches were recovered from 3x Potential Transformers (PTs). The remote controlled devices had been connected in the secondary terminals of all 3x PTs which were being used to control the reading on the meter. The 03 x PTs were secured with security slips and handed over to the Police Investigating Officer and an FIR bearing No. 35/2021 was lodged against the owner in the concerned Police Station on account of illegal abstraction of electricity.
- (iv) After recovery of the remote controlled devices, the downloaded data from the meter was scrutinized and events of power outages were observed due to frequent switching of remote controlled devices; which is evident from the event log as well. Subsequently, a detection bill amounting to Rs. 63,368,905/- for 2684381 units for a period of six months i.e. November, 2020 to April, 2021 was served upon the Complainant. The Complainant did not pay the bill and filed a constitution petition before the Honorable High Court Balochistan. The said petition was not pressed by the Complainant, rather, upon the directions of court, the Complainant submitted surety of the equivalent liability/amount before the High Court of Balochistan and subsequently the connection was restored on July 13, 2021.
- (v) The Complainant also filed a case before Special Judge Electricity Court/Session Judge Sariab Division against the FIR and detection bill wherein the court acquitted the Complainant. Therefore, QESCO filed an appeal vide Cr. Acq.Appl: No. 649/2021 against the acquittal of the Complainant before the Honorable High Court, Balochistan. Acquittal on any technical ground, does not exonerate the consumer from commission of the criminal act.

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. Both the parties advanced their arguments. The Complainant argued that it is responsibility of QESCO officials to check any irregularities/ discrepancies in the metering installation 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 checking 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 tampering 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 remote controlled devices therefore, accuracy of the meter was in control of the Complainant, due to which the discrepancy could be pointed out. Moreover, locked rooms can be opened by 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 by using cut off points installed near the consumer's/Complainant's premises.

6. During the hearing, the Complainant was further asked about recording of low consumption & load factor at the premises and subsequent increase in consumption & load factor after restoration of electricity supply upon directions of the honorable court. The Complainant submitted that earlier 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 was submitted for extension of load by them from 495 kV to 1000 kV against another connection having reference No. 24-48134-0361203 and an application was submitted for another new connection for same type of business. However, no satisfactory response was given. The Complainant was given another opportunity to justify his increased consumption 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 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/sraps/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. During the hearing the Complainant raised the issue of charging higher MDI i.e. 2924 kW in the month of March 2021 against transformer capacity of 1500 kVA. Accordingly QESCO was directed vide this office letter dated December 22, 2022 for provision of some clarification along with the query raised by the Complainant regarding MDI charges. In response QESCO vide letter dated January 4, 2023 responded the same. QESCO submitted that the connection was energized on July 4, 2020 and brought into billing cycle in the month of September 2020 which caused accumulation of MDI; therefore, the MDI was segregated in months to avoid audit objection.

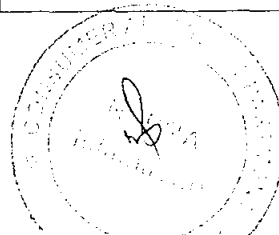
8. The case has been examined in detail in light of the record made so available by the parties, arguments advanced during the hearing and applicable law. Following has been observed:

- (i) The Complainant is a consumer of QESCO with sanctioned load of 995 kW under B-3 tariff having reference No. 24-48134-0361208 and is being fed through 11 kV Asimabad Feeder, Quetta. The connection was installed on July 04, 2020 in the name of Abdul Samad M/s Mehmood Agriculture Foundry. The issue pertains to charging of detection bills amounting to Rs. 63,368,905/- raised by QESCO on account of theft of electricity by the Complainant.
- (ii) The Complainant is of the view that QESCO officials have victimized him due to non-fulfillment of demand of illegal gratification. However; in this regard the Complainant failed to provide any documentary/concrete evidence.
- (iii) The Complainant has submitted that QESCO has charged higher maximum demand (MD) to the tune of 2924 kW in the month of March, 2021 against transformer capacity of 1500 kVA. In this regard the record has been scrutinized thoroughly and is explained below:
  - a) The connection was installed on July 04, 2020 and first meter reading was taken on August 04, 2020. According to data downloading report; the maximum demand occurred on July 18, 2020 with meter reading of 0.3528 (kW) and after applying multiplying factor of 2000, the maximum demand for first month was 705.6 kW.
  - b) The 2<sup>nd</sup> billing month's reading was taken on September 01, 2020. The maximum demand occurred on August 07, 2020 with reading of 0.5374 kW and after applying multiplying factor of 2000, the maximum demand was 1074 kW.



- c) The billing record shows that the first bill was issued in the month of September, 2020 wherein, the fixed charges on the basis of maximum demand of 180 kW was charged for the month of August, 2020 and 100 kW for the month of September, 2020. QESCO should have charged fixed charges for all the maximum demand for the two billing months i.e. August & September, 2020 for 705.6 kW and 1074 kW respectively, however, the same was not done rather QESCO charged fixed charges for 180 kW load and 100 kW load for the billing months of August & September, 2020. This caused accumulation of pending maximum demand i.e.  $705.6 \text{ kW} + 1074 \text{ kW} - (180 \text{ kW} + 100 \text{ kW}) = 1499.6 \text{ kW}$ .
- d) The data retrieval report shows that after 16:30 hours on September 20, 2020 something went wrong with the metering equipment. The meter security data also transpires that meter was programmed on September 30, 2020. Subsequently, QESCO officials visited the site on October 02, 2020. The meter readings were taken at 16:04 hours. The load profile shows that the metering equipment was switched-on at 15:30 hours just before visit of QESCO officials. During the visit, the Red phase CT was found out of order i.e 33% slowness.
- e) Meter reading for the third month's billing cycle i.e. October, 2020 was taken on October 03, 2020 for the period from September 02, 2020 to October 03, 2020. Accordingly, QESCO enhanced the multiplying factor from 2000 to 2986 to accommodate 33% slowness of the metering equipment. The bill for the month of October was charged with enhanced multiplying factor and QESCO charged fixed charges on maximum demand of 1239 kW for the month of October, 2020. The data retrieval report shows the maximum demand of 0.2652 kW and after applying multiplying factor of 2984 considering 33% slowness; the maximum demand becomes 791 kW.
- f) QESCO constituted a committee vide office order dated October 20, 2020 for rectification of the discrepancy. The committee visited the site on November 20, 2020 and recorded meter readings at 16:45 hours. The committee again noticed that Red phase CT was out of order and during the checking it was observed that wire was damaged from ampere meter which was set right and then on checking; accuracy of metering equipment was found within permissible limits. The said committee downloaded the data on the same day. The load profile data shows that the meter was switched-on just about couple of hours before the meter readings were taken; which was stopped w.e.f. November 18, 2020 after the internal of 15:00 hours.
- g) The meter reading for the billing month of December, 2020 was taken on December 01, 2020 for the period from November 02, 2020 to December 01, 2020. QESCO applied enhanced multiplying factor for the month of December, 2020 whereas the discrepancy was already removed on November 20, 2020, therefore, the slowness is required to be charged on pro-rata basis w.e.f. November 01, 2020 to November 20, 2020 rather than applying for the whole month.
- h) Subsequently, QESCO charged fixed charges on the basis of wrong maximum demand to the Complainant in the months of January, February & March, 2021 for 1600 kW, 1700 kW and 2924 kW respectively; which does not match with the Maximum Demand (MD) retrieved through data downloading report. The maximum demand as per data retrieval report and charged by QESCO is as under:

Table No. 1			
S.No	Months	MD as per data retrieval report (kW)	MD charged by QESCO (kW)
(i)	August, 2020	705.6	180



(ii)	September, 2020	1074	100
(iii)	October, 2020	791 (with 33% slowness)	1239.19 (with 33% slowness)
(iv)	November, 2020	1151 (with 33% slowness)	1134.68 (with 33% slowness)
(v)	December, 2020	1087 (with 33% slowness)	1501.96 (with 33% slowness)
(vi)	January, 2021	1125	1600
(vii)	February, 2021	1116	1700
(viii)	March, 2021	1118	2924
<b>Total</b>		<b>8167.6</b>	<b>10379.83</b>
The difference of maximum demand excessively charged by QESCO i.e. 2212.23 is required to be adjusted in the bill of the Complainant.			

- (iv) QESCO committee during its routine checking on March 16, 2021 observed that the consumption of the Complainant is low as compared to recorded maximum demand. Accordingly the committee recommended for installation of a backup/check meter. For this purpose QESCO constituted a committee vide office order dated March 22, 2021. The committee visited the site on March 24, 2021 whereby it was observed that the security slips pasted on the 11 kV panel were tampered. Moreover the security slips on the energy meter were also found tampered, however, meter accuracy was found within limits. A check meter bearing No. 00457(Creative Company) was installed in series with the existing meter bearing No. 00201(Creative Company). The data of the existing meter was downloaded which shows certain discrepancies. QESCO committee again visited the site on April 7, 2021 and removed the existing meter and the check meter was declared as billing meter.
- (v) On May 02, 2021, a team of QESCO officials visited premises of another connection of the Complainant running against reference No. 24-48134-0361203 which is adjacent to the premises where the instant connection under reference No. 24-48134-0361208 is installed. During the visit, security slips pasted on 11 kV panel against reference No. 24-48134-0361203 were found tampered, therefore, electricity supply of both the connections was disconnected on the same day. A standing committee was constituted vide office order dated May 06, 2021 to ascertain the actual cause of tampering of security slips of reference No. 24-48134-0361203. Accordingly, the standing committee visited the site on May 07, 2021 in the presence of representatives of the Complainant as well as representatives from Energy Department, Government of Balochistan and Police Department 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 in recording of units and accuracy of metering equipment in the control of the consumer. After observing stealing of energy, through such method, the QESCO field formations took prompt action and concerned Superintending Engineer (Operations) requested higher-ups vide letter dated May 07, 2021 for constitution of Committee for checking of the instant connection. Accordingly QESCO constituted another committee vide office order dated May 07, 2021; which visited the site on May 08, 2021 and found the same way of theft of electricity as already done by the Complainant in reference No. 24-48134-0361203. The Committee recovered three (03) remote controlled devices/switches which were installed and concealed in the porcelain of all 03x P.Ts. Therefore, an FIR bearing No. 35/2021 was lodged against the Complainant.
- (vi) Furthermore, in response to allegation for victimization to the Complainant by QESCO officials due to non-payment of illegal gratification; QESCO submitted that 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 No industrial connections, therefore, steps have taken to lower the line losses in the



jurisdiction of Spezand Sub Division. QESCO took following steps to reduce the line losses of the Spezand Sub Division which show that there was no malafide intension of 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 another premises of the Complainant which was visited on March 04, 2021 whereby certain discrepancies were noticed.
- 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. Moreover, the Complainant failed to produce any concrete evidence in support of his allegations.

- (vii) 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 investigation 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:

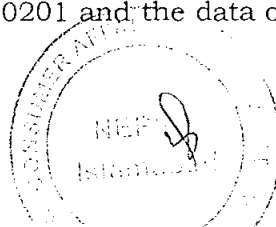
    - Load means the connected load or running load in KW whichever is higher
    - Months = Period of charging detection bill
    - Load Factor
    - 730 = Average number of hours in months

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.

On observance of recording low consumption by the metering installation; QESCO installed a check meter bearing No. 00457 on March 24, 2021 in series with the existing meter bearing No. 00201 and the data of the existing meter



was downloaded which shows certain discrepancies, therefore, QESCO removed the existing meter and the check meter bearing No. 00457 was declared as billing meter on April 07, 2021. Though QESCO did not follow complete processes as mentioned in preceding paras, however, it took certain steps required in accordance with above process which include installation of check meter and recording of video/snaps by QESCO officials. On a query regarding removal of billing meter; QESCO officials submitted that they feared that the Complainant would set fire to damage the metering installation to remove the evidences. Moreover, record/data provided in next paras is sufficient to prove that the Complainant was involved in illegal abstraction of electricity through hidden method which caused a huge financial loss to the government exchequer.

- (viii) Upon finding out the discrepancy in the metering equipment on May 8, 2021; QESCO issued detection bill to the Complainant on May 18, 2021. QESCO assessed consumption of the Complainant as 2838240 units on 1080 kW running load for the period from November 2020 to April 2021. The check meter was declared/ converted into billing meter on April 7, 2021. QESCO also assessed 06 days consumption (April 02, 2021 to April 07, 2021) as 94608 units and after deducting already charged 248467 units during the period from November, 2020 to April, 2021; QESCO charged detection bill for 2684381 units amounting to Rs. 63,368,905/-.
- (ix) According to Clause-9.2.3 of CSM the detection bill has to be assessed on the basis of previous consumption/billing history or on the basis of future undisputed consumption. As the Complainant was involved in illegal abstraction through an advance method, therefore, previous consumption was doubtful and such consumers can play smart to control the future consumption, as such QESCO has rightly issued the detection bill on the basis of load/load factor formula. However QESCO has charged detection bill for six (6) days above six months in violation of provisions of Consumer Service Manual which restricts issuance of detection bill for maximum six months.
- (x) QESCO downloaded the data of the billing meter on March 24, 2021. The data downloading report w.r.t. power outage shows unassailable events regarding involvement of the Complainant in illegal abstraction of electricity. Some of the data events are depicted hereunder in table No. 2:

Table No. 2					
Power Outage (Meter No. 00201)					
S.No.	Event Occurrence		Event Recovery		Duration
	Date	Time	Date	Time	
(1)	27-10-20	11:17:43	28-10-20	08:52:14	21 hrs 34 mins
(2)	28-10-20	15:41:32	28-10-20	22:33:30	6 hrs 51 mins
(3)	28-10-20	22:37:37	29-10-20	09:05:17	10 hrs 27 mins
(4)	29-10-20	11:07:14	30-10-20	08:49:12	21 hrs 41 mins
(5)	30-10-20	11:00:23	30-10-20	13:13:32	02 hrs 13 mins
(6)	30-10-20	13:51:04	01-11-20	12:13:28	1 day 22 hrs 22 mins
(7)	01-11-20	14:48:59	02-11-20	10:02:50	19 hrs 13 mins
(8)	02-11-20	15:10:01	03-11-20	08:56:16	17 hrs 46 mins
(9)	03-11-20	13:31:34	04-11-20	11:39:27	22 hrs 07 mins
(10)	04-11-20	12:34:39	06-11-20	13:10:58	2 days 36 mins
(11)	07-11-20	13:39:13	08-11-20	14:22:23	1 day 43 mins
(12)	08-11-20	14:24:39	09-11-20	16:16:17	1 day 25 hr 51 mins
(13)	09-11-20	17:15:00	11-11-20	09:43:14	01 day 16 hrs 28 mins
(14)	11-11-20	09:44:37	13-11-20	13:16:13	02 days 3 hrs 31 mins
(15)	13-11-20	13:46:46	14-11-20	09:54:55	20 hrs 08 mins
(16)	14-11-20	10:01:48	14-11-20	12:31:53	02 hrs 30 mins
(17)	04-03-21	17:17:17	04-03-21	20:05:44	2 hrs 48 mins

(18)	04-03-21	21:27:37	05-03-21	13:04:45	15 hrs 37 mins
(19)	05-03-21	14:06:36	05-03-21	19:10:41	5 hrs 04 mins
(20)	05-03-21	20:26:27	06-03-21	12:46:06	16 hrs 20 mins
(21)	06-03-21	12:51:11	07-03-21	8:43:46	19 hrs 52 mins
(22)	07-03-21	8:51:12	07-03-21	17:08:39	8 hrs 17 mins
(23)	07-03-21	19:19:08	08-03-21	9:23:28	14 hrs 4 mins
(24)	08-03-21	9:39:39	08-03-21	11:14:56	1 hrs 35 mins
(25)	08-03-21	11:29:51	08-03-21	13:15:02	1 hrs 45 mins
(26)	08-03-21	13:32:21	09-03-21	10:42:26	21 hrs 10 mins
(27)	09-03-21	11:19:07	10-03-21	10:26:10	23 hrs 07 mins
(28)	10-03-21	11:12:30	12-03-21	3:44:41	1 day 16 hrs 32 mins
(29)	12-03-21	5:35:32	12-03-21	12:51:24	7 hrs 15 mins
(30)	12-03-21	15:38:04	15-03-21	11:30:24	2 day 19 hrs 07 mins

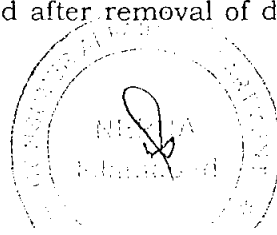
The above table depicts that the consumer stopped the meter while supply from grid station was running smoothly. Accordingly QESCO installed a check meter in series with the impugned meter as per provisions of Consumer Service Manual. Since the Complainant had installed remote controlled devices in the PTs of the metering equipment therefore, the check meter was unable to record the difference in consumption.

- (xi) 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. 00201				
S. No.	Date	Time showing Supply Stopped	Date	Time showing Supply Running
(1)	27-10-20	11:30:00	28-10-20	09:00:00
(2)	02-11-20	15:00:00	03-11-20	09:00:00
(3)	01-12-20	03:00:00	01-12-20	11:30:00
(4)	01-01-21	15:00:00	02-01-21	10:00:00
(5)	04-02-21	21:00:00	05-02-21	13:30:00
(6)	15-03-21	17:00:00	16-03-21	11:00:00

The load profile records data at each half an hour interval if there is no intervention by any means. In this case on October 27, 2020 after 11:00 hours, the load profile should have been recorded at 11:30, 12:00 & 12:30 hours and so on, however, event-wise data downloading report shows that the energy meter was stopped after the interval of 11:00 i.e. 11:17:43 hours and resumed prior to 09:00 hours i.e. 08:52:14 hours on October 28, 2020 (for duration of 21 hours & 34 minutes) as shown at S. No. 1 of table No. 2. Similarly in another event on November 02, 2020 after 15:00 hours, the load profile should have been recorded at 15:30, 16:00 & 16:30 hours and so on, however, event-wise data downloading report shows that the energy meter was stopped after the interval of 15:00 i.e. 15:10:01 hours and resumed prior to 09:00 hours i.e. 08:56:16 hours on November 03, 2020 (for duration of 17 hours & 46 minutes) as shown at S. No. 8 of table No. 2. In both events the power supply was running smoothly from the grid station.

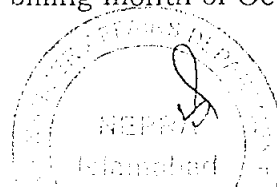
- (xii) Another data to be analyzed is billing history of the Complainant which shows that monthly consumption of units and load factor also increased manifold when electricity supply was restored after removal of discrepancies/devices



being used for illegal abstraction of electricity. Detail of consumption with respect to load factor for the years 2020, 2021 and 2022 is given as under:

Table No. 4			
Electricity Consumption w.r.t. Load Factor for the Year 2020			
Month	Units Billed (kWh)	MDI kW	Load Factor (%) L.F= $\frac{\text{Units Consumed}}{\text{Load} \times 730} \times 100$
August	121020	705	23.52
September	121020	1074	15.44
October	46880	791	8.12
November	32517	1151	3.87
December	44910	1087	5.66
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	31440	1125	3.83
February	33020	1116	4.05
March	26880	1118	3.29
April	63240	1080	8.02
May	87340	1120	10.68
June	2100	1002	0.29
July	0	0	0.00
August	620	222	0.38
September	152100	760	27.42
October	131760	760	23.75
November	269000	760	48.49
December	231840	740	42.92
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	272300	740	50.41
February	288740	1140	34.70
March	331900	1160	39.19
April	352640	1160	41.64
May	135520	1140	16.28
June	3900	20	26.71
July	3840	20	26.30
August	2740	40	9.38
September	2680	20	18.36
October	2560	20	17.53
November	2580	20	17.67
December	3460	498	0.95

The above analysis of the consumption vis-à-vis load factor shows that consumption & load factor of the Complainant started decreasing w.e.f. September, 2020 when discrepancy was observed on September 20, 2020 as mentioned above at para-8(3)(d). Furthermore, increasing trend in load factor has been observed in the billing month of August, 2021 when electricity supply was restored on the orders of the court after removing discrepancies i.e. remote control devices. From the billing month of October, 2020 to May,



2021; the recorded consumption and load factor was very low as compare to healthy consumption period. This transpires that the Complainant was involved in theft of electricity. However, the Complainant tried to justify his low consumption with reason that his business was not in a good position and industry was not operating on higher scale, how-ever, 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 for his another connection and also applied for a new connection at the another premises for similar nature of business, therefore, his argument of low business activities is hereby dismissed. Moreover, the Complainant failed to provide any documentary evidence/data w.r.t. increase in production & sale duly aligned with data of Federal Board of Revenue (FBR).

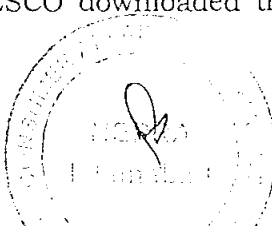
- (xiii) Similarly during the period from May 02, 2021 to July 13, 2021 when the connections remained disconnected; the units sent out from the grid station decreased on 11 kV Asimabad Feeder, Quetta significantly. Analysis of month-wise losses of Asim Abad Feeder support the argument of QESCO regarding theft of electricity by the Complainant because line losses of the feeder decreased after disconnection of electricity supply of the Complainant in May, 2021. Moreover, when the connection was restored on July 13, 2021 and there was no discrepancy; the line losses of the feeder are on lower side. Detail of line losses of 11 kV Asimabad Feeder is given below:

Table No. 5					
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	3.827	-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) During the hearing the Complainant submitted that QESCO did not comply with the directions given in Consumer Service Manual (CSM) regarding requirement of 24 hours prior notice for entering a consumer premises. In this regard it is clarified that the said provisions relate 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".

- (xv) In order to proceed further with respect to recovery of loss sustained due to illegal abstraction of energy, QESCO downloaded the data from the meter



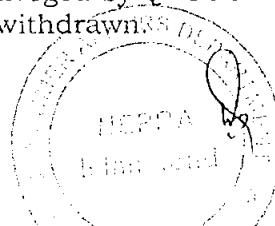
wherein events of power outages were observed due to frequent switching of remote controlled devices which had also been recorded in the event log as well. Therefore, a detection bill amounting to Rs. 63,368,905/- against 2684381 units for a period of six months and six days (November, 2020 to April 07, 2021) was served upon the Complainant. The Complainant did not pay the detection bill and filed a case before Special Judge Electricity Court/Session Judge Sariat Division against FIR No. 35 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 bill. QESCO challenged the same decision vide Cr. Acq.Appl: No. 649/2021 before High Court of Balochistan which was dismissed by the said court. The Complainant says that he has been acquitted, therefore, the detection bill is not justified. There is no force in the arguments of the Complainant because the Honourable High Court of Balochistan while disposing of the petition vide its order dated June 17, 2021 directed the Complainant to avail remedy before NEPRA. Accordingly, the quantum of loss of energy was to be established by NEPRA, therefore, the Complainant was not acquitted from charging of detection bill.

9. In view of the above; following has been concluded:

- (i) Prior to observation of illegal abstraction of electricity through hidden mechanism i.e. remote control devices; consumption of the Complainant/load factor was very low and increased manifold in next month i.e. in August, 2021 and onwards; when electricity supply was restored and there was no discrepancy.
- (ii) 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 another connection.
- (iii) The Complainant could not produce any authentic documents/data w.r.t. decreased/increased production & sale duly aligned with data of Federal Board of Revenue (FBR).
- (iv) The event-wise data downloading report, load profile, billing history, record of line losses, video recordings etc. proves that the Complainant was involved in illegal abstraction of electricity.
- (v) In another case, this tribunal decided a complaint of the Complainant in the case No. QESCO-QET-8520-10-21 in reference No. 24-48134-0361203 that the Complainant was involved in theft of electricity.
- (vi) The connections of the Complainant are adjacent to each other and are being used for same type of business, therefore, QESCO may provide an independent feeder to the Complainant on cost deposit basis for all the connections of the Complainant; which shall be billed at the consumer's premises, however, the meter installed on the proposed feeder at grid side shall be utilized as backup/check meter.

10. Foregoing in view, we have arrived at the conclusion that the Complainant was involved in theft of electricity, therefore, QESCO is directed for the following:

- (i) The detection bill amounting to Rs. 63,368,905/- against reference No. 24-48134-0361208 is justified, however, QESCO is required to overhaul the account of the Complainant by adjustment/withdrawal of the following:
  - (a) Difference of fixed charges imposed on account of excessive maximum demand i.e. 2212.23 kW be withdrawn.
  - (b) Detection bill charged for six (6) days i.e. 94608 units over & above six (06) months be withdrawn.
  - (c) Since the discrepancy of 33% slowness was removed on November 20, 2020, therefore, the slowness charged by QESCO w.e.f. November 20, 2020 to December 01, 2020 be withdrawn.



- (ii) As consolidated load of the Complainant is 2990 kW (1000 kW against reference No. 24-48134-0361203, 995 against reference No. 24-48134-0361208 & 995 for new applied connection), therefore, an independent feeder be provided to the Complainant in accordance with provisions of Consumer Service Manual (CSM) on cost deposit basis for all the connections of the Complainant; which shall be billed at the consumer's premises, however, the meter installed on the proposed feeder at grid side be utilized as backup/check meter.
- (iii) Consumption of the Complainant be observed in future and periodic checking/inspections of the metering equipment be carried out to avoid such activities.

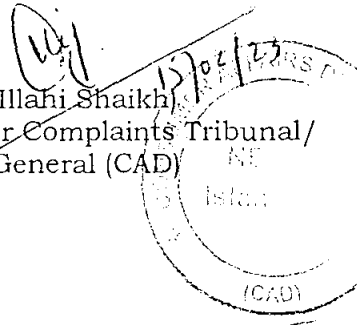
11. Compliance report be submitted within thirty (30) days.

  
15/2/2023

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

  
15/2/23

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

  
15/02/23  
(Naweed Illahi Shaikh)  
Convener Consumer Complaints Tribunal/  
Director General (CAD)  
NE  
Islamabad  
(CAD)

Islamabad, February 15, 2023