



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

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No. NEPRA/AB/Appeal/108/2018/ *1035-1040*

May 10, 2019

- |  |   |
|--|---|
| 1. Muhammad Rashid<br>S/o. Shah Muhammad,<br>R/o. Pathanwala Chak No. 220/RB,<br>Faisalabad                                      | 2. Chief Executive Officer<br>FESCO Ltd,<br>West Canal Road, Abdullahpur,<br>Faisalabad   |
| 3. Mehar Shahid Mehmood,<br>Advocate High Court,<br>Office No. 25, 3 <sup>rd</sup> Floor,<br>Ali Plaza, 3-Mozang Road,<br>Lahore | 4. Ch. Muhammad Imran Bhatti<br>Advocate High Court,<br>44-District Courts,<br>Faisalabad   |
| 5. Sub Divisional Officer (Opr)<br>FESCO Ltd,<br>Gulberg Sub Division,<br>Faisalabad   | Electric Inspector<br>Energy Department, Govt. of Punjab,<br>Opposite Commissioner Office,<br>D.C.G Road, Civil Lines,<br>Faisalabad Region, Faisalabad |

**Subject: Appeal Titled FESCO Vs. Muhammad Rashid Against the Decision Dated 28.03.2018 of the Provincial Office of Inspection to Government of the Punjab Faisalabad Region, Faisalabad**

Please find enclosed herewith the decision of the Appellate Board dated 08.05.2019, regarding the subject matter, for information and necessary action accordingly.

**Encl: As Above**

No. NEPRA/AB/Appeal/108/2018/ *1041*

Forwarded for information please.

(Ikram Shakeel)

May 10, 2019

*[Signature]*  
Assistant Director  
Appellate Board

✓ Registrar



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

### Appeal No. 108/2018

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Rashid S/o Shah Muhammad  
R/o Pathanwala chak No.220/RB, Faisalabad

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,  
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997  
AGAINST THE DECISION DATED 28.03.2018 PASSED BY THE PROVINCIAL  
OFFICE OF INSPECTION FAISALABAD REGION FAISALABAD**

For the appellant:

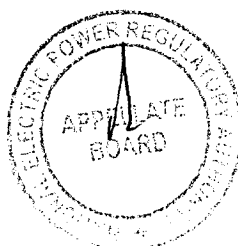
Mehar Shahid Mehmood advocate  
Mr. Anayattullah Kakar SDO

For the respondent:

Ch. Imran Bhatti advocate

## DECISION

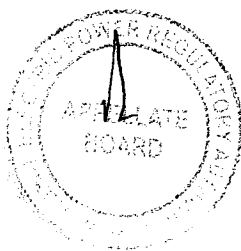
1. As per facts of the case, the respondent is an industrial consumer of Faisalabad Electric Supply Company Limited (FESCO) bearing Ref No. 27-13223-6311700 with a sanctioned load of 17.61 kW under the B-1b tariff. Electricity meter of the respondent was checked by Metering and Testing (M&T) FESCO on 28.07.2017 and reportedly it was found defective/running 33% slow due to yellow phase dead stop. After issuing notice dated 07.08.2017 to the respondent, slow meter was replaced with a new meter by FESCO on 30.08.2017. Thereafter, a detection bill amounting to Rs.65,100/- for 3,596 units for the period March 2017 to July 2017 (5 months) was charged by FESCO





to the respondent @ 33% slowness of the meter and added in the bill for September 2017.

2. Being aggrieved, the respondent filed an application before Provincial Office of Inspection (POI) on 26.10.2017 and challenged the aforesaid detection bill. The matter was disposed of by POI vide its decision dated 28.03.2018, wherein the detection bill of Rs.65,100/- for 3,596 units for the period March 2017 to July 2017 charged @ 33% slowness of the meter was declared null and void and FESCO was allowed to recover 1,297 units for the period March 2017 to June 2017.
3. Through the instant appeal, FESCO has assailed the afore-referred decision (hereinafter referred to as the impugned decision) before NEPRA. In its appeal, FESCO inter alia, raised the preliminary objection regarding jurisdiction of POI for announcement of the impugned decision after statutory period of 90 days as laid down in Section 26(6) of Electricity Act 1910. FESCO contended that the detection bill of Rs.65,100/- for 3,596 units for the period March 2017 to July 2017 was charged to the respondent @ 33% slowness of the meter observed on 30.07.2017, which is legal, valid and justified, whereas POI has declared the aforesaid detection bill as null and void without perusing the record. According to FESCO, the impugned decision is void, ab-initio and liable to be set aside.
4. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which were filed on 13.03.2019. In his reply, the respondent contended that the entire alleged proceedings and meter checking dated 28.07.2017 by M&T FESCO were illegal, without notice, unilateral and in violation of provisions of Consumer Service

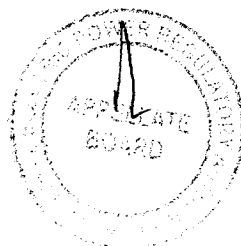




## National Electric Power Regulatory Authority

Manual (CSM), hence the detection bill of Rs.65,100/- for 3,596 units for the period March 2017 to July 2017 was falsely raised by FESCO. The respondent further contended that he deposited 50% amount of the aforesaid detection bill under protest as directed by POI. As per respondent, impugned decision granted four months of detection bill instead of two months as per clause 4.4(e) of CSM. The respondent rebutted the stance of FESCO regarding the jurisdiction of POI and explained that POI is functioning under NEPRA Act, 1997 and as per procedure laid down in Punjab (Establishment and Powers of Office of Inspection) Order, 2005 there is no time restriction for decision. The respondent supported the impugned decision and prayed for dismissal of the appeal with cost.

5. After issuing notices to the parties, hearing of the appeal was conducted in NEPRA's Regional Office at Lahore on 08.04.2018 in which both the parties were present. Learned counsel for FESCO reiterated the same arguments as narrated in memo of the appeal and termed the detection bill of Rs.65,100/- for 3,596 units for the period March 2017 to July 2017 charged @ 33% slowness of the meter as justified and payable by the respondent. On the other hand, learned counsel for the respondent prayed for maintainability of the impugned decision.
6. Having heard the arguments and perusal of the record, it is observed as under:-
  - i. As far as the objection of FESCO regarding the jurisdiction of POI for deciding the matter after prescribed time limit of 90 days as envisaged under Section 26(6) of Electricity Act 1910, it is held that the impugned decision was announced by the officer in his capacity as POI (not as Electric Inspector) under Section 38 of NEPRA

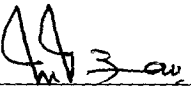





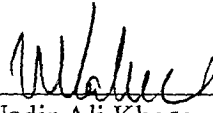
Act 1997 whereof no time limit is specified. Moreover the objection was not pressed by FESCO during hearing. Hence the objection of FESCO is over ruled.

- ii. 33% slowness of the meter was observed by M&T FESCO on 28.07.2017 and a detection bill of Rs.65,100/- for 3,596 units for the period March 2017 to July 2017 was charged by FESCO to the respondent @ 33% slowness of the meter, which was agitated before POI. It is observed that accuracy of the meter could not be verified by POI as it was already removed from the site. FESCO even did not install the check meter in series with the meter under dispute to ascertain the quantum of slowness of the meter and thus violated the provisions of CSM. FESCO could not substantiated the charging of above detection bill with solid reasoning. Hence, we are of the firm view that the detection bill of Rs.65,100/- for 3,596 units for the period March 2017 to July 2017 charged @ 33% slowness of the meter is illegal and unjustified. We are in agreement with the findings of POI that the respondent is obligated to pay 1,297 units for the period March 2017 to June 2017 on the basis of corresponding month's consumption of previous year i.e. 2016.

7. In consideration of what has been stated above, the impugned decision is upheld and the appeal is dismissed.

  
Muhammad Qamar-uz-Zaman  
Member

  
Muhammad Shafique  
Member

  
Nadir Ali Khoso  
Convener

Dated: 08.05.2019

