



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

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No. NEPRA/AB/Appeal/304/POI/2019/ 1058

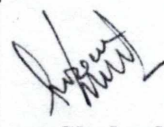
December 28, 2021

1. Sakhawat Ali  
S/o. Barkat Ali,  
Prop: Channab Paper Mills,  
Faisalabad Road, District Chiniot
2. Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullahpur,  
Faisalabad
3. Ch. Muhammad Shahid Iqbal,  
Advocate High Court,  
Office No. T-3, Third Floor,  
Makkah Tower, 13-Fane Road,  
Lahore
4. Sub Divisional Officer (Opr),  
FESCO Ltd,  
Chiniot-I Sub Division,  
District Chiniot
5. POI/Electric Inspector,  
Energy Department, Govt. of Punjab,  
Opposite Commissioner Office,  
D.C.G Road, Civil Lines,  
Faisalabad Region, Faisalabad

Subject: **Appeal Titled FESCO Vs. Sakhawat Ali Against the Decision Dated 24.07.2019 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 30.11.2021, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

  
(Ikram Shakeel)  
Deputy Director (M&E)/  
Appellate Board

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website





# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

## Appeal No.304/POI-2019

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Sakhawat Ali S/o Barkat Ali, R/o Channab Paper Mills,  
Faisalabad Road, District Chiniot

.....Respondent

## APPEAL U/S 38 OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Ch. Muhammad Shahid Iqbal Advocate

For the Respondent:

Nemo

## DECISION

1. Brief facts of the case are that the Respondent is an industrial consumer of the FESCO having Ref No.24-13161-5101400-R with a sanctioned load of 489 kW under the B-2b Tariff. Both the Time of Use (TOU) billing and backup meters of the Respondent were reportedly found 33% slow due to the one dead phase during the Metering and Testing (M&T) FESCO checking dated 16.11.2012, hence the bills with enhanced Multiplication Factor (MF)=298.5 were charged by the FESCO w.e.f December 2012 and onwards. Further, a detection bill of Rs.42,410,431/- for 350,883 units for the period July 2012 to November 2012 five (5) months was charged to the Respondent by the FESCO on account of 33% slowness and included in the bill for August 2013. Slow billing meter of the Respondent was replaced with a new meter by the FESCO in September 2013.







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2. Being aggrieved, the Respondent initially challenged the above detection bill before the Civil Court, Chiniot. After litigation in the different Courts, the Honorable Lahore High Court, Lahore referred the matter to the Provincial Office of Inspection, Faisalabad Region, Faisalabad (the POI) for the decision. The complaint of the Respondent was disposed of vide the POI decision dated 24.07.2019, wherein the detection bill of Rs.42,410,431/- for 350,883 units for the period July 2012 to November 2012 five (5) months was declared null and void. As per the POI decision, FESCO was allowed to charge the revised detection bill for 144,904 units for the period October 2012 to November 2012 two (2) months and the onwards bills with enhanced MF=298.5 w.e.f December 2012 and onwards till the replacement of the slow meter in September 2013.
3. The instant appeal has been filed by the FESCO against the afore-mentioned decision (hereinafter referred to as the impugned decision) before the NEPRA. In its appeal, the FESCO objected to the maintainability of the impugned decision inter alia, on the following grounds, (1) the TOU billing and the backup meters of the Respondent were found 33% slow during checking dated 16.11.2012; (2) the notice dated 28.11.2012 was served to the Respondent regarding 33% slowness of the meter; (3) a detection bill of Rs.42,410,431/- for 350,883 units for the period July 2012 to November 2012 five (5) months was debited to the Respondent at the rate of 33% slowness of the meter; (4) the onwards bills of the Respondent were charged with enhanced MF=298.5 due to 33% slowness of the meter; (5) the Respondent did not serve notice prior filing complaint to the POI as required under Section 26(6) of the Electricity Act 1910; (6) the POI neither recorded the evidence nor perused the consumption record in its true perspective; and (7) the impugned decision is liable to be set aside being illegal, unlawful, arbitrary and based on surmises and conjectures.







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4. The Respondent was issued a notice for filing reply/para-wise comments, which however were not filed.
5. Hearing of the appeal was conducted at the NEPRA Regional Office Lahore on 22.10.2021, wherein Ch. Muhammad Shahid Iqbal advocate appeared for the Appellant FESCO and no one represented the Respondent. At the beginning of the hearing, learned counsel for the FESCO repeated its objection that the Respondent did not give notice before approaching the POI as required under the Electricity Act 1910. On merits, learned counsel for the FESCO defended the charging of the detection bill of Rs.42,410,431/- for 350,883 units for the period, July 2012 to November 2012 five (5) months on the plea that the dip in the consumption was observed in the disputed period, which indicated that the meter remained slow. Learned counsel for the FESCO prayed for declaring the above detection bill as justified and payable by the Respondent.
6. Arguments heard, perused the record placed before us and our observations are as under:
  - i. At addressing the preliminary objection of the FESCO for not issuing notice as per the Electricity Act, 1910 by the Respondent before filing a complaint to the POI, it may be noted that the matter was adjudicated by the POI under the NEPRA Act, 1997 and as per procedure laid down in Punjab (Establishment and Powers of Office of Inspection) Order, 2005, which do not require for service of any notice before approaching the POI. The above objection of FESCO is not valid, therefore dismissed.
  - ii. FESCO charged the detection bill of Rs.42,410,431/- for 350,883 units for the period July 2012 to November 2012 five (5) months on account of 33% slowness







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of the meter as observed on 16.11.2012. Pursuant to Clause 4.4 of the Consumer Service Manual (CSM), a consumer can be charged the detection bill maximum for two (2) months in case of a slow meter. In the instant case, FESCO has violated the foregoing Clause of the CSM by charging the detection bill beyond two (2) months. Therefore, we are of the view that the detection bill of Rs.42,410,431/- for 350,883 units for the period July 2012 to November 2012 five (5) months charged by the FESCO to the Respondent is unjustified and the same along with LPS is declared null and void, which is also the determination of the POI.

- iii. One phase of the disputed meter was found defective by FESCO on 16.11.2012, therefore, the Respondent should be charged the detection bill for two (2) months i.e. October 2012 and November 2012 due to 33% slowness of the disputed meter. Moreover, the onward bills already charged with raised MF=298.5 by the FESCO are justified and payable by the Respondent.
- iv. The billing account of the Respondent may be overhauled after making an adjustment of payment made, if any, against the above detection bill.

9. Forgoing in view, the impugned decision is maintained and the appeal is dismissed.

Abid Hussain  
Member/Advisor (CAD)

Maria Rafique  
Member/ Legal Advisor

Nadir Ali Khoso  
Convener/Senior Advisor (CAD)

Dated: 30.11.2021

