



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

NEPRA Office , Ata Turk Avenue (East), G5/1, Islamabad
Tel. No. +92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/Appeal/229/POI/2019/ 236


April 06, 2021

- | | |
|---|---|
| 1. Muhammad Ashraf
S/o. Muhammad Sharif,
Mouza Kundal, Tehsil Bhowana,
District Chiniot | 2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad |
| 3. Mehar Shahid Mahmood,
Advocate High Court,
Office No. 34, Third Floor,
Ali Plaza, 3-Mozang Road,
Lahore | 4. Sub Divisional Officer (Opr)
FESCO Ltd,
Bukharian Sub Division,
Bukharian, District Chiniot |
| 5. Electric Inspector/POI,
Energy Department, Govt. of Punjab,
Opposite Commissioner Office,
D.C.G Road, Civil Lines,
Faisalabad Region, Faisalabad | |

Subject: **Appeal Titled FESCO Vs. Muhammad Ashraf Against the Decision Dated 05.04.2019 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 24.03.2021, 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. 229/POI-2019

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Ashraf S/o Muhammad Sharif,
Mouza Kundal Tehsil Bhuwana, District Chiniot

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 05.04.2019 PASSED BY THE PROVINCIAL
OFFICE OF INSPECTION FAISALABAD REGION FAISALABAD**

For the appellant:

Mehar Shahid Mehmood advocate
Mr. Moazzam Manzoor SDO

For the respondent:

Nemo

DECISION

1. As per fact of the case, the respondent is an agricultural consumer of Faisalabad Electric Supply Company Limited (FESCO) bearing Ref No.29-13168-3085901 having a sanctioned load of 7.68 kW under the D-1b tariff. The electricity meter of the respondent was replaced with a new meter by FESCO in July 2018. Subsequently, the removed billing meter was checked by Metering and Testing (M&T) FESCO on 07.11.2018 and reportedly it was found burnt due to high voltage. Notice dated 13.11.2018 was issued to the respondent and a detection bill amounting to Rs.105,727/- for 11,358 units for the



National Electric Power Regulatory Authority

period April 2018 to June 2018 (3 months) was charged by FESCO to the respondent and added in the bill for December 2018.

2. Being aggrieved with the actions of FESCO, the respondent filed an application before the Provincial Office of Inspection (POI) on 28.01.2019 and challenged the aforesaid detection bill. The complaint of the respondent was disposed of by POI vide decision dated 05.04.2019 wherein the detection bill of Rs.105,727/- for 11,358 units for the period April 2018 to June 2018 was cancelled and FESCO was allowed to recover 3,882 units for June 2018 only.
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 contended that the billing meter of the respondent was found burnt during M&T checking dated 07.11.2018, hence notice dated 13.11.2018 was served to the respondent and a detection bill of Rs.105,727/- for 11,358 units for the period April 2018 to June 2018 was debited to the respondent. As per FESCO, POI has not decided the dispute within a period of 90 days, which is a violation of Section 26(6) of Electricity Act 1910, hence the impugned decision becomes functus officio, void and coram non-judice and same is liable to be set aside.
4. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which however were not filed.
5. Notice was issued and the appeal was heard in NEPRA Regional Office Lahore on 11.03.2021 in which learned counsel along with SDO FESCO appeared for the appellant and no one entered an appearance for the respondent. Learned counsel for FESCO



National Electric Power Regulatory Authority

reiterated the same arguments as narrated in memo of the appeal and argued that the detection bill of Rs.105,727/- for 11,358 units for the period April 2018 to June 2018 was charged to the respondent due to low consumption recorded by the burnt billing meter. As per learned counsel for FESCO, POI ignored the real aspects of the case and allowed the detection bill for one month only instead of two months which is a violation of provisions of the Consumer Service Manual (CSM). Learned counsel for FESCO prayed that the impugned decision is liable to be struck down being devoid of merits.

6. Arguments heard and the record examined. It is observed as under:

- i. FESCO charged a detection bill of Rs.105,727/- for 11,358 units for the period April 2018 to June 2018 to the respondent, which was disputed by him before POI. Perusal of record shows that the defective billing meter of the respondent was replaced with a new meter by FESCO in July 2018, hence the detection bill is chargeable for maximum of two months May 2018 and June 2018, pursuant to clause 4.4 of CSM. In the instant case, FESCO charged the detection bill beyond two billing cycles, which is inconsistent with the ibid clause of CSM. Moreover, the discrepancy of the burnt billing meter was not noticed by FESCO during monthly readings before July 2018. In view of the above discussion, we are in agreements with the findings of POI for the cancellation of the detection bill of Rs.105,727/- for 11,358 units for the period April 2018 to June 2018 charged by FESCO.
- ii. Clause 4.4 of the CSM allows FESCO to charge the detection bill for two months i.e. May 2018 and June 2018 in case of defective billing meter however examination of consumption data transpires that healthy consumption was recorded by the billing



National Electric Power Regulatory Authority

meter in May 2018. As such the determination of POI for charging the detection bill of 3,882 units for June 2018 is correct and should be upheld. The billing account of the respondent may be revised after adjustment of payments made (if any) against the above detection bill.

7. Foregoing in view, the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member/SA (Finance)

Nadir Ali Khoso
Convener/DG (M&E)

Dated: 24.03.2021