



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

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No. NEPRA/Appeal/234/POI/2019/ 237

April 06, 2021

- | | |
|---|---|
| 1. Shahid Iqbal
S/o. Zulfiqar Khan,
Prop: Tube Well,
Mouza Nowshera, Tehsil Bhowana,
District Chiniot | 2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad |
| 3. Dr. Muhammad Irtiza Awan
Advocate High Court,
Al-Majeed Centre, 1-Mozang Road,
38-Link Farid Kot 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. Shahid Iqbal Against the Decision Dated 30.03.2019 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. 234/POI-2019

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Shahid Iqbal S/o Zulfiqar Khan, Prop: Tube well,
Mouza Noshervan, 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 30.03.2019 PASSED BY THE PROVINCIAL
OFFICE OF INSPECTION FAISALABAD REGION FAISALABAD**

For the appellant:

Dr. M. Irtaza Awan advocate
Mr. Moazzam Manzoor SDO

For the respondent:

Nemo

DECISION

1. As per fact of the case, the respondent is an industrial consumer of Faisalabad Electric Supply Company Limited (FESCO) bearing Ref No.29-13168-3080200 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 vide meter change order (MCO) dated 06.04.2017. The removed meter was checked by Metering and Testing (M&T) FESCO on 04.05.2017 and reportedly it was found burnt intentionally. Resultantly, a detection bill amounting to Rs.113,247/- for 11,651 units for the period November 2016 to March

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2017 (5 months) was charged by FESCO to the respondent @ 50% load factor of the sanctioned load 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 12.02.2019 and challenged the aforesaid detection bill. The complaint of the respondent was disposed of by POI vide decision dated 30.03.2019 wherein the detection bill of Rs.113,247/- for 11,651 units for the period November 2016 to March 2017 was cancelled and FESCO was allowed to recover 1,952 units for March 2017 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 meter of the respondent was found burnt intentionally during M&T checking on 04.05.2017, hence the detection bill of Rs.113,247/- for 11,651 units for the period November 2016 to March 2017 was debited to the respondent. FESCO further contended that the above detection bill was charged as per consumption of the respondent after approval by the competent Authority. As per FESCO, POI has not adverted the real aspect of the case and no cogent reasons were given by the said forum while setting aside the checking report dated 04.05.2017. FESCO finally prayed that the impugned decision 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



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and no one entered appearance for the respondent. Learned counsel for FESCO reiterated the same arguments as narrated in memo of the appeal and termed the detection bill of Rs.113,247/- for 11,651 units for the period November 2016 to March 2017 as justified and payable by the respondent on the plea that the billing meter was burnt intentionally by the respondent. As per learned counsel for FESCO, the meter was not removed in December 2016 and only temporarily disconnected by FESCO. Learned counsel for FESCO averred that the consumption data during the disputed period confirms that the meter remained defective in the said period, hence the above detection bill charged to the respondent may be allowed and the impugned decision in this regard is liable to be struck down.

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

- i. FESCO charged a detection bill of Rs.113,247/- for 11,651 units for the period November 2016 to March 2017 to the respondent based on 50% load factor of the sanctioned load, which was disputed by him before POI. FESCO alleged that the meter was intentionally burnt by the respondent, however, neither initiated the legal proceedings against the respondent for tampering with the meter nor the procedures for theft of electricity as laid down in the consumer Service Manual (CSM) was adhered in the instant case. Besides the above detection bill was charged for a period of five months, which is inconsistent with the provisions of chapter 9 and chapter 4 of CSM. Moreover, the discrepancy of tampering with the meter was not noticed by the FESCO meter reader during monthly readings prior to M&T checking dated 04.05.2017. In view of the foregoing discussion, we are in agreement with the findings of POI for the cancellation of the detection bill of Rs.113,247/- for 11,651 units for



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the period November 2016 to March 2017 charged by FESCO.

- ii. Clause 4.4 of the CSM allows FESCO to charge the detection bill maximum for two months in case of a defective meter, hence it would be judicious to charge the bills for February 2017 and March 2017 @ 1,952 units/month as per the average consumption of the last eleven undisputed months being higher. Calculation in this regard is done below:

Period: February 2017 to March 2017 (2 months)

- A. Total units to be charged = $1,952 \times 2 = 3,904$ units
- B. Total units already charged = 1,329 units
- C. Net units to be charged = $3,904 - 1,329 = 2,575$ units

The respondent is liable to be charged net 2,575 units as a detection bill. The impugned decision is liable to be modified to this extent.

7. Upshot of the above discussion, the detection bill of Rs.113,247/- for 11,651 units for the period November 2016 to March 2017 (5 months) charged by FESCO is unjustified and declared null and void. The respondent should pay the detection bill for 2,575 units for February 2017 and March 2017. The billing account of the respondent may be revised after adjustment of payments made (if any) against the above detection bill.
9. The impugned decision is modified in the above terms.

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

Nadir Ali Khoso
Convener/DG (M&E)

Dated: 24.03.2021