



**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](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/Appeal/266/POI/2019/ 239

April 06, 2021

- |   |   |
|---|---|
| 1. Muhammad Rafique<br>S/o. Haji Yameen,<br>Chak No. 220/RB,<br>Judgewala, Faisalabad   | 2. Chief Executive Officer<br>FESCO Ltd,<br>West Canal Road, Abdullahpur,<br>Faisalabad |
| 3. Dr. Muhammad Irtiza Awan<br>Advocate High Court,<br>Al-Majeed Centre, 1-Mozang Road,<br>38-Link Farid Kot Road, Lahore                                       | 4. Sub Divisional Officer (Opr)<br>FESCO Ltd,<br>Gulberg Sub Division,<br>Faisalabad    |
| 5. Electric Inspector/POI,<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 Rafique Against the Decision Dated 06.08.2019 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 29.03.2021, 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. 266/POI-2019

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Rafique S/o Haji Yameen  
R/o, Chak No.220/RB, Judgewala Faisalabad

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,  
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997  
AGAINST THE DECISION DATED 08.06.2019 PASSED BY PROVINCIAL  
OFFICE OF INSPECTION FAISALABAD REGION FAISALABAD**

For the appellant:

Dr. M. Irtiza Awan advocate

For the respondent:

Nemo

## DECISION

1. Through this decision, the appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 08.06.2019 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as POI) is being disposed of.
2. As per the fact of the case, the respondent is an industrial consumer of FESCO bearing Ref No.27-13223-6325300 with a sanctioned load of 35 kW under the B-2(b) tariff. The electricity meter of the respondent was checked by metering and testing (M&T) FESCO on 01.10.2016 and reportedly it was found defective (red phase burnt) with the washed

1



## National Electric Power Regulatory Authority

display. Afterward, FESCO debited a detection bill amounting to Rs.242,175/- for 13,589 units for the period October 2016 and November 2016 (2 months) to the respondent based on the consumption of September 2016 and added in the bill for September 2017. The defective billing meter of the respondent was replaced with a new meter by FESCO vide meter change order (MCO) dated 10.11.2016.

3. Being aggrieved, the respondent initially challenged the above detection bill before the Civil Court, who vide Order dated 23.04.2019 disposed of the matter with the direction to the respondent to approach POI for remedy. Consequently, the respondent filed an application before POI on 06.05.2019 and assailed the aforesaid detection bill. The matter was disposed of by POI vide its decision dated 08.06.2019, wherein the detection bill of Rs.242,175/- for 13,589 units for the period October 2016 and November 2016 (2 months) was declared as null and void and FESCO was directed to issue a revised bill of 11,485 units for October 2016 and November 2016.
4. 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 defective with the vanished display during checking dated 01.10.2016, which was replaced vide MCO dated 10.11.2016. FESCO further contended that the detection bill of Rs.242,175/- for 13,589 units for the period October 2016 and November 2016 was charged to the respondent as per M&T checking report and consumption data. As per FESCO, POI has not adverted the real aspects of the case and set aside the M&T checking report without any cogent



## National Electric Power Regulatory Authority

reasons. FESCO prayed for setting aside the impugned decision.

5. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which however were not filed.
6. Notice was issued and the appeal was heard in NEPRA regional office Lahore on 11.03.2021 in which learned counsel represented the appellant FESCO and no one appeared for the respondent. Learned counsel for FESCO reiterated the same arguments as narrated in the memo of the appeal and argued that the billing meter of the respondent was found defective (red phase burnt) with the unreadable display on 01.10.2016, which replaced by FESCO in November 2016. Learned counsel for FESCO termed the detection bill of Rs.242,175/- for 13,589 units for the period October 2016 and November 2016 (2 months) as justified and payable by the respondent on the plea that less consumption charged during the disputed period October 2016 and November 2016.
7. Arguments heard and the record examined. The display of the billing meter of the respondent was found vanished during FESCO checking on 01.10.2016, therefore it was replaced with a new meter on 10.11.2016. Subsequently, a detection bill of Rs.242,175/- for 13,589 units for the period October 2016 and November 2016 was charged by FESCO to the respondent on the basis of healthy consumption of September 2016, which was agitated before POI. It is observed that FESCO charged the detection bill for two months on the basis of consumption of the previous month i.e. September 2016 due to a defective billing meter, which is a violation of clause 4.4 of the Consumer Service Manual. Said clause of CSM allows FESCO for recovery of the detection bill maximum for two months



## National Electric Power Regulatory Authority

in case of defective meter and the basis of charging the bills be made on 100% consumption of the corresponding consumption of previous year or average consumption of last eleven undisputed months, whichever is higher. Besides, the disputed billing meter was not produced before POI for the checking. Hence, we are inclined to agree with the determination of POI that the detection bill of Rs.242,175/- for 13,589 units for the period October 2016 and November 2016 charged by FESCO to the respondent based on healthy consumption of September 2016 is unjustified and should be withdrawn. Similarly, the determination of POI for revision of the detection bill for net 11,485 units for October 2016 and November 2016 on the basis of consumption of last eleven months being higher is consistent with clause 4.4 of CSM and the same should be maintained to this extent. The billing account of the respondent should be overhauled accordingly.

8. In view of the above, the impugned decision is upheld and the appeal is dismissed.

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

Nadir Ali Khoso  
Convener/DG (M&E)

Dated: 29.03.2021