



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

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No. NEPRA/AB/Appeal/004/POI/2020/ 2/19


March 02, 2022

- | | |
|---|---|
| 1. Nasir Mehmood,
S/o. Muhammad Rashid,
Prop: Power Looms Factory,
Qadir Abad, Ghulam Muhammad Abad,
Faisalabad | 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,
FESCO Ltd,
Faizabad Sub Division,
Faisalabad |
| 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. Nasir Mehmood Against the Decision Dated 11.10.2019 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 15.02.2022, 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. 004/POI-2020

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Nasir Mehmood S/o Muhammad Rashid, Prop: Power Looms

Factory, Qadir Abad, Ghulam Muhammad Abad, Faisalabad.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 11.10.2019 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, an appeal filed by the Faisalabad Electric Supply Company Limited (hereinafter referred to as the FESCO) against the decision dated 11.10.2019 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the POI) is being disposed of.
2. FESCO is a licensee of the National Electric Power Regulatory Authority (hereinafter referred to as the NEPRA) for distribution of electricity in the territory and as per terms & conditions specified in the license and the Respondent is its



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industrial consumer bearing Ref No.24-13222-5103357 with a sanctioned load of 70 kW under the B-2(b) Tariff category. The billing meter of the Respondent was checked by the Metering and Testing (M&T) FESCO on 26.06.2019 and reportedly it was found 33% slow due to the one dead phase. Notice dated 12.07.2019 was served by the FESCO to the Respondent regarding the above slowness and the Multiplication Factor (MF) was raised from 40 to 59.7 w.e.f July 2019 and onwards. Furthermore, a detection bill of Rs.1,303,912/- for 69,560 units for the period February 2019 to June 2019 five (5) months was charged to the Respondent by the FESCO at the rate of 33% slowness of the meter and included in the bill for July 2019.

3. Being dissatisfied, the Respondent filed an application before the POI on 31.07.2019 and disputed the above-said detection bill. The billing meter of the Respondent was inspected by the POI on 28.08.2019 in presence of both the parties and it was found 33% slow. The complaint of the Respondent was disposed of vide the POI decision dated 11.10.2019, wherein the detection bill of Rs.1,303,912/- for 69,560 units for the period February 2019 to June 2019 five (5) months was declared null and void. As per the POI decision, FESCO was allowed to charge the bill for February 2019 as per consumption of February 2018 and the bills for the period March 2019 to June 2019 at the rate of 33% slowness of the meter.
4. Subject 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, FESCO objected to the maintainability of the impugned decision, inter alia, on the



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following grounds; (1) the billing meter of the Respondent was found 33% slow on 26.06.2019; (2) the detection bill of Rs.1,303,912/- for 69,560 units for the period February 2019 to June 2019 five (5) months was debited to the Respondent along with the bill for July 2019 with enhanced MF=59.7 due to 33% slowness of the meter; (3) the above detection bill was charged to the Respondent as per connected load, which is legal and justified; (4) the POI did not apply his independent and judicious mind while passing the impugned decision; (5) the POI has not adverted the real aspects of the case and set aside the M&T checking report without any cogent reason; and (6) the Respondent is liable to pay the above detection bill.

5. The Respondent was issued notice for filing reply/para-wise comments, which were not filed.
6. Hearing in the matter was conducted at the NEPRA Regional Office Lahore on 31.12.2021, wherein learned counsel appeared for the FESCO and no one appeared for the Respondent. Learned counsel for the FESCO reiterated the same contentions as given in memo of the appeal and stated that the detection bill of Rs.1,303,912/- for 69,560 units for the period February 2019 to June 2019 five (5) months was debited to the Respondent at the rate of 33% slowness of the meter as observed on 26.06.2019. Learned counsel for the FESCO argued that 33% slowness in the billing meter of the Respondent was established during the POI joint checking dated 28.08.2019, as such the entire period of the above detection bill charged to the Respondent is justified and payable by him. He opposed the impugned decision for revision of the bill of February 2019 as per consumption of



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February 2018 and prayed to revise the bill of February 2019 at the rate of 33% slowness as confirmed by the POI.

7. Arguments heard, perused the record placed before us and our observations are as under:

- i. FESCO charged the detection bill of Rs.1,303,912/- for 69,560 units for the period February 2019 to June 2019 five (5) months on account of 33% slowness of the meter as observed on 26.06.2019. The Respondent challenged the above detection bill before the POI.
- ii. The POI during joint checking dated 28.08.2019 verified 33% slowness in the billing meter of the Respondent due to one dead phase and allowed FESCO to charge 33% slowness of the meter for the months i.e. March 2019 to June 2019, however, revised the bill of February 2019 as per the consumption of February 2018. Since 33% slowness in the billing meter of the Respondent is confirmed by the POI being the competent forum, he will be billed as per the 33% slowness instead of the DEF-EST code. Therefore the determination of the POI for revision of the bill for February 2019 on the basis of consumption of February 2018 is not in line with the provisions of the Consumer Service Manual and is liable to be amended to this extent.
- iii. The Respondent is liable to pay the detection bill of Rs.1,303,912/- for 69,560 units for the period February 2019 to June 2019 five (5) months charged at the rate of 33% slowness of the meter as established during the POI joint



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checking dated 28.08.2019. The impugned decision is liable to be modified to this extent.

8. Upshot of the above discussion is that the detection bill of Rs.1,303,912/- for 69,560 units for the period February 2019 to June 2019 five (5) months charged to the Respondent at the rate of 33% slowness of the billing meter is correct and payable by the Respondent.
9. The impugned decision is modified in the above terms.

A handwritten signature in black ink, appearing to read "Abid Hussain", is written over a horizontal line.

Abid Hussain
Member/Advisor (CAD)

A handwritten signature in black ink, appearing to read "Nadir Ali Khoso", is written over a horizontal line.

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Date: 15.02.2022