



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

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No. NEPRA/AB/Appeal/024/POI/2022/782


July 25, 2022

1. Bashir Ahmed,
S/o. Ahmed Ali,
R/o. Chak No. 129/JB,
Tehsil & 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,
FESCO Ltd,
Chiniot-I Sub Division,
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. Bashir Ahmed Against the Decision Dated 22.10.2021 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 21.07.2022, 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. Additional Director (IT) –for uploading the decision on NEPRA website



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Before The Appellate Board

In the matter of

Appeal No. 024/POI-2022

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Bashir Ahmed S/o Ahmed S/o Ahmed Ali,
R/o Chak No.129/JB, Tehsil & District Chiniot

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 22.10.2021 PASSED BY THE PROVINCIAL OFFICE OF INSPECTION FAISALABAD REGION, FAISALABAD

For the Appellant:

Dr. Irtiza Awan Advocate

For the Respondent:

Mr. Muhammad Zahid

DECISION

1. Briefly speaking, Mr. Bashir Ahmed (hereinafter referred to as the "Respondent") is a domestic consumer of Faisalabad Electric Supply Company Limited (hereinafter referred to as 'the Appellant') bearing Ref No.04-13161-0312706 having sanctioned load of 3 kW under the A-1(a) tariff category. Reportedly, the billing meter of the Respondent became defective with washed display in May 2019, hence it was replaced with a new meter by the Appellant in June 2019 and sent to the Metering and Testing (M&T) laboratory for checking. As per the data retrieval report dated 08.10.2019, 4,197 units were found uncharged being the difference between the final reading of the removed meter and the units already charged by the Appellant as per the last reading. Therefore a detection bill of Rs.76,538/- for 4,197 units was debited to the Respondent by the Appellant and added to the bill for November 2019.



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2. Being aggrieved, the Respondent initially filed a civil suit before the Civil Judge Chiniot against the above detection bill, which was returned by the honorable Civil Judge vide order dated 10.03.2021 with the direction to the Respondent to approach the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI"). Accordingly, the Respondent filed a complaint before the POI on 27.04.2021 and assailed the above-referred detection bill. The POI vide the decision dated 22.10.2021 declared the detection bill of Rs.76,538/- for 4,197 units as null and void.
3. Being dissatisfied, the Appellant has filed the instant appeal before the NEPRA against the POI decision dated 22.10.2021 (hereinafter referred to as 'the impugned decision'), wherein it is contended that the old meter of the Respondent became defective with vanished display in May 2019, hence the defective code was fed for the billing. The Appellant further contended that the defective meter was replaced with a new meter in June 2019 and sent to M&T laboratory for checking, wherein 4,197 units were found uncharged based on the difference in readings between the last reading already charged and the retrieved data. As per the Appellant, the detection bill of Rs.76,538/- for 4,197 units was charged to the Respondent in November 2019. According to the Appellant, the POI did not apply his independent and judicious mind while passing the impugned decision. The Appellant submitted that the POI has not thrashed out the consisting reasons of the case and failed to appreciate the pending units retrieved from the defective meter. The Appellant further submitted that the POI had not adverted the real aspects of the case. The Appellant finally prayed that the impugned decision be



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set aside.

4. Proceedings by the Appellate Board

Upon filing of the instant appeal, a Notice dated 09.02.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. However, no reply/para-wise comments were received from the Respondent.

5. Hearing

5.1 Hearing in the matter of the subject Appeal was fixed for 17.06.2022 at Lahore and accordingly, the notices dated 08.06.2022 were sent to the parties (i.e. the Appellant and the Respondent) to attend the hearing. As per schedule, the hearing of the appeal was conducted at the NEPRA Regional Office Lahore on 17.06.2022, in which learned counsel was present on behalf of the Appellant, while Mr. Muhammad Zahid, a representative appeared for the Respondent. During the hearing, learned counsel for the Appellant reiterated the same arguments as given in memo of the appeal and defended the charging of the detection bill of Rs.76,538/- for 4,197 units to the Respondent on the plea that the said detection bill was charged on account of pending units on the basis of data retrieval report dated 08.10.2019. He prayed to allow the above-mentioned detection bill being justified. The representative for the Respondent repudiated the version of the Appellant and argued that the display of the disputed meter became defective in May 2019 for which the Respondent approached the Appellant, hence the old meter was replaced in June 2019. As per the representative for the Respondent, the above detection bill of Rs.76,538/- for 4,197 units was charged by the Appellant in the month of November 2019 on account of balance units whereas



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the disputed meter remained defective-only for one month i.e. May 2019 and replaced in June 2019. The representative for the Respondent defended the impugned decision and prayed for its maintainability.

6. Arguments heard and the record examined. It is observed that a detection bill of Rs.76,538/- for 4,197 units was charged by the Appellant in November 2019 on the plea of pending units. However, no discrepancy whatsoever was pointed out by the Appellant's meter reader during the monthly readings before the alleged checking in May 2019. Moreover, the Appellant neither associated the Respondent during the M&T checking nor produced the defective billing meter before the POI for verification. It is noted that the Appellant could not substantiate its claim through documentary evidence that 4,197 units are found uncharged. The old meter of the Respondent became defective with vanished display in May 2019 and was replaced by the Appellant in June 2019 i.e. within one month. To further check the assertion of the Appellant, the consumption data of the Respondent is analyzed in the below table:

Consumption Table					
Month	Units	Month	Units	Month	Units
Jan-19	73	Jan-20	2	Jan-21	39
Feb-19	79	Feb-20	11	Feb-21	47
Mar-19	55	Mar-20	28	Mar-21	37
Apr-19	110	Apr-20	48	Apr-21	90
May-19	151	May-20	90	May-21	125
Jun-19	180	Jun-20	159	Jun-21	184
Jul-19	58	Jul-20	201	Jul-21	187
Aug-19	196	Aug-20	216	Aug-21	82
Sep-19	245	Sep-20	256	Sep-21	98
Oct-19	120	Oct-20	181		
Nov-19	67	Nov-20	71		
Dec-19	38	Dec-20	33		

The above data shows a steady consumption of nominal quantum by the Respondent



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before and after the change of meter. The accumulated consumption for twelve (12) months is 1,372 units whereas the Appellant is claiming 4,197 units uncharged, which is much higher as the meter was replaced within one month of getting defective. In consideration of the above discussion, we have concluded that the detection bill of Rs.76,538/- for 4,197 units debited to the Respondent by the Appellant and added to the bill for November 2019 is unjustified and the same is cancelled. The Appellant is directed to overhaul the billing account of the Respondent, accordingly.

7. Foregoing in view, we do not find any reason to interfere the impugned decision, the same is maintained and consequently, the appeal is dismissed.

Syed Zawar Haider
Member

Muhammad Irfan-ul-Haq
Member

Abid Hussain
Convener

Dated: 21/07/2022

