



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

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No. NEPRA/AB/Appeal/026/POI/2020/ 4///


April 18, 2022

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|---|---|
| 1. Akhtar Rasool,
S/o. Mohabat Ali,
R/o. Moza Kanal Awana,
P. O. Jhangir Awana, Tehsil Jaranwala,
District 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,
Sarwar Shaheed Sub Division,
Jarranwala |
| 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. Akhtar Rasool Against the Decision Dated 30.08.2019 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 06.04.2022, 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



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No. 026/POI-2020

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Akhter Rasool S/o Mohabat Ali, R/o Moza Kanal Awana,
P.O.Jhangir Awana. Tehsil Jaranwala, Faisalabad

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 30.08.2019 PASSED BY THE 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 'the FESCO') against the decision dated 30.08.2019 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as 'the POI') is being disposed of.
2. As per the fact of the case, the Respondent is an agricultural consumer of FESCO bearing Ref No.29-13146-7601331 with a sanctioned load of 7.46 kW under the D-1(b) tariff category. The defective meter of the Respondent was replaced with a new meter by FESCO in December 2016 and sent to the Metering and Testing (M&T) laboratory for data retrieval. As per the M&T FESCO report dated 29.12.2017, the removed billing meter was found dead stop and data could not be retrieved due to



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EEPROM failure. Afterwards, FESCO debited a detection bill amounting to Rs.305,000/- for 31,374 units for the period January 2016 to December 2016 (12 months) to the Respondent based on the healthy consumption of the new meter for the period January 2017 to December 2017 and added to the bill for May 2018.

3. Being aggrieved, the Respondent filed an application dated 24.04.2019 before the POI and assailed the aforesaid detection bill. The matter was disposed of by the POI vide decision dated 30.08.2019, wherein the detection bill of Rs.305,000/- for 31,374 units for the period January 2016 to December 2016 (12 months) was declared null and void and FESCO was directed to issue a revised detection bill of 5,673 units for the months i.e. October 2016 and December 2016.
4. Through the instant appeal, FESCO has assailed the afore-referred decision (hereinafter referred to as 'the impugned decision') before the NEPRA. In its appeal, FESCO *inter alia* contended that the billing meter of the Respondent was found defective with upset off-peak and peak readings and replaced in December 2016. FESCO further contended that the data of the removed meter could not be retrieved due to EEPROM error, hence the detection bill of Rs.305,000/- for 31,374 units for the period January 2016 to December 2016 was charged to the Respondent as per the average consumption of January 2017 to December 2017 recorded by the new meter. As per FESCO, the POI did not apply his independent and judicious mind while passing the impugned decision. According to the FESCO, the POI has not thrashed out the consisting reasons of the case and failed to appreciate the healthy consumption of the Respondent after the removal of the dead stop meter. FESCO submitted that the POI had not adverted the real aspects of the case, therefore the impugned decision is liable to be set aside.

5. Notice of the appeal was issued to the Respondent for filing reply/para-wise



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comments, which however were not filed.

6. Notice was issued and the appeal was heard at the 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, hence it was replaced with a new meter by FESCO in December 2016 and the defective meter sent to M&T laboratory for data retrieval, which however was not retrieved due to EEPROM error. Learned counsel for FESCO termed the detection bill of Rs.305,000/- for 31,374 units for the period January 2016 to December 2016 (12 months) as justified and payable by the Respondent on the plea that less consumption charged during the disputed period January 2016 to December 2016 as compared to the healthy consumption of the new meter recorded in the year 2017.
7. Arguments heard and the record examined. The billing meter of the Respondent was found defective during the FESCO checking, therefore it was replaced with a new meter in December 2016. Subsequently, a detection bill of Rs.305,000/- for 31,374 units for the period January 2016 to December 2016 (12 months) was charged by FESCO to the Respondent on the basis of healthy consumption of new meter for the period January 2017 to December 2017, which was agitated by him before the POI. It is observed that FESCO charged the detection bill for twelve months i.e. January 2016 to December 2016 on the basis of future consumption of the new meter due to a defective billing meter, which is a violation of Clause 4.4 of the Consumer Service Manual (CSM). Said clause of CSM allows FESCO for recovery of the detection bill maximum for two months in case of defective meter and the basis of charging the bills



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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 the POI for the checking. Hence, we are inclined to agree with the determination of POI that the detection bill of Rs.305,000/- for 31,374 units for the period January 2016 to December 2016 charged by FESCO to the Respondent based on healthy consumption of new meter is unjustified and should be withdrawn. Similarly, the determination of POI for revision of the detection bill for net 5,673 units for the months i.e. October 2016 and December 2016 is consistent with Clause 4.4 of the CSM and the same should be maintained to this extent. However, the electric supply of the Respondent remained disconnected in November 2016, hence no detection bill is chargeable for the said month. The billing account of the Respondent be overhauled accordingly.

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

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Date: 06.04.2022