



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

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No. NEPRA/AB/Appeal/002/POI/2021/ 529

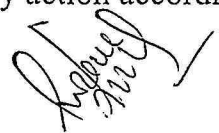
September 18, 2023

1. Javed Iqbal,
S/o. Nazar Muhammad,
R/o. Chak No. 226/JB,
Tehsil Bhowana, District Chiniot
2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad
3. Muhammad Nawaz Waseer,
Advocate Supreme Court,
Sargodha Khushab Law Chambers,
First Floor, Turner Tower,
9-Turner Road, Lahore
4. Sub Divisional Officer,
FESCO Ltd,
Bhowana 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. Javed Iqbal Against the Decision Dated 09.10.2020 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 14.09.2023 (05 pages), regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**


(Ikram Shakeel)
Deputy Director (AB)

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.002/POI-2021

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Javed Iqbal S/o. Nazar Muhammad,

R/o. Chak No.226/JB, Tehsil Bhowana, District Chiniot

.....Respondent

APPEAL U/S 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mr. Muhammad Naeem Shahzad SDO

Mr. Azhar Hussain Clerk

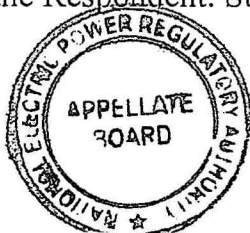
For the Respondent:

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DECISION

1. Through this decision, the appeal filed by the Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 09.10.2020 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Javed Iqbal (hereinafter referred to as the "Respondent") is an agricultural consumer of the Appellant bearing Ref No.29-13164-3120700-R with sanctioned load of 11.19kW and the applicable Tariff category is D-1(b). The Appellant has claimed that the billing meter of the Respondent was found defective with open error in April 2019, therefore, the estimated bills were debited from April 2019 to October 2019 to the Respondent. Subsequently, the impugned billing

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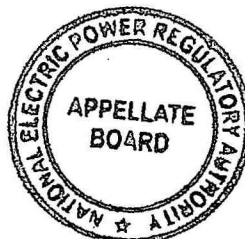


National Electric Power Regulatory Authority

meter was replaced with a new meter by the Appellant on 25.10.2019 and sent to the M&T laboratory for data retrieval. As per the M&T checking report dated 15.11.2019; 13,739 units were found uncharged being the difference between the final retrieved reading and the reading already charged. Resultantly, a detection bill amounting to Rs.132,812/- against 13,739 units was debited to the Respondent and added to the bill for December 2019.

3. Being aggrieved with the above actions of the Appellant, the Respondent filed a complaint before the POI on 24.01.2020 and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 09.10.2020, wherein the detection bill of Rs.132,812/- against 13,739 units debited to the Respondent and added to the bill for December 2019 was cancelled.
4. Through the instant appeal, the afore-referred decision dated 09.10.2020 of the POI has been impugned by the Appellant before the NEPRA. In its appeal, the Appellant objected to the maintainability of the impugned decision, *inter alia*, on the main grounds, (1) the billing meter of the Respondent became defective, hence replaced with a new meter and sent to M&T laboratory for data retrieval for checking; (2) the detection bill of Rs.132,812/- against 13,739 units was debited to the Respondent on the basis of data retrieval report dated 15.11.2019; (3) the impugned decision suffers from serious misreading and non-reading of record and has been passed in mechanical and slipshod manner; (4) the POI has not applied his judicial mind while concluding and passing order without appreciating the available evidence; (5) the POI committed illegality and exercised his jurisdiction illegally vested in him under the law and also in contradiction of the law laid down by the Superior Courts; (6) the POI failed to take into account that the meter of the

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National Electric Power Regulatory Authority

consumer was found defective and sent to M&T and after observing all the required formalities, the detection bill was rightly worked out; (7) the impugned order has been passed on surmises and conjectures and judicial mind is not applied for reaching the correct conclusions and (8) the impugned decision is liable to be set aside.

5. Proceedings by the Appellate Board

- 5.1 Upon filing of the instant appeal, a notice dated 27.01.2021 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. The Respondent however did not submit the reply to the Appeal.

6. Hearing

- 6.1 Hearings of the appeal were initially conducted at NEPRA Regional Office Lahore on 17.06.2022, 30.09.2022, and 25.11.2022, which however were adjourned on the request of either the Respondent or the Appellant. Finally, hearing of the appeal was held at Lahore on 03.06.2023, which was attended by an official for the Appellant and no one appeared for the Respondent. The Appellant reiterated the same version as contained in the memo of the appeal and contended that defective billing was replaced with a new meter on 25.10.2019 and checked in M&T lab, whereby 13,729 units were found uncharged, therefore a detection bill of Rs.132,812/- against 13,739 units was debited to the Respondent on the basis of data retrieval report dated 15.11.2019. The representative for the Appellant averred that the impugned meter remained defective during the disputed period from April 2019 to October 2019, as such the impugned decision for cancellation of the above detection bill is unjustified and the same is liable to be struck down.



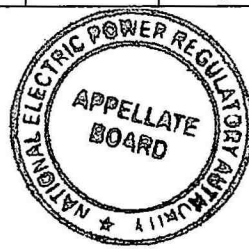


National Electric Power Regulatory Authority

7. Arguments heard and the record perused. Following are our observations:

- 7.1 The Respondent challenged the detection bill of Rs.132,812/- against 13,739 units before the POI with the contention that the excessive billing was carried out by the Appellant during the period from April 2019 to October 2019, as such there is no justification to charge further detection bill for the same period. On the other hand, the Appellant defended the charging of the above detection bill and prayed for declaring the same as justified and payable by the Respondent.
- 7.2 Under Clause 4.4 of the CSM-2010, upon doubt about the accuracy of a meter, the same need to be checked at the site under intimation to the consumer through the procedure laid down in Clause 4.4(a) and 4.4(b) of the CSM-2010. However, no such on-site checking of the meter was carried out by the Appellant.
- 7.3 The Appellant has raised the detection bill based on the alleged data retrieval report and some M&T lab checking. It is a well-settled principle that such checking and data retrieval be carried out in the presence of the consumer or a neutral competent forum of POI. However, the Appellant neither associated the Respondent nor did they produce the impugned meter before the POI to confirm the authenticity of their claim.
- 7.4 To further verify the contention of the Appellant, the consumption of the disputed period i.e. April 2019 to October 2019 of the Respondent is compared below with the consumption of corresponding months of the previous year in the below table;

Undisputed		Disputed	
Month	Units	Month	Units
Apr-18	1053	Apr-19	6467
May-18	2538	May-19	5803
Jun-18	1413	Jun-19	6290
Jul-18	6253	Jul-19	6253
Aug-18	4626	Aug-19	6475





National Electric Power Regulatory Authority

Sep-18	0	Sep-19	6475
Oct-18	3177	Oct-19	3178
Total	19,060	Total	40,941

7.5 As evident from the above table, the consumption charged during the disputed period is much higher than the consumption of corresponding months of the previous year, hence there is no justification to further debit detection bill for the same period. In view of the foregoing discussion, the detection bill of Rs.132,812/- against 13,739 units charged by the Appellant to the Respondent is unjustified, and the same is declared null and void.

7.6 The billing account of the Respondent may be overhauled after the adjustment of payments made against the above detection bill.

8. In view of above, the appeal is dismissed.

Abid Hussain
Member

Muhammad Irfan-ul-Haq
Member

Naweed Illahi Sheikh
Convener

Dated: 14-09-2023

