



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

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No. NEPRA/Appeal/005/2023/ 767


December 13, 2023

1. Mst. Shamim Akhtar,  
W/o. Riaz Ahmed,  
R/o. Galli No. 4, Haseeb Shaheed Colony,  
Faisalabad
2. Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullahpur,  
Faisalabad
3. Ch. Shahzad Ahmed Bajwa,  
Advocate High Court,  
12-Faisal Park, Imamia Colony,  
Shahdara, Lahore
4. Sub Divisional Officer,  
FESCO Ltd,  
Garden Town 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 No.005/2023 (FESCO Vs. Mst. Shamim Akhtar) Against the Decision Dated 18.05.2022 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 13.12.2023 (04 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. 005/POI-2023

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Mst. Shamim Akhtar W/o. Riaz Ahmed,  
R/o. Gali No.04, Haseeb Shaheed Colony, Faisalabad

.....Respondent

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

For the Appellant:

Mr. Shahzad Ahmed Bajwa Advocate

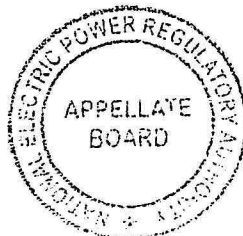
For the Respondent:

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## DECISION

1. Briefly speaking, Mst. Shamim Akhtar (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.15-13245-1754715 with sanctioned load of 1 kW under the A-1(a) tariff category. Reportedly, the billing meter of the Respondent became defective with washed display in July 2021, hence, the bills from August 2021 and September 2021 were debited with nil consumption. Thereafter, the Appellant fed DEF-EST code w.e.f the billing month of October 2021 and onwards till the replacement of the impugned meter. Subsequently, the Appellant charged a detection bill of Rs.105,888/- for 3,478 units for three months for the period from July 2021 to September 2021 to the Respondent on the basis of 20% load factor of the connected load i.e. 6.7 kW and added to the bill for November 2021.
2. Being aggrieved, the Respondent approached the Provincial Office of Inspection, Faisalabad

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Region, Faisalabad (hereinafter referred to as the "POI") and assailed the above-referred detection bill. The POI vide the decision dated 18.05.2022 declared the detection bill of Rs.105,888/- for 3,478 units for three months for the period from July 2021 to September 2021 as null and void.

3. Being dissatisfied, the Appellant has filed the instant appeal before the NEPRA against the POI decision dated 18.05.2022 (hereinafter referred to as the "impugned decision"), wherein it is contended that the old meter of the Respondent became defective with washed display, hence nil consumption charged during the months of August 2021 and September 2021. The Appellant further contended that the detection bill of Rs.105,888/- for 3,478 units for three months for the period from July 2021 to September 2021 was worked out based on the M&T report. The Appellant submitted that the above detection bill was fully proved through the submission of M&T report and other documents but the POI did not consider the documentary evidence. As per the Appellant, the impugned decision is based on surmises and conjectures and the same is liable to be set aside.

#### 4. Proceedings by the Appellate Board

Upon filing of the instant appeal, a Notice dated 01.02.2023 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.

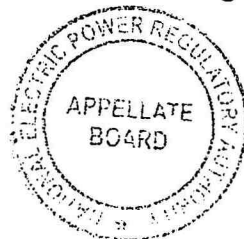
#### 5. Hearing

Hearing was fixed for 24.06.2023 and accordingly, the notices dated 16.06.2023 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 Faisalabad on 24.06.2023, which was attended by counsel along with an official for the Appellant whereas, the Respondent did not appear. Finally, hearing was conducted on 09.09.2023, which was attended by the counsel along with an official for the Appellant and the Respondent again did not turn up. Learned counsel for the Appellant contended that the above detection bill was debited to the Respondent on the basis of the connected load. He opposed the impugned decision for cancellation of the above detection bill and argued that the same is liable to be recovered from the Respondent being justified.

6. Arguments heard and the record examined. Following are our observations:

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*Signature*





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6.1 The record presented before us shows that the impugned meter of the Respondent was found defective with display washed in July 2021 and nil consumption was charged during August 2021 and September 2021, thereafter the Appellant fed DEF-EST code w.e.f October 2021 and Onwards. Subsequently, the Appellant debited a detection bill of Rs.105,888/- for 3,478 units for three months for the period from July 2021 to September 2021 to the Respondent in November 2021, which was disputed by him before the POI.

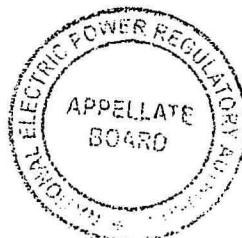
6.2 In the instant case, the Appellant debited the above detection bill beyond two billing cycles and the basis of the above detection bill was made @ 20% load factor of the connected load i.e. 6.7 kW. The Appellant did not produce any documentary evidence that the Respondent had illegally extended the load from 1 kW to 6.7 kW. The Appellant was required to adopt the procedure for data retrieval of the impugned meter due to vanished display as laid down in Clause 4.3 of the CSM-2021 but the Appellant adopted their own methodology while charging the above detection bill, which is inconsistent with the provisions of the CSM-2021. Thus, we are inclined to agree with the determination of POI that the detection bill of Rs.105,888/- for 3,478 units for three months for the period from July 2021 to September 2021 is unjustified and the same is liable to be cancelled.

6.3 It is an admitted fact that nil consumption was charged by the Appellant in August 2021 and September 2021 due to the vanished display of the impugned meter, hence it would be fair and appropriate to revise the bills of said months as per Clause 4.3.1(b) of the CSM-2021, which is reproduced below for the sake of convenience:

***“4.3 METER REPLACEMENT AND BILL ADJUSTMENT:***

***4.3.1 In case a metering installation becomes defective/burnt (which was otherwise correct up to last billing cycle), FESCO shall:***

- a. Replace the metering installation immediately or within two billing cycles if meters are not available.***
- b. FESCO may charge bills on average basis i.e. 100% of the consumption recorded in the same months of previous year or average of the last eleven months whichever is higher for a maximum period of two months.”***





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7. In view of what has been discussed above, it is concluded as under:

- 7.1 The Detection bill of Rs.105,888/- for 3,478 units for three months for the period from July 2021 to September 2021 charged by the Appellant to the Respondent is unjustified and the same is declared null and void.
- 7.2 The bills of August 2021 and September 2021 be revised as per 100% consumption of the corresponding month of the previous year or the average consumption of the last eleven months, whichever is higher as per Clause 4.3.1(b) of the CSM-2021.
- 7.3 The billing account of the Respondent be overhauled after making adjustments of payments made against the above detection bill.
8. Impugned decision is modified in the above terms.

Abid Hussain  
Member

Naweed Illahi Sheikh  
Convener

Muhammad Irfan-ul-Haq  
Member

Dated: 13-12-2023

