



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

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No. NEPRA/AB/Appeal/032/2023/559


September 19, 2023

1. Imran Ali,  
S/o. Liaquat Ali,  
Power Looms Factory,  
Gali No. 16, Rasoolpura,  
Faisalabad
2. Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullahpur,  
Faisalabad
3. Dr. Muhammad Irtiza Awan,  
Advocate High Court,  
Awan Law Associates, Al-Majeed Centre,  
1-Mozang Road, 38-Link Farid Kot Road,  
Lahore
4. Sub Divisional Officer (Operation),  
FESCO Ltd,  
Rehmat 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 Titled FESCO Vs. Imran Ali Against the Decision Dated 21.06.2022 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 19.09.2023 (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.032/POI-2023

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Imran Ali S/o Liaquat Ali, Power Looms Factory,  
Gali No.16, Rasoolpura, Faisalabad

.....Respondent

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

For the Appellant:

Rao Arsalan SDO

Mr. Naseer Ahmed RO

For the Respondent:

Mr. Imran Ali

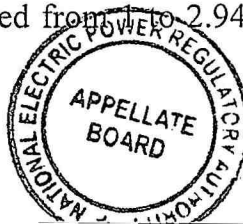
## DECISION

1. Through this decision, the instant appeal filed by the Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 21.06.2022 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Imran Ali (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.21-13227-0802900 U with sanctioned load of 4 kW and the applicable Tariff category is B-1b. The Appellant has claimed that the billing meter of the Respondent was found running 66% slow during the Metering & Testing ("M&T") team checking dated 03.02.2022, notice thereof dated 07.02.2022 was served to the Respondent, and multiplication factor was raised from 1 to 2.94 w.e.f February 2022 and onwards.

Appeal No.032/POI-2023

Page 1 of 5

14

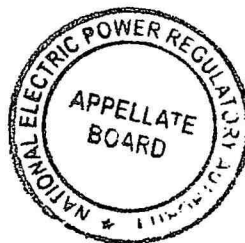




## National Electric Power Regulatory Authority

Thereafter, a detection bill of Rs.808,667/- against 25,550 units for seven months for the period from July 2021 to January 2022 was charged to the Respondent @ 66% slowness of the meter and added to the bill for February 2022.

3. Being aggrieved, the Respondent filed a complaint before the POI and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 21.06.2022, wherein the detection bill of Rs.808,667/- against 25,550 units for seven months for the period from July 2021 to January 2022 was cancelled and the Appellant was allowed to charge the revised bill for net 6,932 units for two months i.e. December 2021 and January 2022 to the Respondent.
4. Through the instant appeal, the afore-referred decision dated 21.06.2022 of the POI has been impugned by the Appellant before the NEPRA wherein it is contended that the billing meter of the Respondent was found 66% slow during checking dated 03.02.2022, detection bill of Rs.808,667/- against 25,550 units for seven months for the period from July 2021 to January 2022 was debited to the Respondent. The Appellant further contended that the check meter was installed in series with the impugned billing meter of the Respondent and during subsequent comparison of the consumption of both the check and billing meters, 66% slowness in the impugned billing meter was established. As per the Appellant, the above detection bill was charged according to the checking report and consumption of the Respondent but the POI has not considered the real aspects of the case and passed the illegal impugned decision. According to the Appellant, the bills charged to the Respondent are quite legal and justified and the Respondent is responsible to pay the same. The Appellant finally prayed that the impugned decision be set aside.



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5. Proceedings by the Appellate Board

Upon the filing of the instant appeal, a notice dated 28.03.2023 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not submitted by the Respondent.

6. Hearing

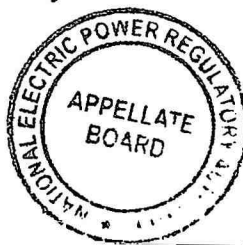
6.1 Hearing of the appeal was conducted at NEPRA Regional Office Faisalabad on 24.06.2023, which was attended by both parties. The representative for the Appellant reiterated the same version as contained in the memo of the appeal and contended that the billing meter of the Respondent was found running 66% slow during checking dated 03.02.2022, which was also confirmed during subsequent comparison of the consumption between the billing and check meters, as such the recovery of the detection bill of Rs.808,667/- against 25,550 units for seven months for the period from July 2021 to January 2022 @ 66% slowness be allowed in the best interest of justice. The Appellant prayed for setting aside the impugned decision.

6.2 The Respondent raised the preliminary objection regarding limitation and argued that the Appellant was well aware of the pronouncement of the impugned decision but the Appellant intentionally received a copy of the impugned decision lately from the saif forum, hence the appeal filed before the NEPRA is barred by time and the same is liable to be dismissed on this sole ground.

7. Arguments were heard and the record was perused. Following are our observations;

7.1 Objection of the Respondent regarding limitation:

The Respondent raised the preliminary objection that the Appellant received a copy of the impugned decision lately and filed a time-barred appeal. In this regard, it is





## National Electric Power Regulatory Authority

clarified that the POI is bound to send the certified copies of the impugned decision to the parties. In the instant case, the Respondent though produced the receipt of the attested copy of the impugned decision on 18.07.2022 but could not substantiate its stance that the officials of the Appellant received the same from the POI. According to Section 38(3) of the NEPRA Act, any aggrieved person may file the appeal before the NEPRA within thirty days from the date of receipt of the impugned decision. Scrutiny of record shows that the Appellant received the copy of the impugned decision on 07.02.2023 and filed the instant appeal before the NEPRA on 10.03.2023, which will be considered within 30 days after excluding the allowed limit of seven days of the dispatch as per Regulation 4 of NEPRA (Procedure for Filing Appeals) Regulations, 2012. Hence the objection of the Respondent regarding limitation is devoid of force and rejected.

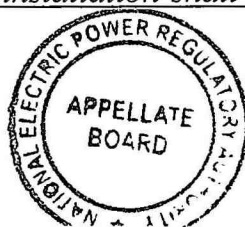
7.2 Detection bill of Rs.808,667/- against 25,550 units for seven months for the period from July 2021 to January 2022 charged @ 66% slowness of the meter

Reportedly, the impugned meter of the Respondent was found 66% slow during checking dated 03.02.2022, therefore, a detection bill of Rs.808,667/- against 25,550 units for seven months for the period from July 2021 to January 2022 was debited to the Respondent which was challenged before the POI. During the subsequent comparison of consumption, 66% slowness in the impugned billing meter was confirmed, hence only the period of 66% slowness needs to be determined. Since the dispute pertains to the fiscal year 2021-2022, Clause 4.3.3c(ii) of the CSM-2021 is relevant, which is reproduced below:

"Clause 4.3.3(c)(ii) of the CSM-2021:

Further, charging of a bill for the quantum of energy lost if any, because of malfunctioning of metering installation shall not be more than two previous billing cycles."

Appeal No.032/POI-2023



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7.3 In the instant case, the Appellant debited 66% slowness of the impugned meter for seven months i.e. July 2021 to January 2022, which is violative of the ibid clause of the CSM-2021. Hence the determination of the POI for cancellation of the detection bill of Rs.808,667/- against 25,550 units for seven months for the period from July 2021 to January 2022 is correct and maintained to this extent,

7.4 Similarly, the finding of the POI for the revision of the bill for net 6,932 units for two months i.e. December 2021 and January 2022 @ 66% slowness of the meter is consistent with the foregoing clause of the CSM-2021 and the same is upheld to this extent.

8. Foregoing in view, the appeal is dismissed and the impugned decision is maintained.

Abid Hussain  
Member

Naveed Ishaq Sheikh  
Convener

Muhammad Irfan-ul-Haq  
Member

Dated: 19-09-2023

