



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

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No. NEPRA/Appeal/037/2023/ 788

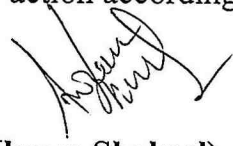
December 13, 2023

- | | |
|---|--|
| 1. Muhammad Shafique,
S/o. Ali Muhammad,
R/o. Siddique Abad Choor Majra,
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,
Ghulam Muhammad Abad 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.037/2023 (FESCO Vs. Muhammad Shafique) Against the Decision Dated 23.02.2023 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 (03 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. 037/POI-2023

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Shafique S/o. Ali Muhammad,
R/o. Siddique Abad CHOR Majra, 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

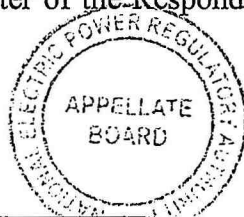
For the Respondent:

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DECISION

1. Briefly speaking, Mr. Muhammad Shafique (hereinafter referred to as the "Respondent") is an industrial consumer of Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.27-13221-6127100-U with sanctioned load of 5.89 kW under the B-1b tariff category. Reportedly, the billing meter of the Respondent was found dead stop in March 2022, hence, the Appellant charged a detection bill of Rs.272,060/- against 9,418 units for March 2022 to the Respondent on the basis of consumption of February 2022 and added to the bill for April 2022.
2. Being aggrieved, the Respondent approached the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") and challenged the abovementioned detection bill. POI vide the decision dated 23.02.2023 declared the detection bill of Rs.272,060/- against 9,418 units for March 2022 as null and void. As per the POI decision, the Appellant may charge the revised detection bill of 5,136 units for March 2022 as per average consumption from September 2021 to February 2022.
3. Being dissatisfied, the Appellant has filed the instant appeal before the NEPRA against the POI decision dated 23.02.2023 (hereinafter referred to as the "impugned decision"), wherein it is contended that the billing meter of the Respondent became defective in March 2022,

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therefore, a detection bill of Rs.272,060/- against 9,418 units for March 2022 was worked out based on the M&T report. The Appellant submitted that the above detection bill was fully proved through the submission of the 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 05.04.2023 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.

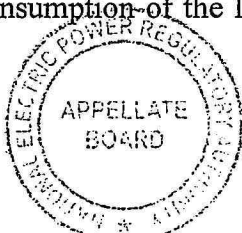
5. Hearing

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 for the Appellant and the Respondent again did not tender appearance. Learned counsel for the Appellant defended the charging of the detection bill of Rs.272,060/- against 9,418 units for March 2022 and argued that the above detection bill was debited to the Respondent on the basis of consumption of February 2022. He opposed the impugned decision for cancellation of the above detection bill and contended that the same is liable to be recovered from the Respondent being justified.

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

6.1 The record presented before us shows that the impugned meter of the Respondent was found defective in March 2022, as such the Appellant debited a detection bill of Rs.272,060/- against 9,418 units for March 2022 to the Respondent on the basis of consumption of February 2022, which was disputed by him before the POI.

6.2 The Appellant debited the above detection bill based on consumption of the immediate previous month i.e. February 2022, which is inconsistent with Clause 4.3.1(b) of the CSM-2021. As per the ibid clause of the CSM-2021, the Consumer/Respondent may be charged the bill for the disputed month on the basis of consumption of the corresponding month of the previous year or the average consumption of the last eleven months, whichever is higher.





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Thus, we are inclined to agree with the determination of POI that the detection bill of Rs.272,060/- against 9,418 units for March 2022 is unjustified and the same is liable to be cancelled.

6.3 Similarly, the determination of the POI for revision of the detection bill for March 2022 on the basis of consumption of the period from September 2021 to February 2022 is not correct being violative of the foregoing clause of the CSM-2021 and the same is liable to be withdrawn to this extent.

6.4 Since the impugned meter became defective in March 2022, it would be fair and appropriate to revise the bill for said month 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."***

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

7.1 The detection bill of Rs.272,060/- against 9,418 units for March 2022 charged by the Appellant to the Respondent is unjustified and the same is declared null and void.

7.2 The Respondent may be charged the revised bill of March 2022 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

Muhammad Irfan-ul-Haq
Member

Naweed Illahi Sheikh

Convener

Dated: 13-12-2023

