



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

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No. NEPRA/Appeal/038/2021/ 682

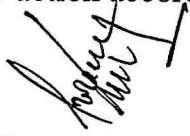
November 21, 2023

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|---|---|
| 1. Mushtaq Ahmed,
S/o. Bashir Ahmed,
Prop: Al-Razzaq Ice Factory,
Chak No. 338/JB, Gojra | 2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad |
| 3. Malik Asad Akram Awan,
Advocate High Court,
Sargodha Khushab Law Chambers,
First Floor, Turner Tower,
9-Turner Road, Lahore | 4. Sub Divisional Officer,
FESCO Ltd,
Nia Lahore Sub Division,
Nia Lahore |
| 5. POI/Electric Inspector,
Energy Department, Govt. of Punjab,
Opposite Commissioner Office,
D.C.G Road, Civil Lines,
Faisalabad Region, Faisalabad | |

Subject: Appeal No.038/2021 (FESCO Vs. Mushtaq Ahmed) Against the Decision Dated 17.09.2020 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 21.11.2023 (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.038/POI-2021

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Mushtaq Ahmed S/o. Bashir Ahmed,
Prop: Al Razaq Ice Factory, Chak No.338/JB Gojra

.....Respondent

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

For the Appellant:

Malik Asad Akram Advocate

For the Respondent:

Nemo

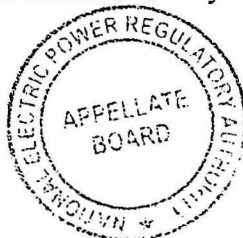
DECISION

1. Through this decision, the appeal filed by the Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 17.09.2020 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Mushtaq Ahmed (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.24-13334-5400400 with sanctioned load of 61 kW and the applicable Tariff category is B-2(b). The Appellant has claimed that metering equipment of the Respondent was checked by the Metering & Testing ("M&T") team on 24.06.2019, wherein the impugned billing meter was running 33% slow due to yellow phase being dead and the backup meter was found dead stop. Notice dated 10.07.2019 was issued to the Respondent regarding the 33% slowness of the meter and the Multiplication Factor (the "MF") of the Respondent was raised from 40 to 59.7 for onward billing. Thereafter, a detection bill of Rs.265,128/- for 11,821 units for two (02) months i.e. May 2019 and June 2019 was charged by the Appellant to the Respondent @ 33% slowness of the meter and added to the bill for February 2020.

Appeal No.038/POI-2021

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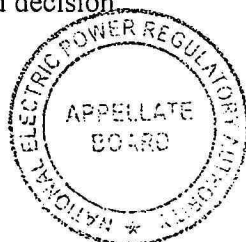
3. Being aggrieved, the Respondent filed a complaint before the POI on 10.03.2020 and challenged the above detection bill. During joint checking dated 07.09.2020 of POI, the billing meter was found 33% slow due to one dead phase. The complaint of the Respondent was disposed of by the POI vide the decision dated 17.09.2020, wherein the detection bill of Rs.265,128/- for 11,821 units for two (02) months i.e. May 2019 and June 2019 was cancelled and the Appellant was directed to charge the detection bill against 9,181 units for June 2019 only to the Respondent to account for 33% slowness.
4. Through the instant appeal, the afore-referred decision dated 17.09.2020 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 was found 33% slow by M&T team, therefore a detection bill of two (02) months for the period from May 2019 and June 2019 was debited to the Respondent; (2) the POI vide impugned decision illegally cancelled the above detection bill and revised the same for 9,181 units; (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 failed to apply his independent and judicious mind while passing the impugned decision; and (5) the impugned decision is liable to be set aside.

5. Proceedings by the Appellate Board

Upon filing of the instant appeal, a notice dated 26.04.2021 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.

6. Hearing

- 6.1 Hearings were initially conducted on 14.10.2022 and 03.06.2023, which however was adjourned in order to provide an opportunity to the Respondent. Finally, hearing was conducted at NEPRA Regional Office Faisalabad 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 contended that the billing meter of the Respondent was found running 33% slow during checking dated 24.06.2019, which was also verified by the POI during joint checking dated 07.09.2020, as such the recovery of detection bill of Rs.265,128/- for 11,821 units for two (02) months i.e. May 2019 and June 2019 @ 33% slowness be allowed in the best interest of justice. Learned counsel for the Appellant prayed for setting aside the impugned decision.



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

7.1 Detection bill of Rs.265,128/- for 11,821 units for two (02) months i.e. May 2019 and June 2019

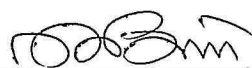
Reportedly, one phase of the impugned billing meter of the Respondent was found dead stop during checking dated 24.06.2019, therefore, a detection bill amounting to Rs.265,128/- for 11,821 units for two (02) months i.e. May 2019 and June 2019 was debited to the Respondent @ 33% slowness of the meter, which was challenged before the POI.

7.1 During the POI joint checking dated 07.09.2020, 33% slowness in the impugned billing meter was established, hence the period of slowness needs to be determined. Clause 4.4(e) of the CSM-2010 restricts the Appellant to charge the detection bill maximum for two months to the Respondent in case of slow meter, however slowness should be verified through analysis of consumption data in the below table:

Undisputed		Disputed	
Month	Units	Month	Units
May-18	10600	May-19	5360
Jun-18	30480	Jun-19	18640

7.2 As evident from the above table, the consumption recorded during the disputed period is much lesser than the consumption recorded during the corresponding undisputed period of the previous year, which shows that the impugned meter remained 33% slow. Hence, the detection bill of Rs.265,128/- for 11,821 units for two (02) months i.e. May 2019 and June 2019 debited @ 33% slowness of the meter is declared as justified and payable by the Respondent.

8. Foregoing in view, this appeal is accepted and impugned decision is set aside.



Abid Hussain
Member



Muhammad Irfan-ul-Haq
Member



Naweed Hahi Sheikh
Convener

Dated: 24/11/2023

