



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

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No. NEPRA/AB/Appeal/049/2023/560

September 19, 2023

- |   |   |
|---|---|
| 1. Moazzam Saeed Khan,<br>S/o. Muhammad Saeed Khan,<br>Meezan Bank Bawaa Chal, Sargodha Road,<br>Faisalabad, Through Branch Manager,<br>Meezan Bank Sargodha Road, Faisalabad | 2. Chief Executive Officer<br>FESCO Ltd,<br>West Canal Road, Abdullahpur,<br>Faisalabad   |
| 3. Hamza Hayat,<br>Advocate High Court,<br>5-S, Mushtaq Ahmad Gurmani Road,<br>Gulberg-II, Lahore   | 4. Malik Muhammad Siddique Awan,<br>Advocate High Court,<br>Jurists and Arbitrators,<br>17-Rabia Bungalows, Near DHA,<br>Phase-1, Rawalpindi                    |
| 5. Sub Divisional Officer (Operation),<br>FESCO Ltd,<br>Islampura Sub Division,<br>Faisalabad   | 6. POI/Electric Inspector,<br>Energy Department, Govt. of Punjab,<br>Opposite Commissioner Office,<br>D.C.G Road, Civil Lines,<br>Faisalabad Region, Faisalabad |

Subject: **Appeal Titled FESCO Vs. Moazzam Saeed Khan Against the Decision Dated 16.03.2023 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 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.049/POI-2023

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Moazzam Saeed Khan S/o. Muhammad Saeed Khan,  
Through Branch Manager Meezan Bank, Sargodha Road,  
Faisalabad

.....Respondent

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

For the Appellant:

Mr. Asim Iqbal SDO

For the Respondent:

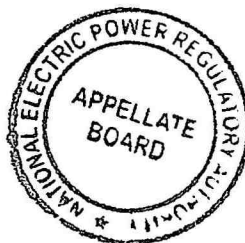
Mr. Junaid Advocate

### 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 16.03.2023 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Moazzam Saeed Khan (hereinafter referred to as the "Respondent") is a commercial consumer of the Appellant bearing Ref No.27-13123-6300721 with sanctioned load of 32.14 kW, and the applicable Tariff category is

Appeal No.049/POI-2023

Page 1 of 5



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## National Electric Power Regulatory Authority

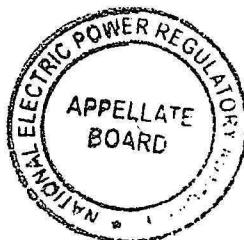
A-2(c). The Respondent filed a complaint before the POI and challenged the adjustment bill of Rs.121,858/- added in July 2022 containing the detection bill of Rs.104,112/- for the period from June 2021 to December 2021 debited on account of 7% slowness of the meter and the bill amounting to Rs.706,795/- for the cost of 13,322 units charged by the Appellant in September 2022. During the joint checking of POI on 27.10.2022, the impugned billing of the Respondent was found running 33% slow due to the yellow dead phase, and the backup meter was found working within BSS limits. The complaint of the Respondent was disposed of by the POI vide the decision dated 16.03.2023, wherein the adjustment bill of Rs.121,858/- added in July 2022 was declared illegal. The POI however held that the adjustment against the excessive bill of September 2022 is done by the Appellant in forthcoming months.

3. Through the instant appeal, the afore-referred decision dated 16.03.2023 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 that the multiplication factor of the Respondent was raised from 1 to 1.49 to account for 33% slowness but the POI erroneously considered the application of MF=1.66 due to 40% slowness of the meter; that the POI failed to take into consideration that the Respondent already paid the adjustment bill of Rs.121,858/- for the month of July 2022 and was therefore estopped from approaching the POI with regard to the same; that the impugned decision to the extent of cancellation of adjustment bill of Rs.121,858/- for July 2022 is illegal and liable to be set aside.

4. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, a notice dated 10.05.2023 was sent to the

Appeal No.049/POI-2023



Page 2 of 5

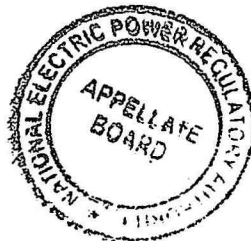


## National Electric Power Regulatory Authority

Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 05.06.2023. In his reply, the Respondent rebutted the version of the Appellant and submitted that the impugned billing meter became defective in July 2022, which was required to be replaced within 60 days under the law but the Appellant instead of replacing the same debited the excessive bills during the disputed months. As per Respondent, the impugned adjustment bill of July 2022 was rightly cancelled by the POI vide the impugned decision. As per Respondent, the impugned decision is well reasoned and based on facts and does not suffer from any illegality or infirmity. The Respondent finally prayed for the dismissal of the appeal.

### 5. Hearing

5.1 Hearing of the appeal was conducted at NEPRA Regional Office Faisalabad on 24.06.2023, which was attended by both the Appellant and the Respondent. 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 40% slow, whereas the bills for the period from June 2021 to December 2021 were debited @ 33% slowness of the meter, therefore an adjustment bill of Rs.121,585/- was debited to the Respondent in July 2022 to account for the difference of 7% slowness of the meter. The Appellant further contended that the above adjustment bill was set aside by the POI without considering the real aspects of the case. The Appellant prayed that the impugned decision is liable to be struck down to the extent of cancellation of the above adjustment bill.



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## National Electric Power Regulatory Authority

5.2 On the contrary, learned counsel appearing for the Respondent rebutted the contention of the Appellant and stated that the detection bill may be charged maximum for two months in case of a defective meter but in the present case, the Appellant debited the adjustment bill for seven months in violation of provisions of the CSM-2021. He prayed for upholding the impugned decision and for the dismissal of the appeal.

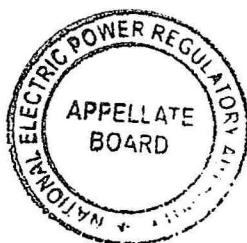
6. Arguments heard and the record perused. Following are our observations:

6.1 The Respondent filed a complaint before the POI and disputed the following bills debited by the Appellant.

- The adjustment bill of Rs.121,858/- added in July 2022 contains the detection bill of Rs.104,112/- for the period from June 2021 to December 2021 debited due to the difference of 7% slowness.
- The bill amounting to Rs.706,795/- for the cost of 13,322 units charged by the Appellant in September 2022.

6.2 The POI vide impugned decision cancelled the adjustment bill of Rs.121,858/- added in July 2022, whereas recovery of the excessive bill amounting to Rs.706,795/- for the cost of 13,322 units by the Appellant in September 2022 was adjusted in future bills. The Appellant vide instant appeal challenged the impugned decision to the extent of cancellation of the adjustment bill of Rs.121,858/- added in July 2022 containing the detection bill of Rs.104,112/- for the period from June 2021 to December 2021 debited on account of difference of slowness i.e. 7%. So, this forum will determine the fate of the adjustment bill of Rs.121,858/- in the below paras.

6.3 As regards the charging of the adjustment bill of Rs.121,858/- added in July 2022 containing the detection bill of Rs.104,112/- for the period from June 2021 to December 2021, it is observed that the metering equipment of the Respondent was



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## National Electric Power Regulatory Authority

checked by the POI on 27.10.2022 in the presence of both parties, wherein, one phase of the impugned billing meter was found dead stop and the backup meter was found working within permissible limits. The joint checking report of the POI was signed by both parties without raising any objection. The Appellant even did not produce any documentary evidence which could substantiate their stance that the impugned meter remained 40% slow instead of 33% during the disputed period from June 2021 to December 2021. Under these circumstances, we are of the opinion that the impugned detection bill of Rs.104,112/- for the period from June 2021 to December 2021 debited due to the difference of 7% slowness of the impugned meter and added to the bill for July 2022 is illegal, unjustified and the POI has rightly cancelled the same.

7. Foregoing in view, the appeal is dismissed.

Abid Hussain  
Member

Muhammad Irfan-ul-Haq  
Member

Naweed Illahi Sheikh  
Convener

Dated: 19-09-2023

