



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

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No. NEPRA/Appeal/050/POI/2020/035

January 16, 2023

- | | |
|---|--|
| 1. Ghulam Sabir,
S/o. Abdul Karim,
House No. P-A 217, Latif Chowk,
Ghulam Muhammad Abad,
Faisalabad | 2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad |
| 3. Saeed Ahmed Bhatti,
Advocate High Court,
66-Khyber Block, Allama Iqbal Town,
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 Titled FESCO Vs. Ghulam Sabir Against the Decision Dated 28.01.2020 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 13.01.2023, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)
Deputy Director (M&E)/
Appellate Board

Forwarded for information please.

1. Additional Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.050/POI-2020

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Ghulam Sabir S/o Abdul Karim, House No.PA-217,
Latif Chowk, Ghulam Muhammad Abad, Faisalabad

.....Respondent

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

For the Appellant:

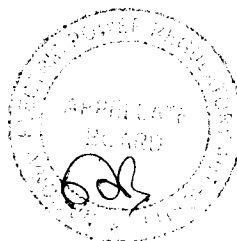
Mr. Saeed Ahmed Bhatti Advocate

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 28.01.2020 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the “POI”) is being disposed of.
2. Briefly speaking, Mr. Ghulam Sabir (hereinafter referred to as the “Respondent”) is an industrial consumer of the Appellant bearing Ref No.27-13221-6107800 U with sanctioned load of 13kW and the applicable Tariff category is B-1(b). The Appellant has claimed that the display of the billing meter of the Respondent was found dead stop

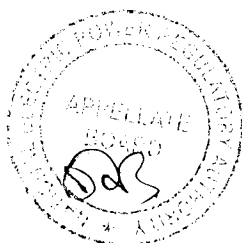




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during the Metering & Testing ("M&T") team checking dated 27.03.2018 for which notice dated 03.04.2018 was issued to the Respondent. Thereafter a detection bill amounting to Rs.257,098/- against 14,234 units for three (03) months for the period from November 2017 to January 2018 was debited to the Respondent and added to the bill for January 2018.

3. Being aggrieved, the Respondent initially assailed the above detection bill before the Civil Court, Faisalabad. The honorable Civil Court subsequently returned the civil suit due to lack of jurisdiction. Thereafter, the Respondent approached the POI vide a complaint on 13.11.2019 and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 28.01.2020, wherein the detection bill of Rs.257,098/- against 14,234 units for three (03) months for the period from November 2017 to January 2018 was cancelled. The POI directed the Appellant to debit the revised bill for 11,425 units for two months i.e. December 2017 and January 2018. The POI further directed the Appellant to overhaul the billing account of the Respondent.
4. Through the instant appeal, the afore-referred decision dated 28.01.2020 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 display of the billing meter of the Respondent was found defective on 27.03.2018, therefore a detection bill of Rs.257,098/- against 14,234 units for three (03) months for the period from November 2017 to January 2018 was debited to the





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Respondent; (2) the POI vide impugned decision illegally cancelled the above detection bill and revised the same for 11,425 units; (3) the POI failed to analyze the consumption data in true perspective and wrongly relied the impugned decision as per Clause 4.4 of the CSM-2010; (4) the impugned decision suffers from serious misreading and non-reading of the document; (5) the POI did not consider the recorded evidence and passed the impugned decision on surmises and conjectures; and (6) the impugned decision is liable to be set aside.

5. Proceedings by the Appellate Board

5.1 Upon filing of the instant appeal, a notice dated 02.07.2020 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 Notices dated 03.03.2022 were served to the parties and hearing of the appeal was conducted at NEPRA Regional Office Lahore on 11.03.2022, which was attended by counsel for the Appellant and no one appeared for the Respondent. In order to provide an opportunity for hearing, the case was adjourned till the next date.
- 6.2 Hearing of the Appeal was again conducted at NEPRA Head Office Islamabad on 02.06.2022, in which both parties were not present. In view of the above, the hearing was adjourned till the next date.
- 6.3 Notices dated 08.06.2022 were served to the parties and hearing of the appeal was





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conducted at NEPRA Regional Office Lahore on 17.06.2022, which was attended by counsel for the Appellant and no one appeared for the Respondent. In order to provide an opportunity for hearing, the case was adjourned till the next date.

6.4 The hearing of the Appeal was rescheduled at NEPRA Regional Office Islamabad on 23.08.2022 for which notices dated 15.08.2022 were served to both parties. On the date of the hearing again, no one appeared for both the Appellant and the Respondent. However, a written request was made by the counsel for the Appellant for adjournment of the case due to illness, which was acceded and the hearing was adjourned till the next date.

6.5 After issuing notices dated 22.09.2022, a hearing of the appeal was held at Lahore on 30.09.2022, which was attended by counsel along with SDO FESCO for the Appellant and no one appeared for the Respondent. Counsel for the Appellant informed that the settlement of the dispute between the parties is under process, therefore the case be adjourned till the next date. In view of the above, the adjournment was allowed till the next date.

6.6 Lastly, hearing of the appeal was conducted at NEPRA Regional Office on 25.11.2022, which was attended by counsel for the Appellant and no one appeared for the Respondent. At the outset of the hearing, the counsel for the Appellant stated that an amicable settlement has been reached between the parties regarding the above detection bill and the Respondent agreed to pay the same, as such the Appellant did not proceed





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with the appeal. In support of his statement, the counsel for the Appellant submitted an application of the Respondent for settlement of the disputed bill.

7. In view of the above statement of the Appellant, the appeal is dismissed as withdrawn.

Muhammad Irfan-ul-Haq
Member

Abid Hussain
Convener

Dated: 13-01-2023

