



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

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No. NEPRA/AB/Appeal/059/2022/557

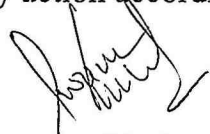
September 19, 2023

1. Muhammad Altaf,
S/o. Muhammad Shafi,
R/o. Near Islampura,
Samundri Road, Gojra
2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad
3. Shahzad Ahmed Bajwa,
Advocate High Court,
12-Faisal Park, Imamia Colony,
Shahdara, Lahore
4. Sub Divisional Officer,
FESCO Ltd,
Samundri Road Sub Division,
Gojra
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. Muhammad Altaf Against the Decision Dated 02.12.2021 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.059/POI-2022

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Altaf S/o. Muhammad Shafi,
R/o. Near Islampura, Samundri Road, Gojra

.....Respondent

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

For the Appellant:

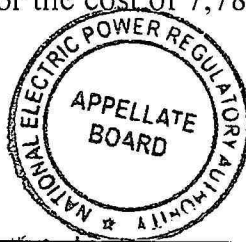
Mr. Shahzad Ahmed Bajwa Advocate

For the Respondent:

Mr. Muhammad Altaf

DECISION

1. Through this decision, the appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 02.12.2021 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that Mr. Muhammad Altaf (the "Respondent") is an industrial consumer (power looms) of the Appellant bearing Ref No.27-13332-4210500 with a sanctioned load of 23 kW and the applicable Tariff category is B-1(b). Reportedly, the billing meter of the Respondent was found defective with the vanished display during the M&T checking on 17.06.2021, therefore a detection bill of Rs.179,544/- for the cost of 7,786 units for April 2021 was debited





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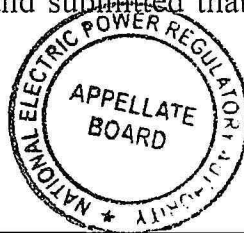
to the Respondent by the Appellant based on consumption of March 2021 and added to the bill for June 2021.

3. Being aggrieved with the above-mentioned actions of the Appellant, the Respondent filed a complaint before the POI on 29.07.2021 and challenged the above detection bill. The matter was disposed of by the POI vide the decision dated 02.12.2021, wherein the detection bill of Rs.179,544/- for the cost of 7,786 units for April 2021 was declared null and void. The POI directed the Appellant to charge the revised bill of 4,079 units for April 2021 as per the average consumption of the last eleven months being higher.

4. Through the instant appeal, the afore-referred decision dated 02.12.2021 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 impugned decision is against the facts and law of the case; that the Appellant has no personal grudge or grouse against the Respondent to issue an excessive bill; that the POI did not consider the case in letter and spirit and misread and misinterpreted the material available on record and illegally passed the impugned decision; that the impugned decision is based on surmises and conjectures and the same is not sustainable in the eye of law.

5. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, a notice dated 24.05.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 08.06.2022. In his reply, the Respondent opposed the version of the Appellant regarding charging the detection bill of Rs.179,544/- for the cost of 7,786 units for April 2021 and submitted that the abovesaid detection bill was



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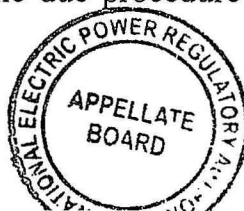
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calculated on the basis of consumption of March 2021, which is contrary to the Clause 4.3.2 of the Consumer Service Manual 2021 (the "CSM-2021"). The Respondent further submitted that the Appellant was required to debit the bill of April 2021 on the basis of DEF-EST code, which prescribes that the bill be charged as per consumption of the corresponding month of previous year or the average consumption of the last eleven months, whichever is higher. As per Respondent, the Appellant debited 3,707 units excessively in the abovesaid detection bill, which needs to be adjusted. The Respondent finally prayed for correction of the impugned bill for April 2021.

6. Hearing

- 6.1 Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 03.06.2023, which was attended by counsel for the Appellant and the Respondent appeared in person. Learned counsel for the Appellant reiterated the same version as contained in the memo of the appeal and contended that the display of the impugned meter of the Respondent became defective due to which actual consumption was not recorded in April 2021, therefore a detection bill of Rs.179,544/- for the cost of 7,786 units for April 2021 was debited to the Respondent on the basis of consumption of March 2021. Learned counsel for the Appellant argued that the impugned decision for revision of the detection bill for net 4,079 units is not based on merits and the same is liable to be struck down.
- 6.2 The Respondent rebutted the version of the Appellant regarding the above detection bill and stated that the impugned detection bill was debited by the Appellant without following the due procedure as laid down in Chapter 4 of the Appeal No.059/POI-2022

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CSM-2021. He supported the impugned decision for revision of the bill for net 4,079 units and prayed for upholding the same.

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

7.1 The Respondent challenged before the POI the detection bill of Rs.179,544/- for the cost of 7,786 units for April 2021, which was declared as null and void by the said forum vide impugned decision against which the Appellant filed the instant appeal before the NEPRA.

7.2 Since the impugned meter of the Respondent was not produced by the Appellant before the POI for verification of alleged defectiveness, the fate of the above detection bill for April 2021 can be determined through analysis of the consumption pattern in the below table:

Average of the last eleven months		Disputed month		Corresponding undisputed month	
Month	Units	Month	Units	Month	Units
May-20	3734	Apr-21	606	Apr-20	2631
Jun-20	595				
Jul-20	7972				
Aug-20	570				
Sep-20	896				
Oct-20	686				
Nov-20	15298				
Dec-20	4653				
Jan-21	4269				
Feb-21	4468				
Mar-21	8392				
Average	4,685				

The above table shows that the normal consumption recorded during the disputed month i.e. April 2021 is much lesser than the consumption of corresponding months of the previous year as well as the average consumption of the last eleven months. This indicates that the impugned meter of the Respondent remained

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defective during the disputed month i.e. April 2021. Hence the Respondent is liable to be charged the detection bill for April 2021 as per Clause 4.3.2 of the CSM-2021. However, in the instant case, the Appellant debited the detection bill of 7,786 units for April 2021 as per consumption of March 2021, which is violation of the above-referred clause of the CSM-2021. In view of the foregoing discussion, we are of the opinion that the detection bill of Rs.179,544/- for the cost of 7,786 units for April 2021 is illegal and unjustified and the Respondent is not liable to pay the same. The impugned decision is liable to be maintained to this extent.


7.3 Similarly, the determination of the POI for revision of the bill of April 2021 against 4,079 units as per average consumption of the last eleven months is correct being in line with the ibid clause of the CSM-2021.

7.4 The billing account of the Respondent may be overhauled, accordingly.

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


Abid Hussain
Member


Muhammad Irfan-ul-Haq
Member


Naweed Illahi Sheikh
Convener

Dated: 19-09-2023

