



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

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No. NEPRA/AB/Appeal/078/2021/ 555


September 19, 2023

1. Ghulam Sarwar,  
S/o. Naik Muhammad,  
Prop: Tube Well, Mouza Wala,  
Tehsil Lalian, District Chiniot
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,  
Rural Sub Division, Lalian
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 Sarwar Against the Decision Dated 13.11.2020 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 19.09.2023 (06 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 Appellate Board

In the matter of

Appeal No.078/POI-2021

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Ghulam Sarwar S/o. Naik Muhammad,

Prop: Tube well, Mouza wala, Tehsil Lalian, District Chiniot.....Respondent

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

#### For the Appellant:

Mr. Muhammad Asif Kullar SDO

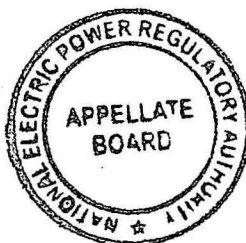
Mr. Azhar Hussain Clerk

#### For the Respondent:

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### 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 13.11.2020 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Ghulam Sarwar (hereinafter referred to as the "Respondent") is an agricultural consumer of the Appellant bearing Ref No.29-13172-3038200 with sanctioned load of 7.78 kW and the applicable Tariff category is D-1. The display of



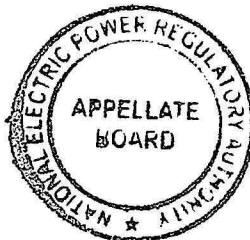
M. Sarwar



## National Electric Power Regulatory Authority

the impugned billing meter of the Respondent became vanished, which was replaced with a new meter vide the meter change order (the "MCO") dated 18.07.2019. Subsequently, the removed meter of the Respondent was checked by the Metering and Testing (M&T) team of the Appellant on 31.10.2019 and reportedly, it was found tampered (display intentionally washed out) for the dishonest abstraction of electricity. Therefore, the Appellant sent a letter dated 21.11.2019 to the police for registration of FIR against the Respondent on account of the theft of electricity and debited a detection bill amounting to Rs.586,332/- for 81,515 units for seven months for the period from January 2019 to July 2019 to the Respondent and added to the bill for January 2020.

3. Being aggrieved, the Respondent initially filed a complaint before the Wafaqi Mohtasib against the above detection bill, which was forwarded by the learned Wafaqi Mohtasib to NEPRA from where it was referred to the POI vide letter dated 10.02.2020 for further adjudication. The matter was disposed of by the POI vide the decision dated 13.11.2020 (hereinafter referred to as the "impugned decision"), wherein the detection bill of Rs.586,332/- for 81,515 units for seven months for the period from January 2019 to July 2019 was declared null and void.
4. Subject appeal has been filed against the impugned decision before NEPRA, wherein it is contended that the billing meter of the Respondent was found tampered during the M&T checking dated 31.10.2019 for the dishonest abstraction of electricity. The



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## National Electric Power Regulatory Authority

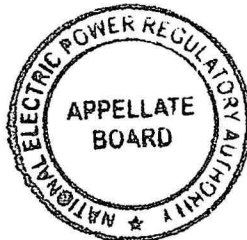
Appellant further contended that the impugned decision suffer from serious misreading and non-reading of record and has been passed in a mechanical and slipshod manner. As per the Appellant, the POI self-assumed that there was no dispute regarding the billing month of June 2019, therefore the POI committed illegality by declaring the whole amount as illegal and unlawful. According to the Appellant, the detection bill of Rs.586,332/- for 81,515 units for seven months for the period from January 2019 to July 2019 was rightly charged to the Respondent. The Appellant prayed that the impugned decision is liable to be set aside.

### 5. Proceedings by the Appellate Board

Upon filing of the instant appeal, a Notice dated 25.06.2021 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 Hearing in the matter of the subject Appeal was initially fixed for 14.10.2022 at NEPRA Regional Office Lahore, which was adjourned due to the non-availability of the Respondent. Again, the hearing was held at NEPRA Regional Office Lahore on 03.06.2023 in which SDO along with other officials was present on behalf of the Appellant, and again no one appeared for the Respondent. During the hearing, learned counsel for the Appellant reiterated the same version as contained in memo of the appeal.



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## National Electric Power Regulatory Authority

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

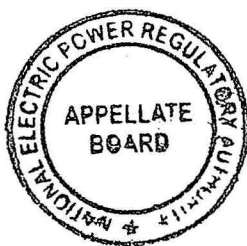
**7.1 Detection bill of Rs.586,332/- for 81,515 units for seven months for the period from January 2019 to July 2019**

In its appeal, the Appellant has claimed that the Respondent was involved in the dishonest abstraction of electricity through tampering with the meter. Hence the Appellant may charge the detection bill maximum for six months as per Chapter 9 of the CSM-2010. However, the Appellant charged the detection bill for seven months to the Respondent and the basis of the detection bill was made on the future consumption instead of connected/sanctioned load, which is not in inline with the formula given in Annex-VIII of the CSM-2010.

7.2 It is further observed that the impugned meter was not produced before the POI for verification of alleged tampering. Under these circumstances, the consumption pattern of the Respondent is analyzed to confirm the assertion of the Appellant regarding the above detection bill;

Period before dispute		Disputed period	
Month	Units	Month	Units
Jan-18	6402	Jan-19	650
Feb-18	423	Feb-19	2480
Mar-18	4397	Mar-19	2115
Apr-18	6755	Apr-19	1215
May-18	8604	May-19	1896
Jun-18	6651	Jun-19	2669
Jul-18	15181	Jul-19	13296
Average	7,002	Average	3,945

From the above comparison, it is confirmed that actual consumption was not recorded by the impugned billing meter during the disputed period i.e. January 2019 to July





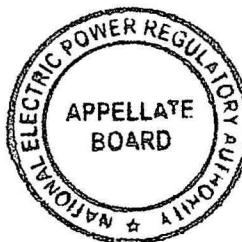
## National Electric Power Regulatory Authority

2019, however, this does not tantamount to the Appellant to debit any detection bill on account of theft of electricity without following the due procedure as laid down in Chapter 9 of the CSM-2010. Under these circumstances, we are of the opinion that the detection bill of Rs.586,332/- for 81,515 units is unjustified being charged beyond six billing cycles and based on future consumption in violation of Chapter 9 of the CSM-2010 and the same is liable to be cancelled.

7.3 Since the impugned meter of the Respondent could not record actual consumption during the disputed period from January 2019 to July 2019 as compared to the consumption of corresponding months of the previous year. The Respondent was given the opportunity of hearings twice and served notice for the reply to the Appeal, however, the Respondent neither submitted reply against the appeal nor appeared before NEPRA to rebut the version of the Appellant regarding illegal abstraction of electricity through tampering with the meter and less consumption. Thus we are of the considered view that the billing of the Respondent for the disputed period January 2019 to July 2019 be revised as per consumption of corresponding months of the year 2018. The impugned decision is liable to be modified to this extent.

8. In view of what has been discussed above, we concluded that;

8.1 The detection bill of Rs.586,332/- for 81,515 units for the period from January 2019 to July 2019 is unjustified being contrary to Clause 9.1c(3) of the CSM-2010 and the same is cancelled.



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## National Electric Power Regulatory Authority

- 8.2 The Respondent may be charged the revised bills for the period from January 2019 to July 2019 as per undisputed healthy consumption of the period from January 2018 to July 2018.
- 8.3 The billing account of the Respondent be overhauled, accordingly.
9. Impugned decision is modified in the above terms.

Abid Hussain  
Member

Naweed Illahi Sheikh  
Convener

Muhammad Irfan-ul-Haq  
Member

Dated: 19-09-2023

