



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

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No. NEPRA/AB/Appeal/080/2021/ 575

September 22, 2023

- | | |
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| 1. Muhammad Qayyum,
S/o. Anayat Ali,
R/o. Muneer Shah Street, Jhumra Road,
Near Mehendi Mohallah Phaak,
District Faisalabad | 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 (Operation),
FESCO Ltd,
Mansoor 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. Muhammad Qayyum Against the Decision Dated 05.04.2021 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 22.09.2023 (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 The Appellate Board

In the matter of

Appeal No.080/POI-2021

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Qayyum, S/o. Anayat Ali, R/o. Muneer Shah Street,
Jhumra Road, Near Mehandi Mohallah Phaak, District Faisalabad.....Respondent

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

For the Appellant:

Mr. Adnan Maseeh SDO

Mr. Nadeem Tahir Court Clerk

Mr. Azhar Hussain Clerk

For the Respondent:

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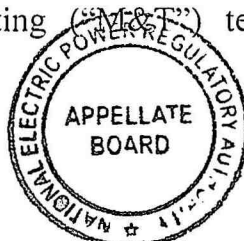
DECISION

1. Through this decision, the appeal filed by the Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 05.04.2021 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Muhammad Qayyum (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.24-13132-5203310-U with sanctioned load of 144 kW and the applicable Tariff category is B-2(b). The Appellant has claimed that both the billing and backup meters of the Respondent were found 33% slow due to one dead phase being dead during the Metering & Testing ("M&T") team checking dated 06.05.2020.

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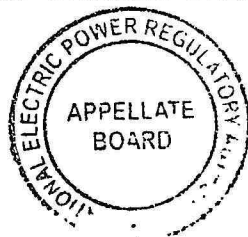


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Resultantly, the Multiplication Factor ("MF") of the Respondent was raised from 80 to 119.4 for onward billing to account for 33% slowness of the meter. Thereafter, a detection bill of Rs.373,604/- for 17,308 units for four (04) months for the period from January 2020 to April 2020 was charged by the Appellant to the Respondent @ 33% slowness of the meter.

3. Being aggrieved, the Respondent filed a complaint before the POI on 08.10.2020 and challenged the above detection bill. A check meter was installed by the Appellant in series with the impugned billing meter of the Respondent on 08.02.2021 and during subsequent comparison of the consumption of both check and impugned billing meters, the impugned billing meter was found running 34.4% slow. The complaint of the Respondent was disposed of by the POI vide the decision dated 05.04.2021, wherein the detection bill of Rs.373,604/- against 17,308 units for four (04) months for the period from January 2020 to April 2020 was cancelled and the Appellant was allowed to charge the revise the bill of net 4,615 units+58 kW MDI for two months i.e. March 2020 and April 2020 to the Respondent @ 33% slowness of the meter.
4. Through the instant appeal, the afore-referred decision dated 05.04.2021 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 suffers from serious misreading and non-reading of record and has been passed in a mechanical and slipshod manner; that the POI granted the relief beyond the prayer of the Respondent; that the POI has not applied his judicial mind while reaching the conclusion and passed the order without appreciating the available evidence on record; that the impugned

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billing meter was found 33% slow, therefore the detection bill of Rs.373,604/- was rightly charged but the POI failed to take into consideration and 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

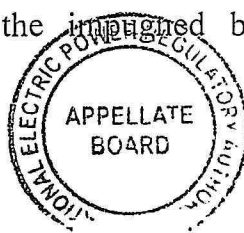
6.1 Hearing of the appeal was initially conducted at NEPRA Regional Office Lahore on 14.10.2022, which however was adjourned till the next date due to non-availability of the Respondent. Hearing of the appeal was again conducted at NEPRA Regional Office Lahore on 03.06.2023, which was attended by officials for the Appellant, and again no one appeared for the Respondent. The representatives for 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 33% slow during checking dated 06.05.2020, which was also verified by the POI during joint checking dated 16.02.2021, as such the recovery of detection bill of Rs.373,604/- against 17,308 units for four (04) months for the period from January 2020 to April 2020 @ 33% slowness be allowed in the best interest of justice. The representatives 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.373,604/- against 17,308 units for four (04) months for the period from January 2020 to April 2020

Reportedly, one phase of the impugned billing and backup meters of the Appeal No.080/POI-2021

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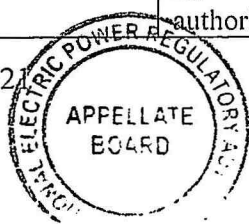
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Respondent was found dead stop during checking dated 06.05.2020, therefore, a detection bill of Rs.373,604/- against 17,308 units for four (04) months for the period from January 2020 to April 2020 was debited to the Respondent @ 33% slowness of the meter, which was challenged before the POI.

7.2 During the POI joint checking dated 16.02.2021, 33% slowness in the impugned billing meter was established, hence the period of slowness needs to be determined. It is observed that the Appellant charged the detection bill for four months to the Respondent on account of 33% slowness of the impugned meter, which is contrary to Clause 4.4(e) of the CSM-2010. The said clause of the CSM-2010 being relevant in the instant case is reproduced below:

(e) The charging of consumers on the basis of defective code, where the meter has become defective and is not recording the actual consumption will not be more than two billing cycles. The basis of charging will be 100% of the consumption recorded in the same month of the previous year or the average consumption of the last 11 months whichever is higher. Only the Authorized employee of FESCO will have the power to declare a meter defective. However, the consumer has a right to challenge the defective status of the energy meter and the FESCO will get the meter checked at the site with a check meter or a rotary sub-standard or digital power analyzer accompanied by an engineer of the metering and testing laboratory free of cost."

Type of fault Defect	Cost of replacement of meter	Mode of determination of consumption	Competent Authority	Appellate Authority	Period of Loss	Remarks
Defective/ Damaged/ burnt meter not due to consumer fault	Cost to be borne by FESCO	As given above at 4.4(e)	The Competent Authority to determine the type of fault/defect shall be the respective load sanctioning authority	On meter being declared as defective- Next higher office, Review Committee, POI, NEPRA in the order of appearance	Defective charging to a maximum of two billing cycles for regular bills. No previous charging on defective code	Nil



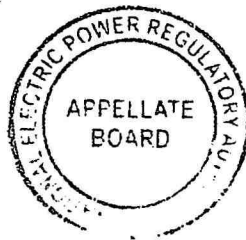


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Slowness owing to age/other reasons not related to illegal abstraction/stealing	Cost to be borne by FESCO	Through previous consumption data. Check meter, Slowness through check/Rotary Substandard, Grid meter/power analyzer	Do	Do	Do	Test check Proforma to be got signed by the consumer/ his authorized representative or POI at the time of inspection
Meter defective/ damaged burnt due to Consumer's fault including overloading, internal wiring defect	Consumer to pay	Verification of load, Check meter, Rotary Substandard, another meter in series, Or at Grid meter/power analyzer	Do	Do	Do	Do

7.3 The above-referred table of 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. Under these circumstances, the contention of the Appellant for recovery of the detection bill of Rs.373,604/- against 17,308 units for four (04) months for the period from January 2020 to April 2020 @ 33% slowness of the meter is not correct being contrary to the facts and violative of the foregoing clause of the CSM-2010 and the above detection bill is set aside. The impugned decision is liable to be maintained to this extent.

7.4 Since the meter under dispute was found 33% slow during the checking dated 06.05.2020, the impugned decision for revision of the detection bill against 4,615 units+58 kW MDI for two months i.e. March 2020 and April 2020 @ 33% slowness of the meter is correct being consistent with Clause 4.4(e) of the CSM-2010 and the same is upheld to this extent.





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7.5 The billing account of the Respondent be overhauled after adjusting payments made against the above detection bill.

8. Foregoing in view, this appeal is dismissed.

Abid Hussain
Member

Muhammad Irfan-ul-Haq
Member

Naweed Illahi Sheikh
Convener

Dated: 22-09-2023

