



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

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No. NEPRA/AB/Appeal/093/2022/ 576

September 22, 2023

1. Muhammad Zeeshan Sarwar,
S/o. Muhammad Sarwar,
R/o. Raza Abad, Factory Area,
Faisalabad
2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad
3. Ch. Shahzad Ahmed Bajwa,
Advocate High Court,
12-Faisal Park, Imamia Colony,
Shahdara, Lahore
4. Sub Divisional Officer (Operation),
FESCO Ltd,
Raza 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 Zeeshan Sarwar Against the Decision Dated 03.06.2022 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 (04 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.093/POI-2022

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Zeeshan S/o Muhammad Sarwar,
R/o. Raza Abad Factory Area, Faisalabad

.....Respondent

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

For the Appellant:

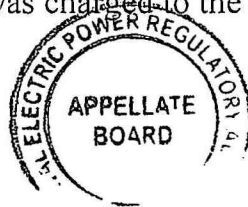
Mr. Shahzad Ahmed Bajwa Advocate
Mr. Sajjad Ali Sheikh SDO

For the Respondent:

Mr. Muhammad Zeeshan

DECISION

1. Through this decision, the instant appeal filed by the Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 03.06.2022 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Muhammad Zeeshan (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.27-13224-6455110-R with sanctioned load of 6 kW and the applicable Tariff category is B-1b. The Appellant has claimed that one phase of the billing meter of the Respondent was found dead stop during the Metering & Testing ("M&T") team checking dated 12.04.2021. Resultantly, a detection bill of Rs.98,129/- against 3,236 units for March 2021 was charged to the Respondent @ 33% slowness of the Appeal No.093/POI-2022





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meter and added to the bill for February 2022.

3. Being aggrieved, the Respondent filed a complaint before the POI on 10.03.2022 and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 03.06.2022, wherein the detection bill of Rs.98,129/- against 3,236 units for March 2021 was cancelled and the Appellant was allowed to charge the revised bill for net 1,618 units for fifteen days to the Respondent.

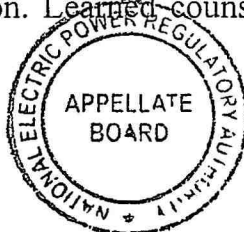
4. Through the instant appeal, the afore-referred decision dated 03.06.2022 of the POI has been impugned by the Appellant before the NEPRA. In its appeal, the Appellant objected to the maintainability of the impugned decision, *inter alia*, on the main grounds that the impugned decision is against the 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 the filing of the instant appeal, a notice dated 07.09.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not submitted by the Respondent.

6. **Hearing**

6.1 Hearing of the appeal was conducted at NEPRA Regional Office Faisalabad on 24.06.2023, which was attended by counsel for the Appellant, whereas the Respondent appeared in person. Learned counsel for the Appellant reiterated the





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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 12.04.2021, as such the recovery of the detection bill of Rs.98,129/- against 3,236 units for March 2021 @ 33% slowness be allowed in the best interest of justice. Learned counsel for the Appellant prayed for setting aside the impugned decision.

6.2 Learned counsel for the Respondent rebutted the version of the Appellant regarding 33% slowness of the impugned meter and argued that the discrepancy of 33% slowness was never pointed out by the meter reader of the Appellant before alleged checking, hence the detection bill of Rs.98,129/- against 3,236 units for March 2021 is unjustified and rightly cancelled by the POI. He defended the impugned decision and prayed for upholding the same.

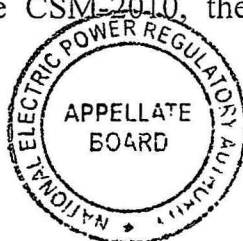
7. Arguments were heard and the record was perused. Following are our observations;

7.1 Detection bill of Rs.98,129/- against 3,236 units for March 2021 charged @ 33% slowness of the meter

Reportedly, the impugned meter of the Respondent was found 33% slow during checking dated 12.04.2021, therefore, a detection bill of Rs.98,129/- against 3,236 units for March 2021 was debited to the Respondent which was challenged before the POI.

7.2 In the instant case, 33% slowness of the impugned meter was allowed by the POI, however, the determination of POI for revision of the detection bill for 1,618 units for fifteen days is not based on merits as the same was allowed without any technical and legal justification. The impugned decision is liable to be withdrawn to this extent.

7.3 As per Clause 4.4(e) of the CSM-2010, the Respondent may be charged the



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detection bill maximum for two months in case of a slow meter, hence the Appellant has rightly charged the detection bill of Rs.98,129/- against 3,236 units for one month only i.e. March 2021 to the Respondent @ 33% slowness of the meter in line with the ibid clause of the CSM-2010 and the Respondent is under obligation to pay the same.

8. Foregoing in view, the appeal is accepted and the impugned decision is set aside.

Abid Hussain
Member

Muhammad Irfan-ul-Haq
Member

Naweed Illahi Sheikh
Convener

Dated: 22-09-2023

