



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

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No. NEPRA/Appeal/105/2021/ *65*

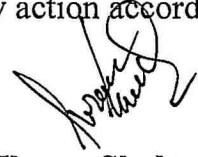
November 21, 2023

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| 1. Muhammad Umar,
S/o. Muhammad Basheer,
R/o. Mouza Kakkay Tibay Rojoya Sadat,
Tehsil & 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 (Operation),
FESCO Ltd,
Chiniot-III Sub Division,
Chiniot |
| 5. POI/Electric Inspector,
Energy Department, Govt. of Punjab,
Opposite Commissioner Office,
D.C.G Road, Civil Lines,
Faisalabad Region, Faisalabad | |

Subject: **Appeal No.105/2021 (FESCO Vs. Muhammad Umar) Against the Decision Dated 15.02.2021 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 21.11.2023 (03 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.105/POI-2021

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Umar S/o. Muhammad Basheer,
R/o. Mouza Kakay Tibay Rojaya Sadat, Tehsil & District Chiniot

.....Respondent

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

For the Appellant:

Malik Asad Advocate

For the Respondent:

Nemo

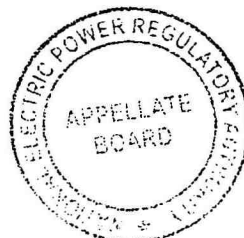
DECISION

1. Through this decision, the appeal filed by the Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 15.02.2021 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Muhammad Umar (hereinafter referred to as the "Respondent") is an agricultural consumer of the Appellant bearing Ref No.29-13163-3051701 with sanctioned load of 11.19 kW and the applicable Tariff category is D-1(b). The Appellant has claimed that the metering equipment of the Respondent was checked by the Metering & Testing ("M&T") team on 27.06.2020, wherein the impugned billing meter was found running 66% slow due to two phases being dead. Subsequently, the impugned meter of the Respondent was replaced with a new meter by the Appellant in August 2020, and a detection bill of

Appeal No.105/POI-2021

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Rs.162,228/- for 16,265 units for June 2020 was charged by the Appellant to the Respondent @ 66% slowness of the meter and added to the bill for August 2020.

3. Being aggrieved, the Respondent filed a complaint before the POI on 16.09.2020 and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 15.02.2021, wherein the detection bill of Rs.162,228/- for 16,265 units for June 2020 was cancelled and the Appellant was directed to charge the detection bill against 1,043 units for June 2020 to the Respondent.
4. Through the instant appeal, the afore-referred decision dated 15.02.2021 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, (1) the billing meter of the Respondent was found 66% slow by the M&T team on 27.06.2020, as such a detection bill of Rs.162,228/- for 16,265 units for June 2020 was debited to the Respondent @ 66% slowness of the meter; (2) the POI vide impugned decision illegally cancelled the above detection bill and revised the same for 1,043 units; (3) the impugned decision suffers from serious misreading and non-reading of record and has been passed in mechanical and slipshod manner; (4) the POI failed to apply his independent and judicious mind while passing the impugned decision; and (5) the same is liable to be set aside.

5. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, a notice dated 22.10.2021 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 was initially conducted on 24.06.2023, which however was adjourned in order to provide an opportunity to the Respondent. Finally, the hearing was conducted at NEPRA Regional Office Faisalabad on 09.09.2023, which was attended by the counsel for the Appellant and the Respondent again did not tender appearance. Learned counsel for the Appellant contended that the billing meter of the Respondent was found running 66% slow during checking dated 27.06.2020 of the POI, as such the recovery of detection bill of Rs.162,228/- for 16,265 units for June 2020 @ 66% slowness, which is established through data retrieval. Learned counsel 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.162,228/- for 16,265 units for June 2020 @ 66% slowness

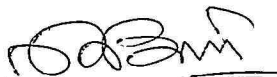
Reportedly, two phases of the impugned billing meter of the Respondent were found dead stop during checking dated 27.06.2020, therefore, a detection bill amounting to Rs.162,228/- for 16,265 units for June 2020 was debited to the Respondent @ 66% slowness of the meter, which was challenged before the POI.


7.2 Since the impugned meter of the Respondent could not be checked by the POI due to its replacement in August 2020, therefore claim of the Appellant for 66% slowness in the impugned billing meter could be verified through analysis of consumption data of the Respondent in the below table;


Month	Normal Units	Detection units
Disputed: June 2020	8,379	16,265
Undisputed: June 2019	7,031	
Average of last eleven months: July 2019 to May 2020	3,363	

The above analysis of consumption data does not support the contention of the Appellant regarding 66% slowness of the meter. The Appellant even failed to follow the procedure as laid down in CSM-2010. In view of the foregoing discussion, we are inclined to agree with the determination of the POI for the cancellation of the above detection bill and the revision of the same for net 1,043 units for June 2020.

8. We do not find any reason to interfere with the impugned decision, the same is upheld and consequently the appeal is dismissed.


Abid Hussain
Member


Muhammad Irfan-ul-Haq
Member


Naweed Illahi Sheikh
Convener

Dated: 21-11-2023

