



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

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No. NEPRA/Appeal/115/POI/2020/ 049

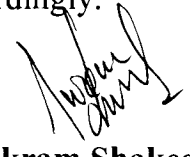
January 25, 2023

- |   |   |
|---|---|
| 1. Qaswar Abbas,<br>S/o. Nasir Hussain,<br>R/o. Mohallah Shah Kabeer,<br>Jhang City, Jhang  | 2. Chief Executive Officer<br>FESCO Ltd,<br>West Canal Road, Abdullahpur,<br>Faisalabad       |
| 3. Muhammad Nawaz Waseer,<br>Advocate Supreme Court,<br>Sargodha Khushab Law Chambers,<br>First Floor, Turner Tower,<br>9-Turner Road, Lahore                   | 4. Sub Divisional Officer (Operation),<br>FESCO Ltd,<br>Ashraf Shaheed Sub Division,<br>Jhang |
| 5. POI/Electric Inspector,<br>Energy Department, Govt. of Punjab,<br>Opposite Commissioner Office,<br>D.C.G Road, Civil Lines,<br>Faisalabad Region, Faisalabad |   |

**Subject: Appeal Titled FESCO Vs. Qaswar Abbas Against the Decision Dated 25.08.2020 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 19.01.2023, regarding the subject matter, for information and necessary action accordingly.

**Encl: As Above**

  
**(Ikram Shakeel)**  
**Deputy Director (M&E)/**  
**Appellate Board**

Forwarded for information please.

1. Additional Director (IT) –for uploading the decision on NEPRA website



# National Electric Power Regulatory Authority

## Before The Appellate Board

In the matter of

Appeal No.115/POI-2020

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Qaswar Abbas S/o Nasir Hussain,  
R/o. Mohallah Shah Kabeer,  
Jhang City, Jhang

.....Respondent

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

For the Appellant:

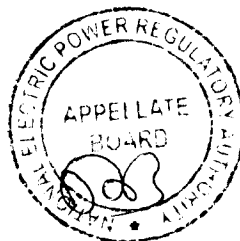
Malik Asad Akram Advocate  
Mr. M. Mohsin SDO

For the Respondent:

Mr. M. Qaswar Abbas

## 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 25.08.2020 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Qaswar Abbas (hereinafter referred to as the "Respondent") is a domestic consumer of the Appellant bearing Ref No.15-13317-1430100-U with

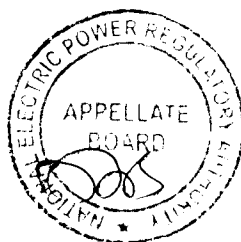




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sanctioned load of 3 kW and the applicable Tariff category is A-1. The Appellant has claimed that the billing meter of the Respondent was found running slow by 33% during the Metering & Testing ("M&T") team checking dated 25.01.2020. Resultantly, a detection bill of Rs.162,380/- against 6,147 units for eight months for the period from June 2019 to January 2020 was debited to the Respondent and added to the bill for February 2020. The impugned meter of the Respondent was replaced with a new meter by the Appellant in February 2020.

3. Being aggrieved with the above actions of the Appellant, the Respondent filed a complaint before the POI on 18.03.2020 and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 25.08.2020, wherein the detection bill of Rs.162,380/- against 6,147 units for eight months for the period from June 2019 to January 2020 was cancelled and the Appellant was charged 1,339 units for December 2019 and January 2020.
4. Through the instant appeal, the afore-referred decision dated 25.08.2020 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 running 33% slow on 25.01.2020, therefore a detection bill of Rs.162,380/- against 6,147 units for eight (08) months for the period from June 2019 to January 2020 was debited to the Respondent after analysis of consumption data and after approval of competent authority; (3) the impugned decision suffers from serious misreading and non-reading of record and has





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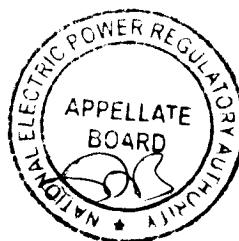
been passed in mechanical and slipshod manner; (4) the POI failed to apply his independent and judicious mind while passing the impugned decision; (5) the POI, failed to observe that the Respondent shifted the maximum load on the dead phase of the impugned meter; and (5) the impugned decision is liable to be set aside.

### 5. Proceedings by the Appellate Board

5.1 Upon filing of the instant appeal, a notice dated 11.11.2020 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. The Respondent submitted the reply to the Appeal on 24.11.2020, wherein he rebutted the version of the Appellant and submitted that the entire proceedings of the Appellant are fake and the detection bill was issued illegally and without lawful authority. He defended the impugned decision and prayed for upholding the same.

### 6. Hearing

6.1 After issuing notices dated 22.09.2022 to both parties, hearing of the subject appeal was conducted at Lahore on 30.09.2022 in which both parties were present. The representative 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 slow by 33% during the M&T team checking dated 25.11.2020, therefore a detection bill of Rs.162,380/- against 6,147 units for eight months for the period from June 2019 to January 2020 was debited to the Respondent. Learned counsel for the Appellant further contended that the impugned meter of the Respondent was replaced with a new





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meter by the Appellant in February 2020. As per learned counsel for the Appellant, the impugned decision for cancellation of the above detection bill and revision of the same for two months on the basis of the average consumption of the last eleven months is unjustified and the same is liable to be set aside.

6.2 The Respondent appearing in person repudiated the version of the Appellant and argued that the meter under dispute was installed outside the premises and no intimation was given by the Appellant before the alleged checking, therefore the impugned decision for cancellation of the above detection bill is correct and the same is liable to be maintained.

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

7.1 The facts submitted before us transpire that the Appellant found the billing meter of the Respondent was found running slow by 33% during the M&T team checking dated 25.01.2020, therefore the detection bill of Rs.162,380/- against 6,147 units for eight months for the period from June 2019 to January 2020 was debited to the Respondent due to the 33% slowness of the meter, which was assailed by him before the POI. The Appellant has filed this appeal defending the above detection bill charged to the Respondent and prayed for setting aside the impugned decision.

7.2 The billing meter of the Respondent was allegedly discovered as running 33% slow by the Appellant on 25.01.2020 and the disputed detection bill was issued in February 2020. Therefore, the matter will be dealt with under the provisions of the CSM-2010. Clause 4.4 of the CSM-2010 enumerates the procedure to confirm the





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defect in the metering equipment and charge the Consumer on the basis of thereof. Sub-clauses (b), (c), and (e) of Clause 4.4 of the CSM-2010 being relevant in the instant are reproduced below:

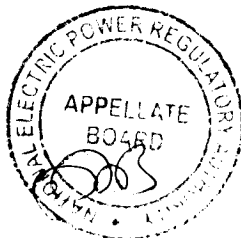
### **"4.4 Meter Replacement**

*(b) Should the FESCO at any time, doubt the accuracy of any metering equipment, the FESCO may after information the consumer, install another duly calibrated and tested metering equipment in series with the impugned metering equipment to determine the difference in consumption or maximum demand recorded by the check metering equipment and that recorded by the impugned metering equipment during a fixed period. If one such comparative test being made the impugned metering equipment should prove to be incorrect, the impugned metering equipment shall be removed from the premises with the written consent of the consumer, and the FESCO in the absence of any interference or alteration in the mechanism of the impugned metering equipment being detected by the FESCO shall install "correct meter" without any further delay.*

*(c) Where it is not possible for the FESCO to install check metering equipment of appropriate capacity in series with the impugned metering equipment, to check the accuracy of the impugned metering equipment as described above, the FESCO shall, after information (in writing) the consumer, test the accuracy of the impugned metering equipment at site by means of Rotary Sub-Standard or digital power analyzer. If incorrect, the impugned metering equipment shall be removed and immediately removed upon settlement/payment of assessed amount. In case if a correct meter is not available then the multiplying factor shall be charged accordingly till the replacement with correct meter.*

*(d) .....*

*(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 % 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*





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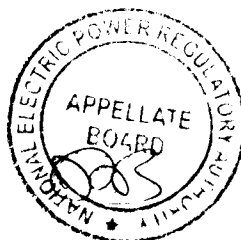
*a rotary sub-standard or digital power analyzer accompanied by an engineer of the metering and testing laboratory free of cost.*

Under sub-clause 'b' above, upon doubt about the accuracy of the metering equipment of the Respondent, the Appellant was required to install a check metering equipment, after informing the Respondent, to determine the difference in consumption or maximum demand recorded by the check meter and the impugned meter during a fixed period. In case of confirmation of slowness in the impugned meter, the same was required to be removed with the written consent of the Consumer.

7.3 Alternatively, the Appellant was required to follow the procedure given in sub-clause (c) of Clause 4.4 of the CSM-2010, which stipulates the checking of the meter after informing (in writing) the consumer, by means of a Rotary Sub-standard or digital power analyzer.

7.4 As per the record presented before us, there is no evidence that the Appellant followed the procedure either under sub-clause (b) or sub-clause (c) of the CSM-2010. The essence of Clause 4.4 of the CSM-2010 is to ensure transparency by taking the consumer on board. The claim of the Appellant about the meter slowness without following the laid down procedure suffers from credibility insufficiency.

7.5 Notwithstanding the above observations, to verify the contention of the Appellant regarding the 33% slowness of the impugned meter, the consumption data is analyzed





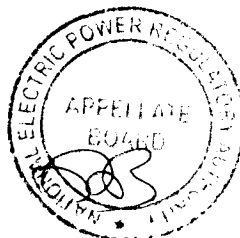
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below:

Undisputed		Disputed		% increase/ decrease units
Month	Units	Month	Units	
Jun-18	2452	Jun-19	1541	-37%
Jul-18	2101	Jul-19	1180	-44%
Aug-18	2744	Aug-19	1147	-58%
Sep-18	2241	Sep-19	1306	-42%
Oct-18	1187	Oct-19	1225	3%
Nov-18	651	Nov-19	649	0%
Dec-18	636	Dec-19	458	-28%
Jan-19	523	Jan-20	267	-49%

7.6 The above consumption data shows a considerable decrease in consumption of the Respondent during the disputed period i.e. June 2019 to January 2020 vis-a-vis consumption of corresponding months of the previous year, which may indicate slowness of the impugned meter during the disputed period. Under Clause 4.4(c) of the CSM-2010, upon confirmation of the inaccuracy of a meter, the Appellant was responsible to either replace the defective meter immediately or apply enhanced MF till the replacement of the correct meter. Further, as per the table under Clause 4.4(e) of the CSM-2010, the Appellant is bound to charge the consumer on account of defectiveness/ slowness of the meter for a maximum two billing cycles, therefore reading Clause 4.4(c) and 4.4(e) of CSM-2010 together bounds the Appellant to replace the slow meter within two months and charge the bills maximum for two months in case of a slow meter.

7.7 Therefore, we hold that the detection bill of Rs.162,380/- against 6,147 units for eight months for the period from June 2019 to January 2020 charged to the Respondent due







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to the 33% slowness of the meter is liable to be declared null and void being inconsistent with the foregoing clauses of the CSM-2010.

- 7.8 As evident above, the actual consumption was not recorded by the impugned meter of the Respondent due to its slowness, however actual quantum of slowness could not be determined by the POI due to the replacement of the impugned meter. Thus at this stage, we are inclined to agree with the determination of POI for revision of the bill for net units 1,339 units for two months.
- 7.9 The billing account of the Respondent may be overhauled after adjustment of the payments made against the above detection bill.
8. Foregoing in view, the appeal is dismissed.

Syed Zavar Haider  
Member

Muhammad Irfan-ul-Haq  
Member

Abid Hussain  
Convener

Dated: 18/01/2023.

