



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

NEPRA Office , Ataturk Avenue (East), G5/1, Islamabad
Tel. No. +92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/Appeal/126/2021/ 687


November 21, 2023

1. Muhammad Shakir,
S/o. Dost Muhammad,
R/o. Janazgah Road, House No. 432,
Mohallah Hussain Abad, Chiniot,
Distt. Jhang
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-I 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.126/2021 (FESCO Vs. Muhammad Shakir) Against the Decision Dated 28.10.2020 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 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.126/POI-2021

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Shakir S/o. Dost Muhammad, R/o. Janazgah Road,
House No.432, Mohallah Hussain Abad, Chiniot Distt. 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

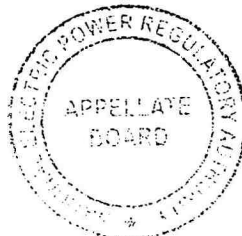
For the Respondent:

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 28.10.2020 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Muhammad Shakir (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.27-13161-1828000 with sanctioned load of 5 kW and the applicable Tariff category is B-1(b). The Appellant debited the bill amounting to Rs.125,268/- against 5,660 (OP=5,606 + P=54) to the Respondent in April 2020, which was challenged by him before the POI on 10.06.2020. During joint checking dated 28.07.2020 of POI, the billing meter was found working within BSS limits. The complaint of the Respondent was disposed of by the POI vide the decision dated 28.10.2020, wherein the bill of Rs.125,268/- against 5,660 (OP=5,606 + P=54) charged in April 2020 was cancelled and the Appellant was directed to charge the revised bill of 270 units for April 2020.

Appeal No.126/POI-2021



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3. Through the instant appeal, the afore-referred decision dated 28.10.2020 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 bill of Rs.125,268/- against 5,660 (OP=5,606 + P=54) was debited to the Respondent in April 2020; (2) the POI vide impugned decision cancelled the above bill and revised the same for 270 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 impugned decision is liable to be set aside.

4. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, a notice dated 12.01.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.

5. **Hearing**

Hearing initially conducted on 24.06.2023 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 bill of Rs.125,268/- against 5,660 (OP=5,606+P=54) was debited to the Respondent in April 2020 as per meter reading, as such the recovery of the above bill be allowed in the best interest of the justice. Learned counsel for the Appellant prayed for setting aside the impugned decision.


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

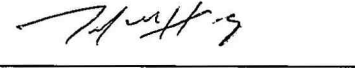
6.1 The Appellant has claimed that the bill of Rs.125,268/- against 5,660 (OP=5,606 + P=54) was charged to the Respondent in April 2020 as per the meter reading. It is an admitted fact that the impugned meter of the Respondent was found working within permissible limits during the joint checking dated 28.07.2020 of the POI, hence the fate of impugned bill for April 2020 need to be determined through the consumption data in the below table:

Month	Units
January 2020	5,473
February 2020	4,399
March 2020	1,593
April 2020	5,660


6.2 Perusal of consumption data as provided by the Appellant shows that the consumption recorded in April 2020 is compatible with the consumption trend in the previous undisputed months of the year 2020. Thus, we are of the considered view that the bill of Rs.125,268/- against 5,660 (OP=5,606 + P=54) debited in April 2020 is justified and payable by the Respondent.

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


Abid Hussain
Member


Muhammad Irfan-ul-Haq
Member

Dated: 21/1/2023


Naweed Illahi Sheikh
Convener

