



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

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No. NEPRA/Appeal/129/POI/2020/ 055

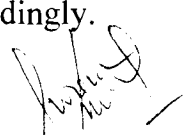
January 26, 2023

- | | |
|---|--|
| 1. Zahid Shabbir,
S/o. Shabbir Hussain,
R/o. Chak No. 230/RB, Chola,
Tehsil & District Faisalabad | 2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad |
| 3. Muhammad Nawaz Waseer,
Advocate Supreme Court,
Sargodha Khushab Law Chambers,
First Floor, Turner Tower,
9-Turner Road, Lahore | 4. Sub Divisional Officer (Operation),
FESCO Ltd,
Jhang Road 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. Zahid Shabbir Against the Decision Dated 30.09.2020 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 23.01.2023, 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.129/POI-2020

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Zahid Shabir S/o Shabir Hussain , R/o Chak No.230 RB,
Chohla Tehsil & District Faisalabad

.....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. Javed Iqbal MS-II

For the Respondent:

Mr. Zahid Shabir

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 30.09.2020 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Zahid Shabir (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.27-13215-6504000 with sanctioned load of 17.37kW and the applicable Tariff category is B-1(b). The Appellant has claimed that the billing meter of the Respondent was found dead stop during the Metering & Testing ("M&T") team checking dated 28.03.2019. Hence, a

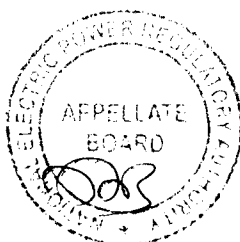




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detection bill amounting to Rs.333,988/- against 17,745 units for five (05) months for the period from October 2018 to February 2019 was debited to the Respondent and added to the bill for April 2019.

3. Being aggrieved, the Respondent initially assailed the above detection bill before the Civil Court, Faisalabad. The honorable civil court vide order dated 11.03.2020 returned the civil suit due to lack of jurisdiction. Subsequently, the Respondent approached the POI vide a complaint on 12.05.2020 and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 30.09.2020, wherein the detection bill of Rs.333,988/- against 17,745 units for five (05) months for the period from October 2018 to February 2019 was cancelled. The POI directed the Appellant to debit the revised bill for 5,436 units for two months i.e. January 2019 and February 2019. The POI further directed the Appellant to overhaul the billing account of the Respondent.
4. Through the instant appeal, the afore-referred decision dated 30.09.2020 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 defective on 28.03.2019, therefore a detection bill of Rs.333,988/- against 17,745 units for five (05) months for the period from October 2018 to February 2019 was debited to the Respondent; (2) the POI vide impugned decision illegally cancelled the above detection bill and revised the same for 5,436 units; (3) the impugned decision suffers from serious misreading and non-reading of record and has been passed in ineffectual and slipshod manner; (4) the POI failed to apply his independent and judicious mind





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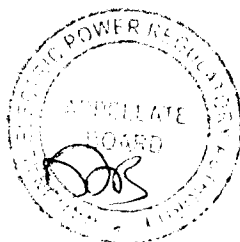
while passing the impugned decision; (5) the POI, failed to observe that the impugned meter of the Respondent remained defective during the disputed period; and (6) the impugned decision is liable to be set aside.

5. Proceedings by the Appellate Board

5.1 Upon filing of the instant appeal, a notice dated 05.01.2021 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 24.01.2021, wherein he contended that the factory was closed since October 2018 and the impugned meter was burnt out due to heavy rain in March 2019, which was replaced by the Appellant. The Respondent further contended that the detection bill of Rs.333,988/- against 17,745 units for five (05) months for the period from October 2018 to February 2019 was issued illegally as the electricity was not used during the disputed period October 2018 to February 2019 due to the closure of the factory. As per Respondent, the above detection bill was challenged before the POI, who rightly cancelled the above detection bill after the correct perusal of the record of the case. According to the Respondent, Clause 4.3.1(b) of the CSM-2021 restricts the Appellant to charge the bills maximum for two months in case of a defective meter, and the basis of charging the said bills be made on 100% consumption of the corresponding month of the previous year of the average consumption of last eleven months, whichever is higher. The Respondent finally prayed for the dismissal of the appeal.

6. Hearing

6.1 Notices dated 22.09.2022 were served to the parties and hearing of the appeal was





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conducted at Lahore on 30.09.2022, which was attended by both parties. 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 dead stop on 28.03.2019, as such the detection bill of Rs.333,988/- against 17,745 units for five (05) months for the period from October 2018 to February 2019 was debited to the Respondent to cover the revenue loss sustained due to defective meter. The representative for the Appellant averred that the dip in consumption during the disputed period confirms the defectiveness in the impugned billing meter, hence the above detection bill is justified and payable by the Respondent.

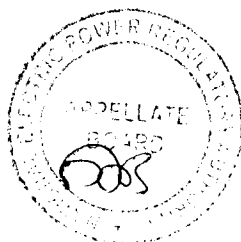
6.2 The Respondent appearing in person repudiated the contentions of the Appellant for charging the above detection bill and submitted that the low consumption was recorded during the disputed period due to the closure of the factory. The Respondent supported the impugned decision and prayed for upholding the same.

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

7.1 Detection bill of Rs.333,988/- against 17,745 units for five (05) months for the period from October 2018 to February 2019

The Appellant claimed to have found the billing meter of the Respondent dead stop during checking dated 28.03.2019, therefore a detection bill of Rs.333,988/- against 17,745 units for five (05) months for the period October 2018 to February 2019 was issued to the Respondent, 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 Appellant admitted to have found the billing meter of the Respondent dead stop





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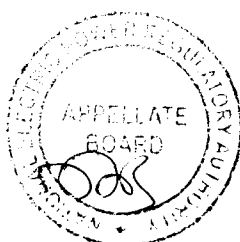
in March 2019. The dead stop meter can easily be noticed with bare eyes and cannot go unnoticed during monthly meter reading by the concerned staff. Therefore, the Appellant action to raise the above detection bill for previous months on the basis of dead stop meter noticed in March 2019 is completely unjustified.

7.3 After having found the defect in the impugned meter, the Appellant was required to replace the same with correct one immediately. As regards charging on account of meter defect, the Clause 4.4(e) of the CSM-2010 allows to charge for maximum two billing cycles and the basis of charging the said bills be made as per 100% consumption of the corresponding month of the previous year or average consumption of last eleven months, whichever is higher.

7.4 Notwithstanding the above observations, in order to verify the contention of the Appellant regarding dead stop meter, consumption data is analyzed in the below table:

Period before dispute		Disputed period	
Month	Units	Month	Units
Oct-17	1237	Oct-18	286
Nov-17	1070	Nov-18	176
Dec-17	375	Dec-18	147
Jan-18	2472	Jan-19	165
Feb-18	1752	Feb-19	151

The above consumption data shows a considerable decrease in consumption of the Respondent during the disputed period i.e. October 2018 to February 2019 vis-a-vis consumption of corresponding months of the previous year, which indicates that the impugned meter remained defective during the disputed period i.e. October 2018 to February 2019. However, Clause 4.4(e) of the CSM-2010 restrains the Appellant to replace the defective meter within two months and charge the bills maximum for two





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months in case of defective meter and the basis of charging the said bills be made on 100% consumption of corresponding month of the previous year or average consumption of last eleven months, whichever is higher.

7.5 Under these circumstances, we hold that the detection bill of Rs.333,988/- against 17,745 units for five (05) months for the period from October 2018 to February 2019 charged to the Respondent is unjustified and the same is liable to be declared null and void.

7.6 Since the impugned meter of the Respondent was found dead stop during checking dated 28.03.2019, the Respondent is liable to be charged the revised bills for two months i.e. January 2019 and February 2019 as per Clause 4.4(e) of the CSM-2010. Hence, the POI has rightly allowed the recovery of 5,436 units for two months i.e. January 2019 and February 2019 as per average consumption of the last eleven months i.e. November 2017 to September 2018 being higher and consistent with the afore-referred clause of the CSM-2010.

7.7 The billing account of the Respondent may be overhauled after adjustment of the payments made against the above detection bill.

8. In view of above, the appeal is dismissed.

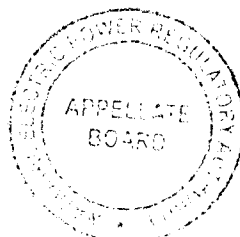
Syed Zawar Haider
Member

Muhammad Irfan-ul-Haq
Member

Abid Hussain
Convener

Dated: 23/01/2023

Appeal No. 129/POI-2020



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