



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

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No. NEPRA/Appeal/130/POI/2020/053

January 25, 2023

- | | |
|---|---|
| 1. Asghar Ali,
S/o. Noor Muhammad,
Chak No. 117/JB, Dhanola,
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,
Millat Town 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. Asghar Ali Against the Decision Dated 09.10.2020 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 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. 130/POI-2020

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Asghar Ali S/o Noor Muhammad,
Chak No.117/JB, Dhanola, District Faisalabad

.....Respondent

**APPEAL UNDER SECTION 38(3) OF THE REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 09.10.2020 PASSED BY THE PROVINCIAL
OFFICE OF INSPECTION FAISALABAD REGION, FAISALABAD**

For the Appellant:

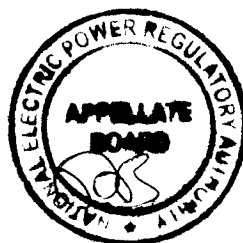
Mr. Malik Asad Advocate
Mr. Muhammad Naeem MI
Mr. Irshad Hussain LM-I

For the Respondent:

Nemo

DECISION

1. Briefly speaking, Mr. Asghar Ali (hereinafter referred to as the “Respondent”) is a domestic consumer of Faisalabad Electric Supply Company Limited (hereinafter referred to as the “Appellant”) bearing Ref No.13-13127-0594681 with sanctioned load of 3 k W under the A-1(R) tariff category. Reportedly, the billing meter of the Respondent was found defective with the washed display in January 2017, hence the bills for January 2017 and February 2017 were charged by the Appellant with DEF-EST code. Thereafter the impugned meter of the Respondent was replaced with a new meter in February 2017 and

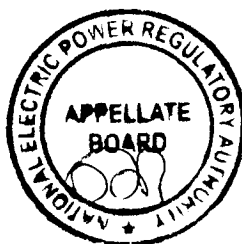




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sent to the Metering and Testing (M&T) laboratory for data retrieval. As per the M&T checking report dated 14.02.2018, the final reading was retrieved as 8,537, hence the Respondent was charged a detection bill of Rs.97,766/- for 4,606 units by the Appellant due to the difference of final reading of the meter and the units already charged and added to the bill for July 2018.

2. Being aggrieved, the Respondent initially filed a civil suit before the Civil Court Faisalabad, which was subsequently returned by the honorable Civil Court vide order dated 15.01.2020 due to the lack of jurisdiction. Thereafter, the Respondent approached the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI"), and assailed the above-referred detection bill. The POI vide the decision dated 09.10.2020 declared the detection bill of Rs.97,766/- for 4,606 units debited due to the difference of final reading of the impugned meter and the units already charged as null and void. As per the POI decision, the Appellant was allowed to debit net 127 units to the Respondent.
3. Being dissatisfied, the Appellant has filed the instant appeal before the NEPRA against the POI decision dated 09.10.2020 (hereinafter referred to as the "impugned decision"), wherein it is contended that the old meter of the Respondent became defective, hence it was replaced with a new meter and sent to M&T laboratory for downloading the data. The Appellant further contended that the detection bill of Rs.97,766/- for 4,606 units was worked out based on the M&T report. The Appellant submitted that the above detection





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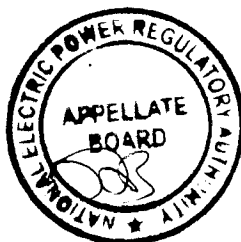
bill was fully proved through the submission of data retrieval report and other documents but the POI did not consider the documentary evidence. As per the Appellant, the impugned decision suffers from serious misreading and non-reading of the record and has been passed in mechanical and slipshod manner. According to the Appellant, the POI did not apply his independent and judicious mind while passing the impugned decision. The Appellant finally prayed that the impugned decision be set aside.

4. Proceedings by the Appellate Board

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. However, no reply/para-wise comments were received from the Respondent.

5. Hearing

5.1 Hearing in the matter of the subject Appeal was fixed for 25.11.2022 at Lahore and accordingly, the notices dated 16.11.2022 were sent to the parties (i.e. the Appellant and the Respondent) to attend the hearing. As per schedule, the hearing of the appeal was conducted at the NEPRA Regional Office Lahore on 25.11.2022, which was attended by counsel along with officials for the Appellant but no one appeared for the Respondent. Learned counsel for the Appellant reiterated the same arguments as given in memo of the appeal and defended the charging of the detection bill of Rs.97,766/- for 4,606 units debited due to the difference of final reading i.e.8,537 and 3,931 units already charged and added to the bill for July 2018. He opposed the impugned decision for cancellation





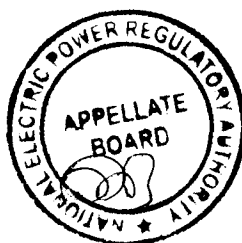
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of the above detection bill and argued that the above detection bill was debited to the Respondent on the basis of uncharged units and the same is liable to be recovered from the Respondent being justified.

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

6.1 The record presented before us shows that till December 2016, no discrepancy was pointed out by the Appellant in the impugned meter of the Respondent and the bills were raised regularly which were paid by the Respondent. In January 2017, the impugned meter of the Respondent was found defective with the display washed out, whereupon the DEF-EST code was fed by the Appellant for the billing w.e.f January 2017 and onwards. Thereafter, it was replaced with a new meter by the Appellant in February 2017 and sent to the M&T laboratory for downloading the data. Subsequently, the M&T team of the Appellant vide report dated 14.02.2018 declared the impugned meter defective with final reading retrieved as 8,537, and based upon the said report, the Appellant charged a detection bill of Rs.97,766/- for 4,606 units to the Respondent due to the difference between claimed final reading retrieved and the units already charged and added to the bill for July 2018.

6.2 Under Clause 4.4 of the CSM-2010, upon doubt about the accuracy of a meter, the same need to be checked at the site under intimation to the consumer through the procedure laid down in Clause 4.4(a) and 4.4(b) of the CSM-2010. However, no such on-site checking of the meter was carried out by the Appellant.



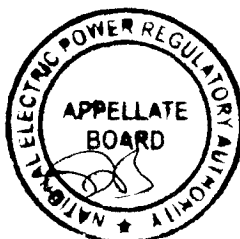


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6.3 The Appellant has raised the detection bill based on the alleged data retrieval report and some M&T lab checking. Natural justice requires such checking and data retrieval to be carried out in the presence of the consumer or a neutral competent forum of POI. However, the Appellant neither associated the Respondent nor did they produce the impugned meter before the POI to confirm the authenticity of their claim. It is observed that 4,606 units were charged for two months i.e. January 2017 and February 2017 but such high consumption was neither recorded in the billing history of the Respondent nor compatible with the sanctioned load i.e. 3 kW. It is further observed that the Appellant debited the bills for January 2017 and February 2017 on DEF-EST code, hence there is no justification to overburden the Respondent by imposing a detection bill on the basis of alleged data retrieval report for the same period i.e. January 2017 and February 2017.

6.4 In view of the foregoing discussion, the detection bill of Rs.97,766/- for 4,606 units charged by the Appellant to the Respondent is unjustified and the same is declared null and void.

6.5 According to Clause 4.4(e) of the CSM-2010, the Respondent may be charged the revised bills maximum for two months i.e. January 2017 and February 2017, and the basis of charging the said bills be made on 100% consumption of the corresponding month of the previous year or average consumption of the last eleven months, whichever is higher. Hence the determination of POI for charging the revised bill of net 127 units for two months i.e. January 2017 and February 2017 on the basis of the average consumption of





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the last eleven months being higher is correct and the same is maintained to this extent.

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

7. Foregoing in view, the appeal is dismissed.

Muhammad Irfan-ul-Haq
Member

Abid Hussain
Convener

Dated: 18/01/2023

