



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

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No. NEPRA/AB/Appeal/138/POI/2021/ 530


September 18, 2023

1. Habib Ullah,  
S/o. Mehar Din,  
R/o. Chak No. 224/RB,  
Wazir Khan Wali, Street No. 5,  
Niamat Town, Faisalabad
2. Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullahpur,  
Faisalabad
3. Mirza Muhammad Ijaz,  
Advocate High Court,  
Chamber No. 08, Ground Floor,  
Sufi Barkat Ali Law Building,  
Near CPO Office, Faisalabad
4. Sub Divisional Officer,  
FESCO Ltd,  
Samundri 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 Habib Ullah Vs. FESCO Against the Decision Dated 24.08.2021 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 14.09.2023 (05 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.138/POI-2021

Habibullah S/o. Mehar Din, R/o. Chak No.224/RB,  
Wazir Khan Wali, Street No.5, Niamat Town, Faisalabad .....Appellant

Versus

Faisalabad Electric Supply Company Limited .....Respondent

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

For the Appellant:

Mirza Muhammad Ijaz Advocate

For the Respondent:

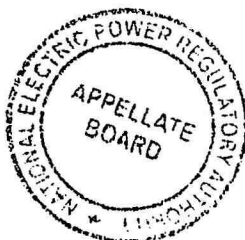
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## DECISION

1. Through this decision, the appeal filed by Mr. Habib Ullah (hereinafter referred to as the "Appellant") against the decision dated 24.08.2021 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that the Appellant is an industrial consumer of Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Respondent") bearing Ref No.27-13242-6207608 with a sanctioned load of 13 kW and the

Appeal No.138/POI-2021

Page 1 of 5



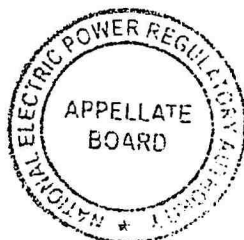
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## National Electric Power Regulatory Authority

applicable Tariff category is B-1(b). Reportedly, the billing meter of the Appellant was found 33% during the checking dated 22.01.2021, therefore multiplication factor (the "MF") of the Appellant was raised w.e.f January 2021 and onwards till the replacement of the impugned meter on 17.02.2021. Thereafter, a detection bill of Rs.75,045/- against 3,217 units for one month i.e. December 2020 was debited to the Appellant by the Respondent @ 33% slowness of the meter.

3. Being aggrieved with the above-mentioned actions of the Respondent, the Appellant filed a complaint before the POI and challenged the above detection bills. The matter was disposed of by the POI vide the decision dated 24.08.2021, wherein the detection bill of Rs.75,045/- against 3,217 units for one month i.e. December 2020 was declared as justified and payable by the Appellant.
4. Subject appeal has been filed by the Appellant against the afore-referred decision of the POI (the "impugned decision") before the NEPRA. In its appeal, the Appellant contended that the POI misconceived the real facts of the case and the provisions of the CSM-2021 while allowing the detection bill of Rs.75,045/-. The Appellant further contended that the one phase of the impugned billing meter became defective on 20.01.2021 for which Respondents were intimated immediately, however, the impugned meter was replaced with a new meter on 17.02.2021. As per the Appellant, the electric supply of the premises remained disconnected during the period from 20.01.2021 to 16.02.2021 but the Respondent debited the above-mentioned detection bill on account of 33% slowness of the meter. According to the Appellant, the Respondent violated Clause 4.3.2(c) of the CSM-2021 about the charging of actual



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## National Electric Power Regulatory Authority

consumption after data retrieval but the aforesaid detection bill was charged against the NEPRA Act. According to the Appellant, the POI has ignored the checking date of the Respondent i.e. 22.01.2021 before that checking, the impugned billing meter was found ok. The Appellant stated that the POI did not apply his independent and judicious mind while rendering the impugned decision. The Appellant submitted that the POI had neither recorded the evidence nor perused the relevant consumption data in true perspective and decided the petition illegally on mere surmises and conjectures without any justification and legal reasons, hence the impugned decision is liable to be set aside.

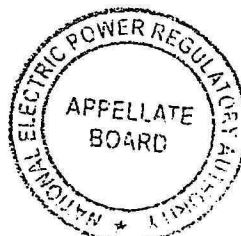
### 5. Proceedings by the Appellate Board

Upon filing of the instant appeal, a notice dated 29.11.2021 was sent to the Appellant for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.

### 6. Hearing

6.1 Hearings of the appeals were conducted at Lahore on 14.10.2022 and 25.11.2022, which however were adjourned due to the absence of the Respondent. Finally, hearing of the appeal was conducted at NEPRA Regional Office Lahore on 03.06.2023, which was attended by counsel for the Appellant, whereas again no one entered appearance for the Respondent. Learned counsel for the Appellant reiterated the same version as contained in the memo of the appeal and contended that the Respondent with malafide intentions charged the detection bill of Rs.75,045/- based on 33% slowness observed on 20.01.2021. As per learned counsel for the Appellant, the electric supply of the

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## National Electric Power Regulatory Authority

premises remained disconnected from 22.01.2021 to 16.02.2021, therefore there is no justification to charge the above detection bill, which needs to be revised as per the actual meter reading. As per the Appellant, the impugned decision for declaring the above detection bill as justified is not correct and the same is liable to be set aside.

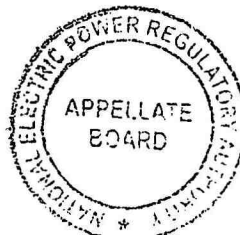
7. Arguments heard and the record perused. Following are our observations:

7.1 The Appellant challenged before the POI the detection bill of Rs.75,045/- against 3,217 units for one month i.e. December 2020. The POI vide impugned decision declared the above-said detection bill as justified and payable by the Appellant. Against which the Appellant filed the instant appeal before the NEPRA.

7.2 Since the impugned meter of the Appellant was not produced by the Respondent before the POI for verification of the alleged 33% slowness of the impugned meter. To confirm the 33% slowness during the disputed month of the above detection bill, the consumption of the disputed month is compared with the consumption of the corresponding month of the previous years i.e. 2018 and 2019 in the below table:

Corresponding undisputed month		Corresponding undisputed month		Disputed month	
Month	Units	Month	Units	Month	Units
Dec-18	12,527	Dec-19	10,781	Dec-20	6,434

As evident from the above, the impugned meter recorded significantly less consumption during the disputed month i.e. December 2020 as compared to the consumption of the corresponding month of the previous years i.e. 2019 and 2018, which indicates that the meter remained 33% slow. Therefore, we are of the considered view that the detection bill of Rs.75,045/- against 3,217 units for one



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## National Electric Power Regulatory Authority

month i.e. December 2020 charged to the Appellant is justified and payable by him.

8. Foregoing in view, the appeal is dismissed.

Abid Hussain  
Member

Naweed Illahi Sheikh  
Convener

Muhammad Irfan-ul-Haq  
Member

Dated: 14-09-2023

