



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

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No. NEPRA/Appeal/073/2023/569


July 03, 2024

- |   |   |
|---|---|
| 1. Mazhar Iqbal,<br>S/o. Feroze Khan,<br>R/o. Mohallah Khayaban Colony No. 2,<br>Tehsil Faisalabad City, Faisalabad   | 2. Chief Executive Officer,<br>FESCO Ltd,<br>West Canal Road, Abdullah Pur,<br>Faisalabad       |
| 3. Dr. Muhammad Irtiza Awan,<br>Advocate High Court,<br>Awan Law Associates, Al-Majeed Centre,<br>1-Mozang Road, 38-Link Farid Kot Road,<br>Lahore<br>Cell No. 0300-4211934 | 4. Sub Divisional Officer (Operation),<br>FESCO Ltd,<br>Madina Town Sub Division,<br>Faisalabad |
| 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 No.073/2023 (FESCO Vs. Mazhar Iqbal) Against the Decision Dated 31.05.2023 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 03.07.2024 (04 pages), regarding the subject matter, for information and necessary action accordingly.

**Encl: As Above**

  
**(Ikram Shakeel)**  
**Deputy Director**  
**Appellate Board**

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.073/POI-2023

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Mazhar Iqbal S/o. Feroz Khan, R/o. Mohallah Khayaban Colony No.02,  
Tehsil and Distrcit Faisalabad

.....Respondent

## **APPEAL UNDER SECTION 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997**

### For the Appellant:

Dr. M. Irtiza Awan Advocate  
Mr. Sajjad Mehmood Addl. XEN

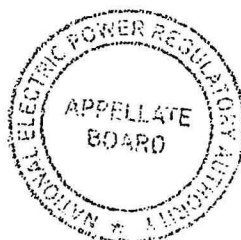
### For the Respondent:

Nemo

## DECISION

1. As per the facts of the case, Mazhar Iqbal (hereinafter referred to as the “Respondent”) is a domestic consumer of Faisalabad Electric Supply Company Limited (hereinafter referred to as the “Appellant”) having two connections i.e. (i) bearing Ref No.0313131-1002318-U having sanctioned load of 3 kW and the applicable tariff category is A-1(a) (the “disputed connection”) and (ii) bearing Ref No.03-13131-1002311 having sanctioned load and the applicable tariff category is A-1(a). The billing meter of the disputed connection of the Respondent was found defective, hence DFE-EST code was fed by the Appellant w.e.f July 2022 and onward. Later on, the impugned meter was replaced with a new meter by the Appellant in September 2022. Thereafter, a detection bill of Rs.189,950/- against 5,813 units for six (06) months for the period from February 2022 to July 2022 was debited by the Appellant to the Respondent on the basis of connected load and added to the bill for August 2022 against which the Respondent deposited Rs.30,000/-.

Appeal No.073/POI-2023



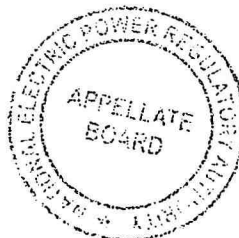
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2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide decision dated 31.05.2023, wherein the detection bill of Rs.189,950/- against 5,813 units for six (06) months for the period from February 2022 to July 2022 was declared null and void. The Appellant was directed to charge the revised detection bill of net 1,767 units for June 2022 and July 2022 and overhaul the billing account of the Respondent, accordingly.
3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 31.05.2023 of the POI (hereinafter referred to as the "impugned decision"). In its appeal, the Appellant opposed the maintainability of the impugned decision, *inter-alia*, on the grounds that the impugned decision is against the facts and law of the case; that the POI did not apply his independent and judicious mind while passing the impugned decision; that the POI has not thrashed out the consisting reasons in the matter; that the impugned meter became defective in February and the same was replaced with a new meter in September 2022; that the detection bill of Rs.189,950/- against 5,813 units for six (06) months for the period from February 2022 to July 2022 is justified and payable by the Respondent; that the POI has not adverted the real aspects of the case and that the impugned decision is liable to be set aside.
4. Notice dated 18.12.2023 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed.
5. **Hearing**  
Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 08.06.2024, wherein learned counsel along with an official appeared for the Appellant and the Respondent did not tender attendance. Learned counsel for the Appellant contended that the billing meter of the Respondent became defective, therefore the Respondent shifted the entire load of the premises on the defective meter. Learned counsel for the Appellant further contended that the impugned meter was replaced with a new meter in September 2022. Learned counsel for the Appellant submitted that a detection bill of Rs.189,950/- against 5,813 units for six (06) months for the period from February 2022 to July 2022 was debited to the Respondent to recover the revenue loss sustained by the Appellant. Learned counsel for the Appellant argued that the POI did not consider the real aspects of the case and erroneously declared the above detection bill as null and void. Learned counsel for the Appellant prayed that the impugned decision to this extent is liable to be struck down.



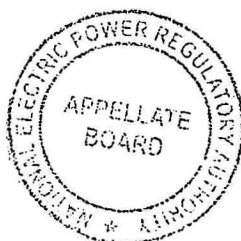


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6. Having heard the arguments and record perused. Following are our observations:
- 6.1 The Appellant charged the detection bill of Rs.189,950/- against 5,813 units for six (06) months for the period from February 2022 to July 2022 to the Respondent on the basis of connected load, which was challenged before the POI.
- 6.2 It is observed that the Appellant fed DEF-EST code w.e.f July 2022 and onward due to a defective impugned meter and subsequently replaced the same with a new meter in September 2022. The Appellant further debited the impugned detection bill of Rs.189,950/- for six months based on the connected load with the plea that the Respondent shifted the entire load of the premises on the defective meter of the disputed connection. This whole scenario shows that the Appellant already fed the DEF-EST code and again debited the above detection bill for the same period, which overburdened the Respondent. Even otherwise, Clause 4.3.1 of the CSM-2021 empowers the Appellant to debit the detection bill maximum for two months and the basis of the detection bill be made on 100% consumption of the corresponding months of the previous year or average consumption of the last eleven months, whichever is higher. However, in the instant case, the Appellant debited the impugned detection bill beyond two billing cycles and on the basis of connected load, which is inconsistent with the foregoing clause of the CSM-2021.
- 6.3 To verify the contention of the Appellant regarding the shifting of load by the Respondent on the defective meter, the consumption pattern of both connections is analyzed in the table below:

Period before dispute				Disputed period			
Month	Units of C1	Units of C2	Total Units	Month	Units of C1	Units of C2	Total Units
Feb-20	15	238	253	Feb-21	16	368	384
Mar-20	12	205	217	Mar-21	13	222	235
Apr-20	15	299	314	Apr-21	15	448	463
May-20	13	358	371	May-21	15	462	477
Jun-20	16	601	617	Jun-21	14	555	569
Jul-20	15	524	539	Jul-21	15	450	465
Total	86	2225	2311	Total	88	2505	2593

As evident from the above table, the normal consumption of both connections of the Respondent charged during the disputed month i.e. February 2021 to July 2021 is higher than the combined consumption of both connections of the Respondent recorded during the corresponding months of the preceding year. Hence there is no justification to further debit






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the detection bill of Rs.189,950/- against 5,813 units for six (06) months for the period from February 2022 to July 2022 and the same is cancelled, which is also the determination of the POI.

6.4 As regards the determination of the POI for revision of the detection bill for 1,767 units is concerned, the Respondent neither filed an appeal against the impugned nor even joined the proceedings before this forum, hence he is proceeded *ex-parte*. We even do not find any reason to interfere with the impugned decision and the same is upheld.

7. Foregoing in view, the appeal is dismissed.

On leave  
Abid Hussain  
Member/Advisor (CAD)

  
Naweed Illahi Sheikh  
Convener/DG (CAD)

  
Muhammad Irfan-ul-Haq  
Member/ALA (Lic.)

Dated: 03-07-2024

