



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

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No. NEPRA/Appeal/117/2023/ 57

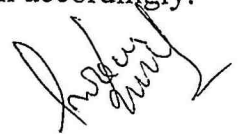
July 03, 2024

1. Ahmad Khan,
S/o. Umar Hayat,
R/o. Chak No. 212/JB,
Tehsil Bhawana, District Chiniot
2. Chief Executive Officer,
FESCO Ltd,
West Canal Road, Abdullah Pur,
Faisalabad
3. Dr. Muhammad Irtiza Awan,
Advocate High Court,
Awan Law Associates, Al-Majeed Centre,
1-Mozang Road, 38-Link Farid Kot Road,
Lahore
Cell No. 0300-4211934
4. Sub Divisional Officer (Operation),
FESCO Ltd,
Bhawana 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.117/2023 (FESCO Vs. Ahmad Khan) Against the Decision Dated 19.04.2023 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 (03 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.117/POI-2023

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Ahmed Khan S/o. Umar Hayat, R/o. Chak No.212/JB,
Tehsil Bhawana, District Chiniot

.....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. Rizwan SDO

For the Respondent:

Nemo

DECISION

1. As per the facts of the case, Ahmed Khan (hereinafter referred to as the “Respondent”) is an agricultural consumer of Faisalabad Electric Supply Company Limited (hereinafter referred to as the “Appellant”) bearing Ref No.29-13164-3121707-U having sanctioned load of 14.92 kW and the applicable tariff category is D-2(b). The billing meter of the Respondent was found defective, therefore it was replaced with a new meter by the Appellant on 21.09.2021 and sent to M&T laboratory on 03.11.2021. As per the M&T report dated 22.03.2022, the impugned meter of the Respondent was declared 66% slow due to two dead phases. Resultantly, a detection bill of Rs.356,695/- for 13,201 units for August 2021 was debited by the Appellant to the Respondent @ 66% slowness of the meter and added to the bill for October 2022.
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

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19.04.2023, wherein the detection bill of Rs. 356,695/- for 13,201 units for August 2021 was declared null and void. The Appellant was directed to 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 19.04.2023 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 was replaced on 21.09.2021, which was sent to the M&T for checking; that the impugned meter was found 66% slow during subsequent checking dated 23.03.2022; that the detection bill of Rs.356,695/- for 13,201 units for August 2021 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 14.12.2023 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed.

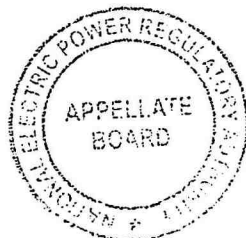
5. **Hearing**

Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 08.06.2024, wherein learned counsel appeared for the Appellant and the Respondent did not tender attendance. Learned counsel for the Appellant contended that the billing meter of the Respondent was found defective, therefore it was replaced with a new meter on 21.09.2021 and checked by the M&T team. Learned Counsel for the Appellant submitted that the impugned meter was found 66% slow, hence a detection bill of Rs.356,695/- for 13,201 units for August 2021 was debited to the Respondent. 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.

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

6.1 The Appellant charged the detection bill of Rs.356,695/- for 13,201 units for August 2021 to the Respondent on account of 66% slowness of the meter as observed on 22.03.2022, which was challenged before the POI.

6.2 It is observed that the impugned meter was replaced by the Appellant on 21.09.2021 due to a black spot on the screen and kept in its custody for one and half months before sending it to





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the M&T laboratory. It is further observed that M&T vide report dated 22.03.2022 declared the impugned meter 66% slow due to two phases being dead. If presumed the impugned meter was 66% slow as to why the impugned meter was not produced before the POI being a competent forum for verification of 66% slowness of the meter. The Appellant debited the impugned detection bill after lapse of more than one year from the date of replacement of the impugned meter, which is violative of Clause 11 of the Clarification dated 26-03-2021 given in the revised CSM-2021.


6.3 To further ascertain the justification of the above detection bill of 13,201 units for August 2021, consumption data for three years is placed below:


Year	2020	2021	2022
Month	Units	Units	Units
January	1251	4612	7254
February	2568	6630	5343
March	5583	5098	1402
April	4472	5560	7647
May	5475	5104	9395
June	3071	3181	4433
July	3098	3368	2504
August	4540	6639	490
September	4762	5575	4240
October	4154	5987	8317
November	13	2576	3867
December	0	3753	9217

As evident from the above table, normal consumption charged in the disputed month i.e. August 2021 is much higher than the consumption of corresponding months of the preceding and succeeding years 2020 and 2022. Hence there is no justification to further debit the detection bill of 13,201 units for August 2021 and the same is cancelled, which is also the determination of the POI.

7. Foregoing in view, the appeal is dismissed.

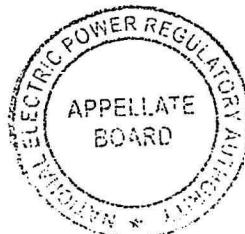
On leave
Abid Hussain
Member/Advisor (CAD)


Naveed Illahi Sheikh
Convener/DG (CAD)


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

Dated: 03-07-2024

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