



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

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No. NEPRA/Appeal/060/2023/ 623

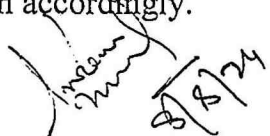
August 08, 2024

1. Muhammad Jamil,
S/o. Muhammad Siddique
R/o. House No. 36-B,
Peoples Colony No. 1,
Faisalabad
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,
Peoples Colony 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 No.060/2023 (FESCO Vs. Muhammad Jamil) Against the Decision Dated 29.03.2023 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 08.08.2024 (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.060/POI-2023

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Jamil S/o. Muhammad Siddique, R/o. House No.36-B,
Peoples Colony No.01, 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

For the Respondent:

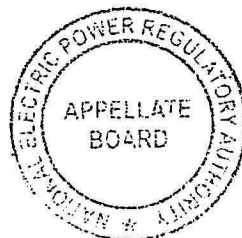
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DECISION

1. As per the facts of the case, Muhammad Jamil (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.15-13241-1588800-U having sanctioned load of 03 kW and the applicable tariff category is A-1(a). The billing meter of the Respondent was found dead stop during checking dated 14.08.2022 of the Appellant. Notice dated 03.09.2022 was issued to the Respondent regarding the above discrepancy and the bills for September 2022 and October 2022 were charged on DEF-EST code. Thereafter, a detection bill of Rs. 437,698/- for 11,692 units for three months for the period from June 2022 to August 2022 was debited by the Appellant to the Respondent in November 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 along with the bills for September 2022 and October 2022. During subsequent M&T team checking dated 03.02.2023, the impugned meter of the Respondent was found 66%

Appeal No.060/POI-2023

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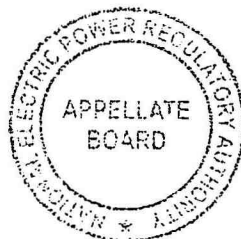


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- slow due to two dead phases. The complaint of the Respondent was disposed of by the POI vide decision dated 29.03.2023, wherein the above detection bill along with the bills for the months i.e. September 2022 and October 2022 were declared null and void. The Appellant was directed to charge the revised detection bill for net 3,746 units for July 2022 and August 2022. The Appellant further 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 29.03.2023 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 found dead stop, which was verified by the M&T team; that the detection bill charged for three months 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 07.07.2023 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 02.03.2024, 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, hence a detection bill of Rs.437,698/- for 11,692 units for three months for the period from June 2022 to August 2022 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 As per the available record, the billing meter of the Respondent was found defective during checking dated 14.08.2022, therefore the bills for September 2022 and October 2022 were charged on DEF-EST cod. Thereafter, a detection bill of Rs.437,698/- for 11,692 units for three months for the period from June 2022 to August 2022 was debited by the Appellant to the Respondent. During subsequent M&T checking dated 03.02.2023 of the Appellant, the impugned meter of the Respondent was found 66% slow due to two dead phases.



M.A.



National Electric Power Regulatory Authority

6.2 According to Clause 4.3.3c(ii) of the CSM-2021, the Respondent is liable to be charged the detection bill maximum for two months in case of a slow meter, however, the Appellant debited the detection bill for three months, which is violative of the foregoing clause of the CSM-2021. Therefore, we are of the considered view that the detection bill of Rs.437,698/- for 11,692 units for three months for the period from June 2022 to August 2022 debited to the Respondent is unjustified being inconsistent with the foregoing clause of the CSM-2021 and the same was rightly cancelled by POI.

6.3 According to Clause 4.3.3c(ii) of the CSM-2021, the Respondent is liable to be charged the supplementary bill for two billing cycles prior to checking dated 14.08.2022 due to 66% slowness of the meter.

6.4 The onward bills with enhanced MF till the replacement of the impugned meter as per Clause 4.3.3c(i) of the CSM-2021. The impugned decision is liable to be modified to this extent.

7. Summing up the foregoing discussion, it is concluded that:

7.1 The detection bill of Rs.437,698/- for 11,692 units for three months for the period from June 2022 to August 2022 and the bills for September 2022 and October 2022 charged by the Appellant to the Respondent are unjustified and the same are cancelled, which is also the determination of the POI.

7.2 The Respondent may be charged the revised supplementary bill for two billing cycles prior to checking dated 14.08.2022 due to 66% slowness of the meter as per Clause 4.3.3c(ii) of the CSM-2021.

7.3 Similarly, the onward bills till the replacement of the impugned meter be revised with enhanced MF due to the 66% slowness of the meter as per Clause 4.3.3c(i) of the CSM-2021.

7.4 The billing account of the Respondent may be overhauled, accordingly.

8. The impugned decision is modified in the above terms.

Abid Hussain
Member/Advisor (CAD)

Nawced Illahi Sheikh
Convener/DG (CAD)

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

Dated: 08-08-2024

