



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

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No. NEPRA/Appeal/008/2024/8/2

October 10, 2024

1. Muhammad Tahir Mehmood,  
S/o. Feroz Din,  
R/o. Marzipura, Kothi Sadaat Road,  
Faisalabad
2. Chief Executive Officer,  
FESCO Ltd,  
West Canal Road, Abdullah Pur,  
Faisalabad
3. Hafiz Faisal Raheem,  
Advocate High Court,  
33-District Courts, Faisalabad  
Phone No. 041-2641435  
Cell No. 0321-6661306
4. Sub Divisional Officer (Operation),  
FESCO Ltd,  
Rehmat 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 No.008/2024 (FESCO Vs. Muhammad Tahir Mehmood) Against the Decision Dated 24.11.2023 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 10.10.2024 (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.008/POI-2024

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Tahir Mehmood,

S/o. Feroz Din, R/o. Marzipura, Kothi Sadaat Road, Faisalabad

.....Respondent

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

For the Appellant:

Hafiz Faisal Raheem Advocate

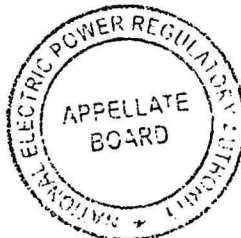
For the Respondent:

Nemo

### **DECISION**

1. As per the facts of the case, Muhammad Tahir (hereinafter referred to as the "Respondent") is an industrial consumer of Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.24-13227-5206914-U having sanctioned load of 47 kW and the applicable tariff category is B-2(b). The metering equipment of the Respondent was checked by the M&T team of the Appellant on 05.09.2022 and reportedly, both the billing and backup meters were found 33% slow due to the yellow phase being dead. Therefore, the MF of the Respondent was enhanced from 20 to 29.8 w.e.f September 2022 and onwards by the Appellant due to 33% slowness of the meter.
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 bills for the period from September 2022 to March 2023. During joint checking dated 30.03.2023 of the POI, both the billing and backup meters were found 4.76% slow. The complaint of the Respondent was disposed of by the POI vide decision dated 24.11.2023, wherein the Appellant was directed to refund 46,553 units being excessively charged during the period from September 2022 to March 2023 due to wrong application of MF i.e. 29.8 instead of 20.

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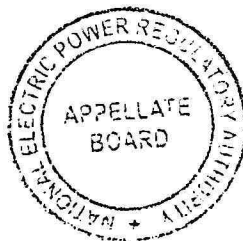


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3. Being dissatisfied, the Appellant has filed the instant appeal before the NEPRA and assailed the decision dated 24.11.2023 of the POI (hereinafter referred to as the “impugned decision”). In its appeal, the Appellant opposed the maintainability of the impugned decision, *inter-alia*, on the following grounds that the impugned decision is against the law and facts of the case; that the disputed meters were checked by POI in the presence of both parties but the said forum remained silent; that the impugned decision is bad in law and that the same is liable to be set aside.
4. Notice dated 06.02.2024 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed. Hearing of the appeal was held at NEPRA Regional Office Lahore on 08.06.2024, wherein learned counsel appeared for the Appellant and no one tendered appearance for the Respondent. Learned counsel for the Appellant repeated the same arguments as contained in memo of the appeal and argued that the metering equipment was functioning correctly during the POI joint checking of the POI and the billing was charged as per the reading recorded by the meter. Learned counsel for the Appellant finally prayed for setting aside the impugned decision.
5. Having heard the arguments and record perused. Following are our observations:
  - 5.1 Bills with enhanced MF=29.8 for the period from September 2022 to March 2023:  
As per the available record, the billing meter of the Respondent was found 33% slow during M&T checking dated 05.09.2022, therefore, the MF was raised from 20 to 29.8 w.e.f September 2022 and onwards. The Respondent challenged the bills for the period from September 2022 to March 2023 before the POI.
  - 5.2 During the joint checking dated 30.03.2023 of the POI, both the billing and backup meters were found 4.76% slow, therefore the POI vide impugned decision directed the Appellant to afford credit of 46,553 units being excessively charged due to wrong application of MF i.e.29.8 instead of 20. Against which the Appellant filed instant appeal before the NEPRA.
  - 5.3 It is observed that the impugned billing and backup meters were found 4.76% slow during the POI joint checking dated 30.03.2023, hence the MF of the Respondent for the bills from September 2022 to March 2023 be revised @ 4.76% slowness of the meter as per Clause 4.3.3c(ii) of the CSM-2021. However, in the instant case neither the Appellant correctly applied MF for the billing of the disputed period nor the POI considered 4.76% slowness while rendering the impugned decision. Hence, it would be fair and appropriate to revise the bills for the period from September 2022 to March 2023 due to 4.76% slowness of the meter, calculation in this regard is done below:





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Month	Units already charged
Sep-22	30
Oct-22	9804
Nov-22	27088
Dec-22	27208
Jan-23	41362
Feb-23	13589
Mar-23	22172
<b>Total</b>	<b>141253</b>

- MF to be charged = Actual MF  $\div$  (100%-4.76%) slowness = 20  $\div$  95.24% = 21
- Total units to be charged =  $\frac{\text{Total units already charged} \times \text{MF due to 4.76\% slowness}}{\text{MF already charged}}$
- Total units to be charged =  $\frac{141,253 \times 21}{29.8}$  = 99,540 units
- Net units to be credited = Total units already charged – Total units to be charged  
= 141,253 - 99,540 = **41,712 units**

5.4 As evident from the above, the Respondent was charged the total of 141,253 units, whereas, 99,540 units are liable to be charged, hence the Respondent is liable to be afforded credit of net 41,712 units being excessively charged during the period from September 2022 to March 2023 due to the wrong application of MF=29.8 instead of 21. Moreover, the Respondent is liable to be charged the detection bill for two billing cycles prior to checking dated 05.09.2022 due to 4.76% slowness of the meter, under Clause 4.3.3c(ii) of the CSM-2021. The impugned decision is liable to be modified to this extent.

6. In view of what has been stated above, we concluded that:


6.1 The Respondent may be afforded credit of 41,712 units being excessively charged during the period from September 2022 to March 2023 due to wrong MF=29.8 instead of 21.

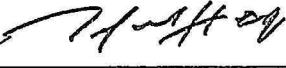
6.2 The Respondent may be charged the detection bill for two billing cycles before checking dated 05.09.2022 due to 4.76% slowness of the meter as per Clause 4.3.3c(ii) of the CSM-2021.

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

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

On leave  
Abid Hussain  
Member/Advisor (CAD)

  
Naveed Ishaq Sheikh  
Convener/DG (CAD)

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

Dated: 10-10-2024

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