



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

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No. NEPRA/Appeal/026/2024/ 8/13

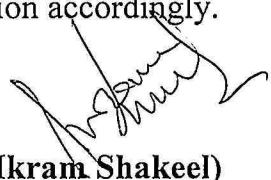
October 10, 2024

- |   |   |
|---|---|
| 1. Muhammad Aslam,<br>S/o. Muhammad Ibrahim,<br>Prop: Muhammad Aslam Ice Factory,<br>Tehsil Lalian, District Chiniot<br>Cell No. 0343-7797745                   | 2. Chief Executive Officer,<br>FESCO Ltd,<br>West Canal Road, Abdullah Pur,<br>Faisalabad |
| 3. Hafiz Faisal Raheem,<br>Advocate High Court,<br>33-District Courts, Faisalabad<br>Phone No. 041-2641435<br>Cell No. 0321-6661306                             | 4. Sub Divisional Officer (Operation),<br>FESCO Ltd,<br>City Sub Division,<br>Lalian      |
| 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.026/2024 (FESCO Vs. Muhammad Aslam) Against the Decision Dated 13.11.2023 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 (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.026/POI-2024

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Aslam S/o. Muhammad Ibrahim,  
Prop: Muhammad Aslama Ice Factory, Tehsil Lalian,  
District Chiniot

.....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  
Mr. Asif Shahzad Kullah SDO

#### For the Respondent:

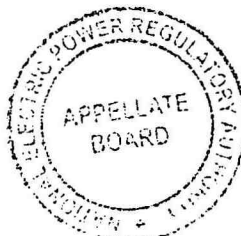
Mr. Muhammad Aslam

### **DECISION**

1. As per the facts of the case, Muhammad Aslam (hereinafter referred to as the “Respondent”) is an industrial (Ice Factory) consumer of Faisalabad Electric Supply Company Limited (hereinafter referred to as the “Appellant”) bearing Ref No.24-13171-5500401-U having sanctioned load of 59 kW and the applicable tariff category is B-2(b). The billing and backup meters of the Respondent were found defective with upset date and time during the M&T team checking dated 11.04.2022 of the Appellant. Subsequently, the Respondent vide application dated 08.09.2022 approached the Appellant for replacement of the defective meter and for the correction of bills for the period from June 2022 to August 2022. In response, the Appellant replaced the impugned meter with a new meter in January 2023. Later on, the Appellant afforded relief to the Respondent by crediting an amount of Rs.363,151/- against 5,500 units+199 kW MDI in the month of April 2023.
2. Being aggrieved with the above-mentioned actions of the Appellant, the Respondent filed a complaint before the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the “POI”) and challenged the arrears of Rs.861,709/- added in

11.

Appeal No.026/POI-2024



Page 1 of 4

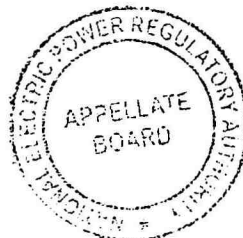


## National Electric Power Regulatory Authority

May 2023. The complaint of the Respondent was disposed of by the POI vide decision dated 13.11.2023 with the following conclusion:

*“In view of above, the case is hereby disposed of with the observation that due relief has already been afforded to the complainant. However, the Respondents are directed to waive off the LPS amount on the disputed amount and recover the remaining disputed amount in three (03) equal installments. The Respondents are further directed to overhaul the complainant’s account by adjusting all Credits, Debits, Deferred Amounts & Payments already made by the consumer.”*

3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 13.11.2023 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 grounds that the impugned decision is against the facts and law of the case; that the impugned meter was replaced with a new meter with the final peak reading index noted as 2,958, whereas the Respondent was debited upto 2988 reading index, hence the bill was corrected in the light of M&T vide memo dated 30.01.2023, which was duly approved by the SE (O) of the Appellant vide memo dated 18.04.2023; that the Respondent already availed relief of Rs.363,151/- against 5,500 units+199 kW MDI in the month of April 2023; that the POI did not consider the legal fact and directed the Appellant to waive of LPS and for recovery in three equal installments; that the impugned decision is illegal, unlawful against the law and record of the case and that the same is liable to be set aside.
4. Notice dated 20.03.2024 of the appeal was issued to the Respondent for filing reply/para-wise comment, which were filed on 08.06.2024. In the reply, the Respondent rebutted the version of the Appellant and contended that the impugned meter became defective in April 2022 for which the Appellant was approached time and again but the impugned meter was replaced with a new meter by the Appellant after a lapse of nine months i.e. in January 2023. The Respondent further contended that the Appellant debited excessive bills for the period from April 2022 to January 2023, which are liable to be rectified as per consumption of previous years.
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 was present in person. Learned counsel for the Appellant contended that the billing meter of the Respondent was found defective, hence it was replaced with a new meter in January 2023. Learned counsel for the Appellant further contended that the Respondent was excessively billed due to wrong





## National Electric Power Regulatory Authority

feeding of MCO, therefore he was afforded a relief of Rs.363,151/- against 5,500 units+199 kW MDI in the month of April 2023. As per learned counsel for the Appellant, the impugned decision for withdrawal of LPS and recovery of remaining arrears in three equal installments is incorrect, beyond the prayer of the Respondent and the same is liable to be struck down. On the other hand, the Respondent averred that the impugned meter was found defective with upset date and time during M&T checking dated 11.04.2022, but the Appellant debited excessive bills for the period from April 2022 to January 2023 despite repeated requests for replacement of the impugned meter. The Respondent submitted that the impugned meter was replaced with a new meter in January 2023 but the Appellant afforded relief of 5,500 units + 199 kW, which is much less than the excessive bills debited by them. The Respondent further submitted that due to the delay in the replacement of the impugned meter, he faced huge financial loss, and even his factory was closed in the year 2022. The Respondent finally prayed for dismissal of the appeal and for rectification of the bills for the period from April 2022 to January 2023 on the basis of healthy undisputed consumption of the previous year.

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

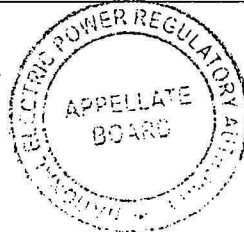
6.1 As per the available record, the billing meter of the Respondent was found defective with with upset date and time during M&T checking dated 11.04.2022, subsequently, it was replaced with a new meter by the Appellant on 16.01.2023. The Appellant afforded credit of 5,500 units+199 kW MDI in April 2023. Thereafter, the Respondent raised the dispute of excessive billing for the period from April 2022 to January 2023 before the POI with the plea that excessive bills were charged by the Appellant during the above-said period.

6.2 In order to check the authenticity of the billing carried out by the Appellant during the disputed period, consumption data is analyzed in the below table:

Undisputed period				Disputed period			
Month	Off-peak units	Peak units	Total units	Month	Off-peak units	Peak units	Total units
Apr-21	200	40	240	Apr-22	13580	1900	15480
May-21	17540	980	18520	May-22	30540	4600	35140
Jun-21	33900	4100	38000	Jun-22	27920	3680	31600
Jul-21	32000	5000	37000	Jul-22	24620	2920	27540
Aug-21	32280	3620	35900	Aug-22	25620	2640	28260
Sep-21	21160	340	21500	Sep-22	0	0	0
Oct-21	0	0	0	Oct-22	0	0	0
Nov-21	0	0	0	Nov-22	0	0	0
Dec-21	0	0	0	Dec-22	0	0	0
Jan-22	0	0	0	Jan-23	4360	1140	5500
Total	137080	14080	151160	Total	126640	16880	143520

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Appeal No.026/POI-2024



Page 3 of 4



## National Electric Power Regulatory Authority


The above comparison of consumption data shows that the Respondent was billed total 143,520 units during the disputed period, which is considerably lesser than the corresponding undisputed consumption of the preceding year. In addition, the Appellant already afforded credit of Rs.363,151/- against 5,500 units+199 kW MDI to the Respondent in the month of April 2023 against the bills for the disputed period i.e. April 2022 to January 2023. Therefore, we are of the considered view that the remaining arrears pertaining to the bills for the period from April 2022 to January 2023 are recoverable from the Respondent being justified, which is also the determination of the POI.


6.3 The discrepancy of upset data and time in the impugned meters of the Respondent was observed by the M&T team of the Appellant on 11.04.2022, as such, it is the prime responsibility of the Appellant to replace the impugned meters of the Respondent within two billing cycles as per Clause 4.3.1 of the CSM-2021. In this regard, the Respondent approached the Appellant time and again, however, the Appellant failed to do so timely and replaced the impugned metering equipment after the lapse of nine months i.e. on 16.01.2023. Under these circumstances, the Respondent cannot be held responsible for the payment of LPS due to non-payment of the impugned bills as the billing dispute arose due to negligence on the part of the Appellant for non-adhering with the procedure as laid down in Chapter 4 of the CSM-2021. Therefore, we are inclined to agree with the determination of the POI for withdrawal of the LPS against the impugned arrears.

7. Foregoing in view, the appeal is dismissed.

On leave  
Abid Hussain  
Member/Advisor (CAD)

Dated: 10-10-2024

  
Naweed Illahi Sheikh  
Convener/DG (CAD)

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

