



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

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No. NEPRA/Appeal/113/2021/ 734


September 19, 2024

1. Hassan Rashid  
S/o. Abdul Rashid,  
R/o. Chak No. 214/RB,  
Ghousia Road, Faisalabad
2. Chief Executive Officer,  
FESCO Ltd,  
West Canal Road, Abdullah Pur,  
Faisalabad
3. Malik Asad Akram Awan,  
Advocate High Court,  
Sargodha Khushab Law Chambers,  
First Floor, Turner Tower,  
9-Turner Road, Lahore  
Cell No. 0342-9786786
4. Sub Divisional Officer (Operation),  
FESCO Ltd,  
Jarranwala Road 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.113/2021 (FESCO Vs. Hassan Rashid) Against the Decision Dated 17.11.2020 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 19.09.2024 (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.113/POI-2021

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Hassan Rashid S/o. Abdul Rashid,  
R/o. Chak No.214/RB, Ghousia Road, Faisalabad

.....Respondent

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

For the Appellant:

Malik Asad Akram Advocate

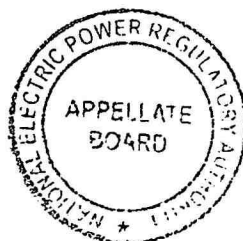
For the Respondent:

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## DECISION

1. As per the facts of the case, Hassan Rashid (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.24-13138-5809001-U having sanctioned load of 80 kW and the applicable tariff category is B-2(b). The display of the billing meter of the Respondent became defective in November 2019, hence DEF-EST code was fed by the Appellant for onward billing. During subsequent checking dated 10.12.2019 of M&T, the discrepancy of vanished display was confirmed. Therefore, a detection bill of Rs.710,601/- for 33,200 units/ 3 kW MDI for three months for the period from August 2019 to October 2019 was debited by the Appellant to the Respondent in May 2020.
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 the period from November 2019 to July 2020. The complaint of the Respondent was disposed of by the POI vide decision dated 17.11.2020, wherein the above detection bill along with the bills for November 2019 to March 2020 and

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June 2020 and July 2020 were declared justified and payable, whereas the bill for April 2020 and May 2020 were cancelled. The Appellant was 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 17.11.2020 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 suffers from misreading and non-reading of record and has been passed in mechanical and slipshod manners; that the POI did not decide the case within 90 days as given in Section 26(6) of the Electricity Act 1910; that the billing meter was found 33% slow but the POI did not take into consideration and that the impugned decision is liable to be set aside.

4. Notice dated 05.11.2021 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed.

5. **Hearing**

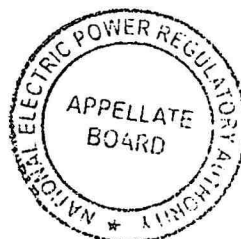
Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 02.03.2024, wherein learned counsel appeared for the Appellant and the Respondent did not tender attendance. Learned counsel for the Appellant contended that the billing meter of the Respondent was found defective, hence DEF-EST code was fed for onward billing and a detection bill of Rs.710,601/- for 33,200 units+3 kW MDI for three months for the period from August 2019 to October 2019 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 bills for April 2020 and May 2020 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 **Objection regarding the time limit for POI to decide the complaint:**

As per the record, the Respondent filed his complaint before the POI under Section 38 of the NEPRA Act. POI pronounced its decision on 17.11.2020 i.e. after 90 days of receipt of the complaint. The Appellant has objected that the POI was bound to decide the matter within 90 days under Section 26(6) of the NEPRA Act 1910. In this regard, it is observed that the forum of POI has been established under Section 38 of the NEPRA Act which does not put a restriction of 90 days on POI to decide complaints. Section 38 of the NEPRA Act overrides provisions of the Electricity Act, 1910. Reliance in this regard is placed on the judgments of

*Ad.*  
*Qd*





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the honorable Lahore High Court Lahore reported in *PLJ 2017-Lahore-627 and PLJ-2017-Lahore-309*. Keeping in view the overriding effect of the NEPRA Act on the Electricity Act, 1910, and the above-referred decisions of the honorable High Court, the objection of the Respondent is dismissed.

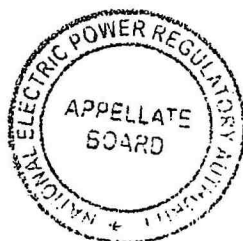
### 6.2 Bill of April 2020 and May 2020:

As per the available record, the billing meter of the Respondent was found defective with the vanished display in November 2019, hence DEF-EST code was fed by the Appellant for onward billing. During subsequent checking dated 10.12.2019 of M&T, the discrepancy of the vanished display was confirmed. Therefore, a detection bill of Rs.710,601/- for 33,200 units/ 3 kW MDI for three months for the period from August 2019 to October 2019 was debited by the Appellant to the Respondent in May 2020. The Respondent assailed the above detection bill along with the bills for the period from November 2019 to July 2020 before the POI, who vide impugned decision declared the above detection bill along with the bills for the period from November 2019 to March 2020 and June 2020 and July 2020 as justified and payable, whereas the bill for April 2020 and May 2020 was cancelled against which the Appellant filed the instant appeal before NEPRA.

6.3 To verify the contention of the Appellant, consumption data of the Respondent is reproduced below:

Month	Units	Status	Month	Units	Status
Jan-19	31100	Active	Jan-20	31100	Defective
Feb-19	33500	Active	Feb-20	33500	Defective
Mar-19	30000	Active	Mar-20	30000	Defective
Apr-19	28500	Active	Apr-20	29464	Defective
May-19	30200	Active	May-20	30200	Defective
Jun-19	30300	Active	Jun-20	30300	Defective
Jul-19	30700	Active	Jul-20	30700	Defective
Aug-19	16700	Active	Aug-20	31321	Replaced
Sep-19	31900	Active	Sep-20	36040	Active
Oct-19	22000	Active	Oct-20	29960	Active
Nov-19	32300	Defective	Nov-20	29040	Active
Dec-19	29300	Defective	Dec-20	34920	Active

As evident from the above table, the impugned meter of the Respondent was functioning correctly till October 2019, and it became defective in November 2019, which was subsequently replaced by the Appellant in August 2020 after lapse of more than nine months. According to Clause 4.4(c) of the CSM-2010, the Appellant is bound to replace the impugned





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meter within two billing cycles, which in the instant case was not done by the Appellant. It is further observed that a nationwide lockdown was put w.e.f. 1<sup>st</sup> April 2020 and extended twice until 9<sup>th</sup> May 2020. In such scenario, the Respondent cannot be held responsible for the payment of the average bills for April 2020 and May 2020. Therefore we are inclined to agree with the determination of the POI for cancellation of the bills for April 2020 and May 2020 and for revision of the same based on consumption of corresponding months of the year 2019.

7. Foregoing in view, the appeal is dismissed.

Abid Hussain  
Member/Advisor (CAD)

Naweed Illahi Sheikh  
Convener/DG (CAD)

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

Dated: 19-09-2024

