



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

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No. NEPRA/Appeal/130/2021/ 764

October 02, 2024

1. Abid Ali,
S/o. Ghulam Nabi,
Las Lawaris Chiniot
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,
Chiniot-I 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.130/2021 (FESCO Vs. Abid Ali) Against the Decision Dated 29.10.2020 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 02.10.2024 (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.130/POI-2021

Faisalabad Electric Supply Company LimitedAppellant

Versus

Abid Ali S/o. Ghulam Nabi, Las Lawaris, District ChiniotRespondent

APPEAL U/S 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Malik Asad Advocate

Mr. Adnan Masih SDO

For the Respondent:

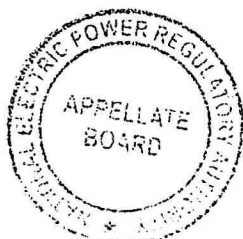
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DECISION

1. Brief facts leading to the filing of instant appeal are that Mr. Abid Ali (hereinafter referred to as the "Respondent") is a consumer of Faisalabad Electric Supply Company Limited (hereinafter referred to as the "the Appellant") having three connections i.e. (i) Agricultural connection bearing Ref No.29-13161-3025700 with sanctioned load of 14.92 kW and the applicable tariff category is D-1b (the "first connection"), (ii) Agricultural connection bearing Ref No.29-13161-3025800 with sanctioned load of 11.19 kW and the applicable tariff category is D-1b (the "second connection") and domestic connection bearing Ref No.07-13161-0504701 with sanctioned load of 3 kW and the applicable tariff category is A-1(a). As per the Appellant, the Respondent was found using electricity from the agricultural connections for domestic purpose during the checking dated 21.02.2020 and 28.06.2020 of the Appellant. Therefore, the Respondent was charged the following three detection bills on account of misuse of tariff.

Connection	Det bill	Period	Units	Connection	Det bill	Period	Units
First Agricultural	First	Sep-19 to Jan-20	12,548	Second Agricultural	Second	Sep-19 to Jan-20	6,383
	Third	Feb-20 to Jul-20	3,942			-	-

Appeal No.130/POI-2021



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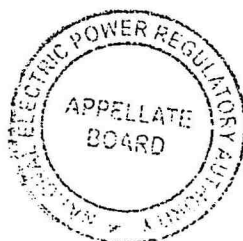
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2. Being aggrieved, the Respondent filed an application before the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") and challenged the abovementioned detection bills. The complaint of the Respondent was disposed of by the POI vide the decision dated 29.10.2020, wherein the first detection bill of 12,548 units, the second detection bill of 6,383 units and third detection bill of 3,942 units were cancelled and the Appellant was directed to charge the revised detection bill @ 657 units per month for the months i.e. September 2019, October 2019, March 2020 to July 2020 and @ 438 units per month for the period from November 2019 to February 2020 due to misuse of tariff.
3. Subject appeal has been filed against the afore-referred decision dated 29.10.2020 of the POI by the Appellant before the NEPRA. In its appeal, the Appellant opposed the impugned decision, *inter alia*, on the grounds that the premises of the Respondent was checked on 21.02.2020 and the Respondent was found using electricity of the agricultural connection for domestic purpose; that the first detection bill of 12,548 units for five (05) months i.e. September 2019 to January 2020 and third detection bill of 3,942 units for five (05) months i.e. September 2019 to January 2020 were debited against the first connection of the Respondent and second detection bill of 6,383 units was debited against the second connection of the Respondent; that the above-said detection bills were declared null and void by the POI; that the impugned decision suffers from serious misreading and non-reading of record and has been passed in mechanical and slipshod manner; that the POI has given relief to the Respondent unlawfully and illegally; that the impugned decision is against the facts and record without legal reasons; and that the impugned decision is liable to be set aside.
4. **Proceedings by the Appellate Board:**
 - 4.1 Upon filing of the instant appeal, a notice dated 12.01.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.
5. **Hearing:**

Hearing of the subject appeal was conducted at NEPRA Regional Office Lahore on 02.03.2024, which was attended by the SDO along with counsel for the Appellant, whereas the Respondent did not tender appearance. Learned counsel for the Appellant contended that the Respondent was found using the electricity of agricultural connection for domestic



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purpose during checking dated 21.02.2020 and 28.06.2020, therefore the first detection bill of 12,548 units for five (05) months i.e. September 2019 to January 2020 and third detection bill of 3,942 units were debited against the first connection and second detection bill of 6,383 units was debited to the second connection of the Respondent on account of misuse of tariff. As per learned counsel for the Appellant, the impugned decision for cancellation of the above detection bills is without any justification, or merits of the case and the same is liable to be set aside.

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

6.1 The discrepancy of misuse of the tariff was noticed by the Appellant twice i.e. during checking dated 21.02.2020 and 28.06.2020, therefore, the Appellant debited the following three detection bills to the Respondent on account of misuse of tariff, detail of which is given under:

Connection	Det bill	Period	Units	Connection	Det bill	Period	Units
First agricultural	First	Sep-19 to Jan-20	12,548	Second agricultural	Second	Sep-19 to Jan-20	6,383
	Third	Feb-20 to Jul-20	3,942			-	-

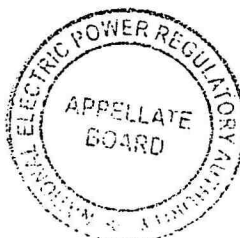
6.2 It is observed that the Appellant debited total of 18,931 (12,548+6,383) units to the Respondent based on total consumption recorded by the first and second connections during the period from September 2019 to January 2020, which is not consistent with the facts of the case. During the joint checking of POI, the connected load of domestic connection of the Respondent was noticed as 4.5 kW and the difference of tariff against total of 3,285 units (4.5 kW x 730 hrs. x 0.2 x 5) is recoverable from the Respondent on account of misuse of tariff. This whole scenario shows malafide intention on the part of the Appellant, who failed to adhere to the procedure as laid down in Chapter 7 of the CSM-2010 while charging the impugned detection bills on account of misuse of tariff.

6.3 In view of the foregoing discussion, we are of the considered view that the first detection bill of 12,548 units and second detection bill of 6,383 units charged for the period from September 2019 to January 2020 against the first and second connections respectively are unjustified and the same were rightly cancelled by the POI.

6.4 The Respondent is liable to be charged the revised difference bill against 3,285 units for the period from September 2019 to January 2020 on account of misuse of tariff i.e. A-1 instead of D-1(b).

6.5 Since the Respondent was found involved in the misuse of tariff during subsequent checking dated 28.06.2020, therefore it would be fair and appropriate to charge the revised

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difference bill w.e.f. first checking dated 21.02.2020 and onwards till the removal of discrepancy of misuse of tariff and recovery of difference of tariff rates be made @ 657 units/month assessed based on 20% load factor of the connected load i.e. 4.5 kW of the domestic connection. The impugned decision is liable to be modified to this extent.

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

7.1 The impugned decision for cancellation of the following detection bills is correct and maintained to this extent:

Connection	Det bill	Period	Units	Connection	Det bill	Period	Units
First agricultural	First	Sep-19 to Jan-20	12,548	Second agricultural	Second	Sep-19 to Jan-20	6,383
	Third	Feb-20 to Jul-20	3,942			-	-

7.2 The Respondent may be charged the difference bill w.e.f. September 2019 and onwards till the removal of discrepancy of misuse of tariff and recovery of difference of tariff rates be made @ 657 units/month calculated @ 20% load factor of the connected load i.e. 4.5 kW of the domestic connection.

7.3 The billing account of the Respondent be overhauled after adjustment payment made against the impugned detection bill.

8. The appeal is disposed of in the above terms.

Abid Hussain
Member/Advisor (CAD)

Naweed Illahi Sheikh
Convener/DG (CAD)

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

Dated: 02-10-2024

