



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

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No. NEPRA/Appeal/130/2022/ 191

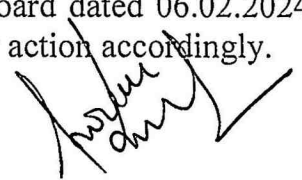
February 06, 2024

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|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Kashif Nazeer,
S/o. Nazeer Ahmad,
R/o. Chak No. 66-JB,
Dhandara
Phone No. 041-8811912 | 2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad |
| 3. Ch. Shahzad Ahmed Bajwa,
Advocate High Court,
12-Faisal Park, Imamia Colony,
Shahdara, Lahore | 4. Mehar Muhammad Walait Khan Sahmal,
Advocate High Court,
Chamber No. 86, Lyalplur Law Building,
District Courts, Faisalabad
Cell No. 0346-6243424,
0315-6243424 |
| 5. Sub Divisional Officer (Operation),
FESCO Ltd,
Jhang Road Sub Division,
Faisalabad | 6. POI/Electric Inspector,
Energy Department, Govt. of Punjab,
Opposite Commissioner Office,
D.C.G Road, Civil Lines,
Faisalabad Region, Faisalabad |

Subject: **Appeal No.130/2022 (FESCO Vs. Kashif Nazeer) Against the Decision Dated 31.10.2022 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 06.02.2024 (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-2022

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Kashif Nazeer S/o. Nazeer Ahmed,
R/o. Chak No.66-JB, Dhandara

.....Respondent

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

For the Appellant:

Mr. Shahzad Ahmed Bajwa Advocate
Mr. Anayatullah SDO

For the Respondent:

Mr. M. Walait Khan Advocate

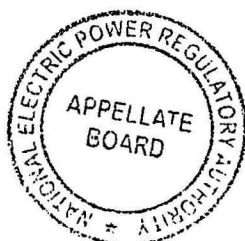
DECISION

1. Through this decision, the appeal filed by the Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 31.10.2022 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Kashif Nazeer (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.24-13215-5500931-R with sanctioned load of 69.46 kW and the applicable Tariff category is B-2(b). Metering & Testing ("M&T") team of the Appellant checked the metering equipment of the Respondent on 10.01.2022 and reportedly, the billing meter was found running slow and the backup meter was found okay. Therefore, a detection bill of Rs.1,300,981/- against 23,184 units was debited to the Respondent due to the difference in readings between the billing and backup meters and added to the bill for March 2022.
3. Being aggrieved, the Respondent filed a complaint before the POI and challenged the above detection bill. During joint checking of the POI on 27.04.2022, the impugned billing meter

Appeal No.130/POI-2022

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was found running 1.46% slow and the backup meter was found working within BSS limits. The complaint of the Respondent was disposed of by the POI vide the decision dated 31.10.2022, wherein the detection bill of 23,184 units was debited to the Respondent due to the difference of readings between the billing and backup meters was cancelled.

4. Through the instant appeal, the afore-referred decision of the POI has been impugned by the Appellant before the NEPRA. In its appeal, the Appellant objected to the maintainability of the impugned decision, *inter alia*, on the main grounds that the detection bill of Rs.1,300,981/- against 23,184 units was debited to the Respondent due to the difference in readings between the billing and backup meters and added to the bill for March 2022; that the POI did not consider the M&T checking report dated 10.01.2022; 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 impugned decision is based on surmises and conjectures and the same is liable to be set aside.

5. **Proceedings by the Appellate Board**

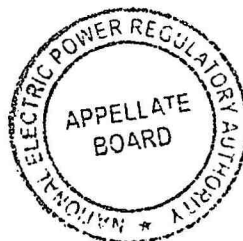
Upon filing of the instant appeal, a notice dated 01.02.2023 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not submitted.

6. **Hearing**

- 6.1 Hearing was initially held at NEPRA Regional Office Faisalabad on 24.06.2023, which however was adjourned on the request of the Appellant with the direction to submit events data of the impugned billing meter or the Respondent. Finally, the hearing was conducted at NEPRA Regional Office Faisalabad on 09.09.2023, which was attended by the counsels for both the Appellant and the Respondent. Learned counsel for the Appellant contended that the billing meter of the Respondent was found running slow as compared to the backup meter during checking dated 10.01.2022, therefore the detection bill amounting to Rs.1,300,981/- against 23,184 units was debited to the Respondent due to the difference of readings between the billing and backup meters to recover the revenue loss sustained by the Appellant. As per learned counsel for the Appellant, the above detection bill was cancelled by the POI without perusing the documentary evidence, hence the impugned decision is liable to be set aside.

- 6.2 On the contrary, learned counsel for the Respondent repudiated the version of the Appellant and argued that the impugned billing meter was working within prescribed limits, which

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was confirmed by the POI during the joint checking dated 27.04.2022, hence the POI has rightly cancelled the above detection bill. He prayed that the impugned decision is liable to be upheld.

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

7.1 Detection bill of Rs.1,300,981/- against 23,184 units debited to the Respondent due to the difference of readings between the billing and backup meters:

The Appellant has claimed that the billing meter of the Respondent was found running slow as compared to the backup meter during checking dated 10.01.2022. Resultantly, the Appellant charged the detection bill amounting to Rs.1,300,981/- against 23,184 units to the Respondent due to the difference of readings between the billing and backup meters and added to the bill for March 2022, which was challenged before the POI.

7.2 During the joint checking dated 27.04.2022 of the POI, 1.46 slowness in the impugned billing meter of the Respondent was observed, whereas the backup meter was found working ok. To further ascertain the contention of the Appellant regarding the difference of readings between the billing and backup meters, the readings of both the impugned billing and backup meters were compared in the below table for the sake of convenience;

Billing Meter				Backup Meter			
Reading	(A) MCO dated 15.03.2017	(B) Checking dated 10.01.2022	©=B-A Difference	Reading	(A) MCO dated 15.03.2017	(B) Checking dated 10.01.2022	©=B-A Difference
Off-peak	35705	80793.53	45088.53	Off-peak	3	45554	45551
Peak	10204	14550.95	4346.95	Peak	0	9128	9128
Total	45909	95344.48	49435.48	Total	3	54682	54679

As evident from the above table, the billing meter recorded much less consumption as compared to the backup meter during the period i.e. from MCO dated 15.03.2017 to the checking dated 10.01.2022 (58 months). This shows gross negligence on the part of the Appellant as they failed to point out any discrepancy in the impugned billing meter during the monthly readings. Even otherwise, the Appellant failed to justify the calculation of the impugned detection bill. The Appellant even did not provide the monthly reading record of both the billing and backup meters. Under these circumstances, the detection bill of Rs.1,300,981/- for 23,184 units debited by the Appellant to the Respondent on account of the difference of readings between the billing and backup meters is unjustified and the same is liable to be declared as null and void.



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7.3 Chapter 4 of the Consumer Service Manual 2021 empowers the Appellant to recover their revenue loss by debiting the detection bill maximum for two months in case of malfunctioning of the metering equipment. Calculation in this regard is done below:

A	B	C	D=B-C	E	F = D x E
	Backup meter	Billing meter	Difference	MF	Difference of units
Reading	54679	49435	5244	40	209,760

$$\text{Difference of Units} = \frac{\text{Total difference units} \times \text{No. of months allowed}}{\text{To No. of months}}$$

$$\text{Difference of Units} = \frac{209,760 \times 02}{58} = 7,233 \text{ units}$$

In view of the above, the Respondent is liable to be charged the detection bill for net 7,233 units for two months only on account of the difference of readings between the billing and backup meters. The impugned decision is liable to be modified to this extent.

8. In view of what has been stated above, it is concluded that:

8.1 the detection bill of Rs.1,300,981/- against 23,184 units charged on account of the difference of readings between the billing and backup meters is unjustified and the same is cancelled.

8.2 The Respondent may be charged the revised detection bill for two billing cycles for net 7,233 units due to difference of readings between the billing and backup meters.

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

9. Impugned decision is modified in the above terms.

Abid Hussain
Member/Advisor (CAD)

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

Naweed Illahi Sheikh
Convener/DG (CAD)

Dated: 06-02-2024

