



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

NEPRA Office , Ataturk Avenue (East), G5/1, Islamabad  
Tel. No. +92 051 2013200 Fax No. +92 051 2600030  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [ikramshakeel@nepra.org.pk](mailto:ikramshakeel@nepra.org.pk)

No. NEPRA/Appeal/012/2024/ 237

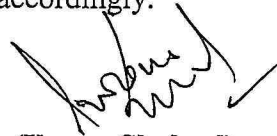
March 14, 2025

- |   |   |
|---|---|
| 1. Deputy Directory,<br>Semen Production Units,<br>Kallur Kot, District Bhakkar   | 2. Chief Executive Officer,<br>FESCO Ltd,<br>West Canal Road, Abdullah Pur,<br>Faisalabad   |
| 3. Dr. Muhammad Irtiza Awan,<br>Advocate High Court,<br>Awan Law Associates, Al-Majeed Centre,<br>1-Mozang Road, 38-Link Farid Kot Road,<br>Lahore<br>Cell No. 0300-4211934 | 4. Assistant Manager (Operation),<br>FESCO Ltd,<br>Kallur Kot Sub Division,<br>District Bhakkar<br>Phone No. 0453-200969  |
| 5. Superintendent,<br>Government Livestock Farm,<br>Kallur Kot, District Bhakkar  | 6. 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.012/2024 (FESCO Vs. Deputy Director Semen Production) Against the Decision Dated 05.10.2011 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 14.03.2025 (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 of the Appellate Board on the NEPRA website



# National Electric Power Regulatory Authority

## Before The Appellate Board

In the matter of

### Appeal No.012/POI-2024

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Director Semen Production Units,  
Kallur Kot, District Bhakkar

.....Respondent

### APPEAL U/S 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 (the "NEPRA ACT")

#### For the Appellant:

Dr. Muhammad Irtiza Awan Advocate  
Mr. Gul Jahan MI  
Rana M. Ibrahim LS

#### For the Respondent:

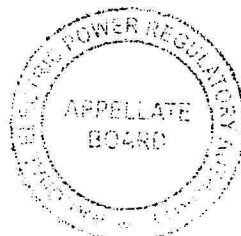
Nemo

### DECISION

1. Brief facts of the case are that the Director Semen Production Unit (hereinafter referred to as the "Respondent") is a domestic consumer of the Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.14-13354-08163005 with sanctioned load of 5.3 kW and the applicable tariff category is A-1(a). The billing meter of the Respondent was checked by FESCO on 31.03.2010, wherein reportedly, the reading index of the billing meter was found as 132,690, resultantly, 127,992 units were found uncharged. Therefore, the Appellant initially debited a detection bill amounting to Rs.1,791,471/- in April 2010 and subsequently revised the same for Rs.1,191,332/-.
2. Being aggrieved with the above actions of the Appellant, the Respondent approached the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide decision dated 05.10.2011, wherein the detection bill of 127,992 units along with the bills for the period from April 2010 to August 2010 were cancelled. As per the POI decision, the Appellant was directed to charge the revised bills @ 155 units/month for the period from April 2010 to August 2010 to the Respondent.

Appeal No.012/POI-2024

Page 1 of 4



Ah



## National Electric Power Regulatory Authority

3. The Appellant under Section 36(3) of the Electricity Act 1910 initially filed an appeal before the Advisory Board, Government of Punjab Energy Department (the "Advisory Board") on 13.01.2012 against the afore-referred decision of the POI. Subsequently, the Advisory Board vide order dated 17.07.2023 returned the appeal with the direction to the Appellant to approach NEPRA as being a competent forum after the insertion of sub-section (3) in Section 38 of the NEPRA Act.
4. Accordingly, the Appellant has filed the instant appeal against the afore-said decision dated 05.10.2011 of the POI (hereinafter referred to as the "impugned decision") before the NEPRA along with an application for the condonation of delay. In its application, the Appellant submitted that an appeal was initially preferred before the Advisory Board against the impugned decision which remained pending before the said forum till July 2023. The Appellant further submitted that the Advisory Board returned the same vide decision dated 17.07.2023, which was received on 27.07.2023, thereafter instant appeal was filed before the NEPRA on 29.01.2024 after receipt of an attested copy of the impugned decision on 28.12.2023 and soliciting approval from the department. As per the Appellant, the appeal initially preferred before the Advisory Board as well as the instant appeal filed before the NEPRA are within limitation. According to the Appellant, the delay in filing an appeal is neither intentional nor deliberate but it was due to insurmountable circumstances, which is liable to be condoned under the Limitation Act. The Appellant finally prayed for the condonation of delay in filing the instant appeal and for the decision on merits.
5. NEPRA Appellate Board vide order dated 14.06.2024 accepted the application for condonation of the delay and notices dated 25.10.2024 were issued to both parties for the arguments on the merits of the case. During the hearing dated 02.11.2024, a counsel along with officials appeared for the Appellant, whereas no one tendered appearance on behalf of the Respondent. Learned counsel for the Appellant repeated the same arguments as contained in memo of the appeal and averred that the impugned meter of the Respondent was found defective with 127,992 pending units during checking dated 31.03.2010. Learned counsel for the Appellant further contended that a detection bill of Rs.1,191,332/- against 127,992 units was charged to the Respondent in April 2010 on account of pending units. As per learned counsel for the Appellant, the above detection bill was cancelled by the POI. According to the learned counsel for the Appellant, the impugned decision is not based on





## National Electric Power Regulatory Authority

the facts of the case and the same is liable to be struck down.

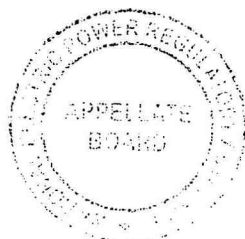
6. Arguments were heard and the record was perused. Following are our observations:

6.1 The impugned meter of the Respondent with reading index 2 was installed by the Appellant vide MCO dated 23.12.2006 and the bills w.e.f January 2007 and onwards till alleged checking dated 31.03.2010 were charged to the said meter. The Appellant debited a detection bill of Rs.1,191,332/- against 127,992 units to the Respondent in April 2010 on account of pending units as observed during the checking dated 31.03.20210, which is under dispute.

6.2 It is noticeable that the impugned meter remained at the site from the date of installation i.e.23.12.2006 to 31.03.2010 (39 months), however during this tenure, the Appellant did not point out any discrepancy in the impugned meter. The bills charged by the Appellant were paid by the Respondent regularly. Such huge consumption of 127,992 units charged to the Respondent is neither compatible with the consumption history of the Respondent nor with the sanctioned load i.e.5.3 kW. The Appellant even did not produce the impugned meter before the POI for verification of alleged pending units. It is also an admitted fact that the impugned meter was found working within BSS limits during checking dated 31.03.2010, hence the Respondent cannot be held responsible for payment of such huge consumption of 127,992 units. To further verify the contention of the Appellant, the billing statement of the Respondent is reproduced below:

Year	2007	2008	2009	2010
Month	Units	Units	Units	Units
January	10	10	100	100
February	254	393	76	70
March	96	100	51	30
April	254	120	175	35
May	203	111	100	35
June	231	100	100	410
July	26	100	118	0
August	30	30	104	1200
September	144	30	50	DCO
October	177	30	20	
November	173	365	250	
December	40	149	178	
<b>Total</b>			<b>6378</b>	

As evident from the above, total 6,378 units were charged to the Respondent from January 2007 to August 2010, which are considerably less than the alleged 127,992 units  
Appeal No.012/POI-2024





## National Electric Power Regulatory Authority

charged by the Appellant. The Appellant did not provide any document with regard to disciplinary action taken against the delinquent officials. This whole scenario shows that the Appellant debited an unjustified detection bill of 127,992 units in April 2010, which is rightly cancelled by the POI.

6.3 As the connection of the Respondent was sanctioned for 5.3 kW through 50 kVA dedicated transformer, however, the consumption of the Respondent remained significantly low during the period from January 2007 to August 2010, which is neither compatible with the sanctioned load nor in line with 50 kVA dedicated transformer. Under these circumstances, we are of the considered view that the bills for the period from January 2007 to August 2010 be revised on the basis of sanctioned load, calculation in this regard is done below:

Period: January 2007 to August 2010 (44 months)

A. Total units to be charged = S/L (kW) x No. of Hrs. x LF x No. of Months

$$= 5.3 \times 730 \times 0.25 \times 44 = 42,559 \text{ units}$$

B. Total units already charged = 6,378 units

C. Net units to be charged = A-B = 42,559 units - 6,378 units = **36,181 units**

6.4 The Respondent may be charged the detection bill for 36,181 units from January 2007 to August 2010 as calculated above. The impugned decision is liable to be modified to this extent.

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

7.1 The detection bill of 127,992 units charged to the Respondent in April 2010 is unjustified and the same is cancelled.

7.2 The Respondent may be charged the detection bill of net 36,181 units from January 2007 to August 2010.

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

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

On leave

Abid Hussain  
Member/Advisor (CAD)

Naweed Illahi Sheikh  
Convener/DG (CAD)

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

Dated: 14-03-2025

Appeal No.012/POI-2024

