



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

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No. NEPRA/Appeal/061/2024/ *265*

March 28, 2025

- | | |
|---|---|
| 1. Muhammad Nawaz,
S/o. Ali Ahmad,
R/o. House No. 203,
Valencia Garden,
Faisalabad | 2. Chief Executive Officer,
FESCO Ltd,
West Canal Road, Abdullah Pur,
Faisalabad |
| 3. Hafiz Faisal Raheem,
Advocate High Court,
33-District Courts,
Faisalabad
Cell No. 0321-6661306 | 4. Ch. Muhammad Imran Bhatti,
Advocate High Court,
44-District Courts, Faisalabad
Cell No. 0300-9102120 |
| 5. Sub Divisional Officer (Operation),
FESCO Ltd,
Allama Iqbal Colony 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.061/2024 (FESCO Vs. Muhammad Nawaz) Against the Decision Dated 29.04.2024 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 28.03.2025 (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.061/POI-2024

Faisalabad Electric Supply Company LimitedAppellant

Versus

Muhammad Nawaz S/o. Ali Ahmad,
R/o. House No.203, Valencia Garden, FaisalabadRespondent

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

For the Appellant:
Hafiz Faisal Raheem Advocate

For the Respondent:
Ch. Muhammad Imran Bhatti Advocate

DECISION

1. Brief facts leading to the filing of instant appeal are that Muhammad Nawaz (hereinafter referred to as the "Respondent") is a domestic consumer of Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref. No.20-13244-1672678 with a sanctioned load of 3 kW and the applicable Tariff category is A-1(a). The M&T team of the Appellant checked the billing meter of the Respondent on 03.12.2018 and reportedly, the Respondent was found stealing electricity through tampering with the meter. Therefore, FIR No.1334/18 dated 05.12.2018 was registered against the Respondent and a detection bill of Rs.153,747/- against 6,666 units for six (06) months for the period from June 2018 to November 2018 was charged by the Appellant to the Respondent based on 40% load factor of the connected load i.e.5 kW and added to the bill for December 2018.
2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") on 18.01.2019 and challenged the above detection bill. The matter was disposed of by the



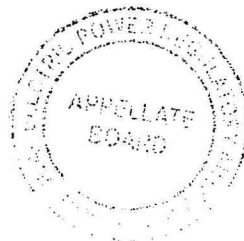


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POI vide the decision dated 29.04.2024, wherein the detection bill of Rs.153,747/- against 6,666 units for six (06) months for the period from June 2018 to November 2018 was cancelled and the Appellant was directed to charge the revised detection bill for net 3,376 units for three (03) months i.e. September 2018 to November 2018 to the Respondent.

3. Subject appeal has been filed against the afore-referred decision dated 29.04.2024 of the POI (hereinafter referred to as the "impugned decision") by the Appellant before the NEPRA, wherein it is contended that the billing meter of the Respondent was found tampered during the M&T checking dated 03.12.2018 for the dishonest abstraction of electricity, therefore, a detection bill of Rs.153,747/- against 6,666 units for six (06) months for the period from June 2018 to November 2018 was charged to the Respondent. As per the Appellant, the POI cancelled the above detection bill and revised the same for net 3,376 units. According to the Appellant, the POI did not consider the fact while announcing the impugned decision as the POI has no jurisdiction to adjudicate the instant matter. The Appellant finally prayed for setting aside the impugned decision.
4. Upon the filing of the instant appeal, Notice dated 12.07.2024 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 23.08.2024. In the reply, the Respondent rebutted the contention of the Appellant regarding dishonest abstraction of electricity *inter alia*, on the main grounds that the detection bill of Rs.153,747/- against 6,666 units for six (06) months for the period from June 2018 to November 2018 charged by the Appellant without notice, unilateral and in violation of the CSM-2010; that the criminal case filed by the Appellant was decided by the honorable Addl. Session Judge Faisalabad vide order dated 26.09.2020 in his favor; that the Appellant without adhering to the procedure for establishing theft of electricity as laid down in Chapter 9 of the CSM-2010 removed the meter from the premises; that the entire proceedings carried out by the Appellant were unilateral; that the appeal is liable to be dismissed being without any substance and material evidence.
5. The hearing was fixed for 02.11.2024 at NEPRA Regional Office Lahore, wherein learned counsels appeared for both the Appellant and the Respondent. During the hearing, learned counsel for the Appellant reiterated the same version as contained in the memo of the appeal and contended that the billing meter of the Respondent was checked by the M&T team on 03.12.2018, wherein it was declared tampered (shunt installed), therefore, a detection bill amounting to Rs.153,747/- against 6,666 units for six (06) months for the

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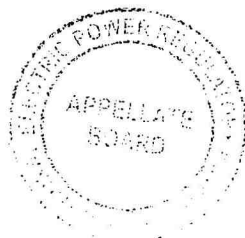
period from June 2018 to November 2018 was debited to the Respondent, which was subsequently revised by the POI for net 3,376 units for three months. As per learned counsel for the Appellant, the above detection bill charged to the Respondent is justified and payable by the Respondent. Learned counsel for the Appellant finally prayed that the impugned decision is not sustainable in the eyes of law and liable to be struck down. On the contrary, learned counsel for the Respondent denied the allegation of theft of electricity leveled by the Appellant and averred that the Appellant neither produced the impugned meter for verification of alleged tampering nor could defend the criminal case before the Addl. Judge Faisalabad, who vide order dated 26.09.2020 acquitted the Respondent; that the impugned decision for cancellation of the impugned detection bill is correct and the same is liable to be upheld.

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

6.1 In the instant case, the Appellant claimed that M&T on 03.12.2018 detected that the impugned meter of the Respondent was intentionally tampered for committing theft of electricity. Thereafter, the Appellant debited a detection bill of Rs.153,747/- against 6,666 units for six (06) months for the period from June 2018 to November 2018 to the Respondent, which was challenged before the POI. The said forum cancelled the detection bill of Rs.153,747/- and allowed the Appellant to recover the revised detection bill for net 3,376 units against which the Appellant filed an instant appeal before the NEPRA.

6.2 Having found the above discrepancies, the Appellant was required to follow the procedure stipulated in Clause 9.1(b) of the CSM-2010 to confirm the illegal abstraction of electricity by the Respondent and thereafter charge the Respondent, accordingly. However, in the instant case, the Appellant has not followed the procedure as stipulated under the ibid clause of the CSM-2010. As per the judgment of the Supreme Court of Pakistan reported in *PLD 2012 SC 371*, the POI is the competent forum to check the metering equipment, wherein theft of electricity was committed through tampering with the meter and decide the fate of the disputed bill, accordingly. However, in the instant case, the Appellant did not produce the impugned meter.

6.3 To further check the authenticity of the impugned detection bill, the consumption data of the Respondent as provided by the Appellant is reproduced below:





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Month	Units	Month	Units	Month	Units
Jan-16	280	Jan-17	297	Jan-18	132
Feb-16	196	Feb-17	304	Feb-18	121
Mar-16	203	Mar-17	209	Mar-18	162
Apr-16	193	Apr-17	266	Apr-18	195
May-16	311	May-17	404	May-18	313
Jun-16	393	Jun-17	339	Jun-18	405
Jul-16	386	Jul-17	334	Jul-18	372
Aug-16	397	Aug-17	298	Aug-18	453
Sep-16	335	Sep-17	323	Sep-18	349
Oct-16	203	Oct-17	278	Oct-18	202
Nov-16	211	Nov-17	130	Nov-18	128
Dec-16	247	Dec-17	129	Dec-18	0


6.4 Perusal of the above shows that the consumption of the Respondent during the disputed period is compatible with the consumption of corresponding months of the years 2016 and 2017. Even otherwise, the Appellant may charge the detection bill maximum for three months to the Respondent being a general supply consumer i.e.A-1 in the absence of approval of the CEO as per Clause 9.1c(3) of the CSM-2010, whereas the Appellant debited the detection bill for six months to the Respondent due to the theft of electricity, which is in contravention of above-mentioned clause of the CSM-2010. Hence, we are inclined to agree with the determination of the POI for the cancellation of the detection bill of Rs.153,747/- against 6,666 units for six (06) months for the period from June 2018 to November 2018.

6.5 Similarly, the determination of the POI for revision of the detection bill for net 3,376 units for three months i.e. September 2018 to November 2018 based on the connected load is consistent with Clause 9.1c(3) of CSM-2010, and the same is maintained to this extent.

7. Foregoing in view, the appeal is dismissed

On leave
Abid Hussain
Member/Advisor (CAD)


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


Naweed Illahi Sheikh
Convener/DG (CAD)

Dated: 28-03-2025

Appeal No.061/POI-2024

