



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

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No. NEPRA/Appeal/096/2023/078

January 10, 2025

- |   |   |
|---|---|
| 1. Akhter Ali,<br>S/o. Sardar Muhammad,<br>R/o. Chak No. 67/JB,<br>Jhang Road, Faisalabad   | 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,<br>Al-Majeed Centre, 1-Mozang Road,<br>38-Link Farid Kot Road, Lahore<br>Cell No. 0300-4211934 | 4. Assistant Manager (Operation),<br>FESCO Ltd,<br>Jhang Road Sub Division,<br>Faisalabad |
| 5. POI/Electric Inspector<br>Lahore Region, Energy Department,<br>Govt. of Punjab, Block No. 1,<br>Irrigation Complex, Canal Bank,<br>Dharampura, Lahore                    |   |

Subject: **Appeal No.096/2023 (FESCO Vs. Akhtar Ali) Against the Decision Dated 10.10.2012 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 10.01.2025 (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.096/POI-2023

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Akhtar Ali S/o. Sardar Muhammad,  
Power Looms Factory, R/o. Chak No.67/JB, Sadhar,  
Jhang Road, Faisalabad

.....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

#### For the Respondent:

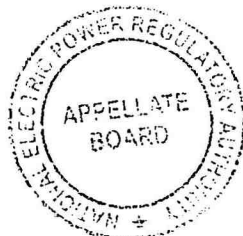
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### DECISION

1. Brief facts of the case are that Mr. Akhtar Ali (hereinafter referred to as the "Respondent") is an industrial consumer of the Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.24-13215-5513800-R with sanctioned load of 50 kW and the applicable tariff category is B-2(b). The billing meter of the Respondent became 33% slow in May 2009, therefore Multiplication Factor (the "MF") of the Respondent was enhanced from 20 to 29.8 w.e.f May 2009 and onwards. Subsequently, the metering equipment of the Respondent was checked by the M&T team of the Appellant in the presence of POI on 15.06.2010, wherein the red phase of the billing meter was found dead stop and the yellow phase of the said meter showed erratic behavior i.e. make and break problem. Subsequently, MF was further raised from 29.8 to 58.8 due to 66% slowness of the meter w.e.f November 2010 and onwards till the replacement of the impugned meter in November 2011.
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 arrears of Rs.306,009/- pertaining to the bills for the period

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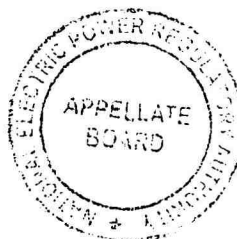
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## National Electric Power Regulatory Authority

from May 2009 to November 2011 debited by the Appellant. The complaint of the Respondent was disposed of by the POI vide decision dated 10.10.2012, wherein the bills charged with enhanced MF=29.8 w.e.f May 2009 to June 2010 were declared as justified, whereas the Appellant was directed to revise the bills @ 13,852 units+38 kW MDI w.e.f July 2010 and onwards till the replacement of the impugned meter in November 2011 on DEF-EST code.

3. The Appellant under Section 36(3) of Electricity Act 1910 initially filed an appeal before the Advisory Board, Government of Punjab Energy Department (the "Advisory Board") on 10.01.2013 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 10.10.2012 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 after receipt of an attested copy of the impugned decision on 12.09.2023 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 to meet the end of justice.
5. NEPRA Appellate Board vide order dated 14.06.2024 accepted the application for condonation of the delay and notices dated 09.09.2024 were issued to both parties for the arguments on the merits of the case. During the hearing dated 14.09.2024, a counsel appeared for the Appellant, whereas no one tendered appearance on behalf of the



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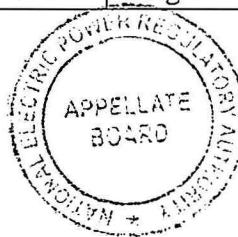
Respondent. Learned counsel for the Appellant repeated the same arguments as contained in memo of the appeal and averred that the impugned meter initially became 33% slow in May 2009 and subsequently, 66% slow in June 2010, therefore MF was raised from 20 to 29.8 w.e.f May 2009 and onwards to account for 33% slowness. Later on, MF was further raised from 29.8 to 58.8 w.e.f November 2010 and onwards to account for 66% slowness of the meter. Learned counsel for the Appellant contended that the above bills were challenged by the Respondent before the POI, who vide impugned decision allowed the recovery of 33% slowness from May 2009 to June 2010. As per the Appellant, the impugned meter was found 66% slow during checking dated 15.06.2010 and it was subsequently replaced with a new meter in November 2011, as such the recovery of bills with enhanced MF=58.8 is correct and the impugned decision for the revision of the bills w.e.f July 2010 and onwards till MCO on DEF-EST code is not based on fact and the same is liable to be modified to this extent.

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

- 6.1 The Appellant debited the bills with enhanced MF=29.8 w.e.f May 2009 to June 2010 on account of 33% slowness of the meter as observed in May 2009. The said bills were allowed by the POI vide the impugned decision. The Respondent accepted the impugned decision and did not join the proceedings at the Appellate Stage. Hence we are inclined to agree with the finding of the POI that the bills charged with enhanced MF=29.8 for the period from May 2009 to June 2010 are justified and payable by the Respondent.
- 6.2 During subsequent checking dated 15.06.2010 of the Appellant in the presence of POI, one phase of the billing meter was found dead stop, whereas another phase was found defective with make and break problem. The Appellant is of the view that the bills with enhanced MF=58.8 for the period from July 2010 to November 2011 are justified, whereas the POI vide impugned decision directed the Appellant to revise the above-said bills on DEF-EST code. To verify the contention of the Appellant regarding the 66% slowness of the impugned meter, consumption data is analyzed in the below table:

Period before dispute		Disputed period	
Month	Units	Month	Units
Dec-08	15640	Jun-10	11969
Jan-09	5840	Jul-10	16000
Feb-09	9220	Aug-10	12149

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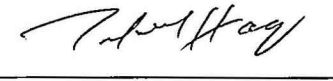
Mar-09	15821	Sep-10	28298
Apr-09	16537	Oct-10	13999
May-09	14686	Nov-10	17528
Jun-09	4358	Dec-10	15940
Jul-09	9134	Jan-11	18352
Aug-09	5045	Feb-11	17822
Sep-09	14089	Mar-11	10588
Oct-09	10626	Apr-11	12529
Nov-09	13791	May-11	13411
Dec-09	10448	Jun-11	15175
Jan-10	9611	Jul-11	15705
Feb-10	14000	Aug-11	10999
Mar-10	15611	Sep-11	31998
Apr-10	15701	Oct-11	22154
May-10	10478	Nov-11	22020
<b>Average</b>	<b>11,702</b>	<b>Average</b>	<b>17,035</b>


The above table shows that the Respondent was billed excessive bills for the period from June 2010 to November 2011 as compared to the average consumption recorded during the period from December 2008 to May 2010. The Appellant was required to replace the impugned meter within two billing cycles from the checking dated 15.06.2010 as per Clause 4.4(e) of the CSM-2010 but the Appellant took seventeen (17) months to replace the impugned meter, which raised the billing dispute between the parties. The Appellant failed to justify the charging of such high consumption to the Respondent.

6.3 Under these circumstances, we are inclined to agree with the determination of the POI for revision of the bills @ 13,852 units+38 kW MDI for the period from July 2010 to November 2011 on the basis of consumption of the corresponding month of the previous year being higher, pursuant to Clause 4.4(e) of the CSM-2010.

7. Foregoing in view, the appeal is dismissed.

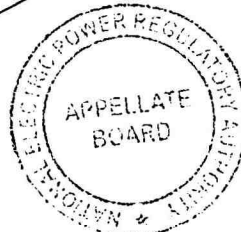
  
Abid Hussain  
Member/Advisor (CAD)

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

  
Naweed Illahi Sheikh  
Convener/DG (CAD)

Dated: 10-01-2025

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