



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

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No. NEPRA/Appeal/097/2023/ 079

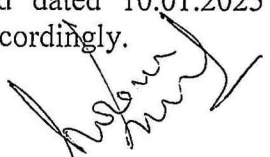
January 10, 2025

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|---|---|
| 1. Abdul Rauf,
S/o. Muhammad Rafique,
R/o. Hari Singhwala, 213/RB,
Susan Road, Faisalabad | 2. Chief Executive Officer,
FESCO Ltd,
West Canal Road, Abdullah Pur,
Faisalabad |
| 3. Dr. Muhammad Irtiza Awan,
Advocate High Court,
Awan Law Associates,
Al-Majeed Centre, 1-Mozang Road,
38-Link Farid Kot Road, Lahore
Cell No. 0300-4211934 | 4. Assistant Manager (Operation),
FESCO Ltd,
Gatwala Sub Division,
Faisalabad |
| 5. POI/Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore | |

Subject: Appeal No.097/2023 (FESCO Vs. Abdul Rauf) Against the Decision Dated 31.05.2012 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.097/POI-2023

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Abdul Rauf, S/o. Muhammad Rafique,
R/o. Hari Singhwala, 213/RB, Susan 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
Mr. Muhammad Zafar Sharif SDO

For the Respondent:

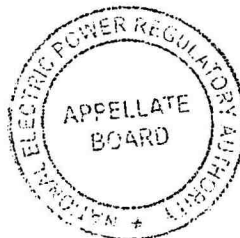
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DECISION

1. Brief facts of the case are that Mr. Abdul Rauf (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.06-13133-097800-U with sanctioned load of 3 kW and the applicable tariff category is A-1(a). Reportedly, the billing meter of the Respondent was found tampered during the checking dated 13.06.2011 of the M&T team of the Appellant, therefore a detection bill of Rs.28,198/- for 1,087 units for the period from May 2011 to July 2011 was charged to the Respondent in December 2011.
2. Being aggrieved with the abovementioned actions of the Appellant, the Respondent approached the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") and challenged the detection bill of Rs.28,198/-. During joint checking dated 02.12.2011 of the POI, the impugned meter of the Respondent was found defective with flickering reading. The complaint of the Respondent was disposed of by the POI vide decision dated 31.05.2012, wherein the above detection bill was cancelled and the

Appeal No.097/POI-2023

Page 1 of 4



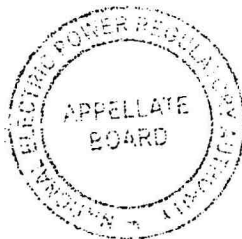
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National Electric Power Regulatory Authority

Appellant was directed to revise the bills w.e.f July 2011 and onwards till the replacement of the impugned meter i.e.22.12.2011 on average basis.

3. Being dissatisfied, the Appellant initially filed an appeal before the Advisory Board, Government of Punjab Energy Department (the "Advisory Board") on 20.09.2012 against the above-referred decision dated 31.05.2012 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 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 31.05.2012 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 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 along with an official appeared for the Appellant, whereas no one represented the Respondent. Learned counsel for the Appellant repeated the same arguments as contained in memo of the appeal and averred that the impugned meter was found tampered during checking dated 13.06.2011, therefore a detection bill of Rs.28,198/- for 1,087 units for the period from May 2011 to July 2011 was debited to the Respondent in order to recover the revenue loss sustained due to theft of



11-09



National Electric Power Regulatory Authority

electricity. Learned counsel for the Appellant opposed the impugned decision for cancellation of the above detection bill and prayed that the same is liable to be struck down being devoid of merits.

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

6.1 The Appellant debited a detection bill of Rs.28,198/- for 1,087 units for the period from May 2011 to July 2011 to the Respondent on account of theft of electricity through tampering with the meter, which was challenged by the Respondent before the POI.

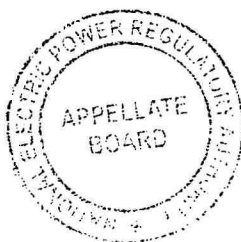
6.2 During joint checking dated 02.12.2011 of the POI, the impugned meter was found defective, which denied the allegation of theft of electricity leveled by the Appellant. To further check the justification of the above detection bill, consumption data is analyzed in the below table:

Period before dispute		Disputed period	
Month	Units	Month	Units
May-10	0	May-11	149
Jun-10	0	Jun-11	214
Jul-2010	1319	Jul-11	722
Total	1,319	Total	1,085

The above table shows that the total consumption of the Respondent remained slightly less during the disputed period as compared to the total consumption recorded during the period before the dispute. This indicates that the impugned meter did not record actual consumption during the disputed period due to defectiveness, which was also confirmed by the POI during joint checking dated 02.12.2011. Subsequently, the impugned meter was replaced with a new meter by the Appellant on 22.12.2011 after a lapse of more than six months from the date of checking dated 13.06.2011.

6.3 The Appellant was required to replace the impugned meter within two billing cycles from the checking dated 13.06.2011 as per Clause 4.4(e) of the CSM-2010. The Appellant even did not prove the theft of electricity through tampering with the meter before the POI as well as before this forum. Under these circumstances, we are inclined to agree with the finding of the POI regarding the cancellation of the detection bill of Rs.28,198/-.

6.4 Since the impugned meter was declared defective by the POI during joint checking dated 02.12.2011, the Appellant may be charged the revised detection bill for two retrospective months before checking dated 13.06.2011 and the bills w.e.f checking dated 13.06.2011 and




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National Electric Power Regulatory Authority

onward till the replacement of the impugned meter on 22.12.2011 on DEF-EST code, according to Clause 4.4(e) of the CSM-2010. The impugned decision is liable to be modified to this extent.

7. 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: 10-01-2025

