



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

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No. NEPRA/Appeal/099/2023/ 236

March 14, 2025

- |   |   |
|---|---|
| 1. Abdul Sami,<br>S/o. Muhammad Sharif,<br>R/o. Chak No. 209/RB,<br>Jarranwala 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, 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>Jarranwala Road Sub Division,<br>Faisalabad<br>Cell No. 0345-1501078 |
| 5. 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.099/2023 (FESCO Vs. Abdul Sami) Against the Decision Dated 24.02.2012 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 14.03.2025 (06 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.099/POI-2023

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Abdul Sami S/o. Muhammad Sharif,  
R/o. Chak No.209/RB, Jaranwala 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. Sajjad Mehmood Addl. XEN

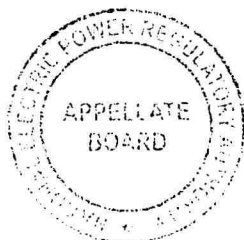
#### For the Respondent:

Nemo

### DECISION

1. Brief facts of the case are that Abdul Sami (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.24-13138-5807808 with sanctioned load of 144 kW and the applicable tariff category is B-2(b). The billing meter of the Respondent was found 33% slow due to the red phase being dead during checking dated 20.11.2008, therefore Multiplication Factor (the "MF") of the Respondent was enhanced from 100 to 149.11 w.e.f December 2008 and onwards till the replacement of defective CT of the impugned meter on 17.03.2009. Subsequently, the metering equipment of the Respondent was again checked by the M&T team of the Appellant on 30.12.2009, wherein reportedly, the impugned meter was found 66% slow due to two phases being dead. Subsequently, MF was raised from 100 to 249.1 due to 66% slowness of the meter w.e.f January 2010 and onwards till the replacement of the impugned meter. In furtherance, two detection bills were charged to the Respondent by the Appellant as per detail given below:

- First detection bill of Rs.238,214/- for 35,450 units was charged in February 2009 due to 33% slowness of the impugned meter.



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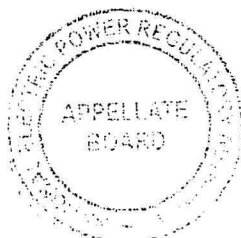
## National Electric Power Regulatory Authority

- Second detection bill of 56,248 units+135 KW MDI for November 2009 and December 2009 @ 33% slowness of the impugned meter.
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 bills along with the bills charged with enhanced MF. During the joint checking dated 18.07.2011 of the POI, the impugned meter was found running 63% slow, whereas the check meter was found within BSS limits. The complaint of the Respondent was disposed of by the POI vide decision dated 24.02.2012, the operative portion of which is reproduced below:

*"Summing up the facts divulged from the foregoing discussion, it is held:-*

- i. That the impugned first detection bill amounting to Rs.2,38,214/- for 35450 units charged in 02/2009 and the 33.% slowness charged with enhanced MF from 12/2008 to 03/2009 are void, unjustified, and of no legal consequence; therefore the petitioner is not liable to pay the same. However, the respondents are directed to charge against the disputed period 12/2008 to 03/2009 an average of 48810 units/117 KW as recorded during the corresponding months from 12/2007 to 03/2008.*
- ii. That the detection bill proposed by the respondents for 11/2009 & 12/2009 on the basis of 33% slowness vide detection bill proforma dated 30-12-2009 56248units/135KW MDI and 66% slowness charged from 01/2010 to 12/2010 with enhanced MF in the monthly bills are void, unjustified and of no legal effect; therefore the petitioner is not liable to pay the same. However, the respondents are directed to charge average of 63093 units/150KW MDI by applying proportionate Off Peak and Peak hours average as calculated in finding para (g) above against the months from 01/2010 to 03/2010.*
- iii. That since the TOU instant check/billing meter had been checked by this department on 18-7-2011 and found correct therefore it is declared billing meter since its installation on 18-3-2010. Accordingly, the respondents are directed to charge/revise the billing from 04/2010 onward till the shifting of billing on the check meter and in the meanwhile the bills charged against the defective disputed meter are unjustified.*
- iv. That the respondents are directed to over-haul the account of the petitioner and the excessive amount recovered illegally in the light of this decision be refunded to the petitioner.*

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 26.05.2012 against the afore-referred decision of the POI. Subsequently, the



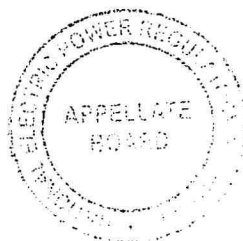
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Advisory Board vide order dated 17.07.2023 returned the appeal with the direction to the Appellant to approach NEPRA as being a competent forum after the insertion of sub-section (3) in Section 38 of the NEPRA Act.

4. Accordingly, the Appellant has filed the instant appeal against the afore-said decision dated 24.02.2012 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 08.09.2023 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 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 an official 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 initially became 33% slow in November 2008 and subsequently, 66% slow in December 2009, therefore MF was raised from 100 to 149.11 w.e.f December 2008 and onwards to account for 33% slowness. Later on, MF was further raised from 100 to 249.1 w.e.f January 2010 and onwards to account for 66% slowness of the meter. Learned counsel for the Appellant contended that two detection bills i.e. first detection bill of 35,450 units and the second detection bill of 56,248 units+135 kW MDI were also charged to the Respondent to recover the revenue loss sustained by the Appellant. As per learned counsel for the Appellant, the above bills were challenged by the Respondent before the POI, who vide impugned decision cancelled the same without





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considering the facts of the case. Learned counsel of the Appellant finally prayed for setting aside the impugned decision.

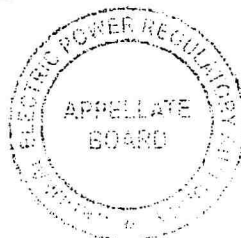
6. Arguments were heard and the record was perused. Following are our observations:

6.1 The billing meter of the Respondent was found 33% slow during checking dated 20.11.2008, therefore MF was raised from 100 to 149.1 w.e.f December 2008 and onwards till the replacement of defective CT of the impugned meter on 17.03.2009. In addition, the first detection bill of Rs.238,214/- for 35,450 units for October 2008 and November 2008 was charged to the Respondent in February 2009, which is discussed in the below paras.

6.2 It is observed that the Appellant debited the first detection bill for 35,450 units for October 2008 and November 2008 due to 33% slowness of the meter, however, no documents i.e. checking report, detection proforma and MCO, etc, were provided in support of their contention. Even the impugned meter was not produced before the POI for verification of the alleged 33% slowness. Under these circumstances, the consumption data is analyzed in the below table for confirmation of 33% slowness of the impugned meter:

Month	Units	Month	Units
Jan-08	38800	Jan-09	37452
Feb-08	57800	Feb-09	57611
Mar-08	48400	Mar-09	71994
Apr-08	57500	Apr-09	75376
May-08	32400	May-09	68895
Jun-08	61600	Jun-09	81000
Jul-08	67800	Jul-09	49500
Aug-08	64600	Aug-09	75200
Sep-08	71700	Sep-09	95200
<b>Oct-08</b>	<b>56500</b>	Oct-09	66200
<b>Nov-08</b>	<b>44000</b>	Nov-09	55900
Dec-08	64178	Dec-09	58300

The above consumption data shows that the consumption recorded during the disputed months i.e. October 2008 and November 2008 is considerably less than the consumption of the corresponding month of the year 2009. This shows that the impugned meter remained slow during the disputed months, hence it would be fair and appropriate to charge the detection bill for two billing cycles before checking dated 20.11.2008 @ 33% slowness of the meter, under Clause 4.4(e) of the CSM-2010. Moreover, the bills be charged with enhanced MF=149 w.e.f checking dated 20.11.2008 and onwards till the replacement of the





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defective CT of the impugned meter on 17.03.2009. The impugned decision is liable to be modified to this extent.

6.3 Metering equipment of the Respondent was again checked by the M&T team of the Appellant on 30.12.2009, wherein the impugned meter was found 66% slow, therefore MF was raised from 100 to 249.1 due to 66% slowness of the meter w.e.f January 2010 and onwards till the replacement of the impugned meter. In addition, the second detection bill of 56,248 units+135 KW MDI for two months i.e. November 2009 and December 2009 was charged @ 33% slowness of the impugned meter.

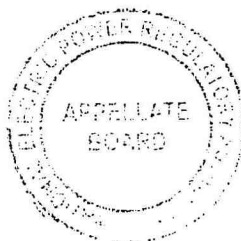
6.4 During joint checking dated 18.07.2011 of the POI, the impugned meter was found running 63% slow, hence the bills charged with enhanced MF=249.1 due to 66% slowness of the meter for the period from January 2010 to December 2010 are unjustified and the same are cancelled.

6.5 The Respondent is liable to be charged the bills w.e.f second checking dated 30.12.2009 and onwards till the replacement of the impugned meter by raising MF due to 63% slowness of the impugned meter as observed by the POI during the joint checking dated 18.07.2011. The impugned decision is liable to be modified to this extent.

6.6 As far as the charging of the second detection bill of 56,248 units+135 KW MDI for two months i.e. November 2009 and December 2009 @ 33% slowness of the impugned meter is concerned, the consumption of these months be compared with the corresponding consumption of preceding and succeeding years in the below table:

Month	Units	Month	Units
Jan-09	37452	Jan-10	117942
Feb-09	57611	Feb-10	68824
Mar-09	71994	Mar-10	58237
Apr-09	75376	Apr-10	51766
May-09	68895	May-10	42942
Jun-09	81000	Jun-10	52942
Jul-09	49500	Jul-10	75589
Aug-09	75200	Aug-10	97353
Sep-09	95200	Sep-10	69706
Oct-09	66200	Oct-10	53824
Nov-09	55900	Nov-10	56765
Dec-09	58300	Dec-10	44706

The above comparison data indicates that the impugned meter recorded healthy





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consumption in November 2009 and December 2009, thus the Respondent is not liable to pay the second detection bill of 56,248 units+135 KW MDI for two months i.e. November 2009 and December 2009 charged on account of the alleged 33% slowness of the impugned meter and the same is rightly cancelled by the POI.

7. Summing up the foregoing discussion, it is concluded that

7.1 First detection bill of 35,450 units for October 2008 and November 2008 and the second detection bill of 56,248 units+135 KW MDI for two months i.e. November 2009 and December 2009 and the bills already charged with enhanced MF=149 w.e.f December 2008 and onwards and the bills already charged with enhanced MF=249.11 w.e.f January 2010 to December 2010 @ 66% slowness of the impugned meter are unjustified and the same are cancelled.


7.2 The Respondent may be charged the bills as per detail given below:


- i The detection bill for two months prior to checking dated 20.11.2008 of the Appellant @ 33% slowness of the meter, pursuant to Clause 4.4(e) of the CSM 2010.
- ii The bills with enhanced MF=149 due to 33% slowness of the meter w.e.f first checking dated 20.11.2008 of the Appellant and onwards till the replacement of the CT of the impugned on 17.03.2009, under Clause 4.4(c) of the CSM-2010.
- iii The bills w.e.f second checking dated 30.12.2009 and onwards till the replacement of the impugned meter be revised with enhanced MF due to 63% slowness of the impugned meter as observed by the POI during the joint checking dated 18.07.2011, according to Clause 4.4(c) of the CSM-2010.

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

8. The impugned decision is modified 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

