



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

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No. NEPRA/AB/Appeal/029/2018/ *853-856*

May 14, 2018

- |  |   |
|--|---|
| 1. Muhammad Aslam Khanzada<br>Prop: Muskan Atta Chakki,<br>Khadhar Road, Sakrand | 2. Chief Executive Officer<br>HESCO Ltd.<br>WAPDA Offices Complex,<br>Hussainabad, Hyderabad                        |
| 3. Executive Engineer<br>HESCO Ltd,<br>Operation Division,<br>Nawab Shah         | 4. Electric Inspector,<br>Mirpur Khas Region,<br>Government of Sindh,<br>Plot No. 107, Nawab Colony,<br>Mirpur Khas |

Subject: Appeal Titled HESCO Vs. Muhammad Aslam Khanzada Against the Decision Dated 12.10.2017 the Provincial Office of Inspection to Government of the Sindh Mir Pur Khas Region, Mir Pur Khas

Please find enclosed herewith the decision of the Appellate Board dated 11.05.2018, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal/029/2018/ *857*

May 14, 2018

Forwarded for information please.

Assistant Director  
Appellate Board

1. Registrar



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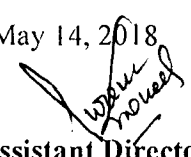
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(Ikram Shakeel)

No. NEPRA/AB/Appeal/029/2018/ 857

Forwarded for information please.

May 14, 2018

  
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# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-029/POI-2018

Hyderabad Electric Supply Company Limited .....Appellant

Versus

Muhammad Aslam Khanzada,  
Prop: Muskan Atta Chakki, Khadar Road, Sakrand .....Respondent

For the appellant:

Mr. Zaheer Ahmed Manager

Mr. Zulfiqar Ahmed XEN

For the respondent:

Mr. Mohammad Aslam

## DECISION

1. Through this decision, an appeal filed by Hyderabad Electric Company Limited (hereinafter referred to as HESCO) against the decision dated 12.10.2017 of Provincial Office of Inspection/Electric Inspector, Mirpur Khas Region, Mirpur Khas (hereinafter referred to as POI) is being disposed of.
2. As per fact of the case, the respondent is an industrial consumer of HESCO bearing Ref No.24-37315-0306501 with a sanctioned load of 78 kW under B-2 tariff. Electrical connection was installed at the premises of the respondent by HESCO on 02.04.2014 and metering equipment was checked by Metering and Testing (M&T) HESCO on 10.12.2014 and reportedly found okay. Subsequently meter of the respondent was checked by M&T HESCO on 27.09.2016 and it was declared defective. Demand note for replacement of defective meter with a new meter was paid



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by the respondent on 28.09.2016 but the new meter could not be installed till April 2017. Thereafter, a detection bill amounting to Rs.1,702,944/- for 94,608 units for the period May 2016 to April 2017 (12 months) was charged to the respondent on the basis of connected load. The respondent was allowed to pay the aforesaid detection bill in installments by HESCO and the respondent made payment of the first installment amounting to Rs.340,588/- against the disputed amount. New meter was installed by HESCO vide meter change order (MCO) dated 12.05.2017.

3. The respondent was aggrieved with the action of HESCO, therefore filed an application before POI and challenged the aforesaid detection bill. The matter was disposed of by POI vide its decision dated 12.10.2017 with the following conclusion:

*"The detection bills served by HESCO (Opponents) for 94,608 units are on higher side and are liable for cancellation/waived off, along with all late payment surcharges up-to date. The HESCO should issue revised bill of 1450 units per month for the disputed period as per above calculation."*

4. Being dissatisfied with the POI decision dated 12.10.2017 (hereinafter referred to as the impugned decision), HESCO has filed the instant appeal under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as the NEPRA Act 1997). In its appeal, HESCO inter alia, contended that POI passed the impugned decision in hasty manner and upheld the complaint of the respondent as ex-parte, without considering ground realities and declared the detection bill of Rs.1,702,944/- on higher side and unjustified. As per HESCO, POI did not apply his mind while rendering the impugned decision, which is not sustainable in the eye of law. Notice of the appeal was issued to



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the respondent for filing reply/parawise comments, which however were not filed.

5. After issuing notice to both the parties, the appeal was heard in NEPRA regional office Karachi on 23.04.2018, wherein Mr. Zaheer Ahmed Manager and Mr. Zulfikar Ali XEN entered appearance for the appellant HESCO and Mr. Muhammad Aslam the respondent appeared in person. Representatives for HESCO reiterated the same arguments as narrated in memo of the appeal and pleaded that meter of the respondent was found defective during M&T HESCO checking dated 27.09.2016, which was replaced on 12.05.2017. Manager HESCO declared the detection bill of Rs.1,702,944/- for 94,608 units for the period May 2016 to April 2017 charged to the respondent on the basis of connected load is justified and payable by him. On the contrary, the respondent submitted that the demand note for replacement of defective meter with the new meter was paid on 28.09.2016 but the new meter was installed on 12.05.2017. The respondent further submitted that charging of the above detection bill had no justification and POI had rightly cancelled the same. The respondent prayed that the impugned decision is liable to be maintained.
6. Arguments heard, perused the record placed before us. It is observed as under:
  - i. Premises of the respondent was checked by M&T HESCO on 27.09.2016 and the meter was found defective, which was replaced on 12.05.2017. Hence the detection bill amounting to Rs.1,702,944/- for 94,608 units for the period May 2016 to April 2017 was charged on the basis of connected load, which was assailed by the respondent before POI.
  - ii. There is no controversy regarding the period, i.e. May 2016 to April 2017 of detection bill charged to the respondent, only quantum of electrical consumption

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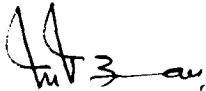
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needs to be assessed. Consumption data as provided by HESCO is analyzed below:


| Period   | Normal Mode<br>Average Units/Month | Detection Mode<br>Average Units/Month |
|--|------------------------------------|---------------------------------------|
| <b>Period before dispute</b><br>May 2015 to April 2016     | 1,417                              | -                                     |
| <b>Disputed period</b><br>May 2016 to April 2017           | 18                                 | 7,866                                 |
| <b>Period after dispute</b><br>June 2017 to September 2017 | 1,450                              | -                                     |

It is evident from the above table that the detection units charged @ 7,866 units/month are much higher than the normal average consumption of 1,417 units/month and 1,450 units/month recorded in the undisputed periods prior and after the dispute respectively. Therefore we are in agreement with the determination of POI that the detection bill amounting to Rs.1,702,944/- for 94,608 units for the period May 2016 to April 2017 charged to the respondent has no justification and should be cancelled. POI has rightly decided to charge the detection bill @ 1,450 units/month for the period May 2016 to April 2017 on the basis of normal average consumption after the dispute. The impugned decision is based on facts and law and liable to be upheld.

7. Forgoing in view, the appeal is dismissed.

  
Muhammad Qamar-uz-Zaman  
Member

  
Nadir Ali Khoso  
Convener

  
Muhammad Shafique  
Member

Dated: 11.05.2018