



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

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No. NEPRA/Appeal/034/2023/772

December 13, 2023

1. M/s. Madina Electronics,  
Plot No. E1, Site Area,  
Kotri
2. Chief Executive Officer,  
HESCO Ltd,  
WAPDA Offices Complex,  
Hussainabad, Hyderabad
3. Sub Divisional Officer (Operation),  
HESCO Ltd,  
Kotri Sub Division,  
Kotri
4. POI/Electric Inspector,  
Hyderabad Region,  
Civil Line Banglow No. 48-B,  
Opposite Income Tax Office,  
Hyderabad.

Subject: Appeal No.034/2023 (HESCO Vs. M/s. Madina Electronics) Against the Decision Dated 22.02.2023 of the Provincial Office of Inspection to Government of the Sindh Hyderabad Region, Hyderabad

Please find enclosed herewith the decision of the Appellate Board dated 13.12.2023 (06 pages), regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

  
(Ikram Shakeel)  
Deputy Director (AB)

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



# National Electric Power Regulatory Authority

## Before The Appellate Board

In the matter of

Appeal No. 034/POI-2023

M/s. Madina Electronics, Plot No.E1, Site Area, Karachi

.....Appellant

Versus

Hyderabad Electric Supply Company Limited

.....Respondent

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

### For the Appellant:

Mr. Muhammad Ishaq Khan Advocate  
Syed Asim Ali

### For the Respondent:

Mr. Ikhtiar Ahmed Memon XEN

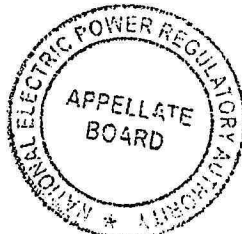
## DECISION

1. Briefly speaking, M/s. Madina Electronics (hereinafter referred to as the "Appellant") is an industrial consumer of Hyderabad Electric Supply Company Limited (hereinafter referred to as the "Respondent") bearing Ref No.24-37221-0039115-R with sanctioned load of 490 kW under tariff category B-2(b). Reportedly, the billing meter of the Appellant became defective with vanished display, hence it was replaced with a new meter by the Respondent vide meter change order (the "MCO") dated 28.01.2022 and sent to the Metering and Testing (M&T) laboratory for data retrieval. As per the M&T checking report dated 02.03.2022, the final reading was retrieved as (OP=13,489+P=2,123), whereas the Appellant was billed up to the reading index of (OP=12891+P=1,980). Resultantly, the Respondent charged a detection bill of Rs.444,6000/- for 148,200 (OP=119,600+28,600) units+142 kW MDI to the Appellant due to the difference of the

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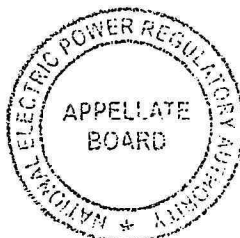




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final reading of the impugned meter and the units already charged and added to the bill for May 2022.

2. Being aggrieved, the Appellant initially challenged the above detection bill before the High Court of Sindh, Hyderabad Bench from where it was referred to the Provincial Office of Inspection, Hyderabad Region, Hyderabad (hereinafter referred to as the "POI"). The POI vide the decision dated 22.02.2023 declared the detection bill of Rs.444,6000/- for 148,200 (OP=119,600+28,600) units + 142 kW MDI as justified and payable by the Appellant.
3. Being dissatisfied, the Appellant has filed the instant appeal before the NEPRA against the POI decision dated 22.02.2023 (hereinafter referred to as the "impugned decision"), wherein it is contended that the impugned billing meter was neither checked in the presence of his representation nor removed with his consent. The Appellant further contended that the bills charged by the Respondent as per consumption recorded by the billing meter were paid regularly but astonishingly, the Respondent debited excessive, huge, exorbitant detection bill of Rs.444,6000/- for 148,200 (OP=119,600+28,600) units+142 kW MDI based on alleged M&T report dated 02.03.2022 against which he approached the Respondent but they were not willing to listen the genuine grievance. As per the Appellant, the electricity of the premises was disconnected by the Respondent due to nonpayment of the impugned detection bill, therefore, he approached the honorable High Court vide CP No.1137 of 2022 and on the direction of Honorable High Court, two cheques equivalent to the amount of impugned detection bill were deposited before the High Court. According to the Appellant, the matter was referred by the honorable High Court to POI for decision, who while passing the impugned decision neither considered the contentions of the Appellant nor noticed that the impugned detection bill was charged based on alleged data retrieval of the Respondent without association of the Appellant as well as the POI. The Appellant submitted that the Respondent failed to follow the procedure as laid down in the Consumer Service Manual (the "CSM") prior debiting the aforesaid detection bill. The Appellant further submitted that the POI failed to controvert the data retrieval report, which has caused grave miscarriage of justice. The Appellant finally prayed that the impugned decision be set aside.





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### 4. Proceedings by the Appellate Board

Upon filing of the instant appeal, a Notice dated 30.03.2023 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. However, no reply/para-wise comments were received from the Respondent.

### 5. Hearing

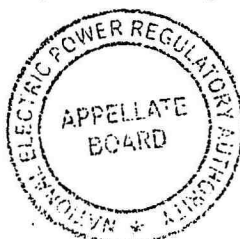
5.1 Hearing was initially fixed at NEPRA Regional Office Karachi on 05.05.2023, which was attended by counsel along with the Appellant whereas, the Respondent's officials were in attendance. The said hearing was adjourned with the direction to the Appellant to deposit 50% of the impugned detection bill, whereas the Respondent was directed to arrange the data retrieval of the impugned meter in the presence of the Appellant. Subsequently, hearing was conducted on 06.11.2023, which was attended by both the Appellant and the Respondent. Learned counsel for the Appellant contended that he was neither associated during the removal of the impugned meter nor the data of the said removed meter was retrieved in the presence of POI being a competent forum, hence there is no justification to charge the detection bill of Rs.444,6000/- for 148,200 (OP=119,600 + 28,600) units+142 kW MDI. The Appellant opposed the impugned decision for allowing the above detection bill and prayed for setting aside the same.

5.2 On the other hand, the Respondent's official defended the charging of the detection bill of Rs.444,6000/- for 148,200 (OP=119,600+28,600) units+142 kW MDI and argued that the above detection bill was debited due to the difference between the final reading and the total units+MDI already charged. He supported the impugned decision for declaring the above detection bill as justified and stated that the same is liable to be maintained. The Respondent was directed to submit the MCO, M&T report, PITC data, etc to check the authenticity of their assertion with regard to the impugned detection bill within 10 working days.

6. Arguments heard and the record examined. Following are our observations:

6.1 The record presented before us shows that the impugned meter of the Appellant was found defective with washed display, therefore, it was replaced with a new meter by the Respondent on 28.01.2022 and sent to the M&T laboratory for downloading the data. Subsequently, M&T team of the Respondent vide report dated 02.03.2022 declared the impugned meter defective with the final reading as (OP=13,489+P=2,123) and based upon the said report, the Respondent charged

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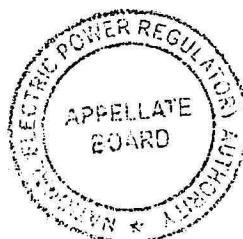
a detection bill of Rs.444,6000/- for 148,200 (OP=119,600+28,600) units + 142 kW MDI to the Appellant due to the difference between claimed final reading retrieved and the units already charged and added to the bill for May 2022, which was disputed by him before the POI.

6.2 The data retrieval is provided only under Clause 4.3.2(c) of the CSM-2021, where the meter is defective due to the display washed. However, for defective meters for reasons other than display wash, there is no provision for data retrieval under Clause 4.3.1 of the CSM-2021. The impugned meter where data has been retrieved by the Respondent had allegedly become defective with washed display, therefore, strictly under Clause 4.3.2(c) of the CSM-2021 data retrieval of the said meter seems legally justified.

6.3 However, to further check the authenticity of the above data retrieval report of the Respondent, the billing statement of the Appellant is reproduced below:

Table-1		
Month	Units charged	Remarks
Sep-21	36800	Reading snap of old meter
Oct-21	26800	No snap/fictitious reading
Nov-21	19000	No snap/fictitious reading
Dec-21	20000	No snap/fictitious reading
Jan-22	36400	No snap/fictitious reading
Feb-22	43170	Reading snap of new meter

Perusal of the above table shows that the Respondent charged the bills till September 2021 to the Appellant as per the reading of the impugned meter, thereafter, the bills for the period from October 2021 to January 2022 were debited on fictitious readings due to the vanished display of the impugned meter. Later on, the impugned meter was replaced with a new meter by the Respondent in February 2022 and the bill of said month was debited as per reading advance by the new meter. Thus the bills for the period from October 2021 to January 2022 be compared with the consumption of corresponding months of the period after the dispute in the table given as under:





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Table-2

Disputed months		Corresponding months after dispute	
Month	Units charged	Month	Units charged
Oct-21	26800	Oct-22	50800
Nov-21	19000	Nov-22	71000
Dec-21	20000	Dec-22	69000
Jan-22	36400	Jan-23	45600
<b>Average</b>	<b>25,550</b>	<b>Average</b>	<b>59,100</b>

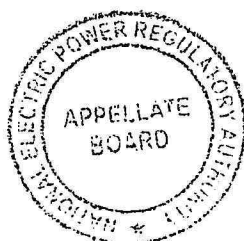
The above table shows that the consumption of the Appellant debited during the disputed period is much lesser than the consumption of the corresponding month of the period after the dispute, which indicates that actual consumption could not be debited due to the defective display of the impugned meter.

6.4 To further ascertain the claim of the Respondent regarding the impugned detection bill, the units assessed as per the data retrieval report be compared with total consumption recorded during the corresponding undisputed period after the dispute in the below table:

Table-3

Total units to be charged as per data retrieval report						Total units debited in corresponding months after the dispute			
Reading	Off-peak	Peak	Total	MF	Total	Month	Off-peak	Peak	Total
Data retrieval dated 02.03.2022	13489	2123	15612	200	3122400	Oct-22	49400	11400	60800
						Nov-22	58200	12800	71000
As per snap of Sep-2021	12457	1903	14360	200	2872000	Dec-22	57000	12000	69000
						Jan-23	38000	7600	45600
<b>Difference</b>	<b>1032</b>	<b>220</b>	<b>1252</b>	<b>200</b>	<b>250400</b>	<b>Total</b>	<b>202600</b>	<b>43800</b>	<b>246400</b>

6.5 As evident from the above table, the units retrieved as per the data retrieval report are compatible with the undisputed consumption of corresponding months of the succeeding year, which justified the claim of the Respondent. Now the detection bill needs to be verified through the below calculation:



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Table-4

<u>Period: October 2021 to January 2022</u>	
A. Total units to be charged = Reading retrieved *MF = 1252 x 200 =250,400 units	
B. Total units already charged = 26800+19000+20000+36400	=102,200 units
C. Total units to be charged = A-B	= 148,200 units

6.6 In view of the foregoing discussion, we are of the firm view that the detection bill of Rs.444,6000/- for 148,200 (OP=119,600+28,600) units+142 kW MDI debited to the Appellant based on the M&T report dated 02.03.2022 is justified and payable by him.

7. Foregoing in view, we do not find any reason to interfere with the impugned decision, the same is upheld and the appeal is dismissed.

Abid Hussain  
Member

Naweed Ullahi Sheikh  
Convener

Muhammad Irfan-ul-Haq  
Member

Dated: 13-12-2023

