



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

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No. NEPRA/Appeal/091/POI/2019/ 141

February 24, 2021

- | | |
|--|---|
| 1. Muhammad Taufeeq
Prop: Iceland Cold Chain,
1-KM, Japan Road, Off Islamabad Highway,
Sihala, Islamabad | 2. Chief Executive Officer
IESCO Ltd,
Head Office, St. No. 40,
Sector G-7/4, Islamabad |
| 3. Faisal Bin Kharshid,
Advocate Supreme Court,
Al Rushd Advocates,
32-Haroon-Ur-Rasheed Block,
Near Post Office, Johar Road,
F-8 Markaz, Islamabad | 4. Nazar Muhammad Rana
Advocate High Court,
G-4, Arooj Centre,
Fareed Kot Road, Lahore |
| 5. Sub Divisional Officer (Operation)
IESCO Ltd,
Rawat Sub Division,
Rawat, Islamabad | 6. POI/Electric Inspector,
Islamabad Region,
XEN Office, Irrigation & Power
Department,
Rawal Dam Colony, Park Road,
Islamabad |

Subject: Appeal Titled IESCO Vs. Muhammad Taufeeq Against the Decision Dated 15.02.2019 of the Provincial Office of Inspection to Government of the Punjab Islamabad Region, Islamabad

Please find enclosed herewith the decision of the Appellate Board dated 23.02.2021, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)
Deputy Director (M&E)
Appellate Board

Forwarded for information please.

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



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No.091/POI-2019

Islamabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Taufeeq Prop: Iceland Cold Chain, 1-KM, Japan Road,
Off Islamabad Highway, Sihala, Islamabad

.....Respondent

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

For the appellant:

Mr. Faisal Bin Khurshid Advocate
Mr. Khalil Ahmed Rana SDO

For the respondent:

Nemo

DECISION

1. As per facts of the case, the respondent is an industrial consumer of IESCO bearing Ref No.28-14371-7022603 with a sanctioned load of 25 kW and the applicable tariff is B-1. The metering equipment of the respondent was checked by IESCO on 04.05.2018 and reportedly the billing meter was found 33% slow as the blue phase was dead and the connected load was found higher than the sanctioned load. Resultantly, a detection bill of Rs.561,212/- for 23,339 units+114 kW MIDI for the period November 2017 to April 2018 (6 months) was charged to the respondent @ 33% slowness of the



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meter and added in June 2018.

2. Being aggrieved, the respondent initially filed a complaint before NEPRA against the above detection bill, which was forwarded by NEPRA to the Provincial Office of Inspection (POI) for adjudication. The complaint of the respondent was disposed of by POI vide decision dated 15.02.2019 wherein the detection bill of Rs.561,212/- for 23,339 units+114 kW MDI for the period November 2017 to April 2018 charged @ 33% slowness of the billing meter was cancelled and IESCO was directed to revise the billing account of the respondent, accordingly.
3. Through the instant appeal, the afore-referred decision of POI has been impugned by IESCO in which it was contended that the billing meter of the respondent was found 33% slow and the connected load was observed beyond the sanctioned load during IESCO checking on 04.05.2018. IESCO stated that the detection bill of Rs.561,212/- for 23,339 units+114 kW MDI for the period November 2017 to April 2018 (6 months) was charged to the respondent @ 33% slowness of the meter. As per IESCO, the impugned decision suffers from technical, factual, and legal infirmities, which is unlawful, mala fide, arbitrary, and calls for interference by this Authority. IESCO submitted that the defunct billing meter ceased to register energy whatsoever was consumed by the respondent legitimately. IESCO further submitted that the opinion of POI is scanty, without valid basis and reflection of wheeling and dealing as it is passed without taking into account the expert opinion based on technical testing which shows



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the real aspects of the case. IESCO finally prayed for setting aside the impugned decision.

4. Notice for filing reply/para-wise comments to the appeal was issued to the respondent, which were filed on 04.09.2019. In the reply, the respondent repudiated the version of IESCO and submitted that IESCO neither provided M&T checking report nor any other evidence to prove the slowness of the billing meter. The respondent further submitted that IESCO did not produce the comparative behavior of check meter to substantiate their stance. As per respondent, he has made payment of the excessive amount of Rs.180,495/- against the above detection bill under duress. According to the respondent, the POI has passed the lawful and well-reasoned order and the appeal be set aside with cost.
5. Hearing of the appeal was conducted in NEPRA Head Office, Islamabad on 09.02.2021, which was attended by learned counsel along with IESCO officials and no one appeared for the respondent. Learned counsel for IESCO argued that 33% slowness was reported in the billing meter of the respondent on 04.05.2018 and he was using the connected load i.e. 53 kW beyond the sanctioned load i.e. 25 kW. As per learned counsel for IESCO, the detection bill of Rs.561,212/- for 23,339 units+ 114 kW MDI for the period November 2017 to April 2018 was charged to the respondent due to a dip in the consumption. Learned counsel for IESCO opposed the determination of POI for the cancellation of the above detection bill and prayed to



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allow the same.

6. Arguments heard and the record perused. This forum has observed as under:

- i. IESCO charged the detection bill of Rs.561,212/- for 23,339 units+114 kW MDI for the period November 2017 to April 2018 to the respondent @ 33% slowness of the meter as observed during checking dated 04.05.2018, which was disputed by him before POI.
- ii. Charging the detection bill for a period of six months by IESCO to the respondent on account of the slowness of the meter is contrary to clause 4.4(c) of the Consumer Service Manual, 2010 (CSM). Ibid clause of CSM authorizes IESCO to charge the detection bill maximum for two months on account of the slowness of the meter. Besides, IESCO neither provided any document before POI to justify the above detection bill nor installed a check meter in series with the disputed billing meter for the determination of quantum of slowness. As such, the detection bill of Rs.561,212/- for 23,339 units/114 kW MDI for the period November 2017 to April 2018 charged to the respondent @ 33% slowness of the meter is unjustified and liable to be declared as null and void.
- iii. Since the disputed billing meter was found 33%slow by IESCO on 04.05.2018, it would be judicious to charge the detection bill for two months i.e. March 2018 and April 2018 @ 33% slowness of the billing meter in pursuance of clause 4.4 of CSM.

Calculation in this respect is done below:





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Period: March 2018 and April 2018

MF after adding 33% slowness = $\frac{100}{(100-33)} = 1.49$		
Consumption	Units	MDI (kW)
(A) To be charged @ 33% slowness of the meter	= Total units x Revised MF = 19,081 x 1.49 = 28,431	= Total MDI x Revised MF = 58 x 1.49 = 86
(B) Already charged	= 19,081	= 58
(C) = (A)-(B) Net chargeable	= 9,350	= 28

The respondent is liable to be charged 9,350 units/28 kW MDI for the period March and April 2018. The impugned decision is liable to be modified to this extent.

7. From what has been discussed above, it is concluded that the impugned decision for declaring the detection bill of Rs.561,212/- for 23,339 units+114 kW MDI for the period November 2017 to April 2018 as null and void is correct and maintained to this extent. However, the respondent should be charged 9,350 units/28 kW MDI for the period March and April 2018. The payments made (if any) during the disputed period shall be adjusted in the revised bill.
8. The impugned decision is modified in the above terms.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Dated: 23.02.2021