



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

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No. NEPRA/Appeal/114/POI/2019/ 142

February 24, 2021

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Lawrence College
Through its Admin & Security Officer,
Major (R) Muhammad Fayyaz,
Ghora Gali, Tehsil Murree,
District Rawalpindi | 2. Chief Executive Officer
IESCO Ltd,
Head Office, St. No. 40,
Sector G-7/4, Islamabad |
| 3. Faisal Bin Khurshid,
Advocate Supreme Court,
Al Rushd Advocates,
32-Haroon-Ur-Rasheed Block,
Near Post Office, Johar Road,
F-8 Markaz, Islamabad | 4. Sub Divisional Officer (Operation)
IESCO Ltd,
Murree Sub Division,
Near TV Station, Pindi Point,
Tehsil Murree, District Rawalpindi |
| 5. POI/Electric Inspector,
Islamabad Region,
XEN Office, Irrigation & Power Department,
Rawal Dam Colony, Park Road,
Islamabad | |

Subject: Appeal Titled IESCO Vs. Lawrence College Ghora Gali Against the Decision Dated 14.02.2019 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.114/POI-2019

Islamabad Electric Supply Company Limited

.....Appellant

Versus

Lawrence College Through its Admin & Security Officer,

Major ® Muhammad Fayyaz having an office at Lawrence College,

Ghora Gali, Tehsil Muree, District Rawalpindi

.....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

For the respondent:

Nemo

DECISION

1. Through this decision, an appeal filed by Islamabad Electric Supply Company Limited (IESCO) against the decision dated 14.02.2019 of the Provincial Office of Inspection, Islamabad region, Islamabad (POI) is being disposed of.
2. As per facts of the case, the respondent is a domestic consumer of IESCO bearing Ref No.02-14132-01684001 with a sanctioned load of 19 kW and the tariff applicable is A-1(b). The display of the billing meter of the respondent was found

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washed during IESCO checking dated 16.02.2016 and it was replaced with a new meter. The removed billing meter of the respondent was checked in the metering and testing (M&T) IESCO laboratory, which recommended to charge a total of 32,000 units for July 2015. Subsequently, notice dated 09.08.2018 was served to the respondent, and a detection bill amounting to Rs.270,887/- for 16,000 (off peak=12,800, peak=3,200) units for July 2015 was charged by IESCO to the respondent after adjustment of 16,000 units already charged in July 2015 and added in the bill for November 2018.

3. Being aggrieved, the respondent assailed the above detection bill before NEPRA vide a complaint, which was referred to the POI for the decision. The complaint of the respondent was disposed of by POI vide the decision dated 14.02.2019 wherein the detection bill of Rs.270,887/- for 16,000 (off peak=12,800, peak=3,200) units for July 2015 was declared as null and void.
4. Through the instant appeal, afore-referred decision dated 14.02.2019 of POI has been impugned by IESCO in which it was contended that the removed billing meter of the respondent was checked by M&T IESCO, which recommended to recover total of 32,000 units for July 2015 from the respondent on account of washed display. As per IESCO, the detection bill of Rs.270,887/- for 16,000 (off peak=12,800, peak=3,200) units for July 2015 was charged to the respondent. As per IESCO, the impugned decision suffers from technical, factual, and legal infirmities, which is unlawful,



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malafide, arbitrary, and calls for interference by this Authority. According to IESCO, the defunct billing meter has ceased to register energy whatsoever is consumed by the respondent legitimately. IESCO 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 the real aspects of the case. IESCO finally prayed for setting aside the impugned decision.

5. Notice for filing reply/para-wise comments to the appeal was issued to the respondent, which however were not filed.
6. Hearing of the appeal was conducted in NEPRA Head Office, Islamabad on 09.02.2021, which was attended by learned counsel along with SDO IESCO for the appellant and no one represented the respondent. Learned counsel for IESCO reiterated the same version of the appeal and contended that display of the removed meter of the respondent was found washed, hence the detection bill of Rs.270,887/- for 16,000 (off peak=12,800, peak=3,200) units for July 2015 was charged to the respondent as per the recommendation of M&T IESCO. Learned counsel for IESCO termed the above detection bill as justified and payable by the respondent. Learned counsel for IESCO prayed that the impugned decision is unjustified and liable to be struck down.

7. Arguments heard and the record perused. Our observations are as under:

- i. Reportedly, the display of the billing meter of the respondent became vanished in July 2015, the average billing for the cost of 16,000 units was done by IESCO in

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July 2015 to the respondent due to a defective billing meter. Subsequently, the removed defective meter was checked in the M&T IESCO laboratory which recommended to charge 32,000 units to the respondent for July 2015. Consequently, IESCO charged the detection bill of Rs.270,887/- for 16,000 (off peak=12,800, peak=3,200) units for July 2015 to the respondent after adjustment of 16,000 units already charged in July 2015. The respondent assailed the said detection bill before POL.

- ii. In the case of a defective meter, clause 4.4 of the Consumer Service Manual (CSM) provides that the bill may be charged on the basis of 100% consumption of the corresponding month of previous year or average consumption of the last eleven months, whichever is higher. To verify the justification of charging the above detection bill by IESCO for July 2015, the comparison of the consumption is done below:

Period	Normal units/month	Detection units/month
Disputed month: July 2015	16,000	16,000
Corresponding month of previous year: July 2014	12,836	
Last eleven undisputed months August 2014 to June 2015	15,912	

The above comparison of consumption data transpires that the normal consumption of the respondent for the disputed month i.e. July 2015 is higher than the corresponding consumption of the previous year and the average consumption of



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the last eleven undisputed months. Hence there is no justification to further debit any detection bill to the respondent for the disputed month of July 2015. Under these circumstances, we are of the view that the detection bill of Rs.270,887/- for 16,000 (off peak=12,800, peak=3,200) units for July 2015 charged to the respondent by IESCO is unjustified and should be withdrawn as already determined in the impugned decision. The billing account of the respondent may be revised accordingly.

8. Foregoing in view, we do not find any irregularity in the impugned decision, which is upheld and the appeal is dismissed.

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Muhammad Qamar-uz-Zaman
Member

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Nadir Ali Khoso
Convener

Dated: 23.02.2021