



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

NEPRA Office , Ata Turk Avenue (East), G5/1, Islamabad  
Tel. No. +92 051 2013200 Fax No. +92 051 2600030  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/Appeal/0208/POI/2019/ **43**

February 24, 2021

- |  |  |
|--|--|
| 1. M/s. Community Based Organization,<br>Through its Chairman,<br>Office at Water & Sanitation Project,<br>Rehmatabad, Rawalpindi                                  | 2. Chief Executive Officer<br>IESCO Ltd,<br>Head Office, St. No. 40,<br>Sector G-7/4, Islamabad                                |
| 3. Faisal Bin Khurshid,<br>Advocate Supreme Court,<br>Al Rushd Advocates,<br>32-Haroon-Ur-Rasheed Block,<br>Near Post Office, Johar Road,<br>F-8 Markaz, Islamabad | 4. Sub Divisional Officer<br>IESCO Ltd,<br>Khanna Dak Sub Division,<br>Near Zia Masjid, Service Road,<br>Khanna Dak, Islamabad |
| 5. Electric Inspector/POI,<br>Islamabad Region,<br>XEN Office, Irrigation & Power Department,<br>Rawal Dam Colony, Park Road,<br>Islamabad                         |  |

**Subject: Appeal Titled IESCO Vs. Chairman Community Based Organization, Rehmatabad, Rawalpindi Against the Decision Dated 12.04.2019 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)**  
**Assistant Director**  
**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.208/POI-2019

Islamabad Electric Supply Company Limited

.....Appellant

Versus

M/s. Community-Based Organization Through its Chairman,

Office at Water & Sanitation Project, Rehmatabad, 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

Mr. Adnan Yousaf SDO

For the respondent:

Mr. Taj Abbasi Chairman CBO

## DECISION

1. Through this decision, an appeal filed by Islamabad Electric Supply Company Limited (IESCO) against the decision dated 12.04.2019 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 (water supply scheme) consumer of IESCO bearing Ref No.28-14117-1291700 with a sanctioned load of 32 kW and the applicable tariff is A-3(A). The billing meter of the respondent was checked by IESCO in December 2018 and reportedly it was found 66% slow due to two dead phases.



Therefore, a detection bill of Rs.362,277/- for 28,598 units for the period July 2018 to December 2018 (6 months) was charged to the respondent on 31.12.2018, which contained two parts i.e. 15,233 units for the period July 2018 to October 2018 @ 33% slowness of the meter and 13,365 units for the period November 2018 to December 2018 @ 66% slowness of the meter.

3. Being aggrieved, the respondent assailed the above detection bill before POI. The complaint of the respondent was disposed of by POI vide decision dated 12.04.2019 wherein the detection bill of Rs.362,277/- for 28,598 units for the period July 2018 to December 2018 was cancelled and IESCO was allowed to recover 13,365 units for two months i.e. November 2018 to December 2018 @ 66% slowness of the meter.
4. Through the instant appeal, the afore-referred decision of POI has been impugned by IESCO in which it was contended that the meter of the respondent was found 66% slow during IESCO checking in December 2018. As per IESCO, a detection bill of Rs.362,277/- for 28,598 units for the period July 2018 to December 2018 was charged to the respondent which included 15,233 units for the period July 2018 to October 2018 @ 33% slowness of the meter and 13,365 units for the period November 2018 to December 2018 @ 66% slowness of the meter. IESCO opposed the impugned decision and pleaded that the respondent did not adduce any formal authorization with the petition, which was ignored by the POI while passing the impugned decision. According to IESCO, POI flouted the legal, technical and factual aspects of the matter and jumped upon assuming jurisdiction forthwith

11



## National Electric Power Regulatory Authority

on the very first opportunity and the impugned decision was passed in undue haste. IESCO finally prayed for setting aside the impugned decision and termed the above detection bill as justified and payable by the respondent.

5. Notice for filing reply/para-wise comments to the appeal was issued to the respondent, which were replied on 14.11.2019. In his reply, the respondent submitted that the connection having a sanctioned load of 32 kW with tariff D-1 was sanctioned by IESCO on 06.02.2006 to supply the water to the local residents of the area, which was subsequently changed from D-1 to A-3A. The respondent further submitted that IESCO served a detection bill of Rs.362,277/- for 28,598 units for the period July 2018 to December 2018 (6 months) to the respondent, which contained two periods i.e. July 2018 to October 2018 @ 33% slowness of the meter and November 2018 to December 2018 @ 66% slowness of the meter. As per respondent, neither any checking was carried in his representation nor was any notice issued to him before checking of the metering equipment, hence he cannot be held responsible for the slowness of the meter. According to the respondent, IESCO did not produce the disputed meter to POI for verification of its slowness. The respondent finally prayed for dismissal of the appeal.

6. Hearing of the appeal was conducted in NEPRA Head Office. Islamabad on 09.02.2021, which was attended by both parties. Learned counsel for IESCO reiterated the same version as contained in the memo of the appeal and contended that 66% slowness was reported in the meter in December 2018, hence the detection bill

A handwritten signature, possibly of a legal representative, is written at the bottom center of the page. It consists of a stylized, cursive letter 'N' followed by a small, curved line.



## National Electric Power Regulatory Authority

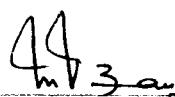
of Rs.362,277/- for 28,598 units for the period July 2018 to December 2018 (6 months) was charged to the respondent. Learned counsel for IESCO argued that POI vide impugned decision allowed the detection bill for two months @ 66% slowness of the meter, which is against the facts and law. Learned counsel for IESCO finally prayed to allow the entire period of the above detection bill. On the contrary, the respondent rebutted the version of IESCO, supported the impugned decision, and prayed for the maintainability of the same.


7. Arguments heard, the record perused. Following are our observations:

- i. In its appeal, IESCO raised the preliminary objection regarding authorization of the person representing the respondent to plead the case. It is observed that Mr. Muhammad Taj Abbasi Chairman Community Based Organization has pleaded the case before POI on behalf of the respondent and no such objection was raised by IESCO. Therefore raising the objection at the belated stage is not sustainable in the eye of law and dismissed.
- ii. Reportedly, the billing meter of the respondent was found 66% slow during IESCO checking in December 2018. Consequently, IESCO charged the detection bill of Rs.362,277/- for 28,598 units (15,233 units for the period July 2018 to October 2018 @ 33% slowness of the meter and 13,365 units for the period November 2018 to December 2018 @ 66% slowness of the meter) to the respondent which was assailed by him before POI.

- iii. 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). Said clause of CSM allows IESCO to charge the detection bill maximum for two months on account of the slowness of the meter. Hence the detection bill of Rs.362,277/- for 28,598 units (15,233 units for the period July 2018 to October 2018 @ 33% slowness of the meter and 13,365 units for the period November 2018 to December 2018 @ 66% slowness of the meter) is unjustified and rightly declared as null and void by POI.
- iv. Since the disputed meter of the respondent was found 66% slow by IESCO in December 2018, hence the respondent is liable to be charged the detection bill for two months i.e. November 2018 and December 2018 @ 66% slowness of the meter, which is also the determination of POI.

7. Foregoing in view, the appeal is dismissed.

  
Muhammad Qamar-uz-Zaman  
Member

  
Nadir Ali Khoso  
Convener

Dated: 23.02.2021