



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

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No. NEPRA/Appeal/238/POI/2019/ 145

February 24, 2021

- | | |
|--|---|
| 1. Sheikh Muhammad Umer
City Flour Mills,
Through its Manager Zia Khaliq,
G. T. Road, Hassanabdal | 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. Assistant Manager (Operation)
IESCO Ltd,
Hassanabdal Sub Division,
Hassanabdal |
| 5. POI/Electric Inspector,
Islamabad Region,
XEN Office, Irrigation & Power Department,
Rawal Dam Colony, Park Road,
Islamabad | |

Subject: **Appeal Titled IESCO Vs. Sheikh Muhammad Umer Against the Decision Dated 20.03.2019 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.238/POI-2019

Islamabad Electric Supply Company Limited

.....Appellant

Versus

Sheikh Muhammad Umar City Flour Mills,

Through its Manager Zia Khaliq G.T. Road, Hassanabad

.....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. Asif Ali Shah Add. XEN

Mr. Ghulam Hussain SDO

For the respondent:

Nemo

DECISION

1. Through this decision, an appeal filed by Islamabad Electric Supply Company Limited (IESCO) against the decision dated 20.03.2019 of the Provincial Office of Inspection, Islamabad region, Islamabad (POI) is being disposed of.
2. As per facts of the case, the respondent is an industrial consumer of IESCO bearing Ref No.27-14218-3844300 with a sanctioned load of 485 kW and the applicable tariff is B-2(II). The metering equipment of the respondent was checked by IESCO

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staff on 19.02.2019 wherein the billing meter was found 33% slow. Notice dated 19.02.2019 was served to the respondent regarding the said slowness and a detection bill of Rs.2,209,879/- for 110,241 units/290 kW MDI for the period December 2018 to February 2019 (3 months) was charged to the respondent @ 33% slowness of the meter and added in February 2019.

3. Being aggrieved, the respondent assailed the above detection bill before POI. Metering equipment of the respondent was checked by POI on 14.03.2019 in presence of both the parties and 29.41% slowness was established. Complaint of the respondent was disposed of by POI vide decision dated 20.03.2019 whereby the detection bill of Rs.2,209,879/- for 110,241 units/290 kW MDI for the period December 2018 to February 2019 charged @ 33% slowness of the billing meter was cancelled and IESCO was allowed to charge 24,693 units being the difference of consumption of the disputed period and corresponding undisputed period of the previous year.
4. Through the instant appeal, the afore-referred decision of POI has been impugned by IESCO in which it is stated that the billing meter of the respondent was found 33% slow during IESCO checking on 19.02.2019. IESCO further contended that the detection bill of Rs.2,209,879/- for 110,241 units/290 kW MDI for the period December 2018 to February 2019 (3 months) was charged to the respondent @ 33% slowness of the meter. As per IESCO, 29.41% slowness in the billing meter of the respondent was confirmed during POI joint checking dated 14.03.2019, hence the



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appellant has the privilege to recover the above bill. According to IESCO, the impugned decision suffers from technical, factual, and legal infirmities, which is unlawful, malafide, 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 stated 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 submitted.
6. 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 reiterated the same version as contained in the memo of the appeal and submitted that 33% slowness was reported in the billing meter of the respondent on 19.02.2019 and 29.41% slowness was observed during POI joint checking, hence the detection bill of Rs.2,209,879/- for 110,241 units/290 kW MDI for the period December 2018 to February 2019 charged to the respondent is justified. Learned counsel for IESCO opposed the determination of POI for the cancellation of the above detection bill and revision of the same on the



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basis of consumption of the previous year. IESCO however agreed to a revision of the above detection bill @ 29.41% slowness as observed by POI.

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

- i. IESCO charged the detection bill of Rs.2,209,879/- for 110,241 units/290 kW MDI for the period December 2018 to February 2019 to the respondent @ 33% slowness of the meter as observed during checking dated 19.02.2019, which was disputed by him before POI.
- ii. As 29.41% slowness in the respondent's billing meter was confirmed during POI joint checking dated 14.03.2019, hence the determination of POI to the extent of cancellation of the detection bill of Rs.2,209,879/- for 110,241 units+290 kW MDI for the period December 2018 to February 2019 charged @ 33% slowness of the billing meter is correct and maintained to this extent.
- iii. It is observed that POI vide impugned decision maintained the period of above detection bill i.e. December 2018 to February 2019 but revised the same on the basis of consumption of corresponding undisputed period of the previous year i.e. December 2017 to February 2018, which is contrary to the facts of the case. It would be judicious to revise the detection bill for the period December 2018 to February 2019 @ 29.41% slowness of the billing meter as observed by POI during joint checking dated 14.03.2019. Calculation in this regard is done below:



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Period: December 2018 to February 2019

MF after adding 29.41% slowness $= \frac{100}{(100-29.41)} = 1.4166 \times 160 = \mathbf{226.61}$		
Consumption	Units	MDI (kW)
(A) To be charged @ 29.41% slowness of the meter	=Difference of reading x MF = 1,399 x 226.61 = 317,099	= Total MDI x % slowness = 589.8 x 1.4166 = 835.5
(B) Already charged	= 1,399 x 160 = 223,840	= 589.8
(C) = (A)-(B) Net chargeable	= 93,259	= 246

The respondent is liable to be charged 93,259 units/246 kW MDI for the period December 2018 to February 2019. The impugned decision is liable to be modified to this extent.

8. From what has been discussed above, it is concluded that the impugned decision for declaring the detection bill of Rs.2,209,879/- for 110,241 units/290 kW MDI for the period December 2018 to February 2019 as null and void is correct and maintained to this extent. However, the respondent should be charged 93,259 units/246 kW MDI for the period December 2018 to February 2019. The payments made (if any) during the disputed period shall be adjusted in the revised bill.
9. The appeal is disposed of in the above terms.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Dated: 23.02.2021