



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

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No. NEPRA/Appeal/240/POI/2019/ *146*

February 24, 2021

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| 1. Muhammad Imran
R/o. House No. 19, Street No. 12,
F-6/3, Islamabad | 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. Additional Executive Engineer (Operation)
IESCO Ltd,
F-6 Sub Division,
Maqbool Market, F-7/4,
Islamabad |
| 5. POI/Electric Inspector,
Islamabad Region,
XEN Office, Irrigation & Power Department,
Rawal Dam Colony, Park Road,
Islamabad | |

Subject: Appeal Titled IESCO Vs. Muhammad Imran Against the Decision Dated 15.04.2019 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 Shakoori)
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.240/POI-2019

Islamabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Imran R/o House#19, Street#12, F-6/3, 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. Saqlain Khalid SDO

For the respondent:

Nemo

DECISION

1. As per facts of the case, the respondent is a domestic consumer of IESCO bearing Ref No.14-14112-1035500 with a sanctioned load of 09 kW and the applicable tariff is A-1(b). Disconnection order (DCO) of the respondent's connection was fed in computer by IESCO in the month of May 2018 due to the arrears of Rs.30,622/- but it was not implemented in the field. The respondent continued electricity consumption but nil consumption was charged by IESCO to the respondent during the period

12



National Electric Power Regulatory Authority

May 2018 to July 2018. After issuance of reconnection order (RCO) in July 2018, the detection bill of Rs.91,011/- for 5,172 units for the period May 2018 to July 2018 (3 months) was debited to the respondent on account of pending units and added in the bill for September 2018.

2. Being aggrieved, the respondent assailed the above detection bill before the Provincial Office of Inspection (POI) vide complaint dated 12.09.2018. The meter of the respondent was checked by POI on 22.02.2019 in presence of both the parties and it was found defective (make and break problem) with upset date and time. The complaint of the respondent was disposed of by POI vide the decision dated 15.04.2019 wherein the detection bill of Rs.91,011/- for 5,172 units for the period May 2018 to July 2018 was declared as null and void. As per POI decision, IESCO was allowed to revise the bills @ 1,007 units/month for the period May 2018 to July 2018 as per average consumption of twelve undisputed months i.e. May 2017 to April 2018.
3. Through the instant appeal, the decision dated 15.04.2019 of POI (hereinafter referred to as the impugned decision) has been assailed by IESCO before NEPRA. In its appeal, IESCO contended that the respondent defaulted in making payment of bills due to which the paper DCO was done in May 2018 as the respondent obstruct IESCO to remove the meter from the premises. IESCO further contended that the RCO was fed in July 2018 and a detection bill of Rs.91,011/- for 5,172 units for the period May 2018



National Electric Power Regulatory Authority

to July 2018 was charged to the respondent on account of uncharged units. As per IESCO, the impugned decision suffers from technical, factual, and legal infirmities, which is unlawful, malafide, arbitrary, and calls for interference by this Authority. According to IESCO, the defunct billing meter 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.

4. Notice for filing reply/para-wise comments to the appeal was issued to the respondent, which however were not filed.
5. 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 as contained in the memo of the appeal and contended that the paper DCO was fed by IESCO in May 2018 due to non-payment of arrears of electrical energy consumed. As per learned counsel for IESCO, the meter remained at the site recorded energy consumed, however, no consumption was charged during the months May 2018 to July 2018 due to DCO fed to the computer. According to the learned

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National Electric Power Regulatory Authority

counsel for IESCO, 5,172 units were found accumulated at the time of reconnection in July 2018, hence the bill of Rs.91,011/- for 5,172 units for the period May 2018 to July 2018 debited to the respondent is justified and payable by the respondent. Learned counsel for IESCO prayed that the impugned decision is unjustified and liable to be struck down.

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

- i. DCO of the respondent's connection was fed in computer by IESCO in the month of May 2018 due to the arrears of Rs.30,622/- but it was not implemented in the field. The respondent continued electricity consumption but nil consumption was charged by IESCO to the respondent during the period May 2018 to July 2018. After issuance of reconnection order (RCO) in July 2018, a detection bill of Rs.91,011/- for 5,172 units for the period May 2018 to July 2018 (3 months) was debited to the respondent for accumulated units and added in the bill for September 2018. The respondent assailed the above detection bill before the POI.
- ii. Admittedly the respondent's meter was found defective (make and break problem) with upset date and time during the POI joint checking dated 22.02.2019. In the case of a defective meter, clause 4.4 of the Consumer Service Manual (CSM) prescribes 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



National Electric Power Regulatory Authority

months, whichever is higher. To verify the justification of charging the above detection bill by IESCO for the period May 2018 to July 2018, the comparison of the consumption is done below:

Period	Normal units/month	Detection units/month
Disputed month: May 2018 to July 2018	0	1,724
Corresponding month of previous year: May 2017 to July 2017	1,425	-
Last eleven undisputed months: June 2017 to April 2018	984	-

The above comparison of consumption data transpires that the detection units charged @ 1,724 units/month for the disputed period May 2018 to July 2018 are higher than the corresponding consumption of the previous year and the average consumption of the last eleven undisputed months. Hence, the detection bill of Rs.91,011/- for 5,172 units for the period May 2018 to July 2018 charged to the respondent by IESCO is unjustified and liable to be cancelled, which is also the determination of POI.

It would be judicious to charge the bills @ 1,425 units/month for the disputed period May 2018 to July 2018 as per average consumption of the corresponding month of previous year being higher in pursuance of clause 4.4 of CSM. The impugned decision is liable to be modified to this extent.



National Electric Power Regulatory Authority

7. Summing the foregoing discussion, it has concluded as under:

- i. The impugned decision to the extent of cancellation of the detection bill of Rs.91,011/- for 5,172 units for the period May 2018 to July 2018 (3 months) is correct and should be maintained to this extent.
- ii. The respondent may be charged the bills @ 1,425 units/month for the period May 2018 to July 2018 as per normal average consumption of corresponding months of the previous year.
- iii. The billing account of the respondent may be overhauled after making adjustment of payment made (if any) against the above detection bill.

8. The impugned decision is modified in the above terms.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Dated: 23.02.2021