



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 E-mail: office@nepra.org.pk

No. NEPRA/Appeal/242/POI/2019/ 229

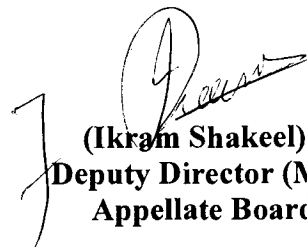
March 19, 2021

- | | |
|--|--|
| 1. Faisal Qayyum
S/o. Malik Abdul Qayyum,
Having office at Vision 2 CNG,
Adyala Road, 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
IESCO Ltd,
Adyala Sub Division,
Near Samarzar, Adyala Road,
Rawalpindi |
| 5. POI/Electric Inspector,
Islamabad Region,
XEN Office, Irrigation & Power Department,
Rawal Dam Colony, Park Road,
Islamabad | |

Subject: **Appeal Titled IESCO Vs. Faisal Qayyum Against the Decision Dated 13.06.2019 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 10.03.2021, 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.242/POI-2019

Islamabad Electric Supply Company Limited

.....Appellant

Versus

Faisal Qayyum Malik S/o Malik Abdul Qayyum having
office at Vision 2 CNG, Adyala Road, 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:

Malik Irfan Ilahi Advocate

Mr. Tariq Mustafa Malik

DECISION

1. As per facts of the case, the respondent is a commercial consumer of IESCO bearing Ref No.27-14362-7121800 with a sanctioned load of 257 kW and the applicable tariff is A-2(c). The metering equipment of the respondent was checked by IESCO on 16.11.2018 and reportedly the billing meter was found 33% slow due to yellow dead phase and a difference of 77,540 units was observed between the billing and check meters. IESCO converted the check meter as billing meter vide meter change order (MCO) dated 16.11.2018. Thereafter, notice dated 19.11.2018 was issued to the respondent and a detection bill of Rs.594,454/- for 77,520 units (off peak=64,600,



National Electric Power Regulatory Authority

peak=12,920)+242 kW MDI for the period November 2017 to March 2018 was charged to the respondent due to the difference of readings between the billing and check meters.

2. Being aggrieved, the respondent preferred a complaint before the Provincial Office of Inspection (POI). Metering equipment of the respondent was checked by POI in presence of both the parties on 15.03.2019 and the billing meter was found 35.9% slow. The complaint of the respondent was disposed of by POI vide decision dated 13.06.2019 wherein the detection bill of Rs.594,454/- for 77,520 units (off peak=64,600, peak=12,920)+242 kW MDI for the period November 2017 to March 2018 was declared as null and void.
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 during checking on 16.11.2018, which was replaced with check meter vide MCO dated 16.11.2018. IESCO further contended that the detection bill Rs.594,454/- for 77,520 units (off peak=64,600, peak=12,920)+242 kW MDI for the period November 2017 to March 2018 was charged to the respondent @ 33% slowness of the meter. IESCO stated that the billing meter was found 35.9% slow during POI joint checking dated 15.03.2019, hence the above detection bill charged to the respondent is correct. 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. 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



National Electric Power Regulatory Authority

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 09.03.2021, which was attended by both parties. Learned counsel for IESCO argued that 33% slowness was reported in the billing meter of the respondent on 16.11.2018 for which notice dated 19.11.2018 was issued to him. As per learned counsel for IESCO, 35.9% slowness was observed by POI on 15.03.2019, hence the detection bill of Rs.594,454/- for 77,520 units+242 kW MDI for the period November 2017 to March 2018 charged to the respondent is justified and the respondent is responsible to pay the same. On the contrary, learned counsel for the respondent averred that the above detection bill was debited to the respondent due to the difference of readings between the billing and check meters, which was rightly declared as null and void by POI. Learned counsel for the respondent prayed for upholding the impugned decision.
6. Arguments heard and the record perused. Following are our observations:
 - i. IESCO observed 33% slowness in the billing meter of the respondent during checking dated 16.11.2018 and issued a detection bill of Rs.594,454/- for 77,520 units (off peak=64,600, peak=12,920) +242 kW MDI for the period November 2017 to March 2018 to the respondent, which was disputed by him before POI.
 - ii. It is observed that the above detection bill was charged by IESCO on account of the

1



National Electric Power Regulatory Authority

difference of readings between the billing and check meters instead of the slowness of the billing meter. It is further observed that checking of the respondent's metering equipment was carried out by IESCO on 16.11.2018 but the period of the above detection bill was given as November 2017 to March 2018 (5 months), which is neither consistent with provisions of the Consumer Service Manual, 2010 (CSM) nor the relevant period in the instant case. Under these circumstances, the detection bill of Rs.594,454/- for 77,520 units (off peak=64,600, peak=12,920)+242 kW MDI for the period November 2017 to March 2018 charged to the respondent is illegal, unjustified and the same is liable to be cancelled as already determined in the impugned decision.

- iii. Since 33% slowness in the billing meter was observed by IESCO on 16.11.2018 and 35.9% slowness was established during POI joint checking dated 15.03.2019. Hence the respondent is liable to be charged 35.9% slowness for two months only i.e. September 2018 and October 2018 pursuant to clause 4.4(e) of the CSM.
- iv. Since the disputed billing meter was found 33% slow by IESCO on 16.11.2018, hence it would be judicious to charge the detection bill for two months i.e. September 2018 and October 2018 @ 33% slowness of the billing meter in pursuance of clause 4.4 of CSM. Calculation in this regard is done below:

Period: September 2018 and October 2018

MF after adding 35.9% slowness= $\frac{100}{(100-35.9)} = 1.56$	
Consumption	Units
(A)	=Total units x Revised MF
To be charged @ 35.9% slowness	=30,720 x 1.56= 47,925



National Electric Power Regulatory Authority

(B) Already charged	= 30,720
(C) = (A)-(B) Net chargeable	= 17,205

The respondent is liable to be charged 17,205 units for the period September 2018 and October 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.594,454/- for 77,520 units (off peak=64,600, peak=12,920) +242 kW MDI for the period November 2017 to March 2018 as null and void is correct and maintained to this extent. However, the respondent should be charged 17,205 units for the period September 2018 and October 2018. The payments made (if any) against the above detection bill 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: 10.03.2021