



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

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No. NEPRA/Appeal/243/POI/2019/ 925

November 23, 2021

- |  |   |
|--|---|
| 1. Abdul Rehman<br>S/o. Sharif Khan,<br>R/o. Village Margalla Hills,<br>Taxila   | 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>Office No. 3, First Floor,<br>National Arcade, 4-A,<br>F-8 Markaz, Islamabad         | 4. Assistant Manager,<br>IESCO Ltd,<br>Margalla Sub Division,<br>Wahdat Colony, Taxila          |
| 5. POI/Electric Inspector,<br>Islamabad Region,<br>XEN Office, Irrigation & Power Department,<br>Rawal Dam Colony, Park Road,<br>Islamabad |   |

Subject: **Appeal Titled IESCO Vs. Abdul Rehman Against the Decision Dated 23.04.2019 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 15.11.2021, 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.243/POI-2019

Islamabad Electric Supply Company Limited

.....Appellant

Versus

Abdul Rehman S/o Sharif Khan R/o Village Margalla Hills, Taxila

.....Respondent

#### For the Appellant:

Mr. Faisal Bin Khurshid Advocate

Mr. Abdul Wahab SDO

#### For the Respondent:

Nemo

### DECISION

1. Through this decision, an appeal filed by the Islamabad Electric Supply Company Limited (hereinafter referred to as IESCO) against the decision dated 23.04.2019 of the Provincial Office of Inspection Islamabad Region, Islamabad (hereinafter referred to as the POI) under Section 38(3) of the NEPRA Act 1997 is being disposed of.
2. Brief facts giving rise to the instant appeal are that the Respondent is an industrial consumer of the IESCO bearing Ref No.27-14213-3324000 with a sanctioned load of 81 kW under the B-2(II) tariff. Meter of the Respondent was found 66% slow by IESCO on 24.02.2016, hence a detection bill of 85,955 units+66 kW MDI for the period August 2015 to January 2016 six (6) months was charged to the Respondent on account of said slowness and added in the bill for March 2016.







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3. Being aggrieved, the Respondent challenged the above detection bill before the POI. Metering equipment of the Respondent was checked by the POI on 20.04.2016 in presence of both the parties, wherein the disputed billing meter of the Respondent was found dead stop. The matter was disposed of by the POI vide the decision dated 12.07.2016 (hereinafter referred to as the first decision), wherein it was held that the IESCO should charge to the Respondent net 20,000 units+98 kW MDI for the period March 2013 to July 2013 and further bills at the rate of 12,856 units+81 kW MDI per month w.e.f February 2016 and onwards till the replacement of the meter.
4. Subsequently, the Respondent filed an application before the POI on 13.02.2019 for implementation of the POI's first decision dated 12.07.2016. The POI vide the decision dated 23.04.2019 disposed of the matter with the following conclusion:

*“Summing up all the above observations/discussion and keeping in view all the aspects of the case this forum is directed to the Respondents to issue a bill for the cost of 31116 units as per applicable tariff of the concerned period along with 81 KW MDI and regarding the period from 02/2016, the Respondents charged already on average basis which is too high from the previous corresponding years. Also, the premises were closed under the Supreme Court order for crusher in a different zone. Hence the Respondents are directed to overhaul the account of the petitioner according to the actual consumption as calculated by the undersigned. The Respondents are directed to make all debits and credits on the above findings. Note=it is not a fresh decision, its implementation order because the Respondents have lost the right of appeal under clause 10 of notification No.SO(Power)(I/P)/21-1/92 (Vol-1).”*

5. Through the instant appeal, the afore-referred decision dated 23.04.2019 of the POI was impugned by the IESCO before the NEPRA. In its appeal, the IESCO contended that the billing meter of the Respondent was found 66% slow for which a detection bill of 85,955







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units for the period August 2015 to January 2016 was charged to the Respondent on account of the 66% slowness. The IESCO further contended that the said billing meter of the Respondent was subsequently found dead stop during the POI joint checking dated 20.04.2016. As per the IESCO, the POI vide the first decision dated 12.07.2016 directed the IESCO to charge net 20,000 units+98 kW MDI for the period March 2013 to July 2013 and the further bills at the rate of 12,856 units+81 kW MDI per month w.e.f February 2016 and onwards till the replacement of the slow meter. According to the IESCO, the POI first decision dated 12.07.2016 was implemented and a revised bill of Rs.1,120,656/- was charged to the Respondent in February 2019, which was assailed by the Respondent before the POI. The IESCO submitted that the POI vide the impugned decision revised his original findings of the first decision and directed to charge 11,116 units instead of 12,856 units+81 KW MDI w.e.f February 2019 and onwards till the replacement of the meter. The IESCO further submitted that the impugned decision suffers from technical, factual, and legal infirmities, which is unlawful, malafide, arbitrary, and calls for interference by this Authority. The IESCO contended that the defunct billing meter ceased to register energy whatsoever was consumed by the Respondent legitimately. The IESCO stated that the opinion of the POI is scanty, without valid basis and reflection of the 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. The IESCO finally prayed for setting aside the impugned decision.

6. Notice for filing reply/para-wise comments to the appeal was issued to the Respondent,







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which however was not submitted.

7. Hearing of the Appeal was conducted in the NEPRA Head Office, Islamabad on 11.08.2021, which was attended by the learned counsel along with SDO IESCO and no one appeared for the Respondent. Learned counsel for the IESCO reiterated the same contentions as given in memo of the appeal and contended that the TOU billing meter of the Respondent was found 66% slow for which the detection bill of 85,955 units+ 66 kW MDI for the period August 2015 to January 2016 was charged to the Respondent. Learned counsel for the IESCO informed that the disputed billing meter of the Respondent was found dead stop during the POI joint checking dated 20.04.2016, hence, the POI vide the first decision dated 12.07.2016 revised the above detection bill, allowed the IESCO to charge net 20,000 units+98 kW MDI for the period March 2013 to July 2013 and further bills at the rate of 12,856 units+81 kW MDI per month w.e.f February 2016 and onwards till the replacement of the meter. Learned counsel for the IESCO argued that the Respondent filed the second application before the POI against the revised bill and the POI vide the impugned decision modified its first decision. Learned counsel for the IESCO stated that the POI has no lawful authority to review its first decision. Learned counsel for the IESCO prayed for setting aside the impugned decision.
8. Arguments heard and the record perused. We have observed that the application moved by the respondent is regarding non-implementation of the POI first decision, hence, the POI was required to take action against the IESCO under Clause 11(2) of the Establishment and Powers of Office of Inspector) Order 2005. Therefore, conducting







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hearings and making a fresh determination on the same issue, which has already been decided in his first decision was not appropriate. Moreover, the POI in the impugned decision has also modified its first decision which, he is not authorized under Section 38 of the NEPRA Act 1997. Therefore, we are in agreement with the learned counsel for the IESCO that the action taken by the POI is without lawful authority. Hence, the appeal of the IESCO is accepted and consequently, the impugned decision of the POI is set aside. However, the IESCO is required to implement the first decision of the POI, which has attained finality since no appeal was filed against it by any party.

Abid Hussain  
Member/Advisor (CAD)

Maria Rafique  
Member/ Legal Advisor

Nadir Ali Khoso  
Convener/Senior Advisor (CAD)

Dated: 15.11.2021

