



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

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No. NEPRA/Appeal/016/POI/2022/ 151

February 04, 2022

- | | |
|--|---|
| 1. Tariq Zaman
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,
Office No. 3, First Floor,
National Arcade, 4-A,
F-8 Markaz, Islamabad | 4. Additional Deputy Manager (CS),
IESCO Ltd,
CSO No. 1, IESCO Ltd,
Divison No. 1, Near Alvi Action,
G-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. Tariq Zaman Against the Interim Orders Dated 23.12.2021 and 12.01.2022 of the Provincial Office of Inspection to Government of the Punjab Islamabad Region, Islamabad**

Please find enclosed herewith the Order of the Appellate Board dated 04.02.2022, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Signature)
4/2/2022

(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.016/POI-2022

Islamabad Electric Supply Company Limited

.....Appellant

Versus

Tariq Zaman, R/o House#19, Street#12, F-6/3, Islamabad

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mr. Faisal Bin Khurshid Advocate

Mr. Shahzad Ahmed Jalil XEN

Mr. Musharraf Ikram Add. DCM

For the Respondent:

Mr. Shafaqat Advocate

ORDER

1. Through this order, the appeal filed by the IESCO against the interim orders dated 23.12.2021 and 12.01.2022 of the Provincial Office of Inspection, Islamabad Region, Islamabad (hereinafter referred to as the POI) is being disposed of.
2. As per facts of the case, the Respondent is a domestic consumer of the IESCO bearing





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Ref No.14-14112-1035500 with a sanctioned load of 09 kW and the applicable tariff category is A-1(b). The Respondent filed an application before the POI and challenged the bills amounting to Rs.81,360/- and Rs.51,893/- charged by the IESCO in July 2020 and January 2021 respectively. During the pendency of the case before the POI, the Respondent paid an amount of Rs.37,620/- in the month of July 2021. Due to nonpayment of bills, the arrears accumulated to the tune of Rs.284,506/- till August 2021. The POI disposed of the matter vide decision dated 16.08.2021, wherein the IESCO was directed to recover the remaining arrears from the Respondent in six equal monthly installments. Accordingly, the Respondent paid the first installment of Rs.70,000/- in October 2021. However no payments were made by him in the months of November 2021 and December 2021, therefore the electric supply of the premises was disconnected by IESCO due to nonpayment of arrears.

3. Being aggrieved with the above actions of the IESCO, the Respondent filed a complaint before the POI on 16.12.2021 and challenged the arrears of Rs.349,168/- till November 2021. POI vide an interim order dated 23.12.2021 directed the IESCO to restore the electric supply of the premises till the next date of hearing and issue a revised current bill to the Respondent by suspending the arrears till the decision of the case. POI vide another interim order dated 12.01.2022 issued the following directions to the parties:





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“The Respondents are directed to implement the orders of this forum immediately and restore the electric supply of the petitioner. Also issue current bill along with 01 installment of previous arrears for payment within 07 days and issue notice in case of non-compliance from the petitioner will lose the opportunity to proceed the case in this forum. The petitioner is directed to pay the above bill within 07 days otherwise Respondents are liable to disconnect the supply. The next date of hearing is fixed as 19.01.2022”

4. Being dissatisfied, IESCO filed the Appeal before the NEPRA against the interim orders dated 23.12.2021 and 12.01.2022 of POI. In its appeal, IESCO, inter alia, prayed for setting aside the above said interim orders of the POI.
5. After issuing notice, a hearing in the matter was conducted at the NEPRA Head Office Islamabad on 01.02.2022, which was attended by both parties. Learned counsel for the IESCO repeated the same contention as given in memo of the appeal and contended that the detection bill of Rs.91,000/- for 5,172 units for the period May 2018 to July 2018 (3 months) was debited to the Respondent, which was assailed by him before the POI. Learned counsel for the IESCO further contended that the POI vide decision dated 15.04.2019 set aside the above detection bill and directed the IESCO to recover the bills @ 1,007 units/month for the period May 2018 to July 2018. As per learned counsel for IESCO, Appeal No.240-2019 was filed against the decision dated 15.04.2019 of the POI before the NEPRA, which was disposed of by the NEPRA Appellate Board vide order dated 23.02.2021. According to the learned counsel for the IESCO, the Appellate Board decision dated 23.02.2021 was implemented and the





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Respondent was afforded a credit of 896 units accordingly. Learned counsel for the IESCO submitted that the Respondent again approached the POI against the bills of Rs.81,360/- and Rs.51,893/- charged in July 2020 and January 2021 respectively, which was disposed of by the POI vide decision dated 16.08.2021 with the conclusion that the recovery of the remaining arrears be made from the Respondent in six equal monthly installments. Learned counsel for the IESCO further submitted that the Respondent paid the first installment of Rs.70,000/- in October 2021 only and the second installment of Rs.60,000/- charged in December 2021 was not paid by him, therefore the electric supply of the premises was disconnected by the IESCO due to non-payment of arrears. Learned counsel for IESCO stated that the Respondent filed a complaint before the POI on 16.12.2021 and disputed the arrears of Rs.349,000/- till November 2021 but the POI vide interim order dated 23.12.2021 suspended the arrears and directed the IESCO for restoration of electric supply. He added that the POI vide another interim order dated 12.01.2022 directed the IESCO for restoration of electric supply of the premises and the Respondent was directed to pay the one installment of previous arrears within seven days. Learned counsel for the IESCO prayed for setting aside the interim orders dated 23.12.2021 and 12.01.2022 and for recovery of the arrears of Rs.450,844/- accumulated till January 2022. Learned counsel further pleaded that the electric supply of the premises will be restored subject to the payment of the entire arrears of Rs.450,844/- as reflected in the bill for January 2022. On the contrary,





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learned counsel for the Respondent rebutted the version of IESCO and argued that the Respondent had paid five out of six installments of the outstanding arrears of Rs.284,506/- till August 2021 as decided by the POI vide decision dated 16.08.2021 and is ready to pay the remaining one installment of the above said arrears along with the current bill. Learned counsel for the Respondent prayed for suspension of the remaining arrears and restoration of electric supply of the Respondent till the disposal of the case by the POI. He also agreed that the Respondent will pay the current bills charged by the IESCO without any objection.

6. Arguments of both the parties were heard and the record placed before us was examined. Our observations are as under:
 - i. The Respondent assailed the bills amounting to Rs.81,360/- and Rs.51,893/- charged by IESCO in July 2020 and January 2021 respectively. POI vide decision dated 16.08.2021 directed the IESCO to recover the remaining arrears from the Respondent in six equal monthly installments. Accordingly, the Respondent paid the first installment of Rs.70,000/- in October 2021. However no payments were made by him in the months of November 2021 and December 2021, therefore the electric supply of the premises was disconnected by IESCO due to nonpayment of arrears. The Respondent filed a complaint before the POI on 16.12.2021 and challenged the arrears of Rs.349,168/- till November 2021.





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- ii. During the arguments, learned counsel for the Respondent claimed that five out of six installments were paid as per the POI decision dated 16.08.2021. To verify the version of learned counsel for the Respondent, the billing statement for the period August 2021 to December 2021 as provided by the IESCO is reproduced below:

Table-A

Billing Month	Amount (Rs.)	Payment (Rs.)
August 2021	284,506/-	0
September 2021	360,919/-	0
October 2021	419,167/-	70,000/-
November 2021	408,268/-	0
December 2021	450,844/-	0

The above billing statement reflects that the Respondent defaulted in payment of the monthly installments against the arrears of Rs.284,506/- till August 2021 and made only one payment of Rs.70,000/- in October 2021. Moreover, no documentary evidence was placed before us by the learned counsel for the Respondent to substantiate his version. Therefore contention of learned counsel for the Respondent in this regard is not valid and rejected. Similarly, the interim orders dated 23.12.2021 and 12.01.2022 of the POI are not based on merits, and the same are set aside.

- iii. It is noted that the Respondent made payment of Rs.70,000/- against the total arrears of Rs.419,167/- till October 2021. Both the bill of October 2021 and





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payment made by the Respondent are elaborated in the below tables for the sake of convenience:

Table-B

(A)	(B)	(C)=(A)+(B)
Current bill (Rs.)	Arrears (Rs.)	Total (Rs.)
18,005/-	401,162/-	419,167/-

Table-C

Payment made in October 2021		
(A)	(B)	(C)=(A)-(B)
Total payment (Rs.)	Payment against current bill (Rs.)	Payment against arrears (Rs.)
70,000/-	18,005/-	51,995/-

iv. The Respondent should pay the remaining five installments of the arrears of Rs.284,506/- reflected in the bill of August 2021 along with current bills w.e.f February 2022 and onwards as per the below calculation.

Table-D

Month	Arrears (Rs.)	Payment made against arrears (Rs.) Ref Table-C	Remaining arrears (Rs.)	Payable Installment/month (Rs.)
August 2021	284,506/-	51,995/-	232,511/-	= <u>remaining arrears</u> = <u>232,511</u> No. of months 5 = 46,502/-

IESCO is directed to restore the electric supply of the premises after the recovery





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of the first installment by the Respondent in February 2022. However the remaining arrears of Rs.148,333/- pertaining to the bills for the months, September 2021, November 2021 and December 2021 will remain suspended till the final disposal of the case by the POI. The supply of the Respondent may not be disconnected, if the payment of the monthly installments of Rs.46,502/- along with current bills is made regularly by the Respondent.

8. The appeal is disposed of in the above terms.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 04.02.2022

