



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

NEPRA Office , Ataturk 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/059/POI/2021/ 035


January 11, 2022

- | | |
|--|--|
| 1. Inam Ul Haq,
S/o. Raja Rehmat ul Haq,
R/o. PO Khas, Chak Jalal Din,
Tehsil & District Rawalpindi | 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. Atif Mukhtar Raja,
Advocate High Court,
House No. 2568, Gulshan-e-Zaheer,
Tench Bhatta, Rawalpindi |
| 5. Sub Divisional Officer (Operation),
IESCO Ltd,
Quaid-i-Azam Colony Sub Division,
Biscuit Factory Chowk, Chakri Road,
Rawalpindi | 6. POI/Electric Inspector,
Islamabad Region,
XEN Office, Irrigation & Power Department,
Rawal Dam Colony, Park Road,
Islamabad |

Subject: **Appeal Titled Inam-ul-Haq Vs. IESCO Against the Decision Dated 18.01.2021 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 03.12.2021, 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.059/POI-2021

Inam ul Haq S/o Raja Rehmat ul Haq, R/o PO Khas,
Chak Jalal Din, Tehsil & District Rawalpindi

.....Appellant

Versus

Islamabad Electric Supply Company Limited

.....Respondent

APPEAL U/S 38 OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mr. Atif Mukhtar Raja Advocate

For the Respondent:

Mr. Faisal Bin Khurshid Advocate

Mr. Khawaja Pervaiz Akhter SDO

DECISION

1. As per the facts of the case, the Appellant is a commercial consumer (water supply) of the IESCO bearing Ref No.07-14364-1237301 with a sanctioned load of 8 kW under tariff A-2. The old billing meter of the Appellant was replaced with a new meter bearing No.299772 by the IESCO vide the Meter Change Order (MCO) dated 17.04.2020. Later on, the premises of the Appellant was visited by the IESCO on 30.04.2020, and reportedly, he was found using electricity through a bogus meter. Notice dated 30.04.2020 was served to the Appellant regarding the above discrepancy





National Electric Power Regulatory Authority

and a bill of Rs.604,000/- for a total of 20,227 units was charged to the Appellant by the IESCO in April 2020, which included the detection bill of 13,227 units due to balance units. The Appellant paid the above-said detection bill on 06.05.2020.

2. Being dissatisfied with the actions of the IESCO, the Appellant filed a complaint before the Provincial Office of Inspection, Islamabad Region, Islamabad (the POI) and challenged the above detection bill, which was decided by the POI vide the decision dated 18.01.2021, wherein the detection bill of 13,227 units charged by the IESCO was declared as justified and payable by the Appellant.
3. Through the instant appeal, the afore-referred decision of POI (hereinafter referred to as the impugned decision) has been assailed by the Appellant before NEPRA. In its appeal, the Appellant opposed the impugned decision inter alia, on the grounds that the impugned decision is against the facts and law; that the impugned decision is a result of misreading and non-reading of record; that the POI failed to appreciate the documentary evidence and passed the order without judicious mind resulting into the impugned decision; that the IESCO has narrated false and baseless story regarding the meter No.299772 since the Appellant did not use any bogus meter; that the IESCO installed the same meter at the premises but failed to feed the MCO; and that the impugned decision is liable to be set aside and the detection bill of Rs.604,000/- to be declared as null and void.
4. Notice for filing reply/para-wise comments to the appeal was issued to IESCO, which however were not filed.





National Electric Power Regulatory Authority

5. After issuing notice, hearing of the appeal was conducted at the NEPRA Head Office, Islamabad on 10.12.2021, which was attended by learned counsel for the Appellant and IESCO was represented by a counsel. Learned counsel for the Appellant repeated the same arguments as written in memo of the appeal and contended that the terminal of the old billing meter was burnt in April 2020 for which the IESCO was informed and a demand notice dated 17.04.2020 for the replacement of the defective meter was paid by the Appellant. Learned counsel for the Appellant further contended that the notice dated 30.04.2020 was served by the IESCO regarding the use of bogus meter and a detection bill of Rs.604,000/- for a total of 20,227 units was charged to the Appellant. Learned counsel for the Appellant denied the allegation of the IESCO about the use of electricity through the bogus meter and argued that the disputed meter No.299772 was installed by the IESCO vide the MCO dated 17.04.2020 and the electricity was used through the said meter. According to the Appellant, the above detection bill charged by IESCO is illegal, unjustified and liable to be withdrawn. Conversely, learned counsel for IESCO rebutted the stance of learned counsel for the Appellant and argued that meter No.314751 was installed on the premises of the Appellant vide the MCO dated 17.04.2020 but the Appellant was found using electricity through the bogus meter No. 299772. Learned counsel for the IESCO submitted that the detection bill of 13,227 units was debited to the Appellant to recover the loss sustained by the IESCO due to the use of the bogus meter. Learned counsel for IESCO defended the impugned decision for declaring the above detection bill as justified and prayed for its maintainability.





National Electric Power Regulatory Authority

6. Arguments were heard, the record was perused and our observations are as under:

- i. The Appellant assailed before the POI the bill of Rs.604,000/- for a total of 20,227 units charged by the IESCO, which contained the detection bill of 13,227 units due to balance units.
- ii. Scrutiny of the documents as provided by the IESCO revealed that the defective billing meter of the Appellant bearing No.3147751 was replaced with a new meter No.299772 by the IESCO vide the MCO dated 17.04.2020. Subsequently, the IESCO visited the premises of the Appellant on 30.04.2020 and it was alleged that the Appellant was found using electricity through the bogus meter but in fact it was the same which was installed by the IESCO on 17.04.2020. In this regard, the IESCO had issued an explanation dated 04.05.2020 to Mr. Muhammad Sajjad Meter Reader In-charge D&R Section, Rawalpindi for replacement of the defective meter of the Appellant with the meter No.299772 without the approval of the Competent Authority. This whole scenario indicates that the defective meter of the Appellant was replaced by the IESCO meter reader but the MCO was not fed timely, hence the Appellant cannot be held accountable for the fault on the part of the IESCO officials. Huge consumption of 13,227 units recorded by the meter No.299772 during the period 17.04.2020 (date of installation) to the IESCO checking dated 30.04.2020 (14 days did not coincide with his sanctioned load i.e. 8 kW. Under these circumstances, we hold that the detection bill of 13,227 units charged by the IESCO to the Appellant is unjustified and the same is liable to be cancelled.





National Electric Power Regulatory Authority

iii. Since the defective billing meter of the Appellant was replaced with a new meter by the IESCO on 17.04.2020, hence the Appellant is liable to be charged the detection bill for two retrospective months i.e. February 2020 and March 2020 as per Clause 4.4 of the Consumer Service Manual (CSM) and the basis of charging the detection bill be made on 100% consumption of the corresponding month of previous year or average consumption of last eleven months, whichever is higher.

The impugned decision is liable to be modified to this extent.

7. Summing the foregoing discussion, it is concluded that the detection bill of 13,227 units charged by IESCO is unjustified and the same should be withdrawn. The Appellant should be charged the detection bill for two retrospective months i.e. February 2020 and March 2020 on the basis of 100% consumption of the corresponding months of previous year or average consumption of the last eleven months, whichever is higher.

The billing account of the Appellant should be overhauled accordingly.

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

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 03.01.2022

