



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

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No. NEPRA/Appeal/075/POI/2022/12/7

November 01, 2022

- | | |
|--|---|
| 1. Ahsan Shabbir,
S/o. Muhammad Shabbir,
R/o. Mohra Chappar Kot,
Dhamaik Road, Sohawa,
District Jhelum | 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 (NBP),
F-8 Markaz, Islamabad | 4. Sub Divisional Officer (Operation),
IESCO Ltd,
Sohawa Sub Division,
Sohawa |
| 5. POI/Electric Inspector,
Islamabad Region,
XEN Office, Irrigation & Power Department,
Rawal Dam Colony, Park Road,
Islamabad | |

Subject: **Appeal Titled IESCO Vs. Ahsan Shabbir Against the Decision Dated 14.01.2022 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 31.10.2022, 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. Additional Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.075/POI-2022

Islamabad Electric Supply Company Limited

.....Appellant

Versus

Ahsan Shabir S/o Muhammad Shabir, R/o Mohra Chapar Kot,
Dhamik Road, Sohawa, District Jhelum

.....Respondent

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

For the Appellant:

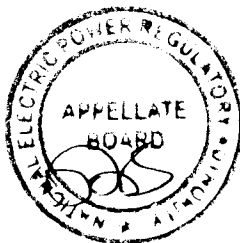
Mr. Faisal Khursheed Advocate
Mr. M. Furqan SDO
Mr. Asif Mehmood CSO

For the Respondent:

Mr. M. Fayyaz

DECISION

1. Brief facts leading to the filing of instant appeal are that the Respondent is an industrial consumer (poultry farm) of the Islamabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.28-14432-8481701 with a sanctioned load of 38kW and the applicable Tariff category is B-2(b). The Appellant claims that the billing meter of the Respondent became defective and the same was replaced with a new meter vide the Meter Change Order (the "MCO") dated

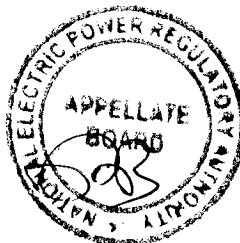




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12.07.2021 and sent to the Metering and Testing (M&T) lab for checking. M&T vide report dated 05.08.2021 declared the impugned meter of the Respondent as 66% slow due to the red and yellow phases being dead. Therefore, a Notice dated 30.09.2021 was issued to the Respondent regarding the above discrepancy, and a detection bill amounting to Rs.551,472/- for 22,429 units for a period of six months i.e. January 2021 to June 2021 was charged by the Appellant to the Respondent at the rate of 66% slowness of the billing meter.

2. Being aggrieved, the Respondent assailed the above detection bill before the Provincial Office of Inspection, Islamabad Region, Islamabad (hereinafter referred to as the "POI"). The complaint of the Respondent was disposed of by the POI vide the decision dated 14.01.2022, wherein the detection bill of Rs.551,472/- for 22,429 units for a period of six months i.e. January 2021 to June 2021 charged to the Respondent was cancelled.
3. Subject appeal has been filed against the afore-referred decision dated 14.01.2022 of the POI by the Appellant before the NEPRA. In its appeal, the Appellant contended that the billing meter of the Respondent was found 66% slow during the M&T checking dated 05.08.2021, for which notice dated 30.09.2021 was served to the Respondent. The Appellant further contended that the detection bill of Rs.551,472/- for 22,429 units for six months i.e. January 2021 to June 2021 was charged to the





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Respondent at the rate of 66% slowness of the billing meter. The Appellant opposed the impugned decision *inter alia*, on the main grounds that the defective meter ceased to register the energy consumed by the Respondent; that the error of slowness occurred in the impugned meter, whereupon the detection bill was charged on an estimated basis; that the POI erred with factual bearings under M&T report, which fact was brushed aside while passing the impugned decision; that the impugned decision is scanty and passed without taking into account the expert opinion based on technical testing; that the POI flouted the legal, technical and factual aspects of the matter and jumped upon assuming justification forthwith on the very first opportunity; that the impugned decision does not contain any spec of legal reasoning, which is therefore erroneous and not sustainable in the eyes of law.

4. Proceedings by the Appellate Board

Upon filing of the instant appeal, a Notice dated 23.06.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. The Respondent submitted his reply on 02.09.2022, wherein he rebutted the version of the Appellant and argued that neither any checking was carried out in his presence nor the detection bill was charged as per policy. The Respondent further submitted that the meter under dispute was burnt due to lightning, which was replaced by the Appellant on the same day. As per Respondent, the claim of the Appellant regarding the slowness of the meter has no weightage as neither the Appellant installed a check meter to





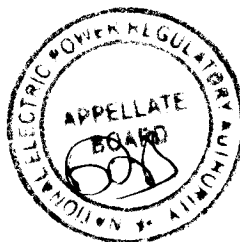
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determine the accuracy of the impugned meter nor followed the procedure stipulated in Consumer Service Manual 2021 (the "CSM-2021"). According to the Appellant, the detection bill was charged for six months without soliciting approval from the competent authority, which is violative of Clause 4.4(e) of the CSM-2021. The Respondent showed his satisfaction with the impugned decision of POI and prayed for the dismissal of the appeal.

5. Hearing

5.1 Hearing in the matter of the subject Appeal was fixed for 02.09.2022 at Islamabad and accordingly, the notices dated 26.08.2022 were sent to the parties (i.e. the Appellant and the Respondent) to attend the hearing. As per schedule, hearing of the appeal was conducted at the NEPRA Head Office, Islamabad on 02.09.2022, in which learned counsel along with the Appellant's officials were present and a representative appeared for the Respondent.

5.2 During the hearing, the learned counsel for the Appellant reiterated the same version as contained in the memo of the appeal and contended that 66% slowness was reported in the billing meter of the Respondent due to two dead phases by M&T on 05.08.2021, therefore the detection bill of Rs.551,472/- for 22,429 units for a period of six months i.e. January 2021 to June 2021 was charged to the Respondent at the rate of 66% slowness of the billing meter. Learned counsel for the Appellant opposed the impugned decision for cancellation of the above detection bill and prayed that the above detection





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bill may be allowed being justified and payable by the Respondent.

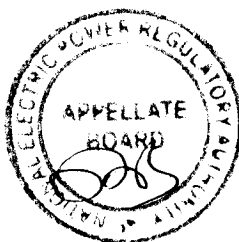
5.3 The representative for the Respondent repudiated the version of the Appellant and averred that the impugned meter became defective due to lightning for which the Respondent approached the Appellant and the defective meter was replaced on the same day. The representative for the Respondent argued that the Appellant neither checked the quantum of slowness in the impugned meter through the installation of the check meter nor could adhere to the procedure as laid down in CSM-2021. The representative for the Respondent defended the impugned decision and prayed for upholding the same.

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

6.1 As per the record presented by the Appellant, the impugned meter of the Respondent was replaced with a new meter on 12.07.2021 and subsequently checked by the M&T team on 05.08.2021 whereby it was declared slow by 66%. As such the alleged slowness was discovered in August 2021, the matter shall be dealt under CSM-2021 which became applicable w.e.f 13.01.2021. Clause 4.3.3 of CSM-2021 being relevant in the matter is reproduced below:

*“4.3.3 If at any time IESCO, doubts the accuracy of any metering installation, IESCO may **after informing the consumer:***

(a) Fix another duly calibrated and tested metering installation (check meter) in series with the impugned metering installation to determine the difference in consumption or maximum demand recorded by the check meter and that recorded by the impugned metering



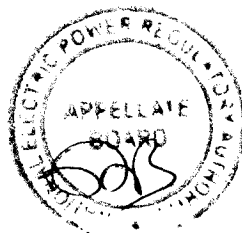


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installation during a fixed period.

- (b) *Where it is not possible for IESCO to install check meter/metering installation of appropriate capacity (due to non-availability of such equipment or otherwise) in series with the impugned metering installation, to check the accuracy of the impugned metering installation, IESCO shall, **after informing (in writing)** the consumer, test the accuracy of the impugned metering installation at site by means of Rotary Sub-Standard or digital power analyzer or meter testing equipment.*
- (c) *If the impugned metering installation should prove to be incorrect during the above checking(s), IESCO shall install a "correct meter" immediately or within two billing cycles if meters are not available.*
- (i) *In case slowness is established, IESCO shall enhance multiplying factor for charging actual consumption till the replacement of the defective metering installation.*
- (ii) *Further, charging of a bill for the quantum of energy lost if any, because of malfunctioning of metering installation shall not be more than **two previous** billing cycles."*

6.2 As per the above provision, upon doubt about the accuracy of the impugned meter, the Appellant was required to check the accuracy of same at the site under intimation to the consumer, either through the installation of a check meter or through Rotary Sub-Standard or digital power analyzer. In the instant case, however, the meter of the Respondent was removed by the Appellant on 12.07.2021 and reportedly checked in its laboratory, which is in sheer violation of the relevant provision of CSM-2021 binding upon the Appellant to ensure transparency. Hence the claim of the Appellant based on the M&T report is not reliable. Furthermore, even if the impugned meter is assumed to have been slow; the Appellant was entitled to charge the Respondent for maximum of two billing cycles. Whereas, the Appellant has raised a detection bill for



six months which is illegal.

6.3 Notwithstanding and without prejudice to our observation at para 6.2, the consumption data of the Respondent has been checked to see any abrupt drop in consumption during the disputed period. The consumption of the Respondent from January 2021 to June 2021 and the consumption of corresponding months of the previous year is given in the following table:

Consumption Analysis

Undisputed period		Disputed period	
Month	Units	Month	Units
Jan-20	1010	Jan-21	4326
Feb-20	1156	Feb-21	3936
Mar-20	3428	Mar-21	6076
Apr-20	4782	Apr-21	5803
May-20	5732	May-21	7515
Jun-20	5339	Jun-21	6327
Total	21,447	Total	33,983

As evident from the above table, instead of dropping, the consumption of the Respondent during the disputed months increased as compared to the consumption of the same months of the previous year i.e. 2020. Thus, the claim of the Appellant regarding 66% slowness of the meter during the disputed months does not get support from the consumption recorded by the impugned meter. Therefore, there is no justification to charge any detection bill on account of the alleged 66% slowness of the meter.

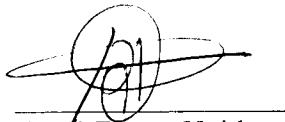
6.4 In view of the above, the detection bill of Rs.551,472/- for 22,429 units for a period




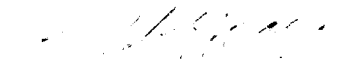
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of six months i.e. January 2021 to June 2021 charged to the Respondent is illegal, unjustified and contrary to Clause 4.4.3 of the CSM-2021 and the same is declared as null and void.

7. Foregoing in view, the appeal is dismissed.


Syed Zawar Haider
Member


Abid Hussain
Convener


Muhammad Irfan-ul-Haq
Member

Dated: 31/10/2022

