



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

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No. NEPRA/Appeal/011/POI/2021/ 748

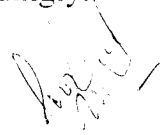
July 01, 2022

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| 1. Muhammad Ramzan Abbasi,
S/o. Sana Muhammad Abbasi,
Nai Abadi. Kot Haytal, Bhara Kahu,
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. Akseer Ahmed Abbasi,
Advocate High Court,
Office No. 29-B, Muslim Block,
District Courts, F-8 Markaz,
Islamabad |
| 5. Sub Divisional Officer,
IESCO Ltd,
Bhara Kahu Sub Division,
Bhara Kahu, Islamabad | |

Subject: **Decision of the Appellate Board Regarding Review Petition Filed By Muhammad Ramzan Abbasi Vs. IESCO Against the Decision of the Appellate Board Dated 06.10.2021 In The Matter Muhammad Ramzan Abbasi Vs. IESCO**

Please find enclosed herewith the decision of the Appellate Board dated 30.06.2022, 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

**REVIEW PETITION FILED BY THE IESCO UNDER THE NEPRA REVIEW
(PROCEDURE) REGULATIONS, 2009 AGAINST THE DECISION DATED 06.10.2021
OF NEPRA IN THE APPEAL NO.011/POI-2021**

Islamabad Electric Supply Company Limited

.....Petitioner

Versus

Muhammad Ramzan Abbasi S/o Sana Muhammad Abbasi,
Nai Abadi, Kot Hatyal, Bharakahu,

.....Respondent

For the Petitioner:

Mr. Faisal Khurshid Advocate

For the Respondent:

Mr. Akseer Abbasi Advocate

DECISION

1. Through this decision, the review petition filed by the IESCO (hereinafter referred to as the "Petitioner") against the decision dated 06.10.2021 of the National Electric Power Regulatory Authority (hereinafter referred to as the "NEPRA") is being disposed of.
2. Muhammad Ramzan Abbasi (hereinafter referred to as the "Respondent") is a domestic consumer of the IESCO bearing Ref No.11-14135-2088200 with a sanctioned load of 3 kW under the tariff A-1(a). The old billing meter of the Respondent was found defective in June 2019, hence it was replaced with a new meter by the IESCO in July



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2019. The removed meter was checked by the Metering and Testing (M&T) IESCO, which declared the same as tampered and recommended charging 10,512 units and filing FIR against the Respondent vide report dated 14.10.2019. Accordingly, IESCO charged a detection bill of Rs.288,183/- for the cost of 10,512 units to the Respondent, which was assailed by him 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 26.10.2020, wherein the detection bill of Rs.288,183/- for the cost of 10,512 units charged by the IESCO was declared as justified and payable.

3. The Respondent disputed the afore-referred decision dated 26.10.2020 of the POI before the NEPRA vide the Appeal No.011/POI-2021, which was disposed of vide NEPRA Appellate Board decision dated 06.10.2021 (hereinafter referred to as the "impugned decision") with the following conclusion:

"In consideration of the above discussion, we hold that the entire proceedings of IESCO were unilateral and the detection bill of Rs.288,183/- for 10,512 units charged to the appellant is unjustified, illegal, and should be withdrawn. The billing account of the appellant should be overhauled after making adjustments to payments made (if any) against the above detection bill. Foregoing in view, the appeal is accepted and consequently, the impugned decision is set aside."

4. The Petitioner filed a review petition before the NEPRA on 09.11.2021, wherein the impugned decision was opposed inter alia, on the following grounds; (1) the NEPRA Appellate Board brush aside the M&T data retrieval report dated 14.10.2019 on the



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basis of which the detection bill of Rs.288,183/- was debited to the Respondent; (2) the impugned decision was based on sole score of erratic consumption pattern; (3) the NEPRA Appellate Board did not appreciate the material evidence regarding the theft of electricity committed by the Respondent through the tampered meter; (4) the impugned decision is scanty and without valid basis as it is passed without taking into account the factual and legal bearings of the matter, which shows the real aspect of the case; (5) the review petition may graciously be admitted and the impugned decision may be set aside.

5. After issuing notice, the review petition was heard at the NEPRA Head Office Islamabad on 02.06.2022, wherein both the parties were present. Learned counsel for the Petitioner repeated the same contentions as given in the review petition and stated that the impugned decision was rendered without considering the material facts that the Respondent was stealing electricity through tampering with the meter. As per learned counsel for the Petitioner, the detection bill of Rs.288,183/- for 10,512 units was debited to recover the revenue loss sustained due to the theft of electricity committed by the Respondent. The learned counsel for the Petitioner stressed that the future consumption of the Respondent cannot be based for the determination of the fate of the above detection bill as the premises may be remained vacant due to the shifting of the Respondent. He defended the charging of the detection bill of Rs.288,183/- and prayed for setting aside the impugned decision.



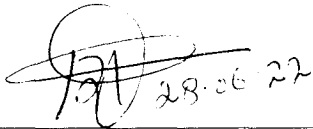
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6. The learned counsel appearing for the Respondent denied the allegation of theft of electricity levelled by the Petitioner and averred that the disputed meter was installed outside the premises at the pole and the Respondent cannot be held responsible for the hole, if any, in the said meter. Learned counsel for the Respondent rebutted the version of the learned counsel for the Petitioner IESCO and submitted that the family is residing in the premises and the consumption of the premises has been same for a long time. Learned counsel for the Respondent defended the impugned decision and prayed for the maintainability of the impugned decision.
7. We have heard the arguments of both parties and considered the relevant documents placed before us.
8. In terms of Regulation 3 (2) of NEPRA (Review Procedure) Regulations, 2009, a motion seeking review of any order of the Authority is competent only upon discovery of a mistake or error apparent on the face of record or a new and important matter of evidence. In its review motion, no mistake or error apparent on the face of record has been highlighted by the Appellant. Further, the Appellant has not come up with any new and important matter of evidence which was not considered by the Appellate Board while making its decision dated 06.10.2021. Therefore, there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law.
9. In view of above, the instant review motion of the Petitioner is dismissed and the



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decision dated 06.10.2021 of the Appellate Board is upheld.

 28.06.22

Syed Zawar Haider
Member



Abid Hussain
Convener



Muhammad Irfan-ul-Haq
Member

Dated: 30.06.2022

