



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

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No. NEPRA/Appeal/046/POI/2020/ 279

March 10, 2022

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| 1. Muhammad Barkhurdar
S/o. Muhammad Suleman,
R/o. Dhoke Jameri, Village Nandkot,
Post Office Tret, Tehsil Murree,
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. Sub Divisional Officer,
IESCO Ltd,
Bhara Kahu Sub Division,
Bhara Kahu, Islamabad |

Subject: **Decision of the Appellate Board Regarding Review Petition Filed By Muhammad Barkhurdar Against the Decision of the Appellate Board Dated 15.11.2021 In The Matter Muhammad Barkhurdar Vs. IESCO**

Please find enclosed herewith the decision of the Appellate Board dated 01.03.2022, 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. Director (IT) --for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

**REVIEW PETITION FILED BY MR. MUHAMMAD BARKHURDAR UNDER THE
NEPRA REVIEW (PROCEDURE) REGULATIONS, 2009 AGAINST THE
DECISION DATED 15.11.2020 OF NEPRA IN THE APPEAL NO.046/POI-2020**

Muhammad Barkhurdar S/o Muhammad Suleman
R/o Dhoke Jameri, Village Nanadkot, Post Office Tret,
Tehsil Murree, District Rawalpindi

.....Petitioner

Versus

Islamabad Electric Supply Company Limited

.....Respondent

For the Petitioner:

Mr. Haq Nawaz

For the Respondent:

Mr. Faisal Khursheed Advocate
Syed Ali Hassan SDO

DECISION

1. Through this decision, the review petition filed by Mr. Haq Nawaz S/o Muhammad Barkhurdar (hereinafter referred to as the Petitioner) against the decision dated 15.11.2021 of the National Electric Power Regulatory Authority (hereinafter referred to as the NEPRA) is being disposed of.
2. IESCO checked the billing meter of the Petitioner on 17.01.2017 and reportedly, it was found within limits of the accuracy with the reading noted as 069082. Resultantly, IESCO charged a bill of Rs.1,553,967/- for the cost of 61,643 units to



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the Petitioner in February 2017 on account of less units charged due to the wrong reading five (5) digits mentioned instead of six (6) digits.

- 3 Being aggrieved, the Petitioner approached the Wafaqi Mohtasib on 28.04.2017 and challenged the above detection bill. Pursuant to the direction of the honorable Wafaqi Mohtasib, the disputed billing meter of the Petitioner was checked by the Metering and Testing (M&T) IESCO on 23.05.2017 and it was found working accurately. Later on, the Wafaqi Mohtasib referred the matter to the NEPRA from where it was forwarded to the Provincial Office of Inspection, Islamabad Region, Islamabad (hereinafter referred to as the POI) for the adjudication. The matter was disposed of by the POI vide decision dated 16.12.2019 wherein, the bill of Rs.1,553,967/- for the cost of 61,643 units charged in February 2017 was declared as null and void.
3. Being dissatisfied with the above-mentioned decision of the POI, IESCO filed an appeal before the NEPRA, which was registered as the appeal No.046/2020. The NEPRA Appellate Board vide decision dated 15.11.2021 (hereinafter referred to as the impugned decision) disposed of the matter with the following conclusion:

“In view of what has been stated above, it is concluded that the bill of Rs.1,553,967/- for 61,643 units along with LPS is unjustified and rightly cancelled by the POI. The Respondent may be charged at the rate of 467 units/month for the period February 2014 to January 2017 thirty-six (36) months as per applicable tariff of that month. The IESCO may recover the arrears in thirty-six (36) equal installments along with the current monthly bill. The billing account of the Respondent may be overhauled accordingly. Forgoing into consideration, the appeal is partially accepted.”



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4. The Petitioner filed a review petition before the NEPRA on 03.12.2021, wherein he opposed the impugned decision inter alia, on the following grounds; (1) the POI after perusal of record and checking of the meter passed the just decision; (2) the meter under dispute was found ok during the POI checking; (3) the electricity bills as charged by the IESCO were paid regularly but NEPRA wrongly relied its determination on the Limitation Act 1908, hence the impugned decision for recovery of the bills as per Limitation Act 1908 is unjustified and the same should be withdrawn in the best interest of justice.
5. After issuing notice, the review petition was heard in the NEPRA Regional Office Islamabad on 23.02.2022, wherein both the parties were present. The Petitioner repeated the same contentions as given in the review petition and stated that he is not liable to pay any detection bill on account of baseless M&T checking report. The Petitioner argued that the above detection bill was charged by considering the sixth digits instead of the five digits of the meter. As per the petitioner, the impugned decision for recovery of the bills @ 467 units/month for three years is neither consistent with the sanctioned load of the premises nor compatible with the consumption of the period after the dispute. The petitioner prayed for setting aside the impugned decision. On the contrary, the learned counsel of the IESCO opposed the contentions of the Petitioner and submitted that the disputed meter is six digit meter which erroneously was considered as five digit in the disputed period. In support of contention, he referred to the bill for February 2022, wherein the same meter is being read on six digit basis and the Petitioner is making the payments



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accordingly. Learned counsel for the IESCO prayed that the impugned decision is correct, based on merits and the same is liable to be maintained.

6. We have heard the arguments of both parties and considered the relevant documents placed before us. It is an admitted fact that the disputed meter is six digit meter and the billing is to be raised accordingly. 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 new and important matter of evidence or on account of some mistake or error apparent on the face of the record. The perusal of the decision dated 15.11.2021 sought to be reviewed clearly indicates that all material facts and representations made were examined in detail and there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law has been pleaded out. Therefore, the review motion is not based on merit and the same is liable to be rejected.

7. In view of the above discussion, the review petition is dismissed.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 01.03.2022