



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

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No. NEPRA/Appeal/066/POI/2022/ 188

May 05, 2023

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| 1. Muhammad Gul,<br>S/o. Muhammad Aslam,<br>R/o. House No. B-1, 574,<br>Muslim Town, Rawalpindi  | 2. Chief Executive Officer<br>IESCO Ltd,<br>Head Office, St. No. 40,<br>Sector G-7/4, Islamabad  |
| 3. Faisal Bin Khurshid,<br>Advocate Supreme Court,<br>Office No. 3, First Floor,<br>National Arcade, 4-A (NBP),<br>F-8 Markaz, Islamabad | 4. Muhammad Shoaib,<br>Advocate High Court,<br>Chamber No. 120, Sher Shah Suri Block,<br>District Bar Association, Rawalpindi              |
| 5. Sub Divisional Officer (Operation),<br>IESCO Ltd,<br>Chandni Chowk Sub Division,<br>Rawalpindi  | 6. POI/Electric Inspector,<br>Islamabad Region,<br>XEN Office, Irrigation & Power Department,<br>Rawal Dam Colony, Park Road,<br>Islamabad |

Subject: **Appeal Titled IESCO Vs. Muhammad Gul Against the Decision Dated 13.04.2022 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 05.05.2023, 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.066/POI-2022

Islamabad Electric Supply Company Limited .....Appellant

Versus

Muhammad Gul S/o Muhammad Akram, R/o. House No.B-1,  
574, Muslim Town, Rawalpindi .....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. Munawar Ali SDO

For the Respondent:

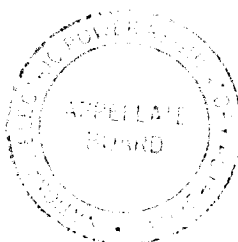
Mr. Muhammad Shoaib Advocate

### DECISION

1. Brief facts leading to the filing of instant appeal are that Mr. Muhammad Gul (hereinafter referred to as the "Respondent") is a domestic consumer of the Islamabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.06-14313-1266800 with a sanctioned load of 5 kW and the applicable Tariff category is A-1b. The Appellant claims that the billing meter of the Respondent was found 66% slow due to two phases being dead during the Metering and Testing (M&T) team checking dated 09.09.2021, therefore, a Notice dated 13.09.2021 was issued to

Appeal No.066/POI-2022

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the Respondent regarding the above discrepancy, and a detection bill amounting to Rs.115,183/- for 5,022 units for three months i.e. July 2021 to September 2021 was charged by the Appellant to the Respondent at the rate of 66% slowness of the billing meter. Subsequently, the Appellant raised the Multiplication Factor (the "MF") from 1 to 2.94 w.e.f January 2022 and onwards on account of 66% slowness of the 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 13.04.2022, wherein the detection bill of Rs.115,183/- for 5,022 units for three months i.e. July 2021 to September 2021 charged to the Respondent was cancelled. However, the Appellant was allowed to charge the revised detection bill for two months only i.e. July 2021 and August 2021 to the Respondent as per Clause 4.3.3c(ii) of the Consumer Service Manual 2021 (the "CSM-2021").
3. Subject appeal has been filed against the afore-referred decision dated 13.04.2022 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 09.09.2021, for which notice dated 13.09.2021 was served to the Respondent. The Appellant further contended that the detection bill of Rs.115,183/- for 5,022 units for three months i.e. July 2021 to September 2021 was charged to the





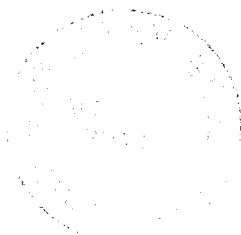
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Respondent at the rate of 66% slowness of the billing meter. The Appellant opposed the impugned decision *inter alia*, on the main grounds that the impugned decision for the revision of the detection bill for two months i.e. July 2021 and August 2021 is violative of the facts of the case and the determinations of this Authority; 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 15.06.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. The Respondent filed his reply on 24.06.2022, wherein he rebutted the version of the Appellant and submitted that the POI has rightly passed the impugned decision. The Respondent further submitted that the Appellant has no right to recover the illegal amount based on the unilateral proceedings. The Respondent prayed for dismissal of

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the Appeal.

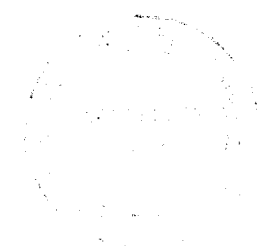
### 5. Hearing

5.1 Hearing in the matter of the subject Appeal was fixed for 29.03.2023 at Islamabad and accordingly, the notices dated 24.03.2023 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 29.03.2023 in which learned counsel along with the Appellant's officials were present and a counsel 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 09.09.2021, therefore the detection bill of Rs.115,183/- for 5,022 units for three months i.e. July 2021 to September 2021 was charged to the Respondent at the rate of 66% slowness of the billing meter. Learned counsel for the Appellant stated that the MF was not raised timely, therefore the detection bill for three months was charged to the Respondent. Learned counsel for the Appellant opposed the impugned decision for cancellation of the above detection bill and prayed that the above detection bill may be allowed being justified and payable by the Respondent.

5.3 Learned counsel for the Respondent repudiated the version of the Appellant and stated that the Appellant cannot charge the detection bill beyond two months in case of slow

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meter as per Clause 4.3.3c(ii) of the CSM-2021, therefore recovery of the detection bill beyond two months is inconsistent of foregoing clause of the CSM-2021. Learned counsel 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 found 66% slow during M&T checking dated 09.09.2021. As such the alleged slowness was discovered in September 2021, the matter shall be dealt under the CSM-2021 which became applicable w.e.f 13.01.2021. Clause 4.3.3(c) of the CSM-2021 being relevant in the matter is reproduced below:

*"4.3.3 (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 Clause 4.3.3(c)(i) of the CSM-2021, the Appellant was required to enhance the MF w.e.f September 2021 and onwards till the replacement of the 66% slow meter, however, in the instant case, the Appellant did not raise the MF timely to account for 66% slowness of the meter. This is gross negligence on the part of the Appellant.

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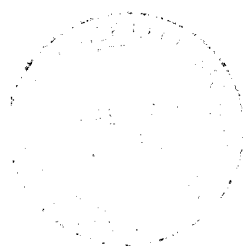
Instead of raising MF, the Appellant charged the detection bill for three months i.e. July 2021 to September 2021 to the Respondent @ 66% slowness of the meter, which is also inconsistent with Clause 4.3.3(c)(ii) of the CSM-2021. Said clause of the CSM-2021 allows the Appellant to charge the detection bill maximum for two months in case of a slow meter.

6.3 Therefore, we are of the firm view that the detection bill of Rs.115,183/- for 5,022 units for three months i.e. July 2021 to September 2021 debited to the Respondent is unjustified and the same is liable to be declared null and void, which is also the determination of the POI.

6.4 Since 66% slowness in the meter was observed by the M&T team of the Appellant on 09.09.2021 and the reading was taken by the Appellant on 20.09.2021 as given in the bill for September 2021, therefore the Appellants are entitled to recover the detection bill for two months i.e. July 2021 and August 2021 as per Clause 4.3.3(c)(ii) of the CSM-2021 and the bill of September 2021 for twelve days i.e. 09.09.2021 to 20.09.2021 by raising MF due to 66% slowness of the impugned meter as per Clause 4.3.3(c)(i) of the CSM-2021. The impugned decision is liable to be modified to this extent.

7. Summing up the foregoing discussion, it is concluded that

7.1 The detection bill of Rs.115,183/- for 5,022 units for three months i.e. July 2021 to September 2021 charged by the Appellant to the Respondent @ 66% slowness of the





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meter is unjustified being violative of Clause 4.3.3(c)(ii) of the CSM-2021 and the same is cancelled.


7.2 The Respondent is liable to be charged the revised bills as per the below detail:


- Detection bill of two previous months i.e. July 2021 and August 2021 @ 66% slowness of the impugned meter as per Clause 4.3.3(c)(ii) of the CSM-2021.
- The bill of September 2021 for twelve days i.e. 09.09.2021 to 20.09.2021 by raising MF due to 66% slowness of the impugned meter as per Clause 4.3.3(c)(i) of the CSM-2021.

7.3 The billing account of the Respondent be overhauled after adjusting payments made against the above detection bill.

8. Impugned decision is modified in the above terms.

  
Abid Hussain  
Member

  
Naveed Illahi Sheikh  
Convener

  
Muhammad Irfan-ul-Haq  
Member

Dated: 05-05-2023

