



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/125/2022/ 67/

November 20, 2023

- | | |
|--|--|
| 1. Muhammad Rizwan Hamid, S/o. Muhammad Hamid Akhtar, Bismillah Ice Factory, Mohallah Ashraf Town, Pindi Road, Dhudial, Chakwal | 2 Chief Executive Officer, IESCO Ltd, Head Office, St. No. 40, Sector G-7/4, Islamabad |
| 3. Sub Divisional Officer, IESCO Ltd, Dhudial Sub Division, Dhudial, Chakwal | 4 POI/Electric Inspector, Islamabad Region, XEN Office, Irrigation & Power Department, Rawal Dam Colony, Park Road, Islamabad |

Subject: **Appeal Titled Muhammad Rizwan Hamid Vs. IESCO Against the Decision Dated 09.09.2022 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 20.11.2023 (05 pages), regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**


(Ikram Shakeel)
Deputy Director (AB)

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.125/POI-2022

Muhammad Rizwan Hamid S/o. Muhammad Hamid Akhtar,
Bismillah Ice Factory, Mohallah Ashraf Town, Pindi Road,
Dhudial Chakwal

.....Appellant

Versus

Islamabad Electric Supply Company Limited

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 09.09.2022 PASSED BY THE PROVINCIAL OFFICE OF INSPECTION ISLAMABAD REGION, ISLAMABAD

For the Appellant:

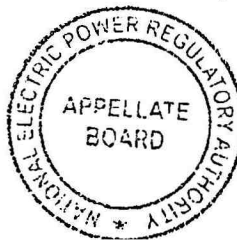
Mr. Muhammad Rizwan Hamid

For the Appellant:

Mr. Hamza Shahid SDO

DECISION

1. As per the facts of the case, Mr. Muhammad Rizwan Hamid (hereinafter referred to as the "Appellant") is an industrial consumer of the Islamabad Electric Supply Company Limited (hereinafter referred to as the "Respondent") bearing Ref No.28-14561-9740900 with a sanctioned load of 65 kW and the applicable tariff category is B-2(b). Reportedly, 33% slowness in the impugned billing meter of the Appellant was observed due to the blue dead phase during the checking dated 28.06.2021 of the Respondent, therefore, a detection bill (the "first detection bill") for 17,481 units for the period from May 2021 to August 2021 (04 months) was debited to the Appellant @ 33% slowness of the meter.
2. Being aggrieved with the above actions of the Respondent, the Appellant filed a complaint before the Provincial Office of Inspection, Islamabad Region, Islamabad (hereinafter referred to as "the POI") and challenged the first detection bill. The complaint of the Appellant was disposed of by the POI vide decision dated 31.03.2022 (hereinafter referred to as the "first



decision”), wherein the Respondent was directed to revise the impugned detection bill for two months only i.e. April 2021 and May 2021 @ 33% slowness of the meter.

3. Subsequently, the Appellant received a bill of April 2022, which included the adjustment bill of Rs.75,203/- and another detection bill (the “second detection bill”) of Rs.168,143/- against 20,726 units for the period from June 2021 and onwards till 17.08.2021, which were challenged before the POI vide the second application. The POI vide decision dated 09.09.2022 (hereinafter referred to as the “impugned decision”) disposed of the second complaint of the Appellant, the operative portion of which is reproduced below:

“Both the parties were afforded full opportunity of being heard. Both the parties attended the forum and advanced arguments. Mr. Salf Ullah Khan Afridi Executive Engineer and Mr. Muhammad Asif SDO along with Mr. Altaf Hayyat Khan Langrah Advocate on behalf of the Respondents attended this forum and advanced arguments. The case was discussed in detail with both the parties. All the record available in the file has been minutely perused. I have thoroughly examined the consumption pattern and reply of the respondents & and I am of the opinion that the plea of the respondents is justified and as per law and charging of billing charged by the IESCO is correct and justified. The respondents are directed to overhaul the accounts by making all debits and credits. Also, the petitioner is directed to clear all liabilities to avoid future litigation.”

4. Being dissatisfied, the Appellant filed instant appeal before the NEPRA against the impugned decision dated 09.09.2022 of the POI. In its appeal, the Appellant contended that the Respondent failed to follow the procedure as laid down in Clause 4.3.3 of the Consumer Service Manual 2021 (the “CSM-2021”). The Appellant further contended that the Respondent installed a check meter lately, when the blue phase of the impugned meter became completely dead. As per the Appellant, the POI failed to examine the consumption pattern, therefore he cannot be held responsible for loss in terms of detection bill due to negligence on the part of the Respondent. The Appellant finally prayed that the impugned decision is liable to be set aside and the impugned detection bill be declared null and void.

5. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, a Notice dated 30.11.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 06.01.2023. In the reply, the Respondent rebutted the version of the Appellant and stated that

the notice dated 07.06.2021 was issued to the Appellant regarding checking of the metering equipment, thereafter the impugned meter was checked on 28.06.2021, wherein it was found running 33% slow due to blue phase being dead. The Respondent submitted the procedure as laid down in Chapter 4 of the CSM-2021 is followed in true spirit and the check meter was installed in series with the impugned meter on 05.08.2021. As per Respondent, consumption pattern cannot be made the basis for the confirmation of slowness as it varies according to the demand, as such the bill was calculated on the basis of the quantum of slowness.

6. Hearing

6.1 Hearings were initially conducted at NEPRA Head Office Islamabad on 13.01.2023 and 29.03.2023, which however were adjourned on the request of either the Appellant or the Respondent. Finally, the hearing was fixed for 30.08.2023 in Islamabad and accordingly, the notices dated 09.08.2023 were sent to the parties (i.e. the Appellant and the Respondent) to attend the hearing. As per schedule, the hearing of the appeal was conducted wherein both parties were in attendance.

6.2 During the hearing, the Appellant opposed the impugned decision and contended that the POI allowed the recovery of the second detection bill of Rs.168,143/- against 20,726 units for the period from June 2021 and onwards till 17.08.2021 without perusal of consumption pattern. The Appellant further contended that the impugned meter initially recorded less consumption due to the make-and-break problem of one phase, which subsequently became dead stop, hence the Respondent cannot penalize the Appellant by debiting 33% slowness for the entire period. He prayed that the impugned decision is liable to be set aside.

6.3 On the contrary, the Respondent averred that the impugned meter was found 33% slow during checking dated 28.06.2021, which was confirmed with the subsequent comparison with the consumption of the check meter, hence the second detection bill of Rs.168,143/- against 20,726 units for the period from June 2021 and onwards till 17.08.2021 charged to the Respondent was rightly declared justified and payable by the Appellant.

7. Arguments were heard and the record was perused. Following are our observations:

7.1 The impugned billing meter of the Appellant was found running 33% slow during the checking dated 28.06.2021, therefore, the following two detection bills were debited to the Appellant:

- first detection bill for 17,481 units for the period May 2021 to August 2021 (04 months) debited @ 33% slowness of the meter.



National Electric Power Regulatory Authority

- second detection bill of Rs.168,143/- against 20,726 units for the period from June 2021 and onwards till 17.08.2021.

7.2 Since the dispute of billing pertains to the year 2021, hence the CSM-2021 is applicable for the determination of the fate of the above detection bills. It is an admitted fact that the impugned meter of the Appellant was found 33% slow on 28.06.2021, hence the Appellant is liable to be charged the detection bill maximum for two months i.e. April 2021 and May 2021 @ 33% slowness of the meter as per Clause 4.3.3c(ii) of the CSM-2021. Whereas the Respondent debited the first detection bill for four months to the Appellant in violation of the ibid clause of the CSM-2021. Therefore, the POI vide first decision has rightly allowed the recovery of 33% slowness for two previous months i.e. April 2021 and May 2021.

7.3 As regards the second detection bill of Rs.168,143/-, the Respondent neither provided detection proforma nor could justify the working of the second detection bill. As per Clause 4.3.3c(i) of the CSM-2021, the Appellant may enhance the multiplication factor (the "MF") to account for the slowness of the meter for onward bills. However, the Respondent debited the second detection bill of Rs.168,143/- to the Appellant @ 33% slowness of the meter, which is inconsistent with Clause 4.3.3c(i) of the CSM-2021. In view of the foregoing discussion, we are of the considered view that the second detection bill of Rs.168,143/- is unjustified and the same is liable to be cancelled.

7.4 Since 33% slowness in the impugned meter was observed in June 2021, the Appellant is liable to be charged the revised bills w.e.f June 2021 and onwards till the replacement of the impugned meter by raising MF to account for 33% slowness of the meter. The impugned decision is liable to be modified to this extent.

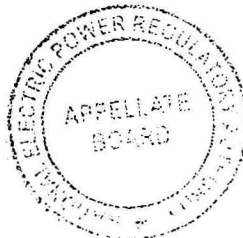
8. Summing up the foregoing discussion, it is concluded that

8.1 The first detection bill of 17,481 units for the period May 2021 to August 2021 (04 months) and the second detection bill of Rs.168,143/- against 20,726 units for the period from June 2021 and onwards till 17.08.2021 charged by the Respondent to the Appellant @ 33% slowness of the impugned billing meter are unjustified being violative of Clause 4.3.3(c) of the CSM-2021, contrary to the facts of the case and the same are cancelled.

8.2 The Appellant is liable to be charged the revised bills as per below detail:

- Detection bill for two previous months i.e. April 2021 and May 2021 debited @ 33% slowness of the impugned meter as per Clause 4.3.3c(ii) of the CSM-2021.
- The bills with enhanced MF w.e.f June 2021 and onwards till replacement of

11.600





National Electric Power Regulatory Authority

impugned meter as per Clause 4.3.3c(i) of the CSM-2021.

- 8.3 The billing account of the Appellant be overhauled after adjusting payments made against the above detection bills.
9. The impugned decision is modified in the above terms.

Abid Hussain
Member

Muhammad Irfan-ul-Haq
Member

Naveed Illahi Sheikh
Convener

Dated: 20-11-2023

