



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

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No. NEPRA/Appeal/059/POI/2021/ /89

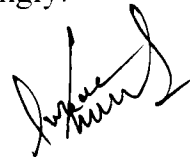
May 05, 2023

- | | |
|--|---|
| 1. Inam Ul Haq,
S/o. Raja Rehmat Ul Haq,
R/o. P.O. Khas, Chak Jalal Din,
Tehsil & District Rawalpindi | 2. Chief Executive Officer
IESCO Ltd,
Head Office, St. No. 40,
Sector G-7/4, Islamabad |
| 3. Atif Mukhtar Raja,
Advocate High Court,
House No. 2568, Gulshan-e-Zaheer,
Tench Bhatta, Rawalpindi | 4. Sub Divisional Officer,
IESCO Ltd,
Quaid-e-Azam Colony Sub Division,
Near Biscuit Factory Chowk, Chakri
Road, Rawalpindi |

Subject: **Decision of the Appellate Board Regarding Review Petition Filed By IESCO Against the Decision dated 03.01.2022 of the Appellate Board In the Matter Titled "IESCO Vs. Inam Ul Haq"**

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

**REVIEW PETITION FILED BY IESCO UNDER THE NEPRA REVIEW
(PROCEDURE) REGULATIONS, 2009 AGAINST THE DECISION DATED
03.01.2022 OF NEPRA IN THE APPEAL NO.059/POI-2021**

Islamabad Electric Supply Company Limited

.....Petitioner

Versus

Inam ul Haq S/o Raja Rehmat ul Haq, R/o PO Khas,
Chak Jalal Din, Tehsil & District Rawalpindi

..... Respondent

For the Petitioner:

Mr. Noman Shahbaz SDO

For the Respondent:

Mr. Atif Mukhtar Advocate

DECISION

1. Through this decision, the review petition filed by Islamabad Electric Supply Company Limited (hereinafter referred to as the "Petitioner") against the decision dated 03.01.2022 of the National Electric Power Regulatory Authority (hereinafter referred to as the "NEPRA") in Appeal No.059/POI-2021 titled "Inam-ul-Haq Vs. IESCO" is being disposed of.
2. Mr. Inam-ul-haq (hereinafter referred to as the "Respondent") is a commercial consumer of the Petitioner bearing Ref No.07-14364-1237301 with a sanctioned load of 8 kW under tariff category A-2. The old billing meter of the Respondent was replaced with a new meter bearing No.299772 by the Petitioner vide the Meter Change Order (MCO) dated 17.04.2020. Later on, the premises of the Respondent was visited by the Petitioner on 30.04.2020, and reportedly, he was found using



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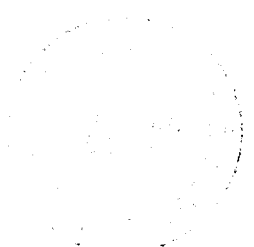
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electricity through a bogus meter. Notice dated 30.04.2020 was served to the Respondent regarding the above discrepancy and a bill of Rs.604,000/- for a total of 20,227 units was charged to the Respondent by the Petitioner in April 2020, which included the detection bill of 13,227 units due to the pending units.

3. Being aggrieved with the above actions of the Petitioner, the Respondent filed a complaint before the Provincial Office of Inspection, Islamabad Region, Islamabad (hereinafter referred to as the "POI"), wherein the above detection bill was challenged. The complaint of the Respondent was decided by the POI vide the decision dated 18.01.2021, wherein the detection bill of 13,227 units charged by the Petitioner was declared as justified and payable by the Respondent.
4. The Respondent filed appeal No.059/POI-2021 before the NEPRA against the above-referred decision of the POI. The NEPRA Appellate Board vide the decision dated 03.01.2022 (hereinafter referred to as the "impugned decision") disposed of the said appeal with the following conclusion:

"Summing the foregoing discussion, it is concluded that the detection bill of 13,227 units charged by IESCO is unjustified and the same should be withdrawn. The Appellant should be charged the detection bill for two retrospective months i.e. February 2020 and March 2020 on the basis of 100% consumption of the corresponding months of the previous year or average consumption of the last eleven months, whichever is higher. The billing account of the Appellant should be overhauled accordingly. The impugned decision is modified in the above terms."

5. The Petitioner filed a review petition before the NEPRA on 09.03.2022, wherein the impugned decision has been opposed, *inter alia*, mainly on the following grounds;
(1) the impugned meter of the Respondent was burnt on 17.02.2020 due to overloading, which was replaced with a new meter on 17.02.2020; (2) MCO could





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not be fed timely due to lockdown and the bills for March 2020 and April 2020 were charged on lockdown basis; (3) the healthy consumption recorded by the new meter shows that the Respondent was using electricity through the bogus meter; (4) the detection bill of 13,227 units charged to the Respondent is justified and already paid by him; therefore the impugned decision is liable to be reviewed.

6. Hearing in the matter of the subject review petition was scheduled for 29.03.2023 at NEPRA Head Office Islamabad for which notices dated 24.03.2023 were issued to both parties (the Petitioner and Respondent). On the date of the hearing, both parties were present. The representative for the Petitioner reiterated the same contentions as given in the memo of the review petition and stated that the impugned decision was rendered without considering the facts that the Respondent was using a bogus meter due to which actual consumption was not charged, hence the revision of the impugned detection bill for two months only i.e. March 2020 and April 2020 based on 100% consumption of corresponding months of the previous year or average consumption of last eleven months, whichever is higher is not correct. The representative for the Petitioner prayed that the detection bill of 13,227 units be declared as justified and payable by the Respondent. On the contrary, counsel appearing for the Respondent rebutted the version of the Petitioner regarding the use of a bogus meter and averred that the Petitioner had debited the above detection bill on the basis of false and baseless story, which they could not prove during the proceeding at the appellate stage. As per counsel for the Respondent, the Petitioner failed to point out any illegality in the impugned decision, which is liable to be upheld in the best interest of justice.



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

7.1 The Petitioner repeated the same allegation regarding the use of a bogus meter by the Respondent as raised at the appellate stage. The allegation of theft of electricity through a bogus meter was duly considered and deliberated by the Appellate Board and has already been addressed in the impugned decision, the operative portion of which is reproduced below:

“Scrutiny of the documents as provided by the IESCO revealed that the defective billing meter of the Appellant bearing No.3147751 was replaced with a new meter No.299772 by the IESCO vide the MCO dated 17.04.2020. Subsequently, the IESCO visited the premises of the Appellant on 30.04.2020 and it was alleged that the Appellant was found using electricity through the bogus meter but in fact it was the same which was installed by the IESCO on 17.04.2020. In this regard, the IESCO had issued an explanation dated 04.05.2020 to Mr. Muhammad Sajjad Meter Reader In-charge D&R Section, Rawalpindi for replacement of the defective meter of the Appellant with the meter No.299772 without the approval of the Competent Authority. This whole scenario indicates that the defective meter of the Appellant was replaced by the IESCO meter reader but the MCO was not fed timely, hence the Appellant cannot be held accountable for the fault on the part of the IESCO officials. Huge consumption of 13,227 units recorded by the meter No.299772 during the period 17.04.2020 (date of installation) to the IESCO checking dated 30.04.2020 (14 days did not coincide with his sanctioned load i.e.8 kW. Under these circumstances, we hold that the detection bill of 13,227 units charged by the IESCO to the Appellant is unjustified and the same is liable to be cancelled.”

7.2 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 the record or a new and important matter of evidence. In the instant review motion, no mistake or error

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apparent on the face of the record has been highlighted by the Petitioner.

Further, the Petitioner 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 03.01.2022. Therefore, there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law.

8. In view of the above, the instant review motion of the Petitioner is dismissed and the decision dated 03.01.2022 of the Appellate Board is upheld.


Abid Hussain :
Member


Naweed Illahi Sheikh
Convener


Muhammad Irfan-ul-Haq
Member

Dated: 05-05-2023

