



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

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No. NEPRA/Appeal/063/POI/2021/ *190*

May 05, 2023

- | | |
|---|---|
| 1. Usman Mehboob Khan,
S/o. Mehboob Khan,
R/o. Dhoke Lakhan, Chakri Road,
P. O. Saddar, 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. Usman Mehboob Khan"**

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.063/POI-2021**

Islamabad Electric Supply Company LimitedPetitioner

Versus

Usman Mehboob Khan, S/o Mehboob Khan, R/o Dhoke Lakhan,
Chari Road, P.O.Saddar, Tehsil & District Rawalpindi Respondent

For the Petitioner:

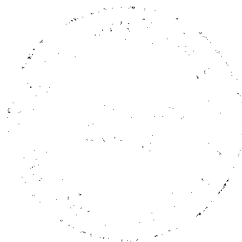
Mr. Noman Shahbaz SDO

For the Respondent:

Mr. Atif Mukhtar Raja 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.063/POI-2021 titled "Usman Mehboob Khan Vs. IESCO" is being disposed of.
2. Mr. Usman Mehboob Khan (hereinafter referred to as the "Respondent") is a commercial consumer of the Petitioner bearing Ref No.15-14624-2378801 with a sanctioned load of 2 kW under the tariff A-2. As per Petitioner, the old meter of the Respondent was replaced with a new meter bearing No.7886433 vide the Meter Change

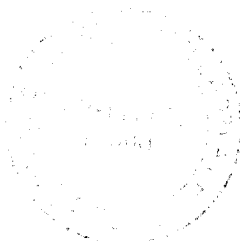




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Order (MCO) dated 02.07.2019. Later on, the premises of the Respondent was visited by the Petitioner on 30.10.2019 for recovery of outstanding dues of Rs.13,046/- and reportedly, he was found using electricity through meter No.7871928 (the bogus meter) having reading index of 2,334. The electric supply of the Respondent was disconnected by the Petitioner and the bogus meter with the reading index of 2,334 was removed on 30.10.2019. The electric supply of the Respondent was subsequently restored by the Petitioner vide the Reconnection Order (RCO) dated 26.11.2019 and the meter No.7871928 with 2,334 reading was declared as the billing meter for future billing. Subsequently, the notice dated 28.04.2020 was issued to the Respondent regarding the use of a bogus meter, and a detection bill of Rs.70,716/- for 2,468 units was debited to the Respondent by the Petitioner due to balance units and added in the bill for August 2020.

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") against the charging of the above detection bill, which was decided by POI vide the decision dated 18.01.2021 wherein the detection bill of Rs.70,716/- for 2,468 units charged by the Petitioner was declared as justified and payable by the Respondent.
4. The Respondent filed appeal No.063/POI-2021 before the NEPRA against the above-referred decision of the POI. The NEPRA Appellate Board vide the decision dated



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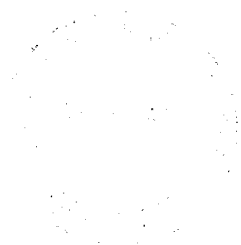
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03.01.2022 (hereinafter referred to as the “impugned decision”) accepted the said appeal and the POI decision dated 18.01.2021 was set aside.

5. The Petitioner filed a review petition before the NEPRA on 18.03.2022, wherein the impugned decision has been opposed, *inter alia*, mainly on the following grounds; (1) the Respondent is habitual in making late payment of monthly bill due to which ERO No.07019/15/3604 was issued to the Respondent in October 2019; (2) the Respondent was using electricity through the bogus meter and reading index noted as 2,448; (3) the detection bill of Rs.35,400/- was debited to the Respondent as per Chapter 9 of the Consumer Service Manual (the “CSM”); (4) the impugned decision be reviewed keeping in view the provisions of the CSM, billing history and the theft of electricity committed by the Respondent.
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 cancellation of the impugned detection is not correct. The representative for the Petitioner prayed that the detection bill of Rs.70,716/- for 2,468 units debited to the Respondent due to balance 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.

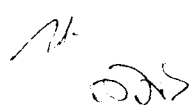
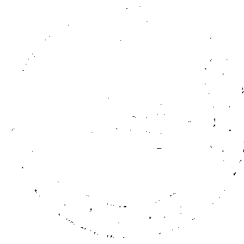
7. Arguments were heard and the record was examined. Following are our observations:

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:

“It is noticeable that the Appellant was using the meter No.7871928 for the electricity purpose since the MCO dated 02.07.2019 till its removal with reading 2334 on 30.10.2019 (4 months) but no such discrepancy was pointed out by the meter reader during this period. It is an important aspect to verify whether the IESCO charged 2,334 units as recorded by the said meter through monthly bills, following calculation of the units already charged is done:

Month	Reading		Units
	(A) Previous	(B) Present	(C)= (B)-(A) Difference
Jun-19	0	37	37
Jul-19	37	1001	964
Aug-19	1001	1574	573
Sep-19	1574	2212	638
Oct-19	2212	2334	122
Total			2334

Above table clearly indicates that the Appellant had already been charged




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2334 units as per the meter No.7871928 reading, hence there is no justification to further burden the Appellant by charging a separate detection bill for the already charged units. It is further observed that the detection bill of Rs.70,716/- for 2,468 units was charged in September 2020 i.e. after eleven months of the IESCO checking dated 30.10.2019. Hence, we are of the view that the detection bill of Rs.70,716/- for 2,468 units charged by the IESCO to the Appellant is unjustified, illegal and the same is cancelled. The impugned decision therefore is liable to be set aside."

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 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

Muhammad Irfan-ul-Haq
Member

Naweed Hlali Sheikh
Convener

Dated: 05-05-2023