



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

NEPRA Office , Atta Turk 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/AB/Appeal/193/POI/2019/

355

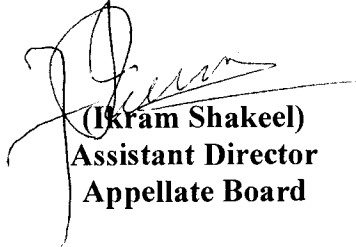
March 30, 2020

- | | |
|---|---|
| 1. M/s. Yousaf Al-Quraish Flour Mills
Near Degree College,
Haripur | 2. Chief Executive Officer
PESCO Ltd,
WAPDA House, Sakhi Chashma,
Shami Road, Peshawar |
| 3. Bilal Ahmad Durrani
Advocate,
11-B, Haroon Mansion,
Khyber Bazar, Peshawar | 4. Executive Engineer (Operation),
PESCO Ltd,
City Division, Haripur |
| 5. Provincial Office of Inspection,
Abbotabad Region,
House No. CB-81, Iqbal Road Supply,
Abbottabad | |

Subject: **Appeal Titled PESCO Vs. M/s. Yousaf Al-Quraish Flour Mills Against the Decision Dated 11.01.2018 of the Provincial Office of Inspection to Government of the Khyber Pakhtunkhwa, Peshawar Region, Peshawar**

Please find enclosed herewith the decision of the Appellate Board dated 26.03.2020, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above


(Ikram Shakeel)
Assistant Director
Appellate Board

Forwarded for information please.

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



National Electric Power Regulatory Authority

Before Appellate Board, National Electric Power Regulatory Authority, Islamabad

In the matter of

Appeal No. 193/2019

Peshawar Electric Supply Company Limited

.....Appellant

Versus

M/s. Yousaf Al-Quraish Flour Mills, Near Degree College, HaripurRespondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 11.01.2018 PASSED BY PROVINCIAL
OFFICE OF INSPECTION ABBOTTABAD REGION, ABBOTTABAD**

For the appellant:

Mr. Bilal Durani advocate
Mr. Muhibullah Khan SDO
Syed Tufail Hashmi

For the respondent:

Mr. Ahmed Ziaullah Qureshi

DECISION

1. Brief facts of the case are that the respondent is an industrial consumer of Peshawar Electric Supply Company Limited (PESCO) bearing Ref No.30-26411-0001901 having sanctioned load of 394 kW under the B-2b tariff. Metering equipment of the respondent was checked by metering and testing (M&T) PESCO on 04.01.2017 in presence of both the respondent and the Provincial Office of Inspection (POI) and reportedly the Automatic Meter Reading (AMR) billing meter was found 33.33% slow due to blue dead phase. XEN (Operation) PESCO City division Haripur approached the POI Peshawar Region vide letter No.8828-32 dated 09.03.2017 for verification of 33.33% slowness of the AMR billing meter. POI Peshawar Region vide letter No.2264 dated 15.05.2017 recommended for recovery of less consumption due to the defective AMR billing meter for the period 01.11.2015 to 04.01.2017 (14 months) from the respondent. Subsequently, the respondent received a bill of November 2017, which



National Electric Power Regulatory Authority

contained the detection bill of Rs.5,317,734/- for (OP=259721 & P=3359) units for the period 01.11.2015 to 04.01.2017 debited by PESCO @ 33.33% slowness of the AMR billing meter.

2. Being aggrieved, the respondent initially challenged the above detection bill before the Consumer Court Haripur Session Judge but subsequently withdrew the case on 22.12.2017 and approached POI Abbottabad Region on 04.01.2018. POI Abbottabad Region disposed of the matter vide its order dated 11.01.2018 and held that the AMR billing meter is defective/33.33% slow due to blue dead phase, hence the respondent may be charged the detection bill for two months i.e. November 2016 and December 2016 due to a defective meter as per clause 4.4(c) of the Consumer Service Manual (CSM).
3. Through the instant appeal, PESCO has assailed the decision dated 11.01.2018 of POI Abbottabad Region (hereinafter referred to as the impugned decision) in which PESCO inter alia contended that the detection bill of Rs.5,317,734/- for (OP=259721 & P=3359) units for the period 01.11.2015 to 04.01.2017 was charged to the respondent @ 33.33% slowness of the AMR billing meter on the basis of vetting assessment of POI Peshawar Region conveyed vide letter No.2264 dated 15.05.2017. As per PESCO, the POI Abbottabad Region partially accepted the complaint of the respondent and the impugned decision is against the law, norms of justice & equity and without jurisdiction. According to PESCO, the impugned decision dated 11.01.2018 was received on 04.04.2018 after a delay of 3 months, which showed the malafide intention on the part of POI. PESCO submitted that galaxy software recorded 33.33% slowness of the AMR billing meter for the period 06.05.2015 to 04.01.2017



National Electric Power Regulatory Authority

but POI Peshawar Region vetted the said slowness for the period 01.11.2015 to 04.01.2017. PESCO prayed that the impugned decision is liable to be set aside and the respondent be directed to pay the detection bill of Rs.5,283,369/-.

4. Notice for filing reply/para-wise comments to the appeal was served to the respondent, which were filed on 08.08.2019. In his reply, the respondent supported the impugned decision on the plea that the detection bill of Rs.5,317,734/- for (OP=259721 & P=3359) units for the period 01.11.2015 to 04.01.2017 was charged in violation of clause 4.4 of CSM and POI has rightly restricted the period of detection bill for two months in pursuance of foregoing clause of CSM; that the appeal against the impugned decision is barred by time being filed after one year and that the impugned decision may be upheld and PESCO be directed to revise the bill accordingly.
5. The appeal was heard in NEPRA Regional Office Peshawar on 01.02.2020 in which both the parties were in attendance. PESCO reiterated the same arguments as mentioned in the appeal and prayed to allow 33.33% slowness of the AMR billing meter for six months. On the contrary, the respondent appearing in person repeated the contention same as provided in the reply/para-wise comments to the appeal and prayed for maintainability of the impugned decision.
6. (i) In the first instance, the point of limitation raised by the respondent needs to be addressed. Pursuant to Section 38(3) of the NEPRA Act, 1997, an appeal against the impugned decision may be filed before NEPRA within thirty days of its receipt. In the instant case, a copy of the impugned decision dated 11.01.2018 was received by PESCO on 06.09.2018 and the appeal against the same was filed before NEPRA on

1



National Electric Power Regulatory Authority

30.10.2018 after a lapse of 54 days. Obviously, the instant appeal is time-barred and liable to be dismissed.

(ii) Since the meter was found defective on 04.01.2017, we are in agreement with the determination of POI that the respondent may be charged for the previous two months i.e. November 2016 and December 2016 pursuant to clause 4.4e of CSM.

7. In consideration of above, the appeal is dismissed.

A handwritten signature in black ink, appearing to read 'Muhammad Qamar-uz-Zaman'.

Muhammad Qamar-uz-Zaman
Member

A handwritten signature in black ink, appearing to read 'Muhammad Shafique'.

Muhammad Shafique
Member

A handwritten signature in black ink, appearing to read 'Nadir Ali Khoso'.

Nadir Ali Khoso
Convener

Dated: 26.03.2020