



**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](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/AB/Appeal/271/POI/2019/ 327

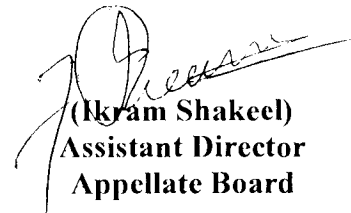
March 25, 2020

- |   |   |
|---|---|
| 1. Haji Ehsanullah<br>S/o. Mira Jan,<br>R/o. House No. 18, Sector 6,<br>Street No. 2, KDA, Kohat  | 2. Chief Executive Officer<br>PESCO Ltd,<br>WAPDA House, Sakhi Chashma,<br>Shami Road, Peshawar |
| 3. Bilal Ahmad Durrani<br>Advocate,<br>11-B, Haroon Mansion,<br>Khyber Bazar, Peshawar  | 4. Sub Divisional Officer (Operation),<br>PESCO Ltd,<br>Hattar Sub Division,<br>Haripur         |
| 5. Electric Inspector/POI<br>Peshawar Region,<br>Benovelent Fund Building,<br>3 <sup>rd</sup> Floor, Near Jas Bakers,<br>Peshawar Cantt |   |

Subject: **Appeal Titled PESCO Vs. Haji Ehsanullah Against the Decision Dated 02.04.2019 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 19.03.2020, 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. 271/2019

Peshawar Electric Supply Company Limited .....Appellant

Versus

Haji Ehsanullah S/o Mirza Jan  
R/o House No.18, Sector 6, Street No.02, KDA Kohat .....Respondent

**APPEAL FILED UNDER SECTION 38(3) OF REGULATION OF GENERATION,  
TRANSMISSION AND DISTRIBUTION ACT 1997 AGAINST THE DECISION  
DATED 02.04.2019 OF PROVINCIAL OFFICE OF INSPECTION ENERGY AND  
POWER DEPARTMENT TO GOVT OF KHYBER PAKHTUNKHWA,  
PESHAWAR**

For the appellant:

Mr. Noor Muhammad SDO

For the respondent:

Mr. Shakirullah

#### DECISION

1. Through this decision, an appeal filed by Peshawar Electric Supply Company Limited (hereinafter referred to as PESCO) against the decision dated 02.04.2019 of Provincial Office of Inspection, Government of Khyber Pakhtunkhwa, Peshawar (hereinafter referred to as POI) is being disposed of.
2. PESCO is a licensee of National Electric Power Regulatory Authority (hereinafter referred to as the NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the license and the respondent is its domestic consumer bearing Ref No.15-26247-0152089 with a sanctioned load of 5 kW under A-1 tariff. The respondent filed a complaint before POI and assailed the four bills as



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per detail given below:

SIR	Bill type	Period		Units	Amount (Rs.)
		From	To		
Feb- 2018	Detection	Nov-2017	Jan-2018	1,877	28,996/-
24.07.2018	Detection	Apr-2018	Jun-2018	1,857	29,010/-
-	Detection	-	-	-	28,685/-
16.11.2018	Detection	Jan-2016	Dec-2017	54,495	841,761/-

3. POI disposed of the matter vide its decision dated 02.04.2019 and concluded as under:

*"1) The bills for 10/2017, 11/2017 and 12/2017 shall be revised on the basis of sanctioned load or consumption in corresponding months of the previous year or eleven months average whichever is higher with credit of paid units (if any) whereas the assessment for 54495 pending units shall be withdrawn. 2) The Four No. assessments on S&I team reports in 03/2018, 08/2018, 08/2018, 01/2019 and 02/2019 shall be reduced to two assessments i.e. one for 11/2017 to 01/2018 and second for 04/2018 to 06/2018 as per record provided and shall be revised on sanctioned load (5 kW) crediting paid units (if any) and revised bill be prepared and delivered to the petitioner for payment."*

4. PESCO being aggrieved with the decision of POI dated 02.04.2019 (hereinafter referred to as the impugned decision) has filed the instant appeal before NEPRA. In its appeal, PESCO contended that 54,495 units were found pending as per metering and testing (M&T) report dated 16.11.2018, which are recoverable from the respondent but this fact was neither appreciated nor discussed by POI in the



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impugned decision. PESCO further contended that the future consumption of the respondent increased as compared to the past consumption after the replacement of the defective meter, which proves that the actual consumption was not recorded. As per PESCO, the respondent was found stealing electricity during the various site inspections, hence he was charged the detection bill, which has been cancelled in the impugned decision. According to PESCO, POI rendered the impugned decision in a hasty manner, which is based on surmises and conjectures. PESCO prayed for setting aside the impugned decision.

5. In his reply, the respondent repudiated the version of PESCO and contended that four assessment bills and pending 54,495 units were disputed before POI but PESCO could not justify the charging of the above bills and pending 54,495 units, hence the POI vide impugned decision directed to revise the four assessment bills to two assessment bills and to withdraw the pending 54,495 units. The respondent further contended that the disputed meter was defective but the defective code was fed w.e.f October 2017 and onwards till the replacement of the meter in February 2018. As per respondent, the consumption of the premises increased due to the occupancy of the second floor of the premises. The respondent denied theft of electricity hence the four assessments debited by PESCO were revised by POI. The respondent further submitted that why FIR as required u/s 39 of Electricity Act, 1910 was not registered if he was stealing the electricity directly. The respondent finally prayed for dismissal of the appeal.



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6. Notice was issued and hearing of the appeal was fixed for 01.02.2020 in Peshawar in which both the parties were in attendance. SDO PESCO reiterated the same arguments as contained in the memo of the appeal and contended that all the bills were charged on account of theft of electricity committed by the respondent. SDO PESCO opposed the determination of POI for revision of the assessments on the basis of sanctioned load and prayed that the impugned decision is liable to be struck down. On the contrary, the representative for the respondent denied the allegation of theft of electricity, supported the impugned decision and prayed for its maintainability.
7. We have heard the arguments of both the parties and examined the record placed before us. Following are our observations:
- i. The respondent approached POI and challenged the following bills:

SIR	Bill type	Period		Units	Amount (Rs.)
		From	To		
Feb- 2018	Detection	Nov-2017	Jan-2018	1,877	28,996/-
24.07.2018	Detection	Apr-2018	Jun-2018	1,857	29,010/-
-	Detection	-	-	-	28,685/-
16.11.2018	Detection	Jan-2016	Dec-2017	54,495	841,761/-

POI rendered the impugned decision wherein it was held that (i) the bills for the period October 2017 to December 2017 be revised as per sanctioned load of the respondent or average consumption of the last eleven months, (ii) the detection bill of 54,495 units for the period January 2016 to December 2017 be declared void and (iii) two detection bills for the period November 2017 to January 2018 and April 2018 to June 2018 be revised as per the sanctioned load.



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ii. The disputed months i.e. October 2017 to December 2017 were also included in the detection bill for 54,495 units for the period January 2016 to December 2017 charged on account of pending units, hence the entire period from January 2016 to December 2017 need to be compared with the units assessed as per formula given in Annex VIII of CSM.

- Disputed period: January 2016 to December 2017 = 24 months
- Total detection units = 54,495  
Total units/month =  $54,495 \div 24 = 2,270$  units
- Units assessed as per CSM= Sanctioned load x Load Factor x No. of Hours  
 $5 \text{ kW} \times 0.15 \times 730 = 547$  units/month

From the above, it is revealed that the average detection units charged are much higher as compared to the units assessed as per CSM. In consideration of the above, we are inclined to agree with the determination of POI that the detection bill of 54,495 units for the period January 2016 to December 2017 (24 months) is unjustified and liable to be declared null and void. The respondent is responsible to pay the bills @ 547 units/month for the period January 2016 to December 2017 as calculated above.

iii. Similarly, the bills for the months January 2018, April 2018 to June 2018 be also revised @ 547 units/month.

8. From the above discussion, it is concluded as under:

- The bills for the period January 2016 to December 2017 along with three detection bills (i) for the cost of 54,495 units, (ii) for the period November 2017 to January 2018 and (iii) for the period of April 2018 to June 2018 are unjustified and declared null and void as already decided by POI.



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- ii. The respondent is obligated to pay the bills @ 547 units/month for the period January 2016 to January 2018, and April 2018 to June 2018.
  - iii. The respondent's billing statement be revised after adjustment of units already charged/payments made (if any) against the abovementioned disputed bills.
9. The appeal is disposed of in the above terms.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Dated: 19.03.2019