



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

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No. NEPRA/Appeal/009/2023/ 676

November 20, 2023

1. Sher Alam,  
M/s. Swabi CNG Filling Station,  
Through its authorize representative,  
Mr. Zahir Ali  
Having its Office at Jamal Abad,  
Jahangira Road, Swabi
2. Chief Executive Officer  
PESCO Ltd,  
WAPDA House, Sakhi Chashma,  
Shami Road, Peshawar
3. Muhammad Hanzala,  
Advocate High Court,  
Office: Flat 14, Block 16,  
PHA-F Apartments, G-10/2,  
G-10 Markaz, Islamabad
4. Sub Divisional Officer (Operation),  
PESCO Ltd,  
Zaida Sub Division,  
Zaida, Swabi
5. POI/Electric Inspector,  
Peshawar Region,  
Benovelent Fund Building,  
3<sup>rd</sup> Floor, Near Jan's Bakers,  
Peshawar Cantt

Subject: **Appeal Titled Sher Alam Vs. PESCO Against the Decision Dated 21.12.2022 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 20.11.2023 (04 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.009/POI-2023

Sher Alam, M/s. Swabi CNG Filling Station,  
Having its office at Jamal Abad, Jahangira Road, Swabi  
Through its authorized representative Mr. Zahir Ali

.....Appellant

Versus

Peshawar Electric Supply Company Limited

.....Respondent

## APPEAL U/S 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mr. Hanzala Advocate  
Mr. Zahir Ali

For the Respondent:

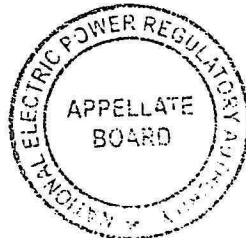
Mr. Atta-ur-Rehman SDO

## DECISION

1. Through this decision, the appeal filed by Mr. Sher Alam (hereinafter referred to as the "Appellant") against the decision dated 21.12.2022 of the Provincial Office of Inspection, Peshawar Region, Khyber Pakhtunkhwa (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that the Appellant is a commercial consumer of Peshawar Electric Supply Company Limited (hereinafter referred to as the "Respondent") bearing Ref No.30-26832-0003304 with sanctioned load of 159 kW and the applicable tariff category is A-2C. M&T team of the Respondent visited the premises of the Appellant on 22.07.2022 and reportedly, the impugned billing meter of the Appellant was found 33% slow due to one phase being dead. Resultantly, a detection bill amounting to Rs.1,618,870/- for five months for the period from February 2022 to June 2022 was debited to the Appellant by the Respondent in October 2022, which was paid by him under protest.
3. Subsequently, the Appellant challenged the above detection bill before the POI on 27.10.2022. The POI vide decision dated 21.12.2022 disposed of the matter with the

Appeal No.009/POI-2023

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following conclusion;

*“Decision: It is, therefore, decided that as per M&T test result No 824-35, dated 22-07-2022, 33% slowness was detected, hence, the consumer shall be charged according to Revised Consumer Service Manual 2021, Chapter 4.3, only for one month i.e. 06-2022 ( $KWH = 16466 \times 33 / 67 = 8110 KWH$ ) and ( $MDI = 109 \times 33 / 67 = 53 KW$ ). The consumer has already deposited all dues billed against him under protest in the defective/slowness period, which shall be adjusted/credited to the consumer in future billing. Copies of the decision shall be supplied to the parties.”*

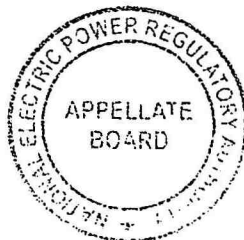
4. Through the instant appeal, the afore-referred decision dated 21.12.2022 of the POI has been impugned by the Appellant before the NEPRA. In the appeal, the Appellant opposed the impugned decision *inter alia*, on the following grounds; that the Respondent neither served notice nor changed the meter after according to approval of the CEO; that the Respondent violated the provisions of the applicable law, which allows the Respondent to recover the detection bill on the basis of consumption of last eleven months or consumption of corresponding month of the previous year; that the impugned decision is liable to be set aside.

5. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, notice dated 01.02.2023 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 06.03.2023. In the reply, the Respondent submitted that the impugned billing of the Appellant was found 33% slow during M& T checking dated 22.07.2022, which however was not signed by him. The Respondent further submitted that the POI vide impugned decision afforded huge relief to the Appellant in violation of applicable law, hence the impugned decision is liable to be revised.

6. **Hearing**

- 6.1 Hearing was conducted at NEPRA Head Office Islamabad on 26.09.2023 which was attended by both parties. Learned counsel for the Appellant contended that the impugned decision to the extent of allowing 33% slowness for June 2022 only is incorrect and liable to be set aside as the impugned meter recorded healthy consumption during the disputed period. He prayed that the entire detection bill of Rs.1,618,870/- for five months for the



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period from February 2022 to June 2022 be cancelled in the best interest of justice.

6.2 On the contrary, the representative for the Respondent opposed the contention of the Appellant and argued that the impugned meter of the Appellant did not record actual consumption due to one phase being dead during the disputed period, which may be confirmed by the increase in consumption after the disputed period. He prayed for the dismissal of the appeal with cost.

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

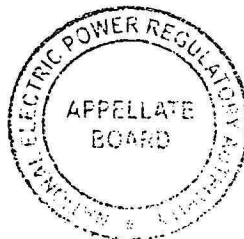
7.1 The impugned meter of the Appellant was found running 33% slow due to one dead phase during the M&T team checking dated 22.07.2022, therefore a detection bill of Rs.1,618,870/- for five months for the period from February 2022 to June 2022 was debited to the Appellant, which was assailed by him before the POI. The POI vide impugned decision allowed the Appellant to recover 33% slowness for June 2022 against which the Appellant filed the instant appeal before the NEPRA.

7.2 According to Clause 4.3 of the CSM-2021, the Appellant is liable to be charged the detection bill maximum for two months in case of a slow meter, however in the instant case, the Respondent debited impugned detection bill beyond two billing cycles, which is a violation of ibid clause of the CSM-2021. Hence we are of the considered view that the detection bill of Rs.1,618,870/- for five months for the period from February 2022 to June 2022 debited to the Appellant is unjustified and the same cancelled being violative of the foregoing clause of the CSM-2021.

7.3 Since 33% slowness in the impugned meter of the Appellant was observed on 22.07.2022, the Appellant is liable to be charged the detection bill maximum for two retrospective months as per Clause 4.3 of the CSM-2021. To ascertain slowness in the impugned metering equipment, the consumption/MDI of the disputed months i.e. May 2022 and June 2022 is compared below with healthy consumption of the period after the dispute:

Disputed period			Undisputed period		
Month	Units	MDI	Month	Units	MDI
May-22	12953	116	Jul-22	27077	158
Jun-22	16466	109	Aug-22	38357	152
<b>Average</b>	<b>14709.5</b>	<b>112.5</b>	<b>Average</b>	<b>32717</b>	<b>155</b>

It is evident from the above table, the impugned meter did not record actual consumption during the disputed period, hence the Appellant is liable to be charged 33% slowness



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maximum for two months i.e. May 2022 and June 2022. Impugned decision is liable to be modified to this extent.

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

8.1 The detection bill of Rs.1,618,870/- for five months for the period from February 2022 to June 2022 debited to the Appellant is unjustified and cancelled.

8.2 The Appellant may be debited the revised detection bill maximum for two months i.e. May 2022 and June 2022 @ 33% slowness of the meter.

8.3 The billing account of the Appellant may be overhauled, accordingly.

9. Impugned decision is modified in the above terms.

Abid Hussain  
Member

Naweed Illahi Sheikh  
Convener

Muhammad Irfan-ul-Haq  
Member

Dated: 20-11-2023

