



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

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No. NEPRA/Appeal/103/2023/770

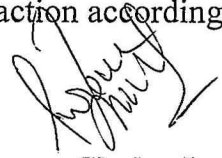
December 13, 2023

1. Muhammad Iqbal,  
Kabal River, WAPDA Colony,  
G. T. Road, Mardan, Nowshera
2. Chief Executive Officer  
PESCO Ltd,  
WAPDA House, Sakhi Chashma,  
Shami Road, Peshawar
3. Executive Engineer (Operation),  
PESCO Ltd,  
Nowshera Cantt Division,  
Nowshera Cantt
4. Sub Divisional Officer (Operation),  
PESCO Ltd,  
Nowshera Cantt-I Sub Division,  
Nowshera Cantt
5. POI/Electric Inspector,  
Nowshera Region,  
Tehsil Road, Near Police Station,  
Nowshera Kalan, Nowshera

Subject: **Appeal No.103/2023 (Muhammad Iqbal Vs. PESCO Against the Decision Dated 05.06.2023 of the Provincial Office of Inspection to Government of the Khyber Pakhtunkhwa, Nowshera Region, Nowshera**

Please find enclosed herewith the decision of the Appellate Board dated 13.12.2023 (05 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.103/POI-2023

Muhammad Iqbal, Kabal River,  
WAPDA Colony, G.T. Road, Mardan, Nowshera .....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. M. Sadiq Khan Advocate  
Mr. Muhammad Iqbal

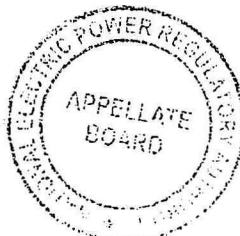
#### For the Respondent:

Mr. Farhatullah SDO

### DECISION

1. Through this decision, the appeal filed by Mr. Muhammad Iqbal (hereinafter referred to as the "Appellant") against the decision dated 05.06.2023 of the Provincial Office of Inspection, Nowshera Region, Khyber Pakhtunkhwa (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that the Appellant is an industrial consumer of Peshawar Electric Supply Company Limited (hereinafter referred to as the "Respondent") bearing Ref No. 30-26231-0142060 with a sanctioned load of 11 kW and the applicable tariff category is B-1(b). Old meter of the Appellant became defective with vanished display in May 2021 and it was replaced with a new meter in August 2021 and sent to M&T lab for data retrieval. As per the M&T checking report dated 10.11.2021, the impugned meter was found dead stop due to internal power supply burnt, and the final reading was noted as 15,586. Subsequently, a detection bill of Rs.209,486/- for the cost of 7,227 units for three (03) months for the period from July 2021 to September 2021 was debited to the Appellant by

*Don* *M.*





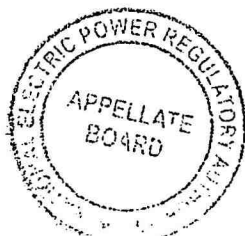
## National Electric Power Regulatory Authority

the Respondent on the basis of 30% load factor of the sanctioned load and added to the bill for August 2022.

3. Being aggrieved with the above actions of the Respondent, the Appellant approached the POI vide complaint dated 10.02.2023 and challenged the above detection bill. The matter was disposed of by the POI vide decision dated 05.06.2023, wherein the detection bill of Rs.209,486/- for the cost of 7,227 units for three (03) months for the period from July 2021 to September 2021 was cancelled and the Respondent was directed to debit the revised detection bill of net 6,100 units for two months i.e. June 2021 and July 2021 to the Appellant on the basis of 40% load factor of the sanctioned load.
4. Through the instant appeal, the Appellant has impugned the aforesaid decision of the POI before the NEPRA, wherein the Appellant contended that the old meter became defective and was replaced with a new meter in August 2021, whereas the Respondent debited a detection bill of Rs.209,486/- in August 2022 after one year of replacement of the impugned meter with *malafide* intention. The Appellant further contended that the POI vide impugned decision accepted their plea regarding the excessive billing but revised the detection bill with minor deduction. As per the Appellant, the impugned decision is the result of misreading and non-reading as the POI failed to appreciate the documentary evidence and arguments of the Appellant and imposed the oppressive fine upon the Appellant for invalid and unsound reasons which is not in accordance with law and natural justice. The Appellant finally prayed for setting aside the impugned decision and for the withdrawal of the impugned detection bill.

5. **Proceedings:**

Notice dated 30.10.2023 was issued to the Respondent for filing reply/para-wise comments to the appeal within days, which were filed by the Respondent on 14.11.2023. In the reply, the Respondent opposed the maintainability of the appeal, *inter alia*, on the following grounds; that the detection bill of 7,227 units was charged to the Appellant due to tampering with the meter (intentionally display washed); that the impugned meter was sent to M&T for checking; that the POI vide impugned decision revised the same for net 6,100 units, which is proper consumption of the Appellant; that the appeal being baseless is liable to be





## National Electric Power Regulatory Authority

dismissed.

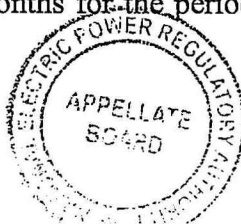
### 6. Hearing:

6.1 Hearing was conducted at NEPRA Head Office Islamabad on 10.11.2023 which was attended by both parties. Learned counsel for the Appellant denied the allegation of theft of electricity levelled by the Respondent and contended that the impugned meter of the Appellant was replaced with a new meter by the Respondent in August 2021 and the detection bill of Rs.209,486/- was debited to the Appellant in August 2022 after one year of replacement of the impugned meter. Learned counsel for the Appellant further contended that the entire proceedings including checking of the impugned meter are unilateral and the Respondent issued the aforesaid detection bill to grab the money from the Appellant. As per learned counsel for the Appellant, there is no significant change in consumption during the period before and after the dispute, which establishes that the Appellant has not used electricity through unfair means. According to the Appellant, the POI neither considered the M&T checking report nor perused the consumption data and wrongly allowed the recovery of the revised detection bill for net 6,100 units for two months. Learned counsel for the Appellant opposed the impugned decision and prayed that the same is liable to be struck down in the best interest of justice.

6.2 On the contrary, the Respondent's officials rebutted the version of the Appellant and averred that the Appellant was involved in dishonest abstraction of electricity through tampering with the meter (display intentionally vanished), therefore detection bill of Rs.209,486/- was debited to him in August 2022 to recover the revenue loss sustained by the Respondent. To confirm the veracity of the assertion of the Respondent regarding the impugned detection bill, the official of the Respondent was directed to submit the M&T checking report, PITC data, MCO, etc. within ten working days.

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

7.1 The record present before us shows that the impugned meter of the Appellant became defective in May 2021, and it was replaced with a new meter on 13.07.2021 and sent to M&T lab for data retrieval. As per the M&T checking report dated 10.11.2021, the impugned meter was found dead stop due to internal power supply burnt, and the final reading was noted as 15,586. Subsequently, a detection bill of Rs.209,486/- for the cost of 7,227 units for three (03) months for the period from July 2021 to September 2021 was





## National Electric Power Regulatory Authority

debited to the Appellant by the Respondent on the basis of 30% load factor of the sanctioned load and added to the bill for August 2022, which was assailed before the POI. Said forum vide impugned decision allowed the Respondent to recover the revised detection bill for net 6,100 units for two months i.e. June 2021 and July 2021 against which the instant appeal has been filed by the Appellant before NEPRA.

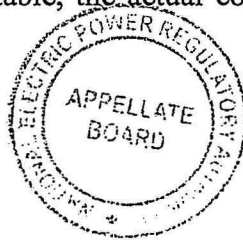
7.2 As per the M&T report dated 10.11.2021, the final reading of the impugned meter was noted as 15,586 (OP=12795+P=2,791), whereas the Appellant was debited total 17,047 (OP=14,172+P=2,875) units till July 2021 on the basis reading of the impugned meter. It means that the Appellant was charged excessively by the Respondent. It is further observed that the impugned billing meter was replaced with a new meter by the Appellant on 13.07.2021, however, the Respondent while charging the detection bill of 7,227 units included the months i.e. August 2021 and September 2021 in which the new meter was installed, and the bills were charged as per healthy consumption of said new meter. Thus, we are of the considered view that the detection bill of Rs.209,486/- for the cost of 7,227 units for three (03) months for the period from July 2021 to September 2021 debited to the Appellant by the Respondent on the basis of 30% load factor of the sanctioned load is unjustified and the same is liable to be cancelled.

7.3 Similarly, the determination of the POI for revision of the detection bill for two months i.e. June 2021 and July 2021 @ 40% load factor of the sanctioned load is without consideration of facts, billing statement, and M&T report dated 10.11.2021, and the same is liable to be cancelled.

7.4 Since the impugned meter of the Appellant became defective in May 2021 and was replaced with a new meter in July 2021, the consumption of the Appellant for the disputed months be compared with the corresponding consumption of the succeeding year in the below table:

Year	Disputed	Undisputed
	2021	2022
Month	Units	Units
May	159	201
June	165	397
July	168	138
<b>Total</b>	<b>492</b>	<b>736</b>

As evident from the above table, the actual consumption of the Appellant could not be





## National Electric Power Regulatory Authority

recorded during the disputed period as compared to the consumption of the period after the dispute due to the vanished display of the meter. Hence the Appellant is liable to be charged the bills for the period May 2021 to June 2021 as per Clause 4.3.1(b) of the CSM-2021, which is reproduced below for the sake of convenience:

***"4.3 METER REPLACEMENT AND BILL ADJUSTMENT:***

***4.3.1 In case a metering installation becomes defective/burnt (which was otherwise correct up to last billing cycle), PESCO shall:***

- a. Replace the metering installation immediately or within two billing cycles if meters are not available.***
- b. PESCO may charge bills on average basis i.e. 100% of the consumption recorded in the same months of previous year or average of the last eleven months whichever is higher for a maximum period of two months."***

8. In view of what has been discussed above, it is concluded as under:

8.1 The Detection bill of Rs.209,486/- for the cost of 7,227 units for three (03) months for the period from July 2021 to September 2021 charged to the Appellant is unjustified and the same is declared null and void.

8.2 The bills for the period from May 2021 to July 2021 be revised as per 100% consumption of the corresponding month of the previous year or the average consumption of the last eleven months, whichever is higher as per Clause 4.3.1(b) of the CSM-2021.

8.3 The billing account of the Appellant be overhauled after making adjustments of payments made against the above detection bill.

9. Impugned decision is modified in the above terms.

Abid Hussain  
Member

Muhammad Irfan-ul-Haq  
Member

Naweed Illahi Sheikh  
Convener

Dated: 13-12-2023

