



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

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No. NEPRA/Appeal/105/2022/ 873

November 20, 2023

- | | |
|--|--|
| 1. Muhammad Arshad Khan,
S/o. Muhammad Younis,
Plot No. 12-A, SIE, Mansehra | 2. Chief Executive Officer
PESCO Ltd,
WAPDA House, Sakhi Chashma,
Shami Road, Peshawar |
| 3. Saeed Khan Akhunzada,
Advocate High Court,
Chamber No. 19, Muslim Block,
District Courts, F-8 Markaz,
Islamabad | 4. Executive Engineer (Operation),
PESCO Ltd,
City-1 Division,
Mansehra |
| 5. Sub Divisional Officer (Operation),
PESCO Ltd,
City Sub Division,
Mansehra | 6. POI/Electric Inspector,
Abbottabad Region,
Energy Department, Govt. of Khyber Pakhtunkhwa,
House No. CB-81, Iqbal Road Supply,
Abbottabad |

Subject: **Appeal Titled PESCO Vs. Arshad Khan Against the Decision Dated 02.03.2022 of the Provincial Office of Inspection to Government of the Khyber Pakhtunkhwa, Abbottabad Region, Abbottabad**

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 Appellate Board

In the matter of

Appeal No.105/POI-2022

Peshawar Electric Supply Company Limited

.....Appellant

Versus

Muhammad Arshad Khan S/o. Muhammad Younis,
Plot No.12-A, SIE, Mansehra

.....Respondent

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

For the Appellant:

Mr. Saeed Khan Akhunzada Advocate
Mr. Rasheed Ahmed Qureshi XEN
Syed Muddain Shah SDO City

For the Respondent:

Nemo

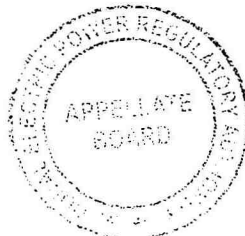
DECISION

1. Through this decision, the appeal filed by the Peshawar Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 02.03.2022 of the Provincial Office of Inspection, Abbottabad Region, Khyber Pakhtunkhwa (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that Mr. Muhammad Arshad Khan (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No. 30-26711-0694928-U with sanctioned load of 363 kW and the applicable Tariff category is B-2. The premises of the Respondent was checked by the Metering and Testing (M&T) team of the Appellant on 10.12.2021 and reportedly, the billing meter of the Respondent was found tampered (contactor installed) for the dishonest abstraction of electricity and the connected load was noticed as 421 kW, therefore, electricity of the premises was disconnected by the Appellant, immediately. Thereafter, a detection bill against 153,655 units for December 2021 was charged by the Appellant to the Respondent on the basis of 50% load factor of the connected load i.e. 421 kW.

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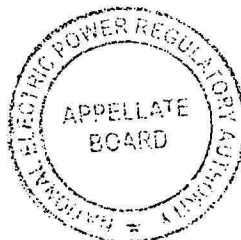
3. Subsequently, the Appellant filed an application before the POI on 04.02.2022 for vetting assessment of the above detection bill. The matter was disposed of by the POI vide the decision dated 02.03.2022, wherein the detection bill of 153,655 units for December 2021 was declared null and void and the Appellant was allowed to recover the revised detection bill for (OP=38,346+P=7,854) units for ten days i.e. 01.12.2021 to 10.12.2021.
4. Subject appeal has been filed against the afore-referred decision dated 15.06.2021 of the POI (hereinafter referred to as the "impugned decision") by the Appellant before the NEPRA, wherein it is contended that the billing meter of the Respondent was found tampered during the M&T checking dated 10.12.2021 for the dishonest abstraction of electricity, therefore a detection bill of 153,655 units was charged to the Respondent on the basis of 50% load factor of the connected load. As per the Appellant, the above detection bill was revised by the POI for ten days only with the finding that the meter reading was taken by the Appellant on 01.12.2021, and no discrepancy was noticed before alleged checking dated 10.12.2021. According to the Appellant, the discrepancy cannot be pointed out by the meter readers without the technical team. The Appellant submitted that the Respondent was caught red-handed, therefore he should be charged for thirty days. The Appellant prayed that the impugned decision is liable to be set aside.

5. Proceedings by the Appellate Board

Upon filing of the instant appeal, a Notice dated 26.09.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.

6. Hearing

Hearing in the matter of the subject Appeal was fixed for 26.09.2023 at NEPRA Head Office Islamabad in which learned counsel along with other officials were present on behalf of the Appellant, whereas the Respondent did not tender appearance. During the hearing, learned counsel for the Appellant contended that the billing meter of the Respondent was checked by the M&T team on 10.12.2021, wherein it was declared tampered for committing theft of electricity. Learned counsel for the Appellant further contended that the detection bill against 153,655 units for December 2021 was debited to the Respondent. Learned counsel for the Appellant defended the charging of the impugned





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detection bill and prayed that the same be declared as justified and payable by the Respondent.

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

7.1 Detection bill against 153,655 units for December 2021

The Appellant has claimed that the Respondent was involved in the dishonest abstraction of electricity through tampering with the meter during checking dated 10.12.2021, hence the detection bill against 153,655 units for one month was debited to the Respondent, which was revised by the POI for ten days only.

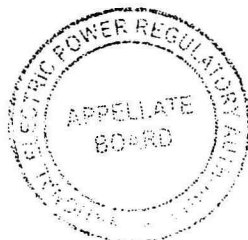
7.2 The Appellant pleaded to allow the entire period of detection bill, which however was neither denied by the Respondent through reply/para-wise comments to the appeal nor he appeared to defend the impugned decision. To check the validity of the above detection bill, comparison of the consumption is done below:

Period	Normal units/month	Detection units/month
Disputed month December 2021	4,320	153,655
Undisputed corresponding month December 2020	34,123	
Average of undisputed months June 2021 to November 2021	41,003	

It is observed that the detection units charged by the Appellant to the Respondent are much higher than the units recorded during the corresponding undisputed month of the previous year and the average consumption of the last six months. It is further observed that the above detection bill was debited on the basis of the connected load i.e. 421 kW which is higher than the sanctioned load i.e. 363 kW. In furtherance, the Appellant did not adjust the normal units already charged in December 2021 from the detection bill. In view of the foregoing discussion, we are of the opinion that the detection bill of 153,655 units for December 2021 is unjustified and the same is liable to be cancelled. The impugned decision is liable to be maintained to this extent.

7.3 Since, the normal units charged in December 2021 are much lesser than the normal units charged in December 2020 as well as the normal average consumption recorded during the undisputed period i.e. June 2021 to November 2021, which confirms that the Respondent was involved in the dishonest abstraction of electricity through tampering with the meter.

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7.4 It would be fair and appropriate that the detection bill for December 2021 be revised @ 50% load factor of the sanctioned load 363 kW as per the formula given in Annex-VIII of the CSM-2021. Calculation in this regard is done below:

Month: December 2021			
• Total units to be charged = Sanctioned Load (kW) x LF x No. of Hrs.			
	= 363	x 0.5 x 730	= 132,495 units
• Total units already charged			= 4,320 units
• Net units to be charged			= 128,175 units

7.5 Thus the Respondent is liable to be charged the revised detection bill of net 128,175 units for December 2021.

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

8.1 The detection bill of 153,655 units for December 2021 charged to the Respondent is unjustified and the same is cancelled.

8.2 The Respondent may be charged the revised detection bill of 128,175 units for December 2021.

8.3 The billing account of the Respondent be overhauled after the adjustment of payment made against the above detection bill.

9. The impugned decision is modified in the above terms.

Abid Hussain
Member

Naweed Illahi Sheikh
Convener

Muhammad Irfan-ul-Haq
Member

Dated: 20-11-2023

