



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

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No. NEPRA/Appeal/106/2023/ 77/


December 13, 2023

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| 1. Afzal Khan,
S/o. Ochat Khan,
Through Sohail Wahab,
R/o. House No. 280, Street No. 01,
Shami Road, Peshawar Cantt | 2. Chief Executive Officer
PESCO Ltd,
WAPDA House, Sakhi Chashma,
Shami Road, Peshawar |
| 3. Executive Engineer (Operation),
PESCO Ltd,
Cantt Division, Peshawar | 4. Sub Divisional Officer (Operation),
PESCO Ltd,
Peshawar Cantt Sub Division,
Peshawar Cantt |
| 5. POI/Electric Inspector,
Peshawar Region,
Benovelent Fund Building,
3 rd Floor, Near Jan's Bakers,
Peshawar Cantt | |

Subject: **Appeal No.106/2023 (Afzal Khan Vs. PESCO) Against the Decision Dated 05.10.2023 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 13.12.2023 (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. 106/POI-2023

Afzal Khan S/o. Ochat Khan, Through Sohail Wahab,
R/o. House 280, Street No.01, Shami Road Cantt, Peshawar

.....Appellant

Versus

Peshawar Electric Supply Company Limited

.....Respondent

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

For the Appellant:

Malik Zeshan Khan Advocate
Mr. Sohail Wahab

For the Respondent:

Mr. Saveer Jan XEN
Mr. Alam Zeb SDO

DECISION

1. Briefly speaking, Mr. Afzal Khan (hereinafter referred to as the “Appellant”) is a domestic consumer of Peshawar Electric Supply Company Limited (hereinafter referred to as the “Respondent”) bearing Ref No.01-26131-0103630-U with sanctioned load of 06 kW under tariff category A-1(b). The Respondent debited a bill of Rs.685,615/- for 12,948 units to the Appellant in August 2023 on account of pending units, which was challenged before the Provincial Office of Inspection, Government of Khyber Pakhtunkhwa, Peshawar (hereinafter referred to as the “POI”). The POI vide the decision dated 05.10.2023 declared the bill of Rs.685,615/- for 12,948 units as justified and payable by the Appellant.
2. Being dissatisfied, the Appellant has filed the instant appeal before the NEPRA against the POI decision dated 05.10.2023 (hereinafter referred to as the “impugned decision”), wherein it is contended that the bills charged by the Respondent were paid regularly as evident from the billing history but astonishingly, the Respondent debited excessive, huge, exorbitant bill of Rs.685,615/- for 12,948 units in August 2023 on account of pending units. The Appellant





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further contended that the bill of July 2023 debited against 1,732 units as per the 32398 reading index noted by the Respondent, which was deposited by him within the due date. As per the Appellant, the impugned old meter was neither replaced with his permission nor checked during his presence, hence there is no justification to debit the huge, excessive bill of August 2023. According to the Appellant, the Respondent did not issue notice before meter replacement, and the cause of action accrued some few days back when the Respondent flatly refused to rectify the impugned bill accordingly. The Appellant finally prayed that the above bill for August 2023 be rectified and adjusted in his billing account.

3. Proceedings by the Appellate Board

Upon filing of the instant appeal, a Notice dated 30.10.2023 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. However, no reply/para-wise comments were received from the Respondent.

4. Hearing

4.1 Hearing was conducted on 06.11.2023, which was attended by both the Appellant and the Respondent. Learned counsel for the Appellant contended that the Appellant was neither associated during the replacement of the impugned meter nor the charging of the bill of Rs.685,615/- for 12,948 units for August 2023 on the basis of pending units is justified as the consumption of the premises is lesser. The Appellant opposed the impugned decision for allowing the above bill and prayed for setting aside the same.

4.2 On the other hand, the Respondent's official defended the charging of the bill of Rs.685,615/- for 12,948 units and argued that the new meter was installed in April 2023, however, MCO was fed lately due to which 12,948 units accumulated, which were subsequently charged to the Appellant in the bill for August 2023. The Respondent supported the impugned decision for declaring the above bill as justified and stated that the same is liable to be maintained. In this regard, the Respondent was directed to submit the MCO, M&T report, PITC data, etc to check the authenticity of their assertion with regard to the impugned bill within 10 working days.

5. Arguments heard and the record examined. Following are our observations:

5.1 The record presented by the Respondent before us shows that the impugned meter of the Appellant was found defective, therefore, it was replaced with a new meter by the Respondent on 04.04.2023. Subsequently, the Respondent debited a bill of Rs.685,615/- for 12,948 units to the Appellant on account of balance units and added to the bill for August 2023, which was



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challenged by him before the POI.

5.2 Bare perusal of MCO dated 04.04.2023 shows that the new billing meter bearing No.000049132 was installed with reading index i.e. (OP=25174+P=9,154) by the Respondent, thereafter, the Respondent issued the bills for the period from April 2023 to June 2023 with nil consumption. However, the bill of July 2023 was debited against 1,732 (OP=1332+P=400) units to the Appellant. In August 2023, the Respondent debited the bill of Rs.685,615/- for 12,948 units to the Appellant in August 2023, which needs to be verified through the below analysis:

Period: April 2023 to August 2023								
A. Total units to be charged				B. Total units already debited				C. Net units to be credited
Reading	Off-peak	Peak	Total	Month	Off-peak	Peak	Total	(B)-(A) OP=1000+P=400
MCO dated 04.04.2023	25174	9154	34328	Apr-23	0	0	0	
				May-23	0	0	0	
As per snapshot of bill for August 2023	36153	11455	47608	Jun-23	0	0	0	
				Jul-23	1332	400	1732	
				Aug-23	10647	2301	12948	
Difference	10979	2301	13280	Total	11979	2701	14680	1400

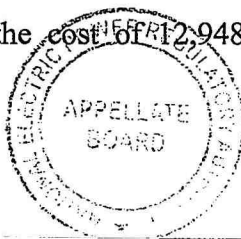
5.3 It is observed from the above table that the total units charged by the Respondent during the period from April 2023 to August 2023 are much higher than the actual consumption recorded by the new meter during the said period. Thus the Appellant is liable to be afforded credit of 1,400 units against the impugned bill of 12,948 units for August 2023 as per the below calculation:

Bill for August 2023			
Units	Off-peak	Peak	Total
Already charged	10,647	2,301	12,948
To be credited	1,000	400	1,400
Net to be charged	9,647	1,901	10,548

In view of the above, the Appellant is liable to be charged the revised bill of net 10,548 (off-peak=9,647+peak=1,901) units for the month of August 2023.

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

6.1 The bill of Rs.685,615/- for the cost of 12,948 units debited to the Appellant by the






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Respondent in August 2023 on account of pending units is unjustified being excessive and the same is cancelled.


6.2 The Appellant may be charged the revised bill of net 10,548 (off-peak=9,647+peak=1,901) units for the month of August 2023.


6.3 The billing account of the Respondent be overhauled after making adjustments of the payment made against the bill of August 2023.

7. The appeal is disposed of in the above terms.


Abid Hussain
Member

Dated: 13-12-2023


Naweed Illahi Sheikh
Convener


Muhammad Irfan-ul-Haq
Member

