



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

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No. NEPRA/Appeal/079/2023/ 129


January 23, 2024

- |   |   |
|---|---|
| 1. M/s. Al-Madina Marble Factory,<br>Plot No. C-40, Marble City,<br>Risalpur  | 2. Chief Executive Officer,<br>PESCO Ltd,<br>WAPDA House, Sakhi Chashma,<br>Shami Road, Peshawar                |
| 3. Muhammad Hanzala,<br>Advocate High Court,<br>Office: Flat 14, Block 16,<br>PHA-F Apartments, G-10/2,<br>G-10 Markaz, Islamabad | 4. Executive Engineer (Operation),<br>PESCO Ltd,<br>Risalpur Division,<br>Risalpur                              |
| 5. Sub Divisional Officer (Operation),<br>PESCO Ltd,<br>Risalpur Sub Division,<br>Nowshera  | 6. POI/Electric Inspector,<br>Nowshera Region,<br>Tehsil Road, Near Police Station,<br>Nowshera Kalan, Nowshera |

Subject: **Appeal No.079/2023 (M/s. Al-Madina Marble Factory Vs. PESCO) Against the Decision Dated 05.05.2023 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 23.01.2024 (05 pages), regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

  
(Ikram Shakeel)  
Deputy Director  
Appellate Board

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.079/POI-2023

M/s. Al-Madina Marble Factory, Plot No.C-40,  
Marble City Risalpur

.....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. Muhammad Ayaz

For the Respondent:

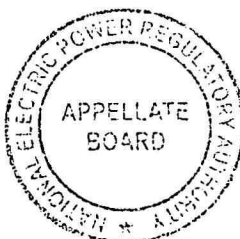
SDO PESCO via zoom link

## DECISION

1. Through this decision, the appeal filed by M/s. Al-Madina Marble Factory (hereinafter referred to as the “Appellant”) against the decision dated 05.05.2023 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. 30-26225-0016408 with a sanctioned load of 159 kW and the applicable tariff category is B-2(b). The billing meter of the Appellant was checked by the M&T team of the Respondent on 08.03.2023 and reportedly it was found 33% slow due to one phase being dead. The

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Respondent approached the POI vide letter dated 20.03.2023 for assessment of period of 33% slowness of the impugned meter of the Appellant. During joint checking of POI, 33% slowness in the impugned billing meter of the Appellant was confirmed. The matter was disposed of by the POI vide decision dated 05.05.2023, wherein the Respondent was directed to debit the detection bill of 34,818 units+247 kW MDI for six months for the period from September 2022 to February 2023 to the Appellant @ 33% slowness of the impugned billing meter. Subsequently, the Respondent charged a detection bill of Rs.7,138,483/- to the Appellant on 10.07.2023.

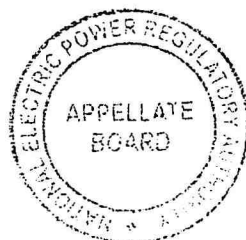
3. Being aggrieved, the Appellant filed the instant appeal before the NEPRA against the above-referred impugned decision as well as the impugned detection bill debited by the Respondent. In its appeal, the Appellant contended that the POI vide order dated 05.05.2023 allowed the Respondent to debit the detection bill for six months on account of 33% slowness of the meter, whereas the Respondent debited the impugned detection bill of Rs.7,138,483/- for twenty-three (23) months to him in July 2023 in violation of provisions of the CSM-2021 as well as the assessment of POI. As per the Appellant, the Respondent failed to follow the procedure for confirmation of slowness of the meter as given in the revised CSM-2021. According to the Appellant, the above detection bill was debited in haste manner without consideration of the facts and law of the case. The Appellant finally prayed for setting aside the impugned decision and for the withdrawal of the impugned detection bill.

4. **Proceedings:**

Notice dated 01.09.2023 was issued to the Respondent for filing reply/parawise comments to the appeal within days, which however were not received.

5. **Hearing:**

- 5.1 Hearing was initially held on 26.09.2023, wherein the Appellant along with counsel appeared whereas the SDO represented the Respondent. The representative for the Respondent sought adjournment for the preparation of the case. On the other hand, learned counsel for the Appellant submitted that the Respondent debited a detection bill of Rs.7,138,483/- for twenty-three months to the Appellant in July 2023, which is neither





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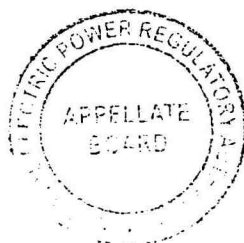
justified nor payable by him. Learned counsel for the Appellant prayed that Respondent may be restrained from the recovery of the detection bill of Rs.7,138,483/- and disconnection of electric supply till the final disposal of the case. In view of the above, the hearing was adjourned with the direction to the Appellant to deposit the current bill along with Rs.1,000,000/- against the detection bill, whereas the Respondent is restrained from disconnection of electricity till the final disposal of the case subject to the payment of regular bills by the Appellant.

5.2 Finally, the hearing was conducted at NEPRA Head Office Islamabad on 10.11.2023 which was attended by both parties. Learned counsel for the Appellant contended that the POI vide impugned decision directed the Respondent to debit 33% slowness for six months but the detection bill of Rs.7,138,483/- was debited for twenty-three (23) months, which is violative of impugned decision and clarification given in revised CSM-2021. Learned counsel for the Appellant opposed the impugned decision and argued that the same is liable to be set aside as the impugned meter recorded healthy consumption during the disputed period. He further prayed that the entire detection bill of Rs.7,138,483/- for twenty-three months be cancelled in the best interest of justice.

5.3 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 is confirmed by the POI during joint checking, hence the detection bill of Rs.7,138,483/- for twenty-three months was debited to the Appellant @ 33% slowness 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 checking report, PITC data, MCO, etc. within ten working days.

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

6.1 The impugned meter of the Appellant was found running 33% slow due to one dead phase during the M&T checking dated 08.03.2023, which was confirmed by the POI during joint checking, therefore the POI vide impugned decision allowed the Respondent to recover 33% slowness for six months i.e. September 2022 to February 2023. However, the Respondent



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debited a detection bill of Rs.7,138,483/- for twenty-three (23) months to the Appellant to recover 33% slowness of the impugned meter.

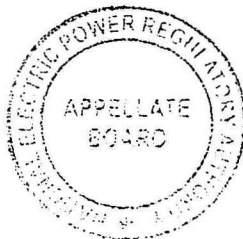
6.2 Through the instant appeal, the Appellant has impugned the findings of the POI with regard to the charging of the detection bill for six months as well as the charging of the detection bill of Rs.7,138,483/- for twenty-three (23) months by the Respondent.

6.3 In such cases, Clause 4.3.3c(ii) of the CSM-2021 restricts the DISCOs to charge the detection bill maximum for two months in case of a slow meter, the determination of POI for charging the detection bill of 34,818 units+247 kW MDI for six retrospective months for the period from September 2022 to February 2023 as well as the charging of detection bill for twenty three months by the Respondent is violative of foregoing clause of the CSM-2021.

6.4 As regards the charging of the detection bill of Rs.7,138,483/- for twenty-three (23) months, the Respondent was directed to submit the documents i.e. copy of the checking report, PITC data, MCO, etc., which were submitted by the Respondent on 13.12.2023. Perusal of documents as provided by the Respondent does not support their version for charging the detection bill beyond two billing cycles in case of a slow meter.

6.5 Under these circumstances, we are convinced with the contention of the Appellant that the impugned decision for charging the detection bill for six months, as well as the impugned detection bill of Rs.7,138,483/I, debited for twenty-three months by the Respondent due to slow meter are illegal, unjustified, inconsistent with ibid clause of the CSM-2021 and the same is liable to be declared null and void.

6.6 Since 33% slowness in the impugned meter of the Appellant was established during joint checking of the POI, it would be appropriate to charge the detection bill maximum for two billing cycles before the date of M&T checking dated 08.03.2023 as per Clause 4.3.3c(ii) of the CSM-2021. Moreover, the Respondent is liable to revise the onward bills till the replacement of the impugned meter with enhanced MF to account for 33% slowness according to Clause 4.3.3c(i) of the CSM-2021. The impugned decision is liable to be modified to this extent.



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


7.1 Charging of the detection bill of Rs.7,138,483/- for twenty-three (23) months as well as the determination of the POI to debit the detection bill for six months are unjustified and the same are cancelled.

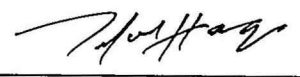
7.2 The Appellant may be debited the revised detection bill maximum for two billing cycles @ 33% slowness of the meter before M&T checking dated 08.03.2023 as per Clause 4.3.3c(ii) of the CSM-2021 and the onward bills till the replacement of the slow meter with enhanced MF as per Clause 4.3.3c(i) of the CSM-2021.

7.3 The billing account of the Appellant may be overhauled after adjusting payments made against the impugned detection bill.

8. The Appeal is disposed of in the above terms.

  
Abid Hussain  
Member

  
Naweed Illahi Sheikh  
Convener

  
Muhammad Irfan-ul-Haq  
Member

Dated: 23-01-2024

