



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

NEPRA Office , Ataturk Avenue (East), G5/1, Islamabad
Tel. No.+92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: ikramshakeel@nepra.org.pk

No. NEPRA/Appeal/016/2025/ 243

March 25, 2025

- | | |
|---|---|
| 1. Jahangir Khan,
S/o. Musa Khan,
R/o. Subhan Khwar,
Shabqadar
Cell No. 0315-4420005 | 2. Chief Executive Officer
PESCO Ltd,
WAPDA House, Sakhi Chashma,
Shami Road, Peshawar |
| 3. Executive Engineer (Operation),
PESCO Ltd,
Shabqadar Division,
Shabqadar | 4. Sub Divisional Officer (Operation),
PESCO Ltd,
Matta Sub Division,
Matta, Swat
Cell No. 0370-1340153 |
| 5. POI/Electric Inspector,
Peshawar Region,
Benevolent Fund Building,
3rd Floor, Near Jans Bakers,
Peshawar Cantt,
Phone No. 091-9211343 | |

Subject: **Appeal No.016/2025 (Jahangir Khan Vs. PESCO) Against the Decision Dated 30.12.2024 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 25.03.2025 (03 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 of the Appellate Board on the NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.016/POI-2025

Jahangir Khan S/o. Musa Khan,
R/o. Subhan Khwar, Shabqasar

.....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. Tahscen Ullah Advocate
Mr. Bilal Khan

For the Respondent:

Mr. Amjad Gul SDO

DECISION

1. Through this decision, the appeal filed by Jahangir Khan (hereinafter referred to as the "Appellant") against the decision dated 30.12.2024 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 an industrial consumer of Peshawar Electric Supply Company Limited (hereinafter referred to as the "Respondent") bearing Ref No. 30-2615-0001209 with a sanctioned load of 78 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 28.06.2023 and reportedly it was found 33% slow due to one phase being dead.



11.

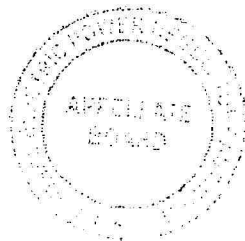
2



National Electric Power Regulatory Authority

Therefore, a detection bill of Rs.832,712/- against 14,239 units+100 kW MDI for the period from 25.06.2023 to 22.08.2023 was charged to the Appellant in September 2024, which was challenged by him before the POI on 25.11.2024. The matter was disposed of by the POI vide decision dated 30.12.2024, wherein the Respondent was directed to recover the above detection bill in two easy installments without LPS.

3. Being aggrieved, the Appellant filed the instant appeal before the NEPRA against the above-referred impugned decision. In its appeal, the Appellant contended that the detection bill of Rs.832,712/- was charged in September 2024 on account of CT burnt in June 2023. The Appellant further contended that there is no proof or evidence regarding the allegation mentioned in the impugned decision, as such the impugned decision is illegal, void ab initio. The Appellant finally prayed for setting aside the impugned decision.
4. Notice dated 07.02.2025 was issued to the Respondent for filing reply/parawise comments to the appeal within ten (10) days, which however were not filed.
5. Hearing was conducted at NEPRA Regional Office Peshawar on 04.03.2025 which was attended by both parties. Learned counsel for the Appellant contended that the POI vide impugned decision directed the Respondent to recover the impugned detection bill in two installments, which is neither consistent with the facts of the case nor in accordance with the law. 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.832,712/- against 14,239 units+100 kW MDI for the period from 25.06.2023 to 22.08.2023 be cancelled in the best interest of justice. 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, hence the above detection bill 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, detection proforma, etc. within ten working days.





National Electric Power Regulatory Authority

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

6.1 The impugned meter of the Appellant was found 33% slow due to one dead phase during the M&T checking dated 28.06.2023, therefore, the Respondent debited a detection bill of Rs.832,712/- for 14,239 units+100 kW MDI for the period from 25.06.2023 to 22.08.2023 to the Appellant @ 33% slowness of the impugned meter, which is under dispute.

6.2 In such cases, Clause 12 of the Clarification dated 26.03.2021 of the CSM-2021 is relevant, which states that if due to any reason, the charges i.e. multiplication factor, power factor, etc. have been skipped by DISCO, the difference of these charges can be raised within one year for a maximum period of six months retrospectively. 33% slowness in the meter was detected by the Respondent on 28.06.2023, however, MF was not raised by the Respondent w.e.f 28.06.2023 and onwards. Therefore, the detection bill of Rs.832,712/- for 14,239 units +100 kW MDI for the period from 25.06.2023 to 22.08.2023 charged to the Respondent is in line with the above-referred Clarification of the CSM-2021. To verify the contention of the Respondent, instant-read report dated 13.11.2023 of the Respondent was examined, which also confirmed that the impugned meter remained 33% slow due to one phase being dead during the disputed period from 25.06.2023 to 22.08.2023.

6.3 As such the impugned decision for declaring the impugned detection bill of Rs.832,712/- against 14,239 units+100 kW MDI for the period from 25.06.2023 to 22.08.2023 as justified is correct being consistent with Clause 4.3.3c(ii) of the CSM-2021 and the same is maintained. The Respondent may recover the impugned detection bill excluding LPS charges from the Appellant in two monthly installments as already determined by the POI.

7. Foregoing in view, the appeal is dismissed.

Abid Hussain
Member/Advisor (CAD-Khi)

Naweed Illahi Sheikh
Convener/DG (CAD)

Muhammad Irfan-ul-Haq
Member/ALA (Lic.)

Dated: 25-03-2025

