



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

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No. NEPRA/AB/Appeal/265/POI/2019/ 932

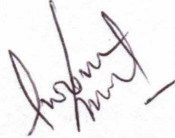
November 24, 2021

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|--|---|
| 1. Shaukat Ali
S/o. Ghulam Qadar,
Usmani Ghani Town,
New Islamia Colony,
P. O. GPO, Dera Ismail Khan | 2. Chief Executive Officer
PESCO Ltd,
WAPDA House, Sakhi Chashma,
Shami Road, Peshawar |
| 3. Sub Divisional Officer (Operation),
PESCO Ltd,
Rural Sub Division,
Dera Ismail Khan | 4. Bilal Ahmad Durrani
Advocate, 11-B,
Haroon Mansion, Khyber Bazar,
Peshawar |
| 5. Abdul Haseeb
Advocate, Shoukat Stationery Mart,
Liaquat Bazar, Peshawar Cantt | 6. POI/Electric Inspector
Peshawar Region,
Benovelent Fund Building,
3 rd Floor, Near Jan's Bakers,
Peshawar Cantt |

Subject: **Appeal Titled Shaukat Ali Vs. PESCO Against the Decision Dated 12.06.2019 of the Provincial Office of Inspection to Government of the Khyber Pakhtunkhwa, Abbotabad Region, Abbotabad**

Please find enclosed herewith the decision of the Appellate Board dated 16.11.2021, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above


(Ikram Shakeel)
Deputy Director (M&E)/
Appellate Board

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.265/POI-2019

Shaukat Ali S/o Ghulam Qadar, Usman Ghani Town,
New Islamia Colony, P.O. GPO, Dera Ismail Khan

.....Appellant

Versus

Peshawar Electric Supply Company Limited

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 12.06.2019 PASSED BY PROVINCIAL
OFFICE OF INSPECTION PESHAWAR REGION, PESHAWAR**

For the Appellant:

Mr. Abdul Haseeb Khan Advocate

For the respondent:

Mr. Sanaullah Khan SDO

DECISION

1. As per facts of the case, the Appellant is an industrial consumer (ice factory) of the Peshawar Electric Supply Company Limited (the PESCO) bearing Ref No.30-26634-0965010 with a sanctioned load of 78 kW under the Tariff B-2(b). The billing meter of the Appellant was found 66% slow due to defective current transformers (CT), which were replaced by the PESCO on 09.08.2017. Resultantly, the PESCO debited a detection bill of Rs.2,047,474/- for 70,560 units for the period 14.07.2016 to 11.09.2016 at the rate of 33% slowness and for the period 12.09.2016 to 08.08.2017 debited at the rate of 66% slowness total thirteen (13) months to the Appellant and added in the bill for December 2017.





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2. Being aggrieved, the Appellant initially challenged the above detection bill before the Additional District Judge D.I. Khan, who vide the order dated 24.04.2018 directed the Appellant to approach the Provincial Office of Inspection, Peshawar Region, Peshawar (the POI). Subsequently, the Appellant filed an application before the POI on 20.05.2019 and assailed the abovementioned detection bill charged by the PESCO. The POI disposed of the complaint of the Appellant vide decision dated 12.06.2019, wherein the detection bill of Rs.2,047,474/- for 70,560 units debited by the PESCO in December 2017 was set aside and the PESCO was allowed to recover the revised bill on account of the difference in consumption of disputed period July 2016 to July 2017 and corresponding consumption of the undisputed period i.e. July 2015 to July 2016.
3. Subject appeal has been filed against the above-referred decision of the POI (hereinafter referred to as the impugned decision) before the NEPRA. In its appeal, the Appellant opposed the impugned decision inter alia, on the following grounds; (1) the billing meter was declared 66% slow by M&T PESCO; (2) a detection bill of Rs.2,047,474/- for 70,560 units for 13 months was debited to him in contravention to Clause 4.4 of the Consumer Service Manual (CSM); (3) the said clause of the CSM allows the PESCO to charge the detection bill maximum two (2) billing cycles in case of a slow meter; (4) the above detection bill be set aside and that same may be revised for two (2) billing cycles.
4. Notice for filing reply/para-wise comments to the appeal was issued to the Respondent, which however were not filed.
5. After issuing notice to both the parties, hearing of the appeal was held in the NEPRA Regional Office, Peshawar on 15.10.2021, which was attended by both the parties.



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Learned counsel for the Appellant repeated the same contentions as given in memo of the appeal and averred that there was no discrepancy reported by the PESCO till November 2017 and the Appellant came to know regarding 66% slowness of the billing meter after the debit of detection bill of Rs.2,047,474/- for 70,560 units for thirteen (13) months in December 2017. Learned counsel for the Appellant contended that the above-said detection bill was initially assailed before the Civil Court D.I Khan and subsequently before the POI in pursuance of the order dated 24.04.2018 of Honorable Civil Court. As per the learned counsel for the Appellant, Clause 4.4 of the CSM restricts the PESCO to charge the bill maximum for two (2) billing cycles in case of a slow meter. Learned counsel for the Appellant finally prayed for cancellation of the above detection bill and revision of the same for two (2) billing cycles as per the CSM. On the contrary, the representative for the PESCO submitted that the billing meter of the Appellant became 66% slow due to the two (2) defective CTs, which were replaced on 09.08.2017. The representative for the PESCO further submitted that the detection bill of Rs.2,047,474/- for 70,560 units for thirteen (13) months was debited to the Appellant by the PESCO in December 2017 based on the galaxy report. The representative for the PESCO contended that the above detection bill along with the LPS is justified and recoverable from the Appellant.

6. Having heard the arguments and perusal of the record, it is observed as under:
 - i. The billing meter of the Appellant was found 66% slow due to two (red and blue) defective CTs during the M&T PESCO checking dated 09.08.2017. The PESCO replaced the defective CTs of the billing meter of the Appellant and subsequently, debited a detection bill of Rs.2,047,474/- for 70,560 units to the Appellant in





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December 2017 to recover 33% slowness for the period 14.07.2016 to 11.09.2016 and 66% slowness for the period 12.09.2016 to 08.08.2017. The Appellant challenged the abovementioned detection bill before the POI.

- ii. According to Clause 4.4 of the CSM, the consumer may be charged the bill maximum for two (2) months in case of a slow meter. However, in the instant case, the PESCO charged the detection bill for thirteen (13) months i.e. 14.07.2016 to 08.08.2017 to the Appellant due to slowness of the billing meter, which is violative of Clause 4.4 of the CSM. Moreover, the discrepancy of the slowness of the billing meter of the Appellant was not pointed out by the PESCO during the monthly readings prior to the checking dated 09.08.2017. Therefore, we are in line with the findings of the POI that the detection bill of Rs.2,047,474/- for 70,560 units for thirteen (13) months charged to the Appellant by the PESCO is unjustified and liable to be set aside.
- iii. Similarly, the determination of the POI for revision of the bills for the disputed period July 2016 to July 2017 on the basis of corresponding consumption of the previous year is inconsistent with the foregoing clause of the CSM since the slowness was specified. Impugned decision is liable to be withdrawn to this extent.
- iv. Since 66% slowness in the billing meter of the Appellant was observed by the PESCO on 09.08.2017, the Appellant is liable to be charged the detection bill for two (2) months i.e. June 2017 and July 2017 by the PESCO at the rate of 66% slowness of the billing meter as per ibid clause of the CSM.

7. Summing up the foregoing discussion, it is held that the detection bill of Rs.2,047,474/- for 70,560 units for thirteen (13) months charged to the Appellant by the PESCO is





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unjustified and should be withdrawn. The Appellant may be charged the bills for the period June 2017 and July 2017 two (2) months at the rate of 66% slowness of the billing meter. The billing account of the Appellant may be overhauled after adjusting units already charged/payments made, if any against the above detection bill.

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

Abid Hussain
Member/Advisor (CAD)

Maria Rafique
Member/ Legal Advisor

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 16.11.2021

