



National Electric Power Regulatory Authority

ISLAMIC REPUBLIC OF PAKISTAN

Consumer Affairs Department, NEPRA TOWER

Ataturk Avenue (East) Sector G 5/1, Islamabad.

Ph: 051-2013200, Fax: 051-2600021

**Consumer Affairs
Department**

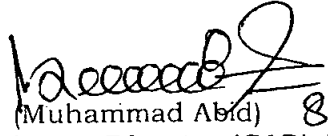
TCD.04/ ⁶³¹² -2022
December 08, 2022

Chief Executive Officer,
Faisalabad Electric Supply Company (FESCO),
Abdullah Pur, Canal Bank Road, Faisalabad.

Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY MR. MUHAMMAD ZAMAN
MALIK UNDER SECTION 39 OF THE REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST FESCO REGARDING WRONG BILLING (REF # 28-13152-5200538-39)**
Complaint No. **FESCO-FSD-5663-06-21**

Please find enclosed herewith the decision of the NEPRA Consumer Complaints Tribunal dated December 08, 2022 regarding the subject matter for necessary action and compliance within thirty (30) days, positively.

Encl: As above


(Muhammad Abid) 8/12/2022
Assistant Director (CAD)

Copy to:

1. Chief Engineer/Customer Services Director
FESCO, Abdullah Pur, Canal Bank Road, Faisalabad.
2. Director Commercial
FESCO, Abdullah Pur, Canal Bank Road, Faisalabad.
3. Mr. Ubaid Khan Rana, Assistant Director,
NEPRA Regional Office, 1st floor, Plaza No. C-613,
Opposite National Bank, College (Hockey Stadium) Road,
Kohinoor City, Faisalabad
4. Mr. Muhammad Zaman Malik S/o Allah Baksh
Samundri Road, House No. P-81-A,
Muhalla Chenab Garden, Tehsil & District Faisalabad.
Cell # 0321-7837488.



**BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)**

Complaint No. FSD-5663-21

Mr. Muhammad Zaman Malik,
Samundri Road, House No. P-81-A,
Muhalla Chenab Garden, Tehsil & District Faisalabad.
Cell # 0321-7837488.

..... **Complainant**

VERSUS

Faisalabad Electric Supply Company (FESCO)
Abdullah Pur, Canal Bank Road, Faisalabad.

..... **Respondent**

Date of Hearing: December 10, 2021
January 24, 2022
May 09, 2022
May 14, 2022
June 09, 2022

**On behalf of
Complainant:**

- 1) Mr. Muhammad Zaman Malik, Manager Khadim Steel
- 2) Mr. Aamir Qayyum, Manager

Respondent:

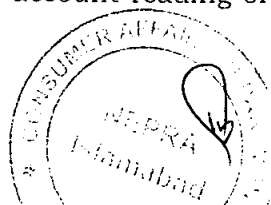
- 1) Mr. Waqas Ali Baig, SE (GSO), FESCO
- 2) Mr. Faisal Shafi Rana, XEN (Ops) Chak Jhumra, FESCO
- 3) Mr. Wasim Bari, SDO (Ops), FESCO
- 4) Mr. Zulfiqar Ali, RO FESCO

SUBJECT: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. MUHAMMAD ZAMAN MALIK UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST FESCO REGARDING WRONG BILLING (REF # 28-13152-5200538-39)

DECISION

This decision shall dispose of the complaint filed by Mr. Muhammad Zaman Malik, Manager Coordination, Khadim Steel Industries (hereinafter referred to as "the Complainant") against Faisalabad Electric Supply Company (hereinafter referred to as the "Respondent" or "FESCO"), under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (hereinafter referred to as the "NEPRA Act").

2. NEPRA received a complaint from Mr. Muhammad Zaman Malik dated June 17, 2021 wherein the Complainant apprised that FESCO energized their connection in April, 2013 having sanctioned load of 20 MW under tariff B-4. At the time of energization two TOU KWh meters were installed on each 132 KV circuit for calculating KWh unit (i.e. peak and off-peak). FESCO also installed a third meter at incoming 11 KV panel as a backup meter, for recording KVarh unit (peak and off-peak) and MDI (peak and off-peak). The Complainant further submitted that a kWh meter has been installed at their own on 11 KV panel for recording total KWh unit, KVarh and MDI to compare with FESCO reading. In December, 2018 ToU meter installed against Ref No. 28-13152-5200538 got disturbed and no proper reading was recorded. FESCO officials charged lump sum unit in peak hours from December, 2018 to May, 2019 without taking into account reading of the backup meter.



The Complainant approached FESCO officials and fault was rectified on May 09, 2019 after a period of five months. The Complainant further apprised that he requested FESCO for refund on account of units mostly charged during peak-hours but no relief was granted.

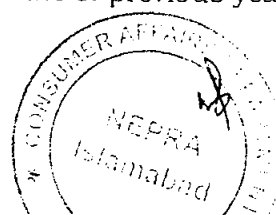
3. The matter was taken up with FESCO for submission of report. In response FESCO vide letter dated July 09, 2021 submitted that the consumer has category B-4 connection. Consumer's meter was checked by M&T Department on December 26, 2018 and observed that the time of TOU meter was disturbed whereas accuracy of both meters installed against Ref No. 28-13152-5200538 was observed within permissible limits. A technical committee was constituted for replacement/set right of HT TOU meter, which was set right on May 09, 2019. During the reading period from December, 2018 to May, 2019 most of the units were recorded in peak hours which was abnormal, therefore, peak hours units were charged on average basis according to total units for the said period. Further, after set righting the time, peak hours units remained high from June, 2019 to onwards. Moreover, no backup meter was installed as mentioned by the Complainant. The report submitted by FESCO was shared with the Complainant. In response, the Complainant raised certain observations on the said report.

4. In order to arrive at an informed decision, a hearing was held at NEPRA Regional Office, Faisalabad wherein both the parties (FESCO official & the Complainant) participated wherein the case was discussed in detail and it was revealed that accuracy of the meter was within the permissible limits. After detail deliberations both the parties agreed to revise all the disputed bills on the basis of peak & off-peak formula, therefore, FESCO was directed vide this office letter dated December 15, 2021 to revise all the disputed bills of the Complainant for the period December, 2018 to May, 2019 on the basis of four (04) hours peak and twenty (20) hours off-peak formula. However, after issuance of the said directions the Complainant again approached NEPRA to review the said directions and requested to proceed in the matter according to Clause 4.3.1. (b) of Consumer Service Manual (CSM) which provides that DISCO may charge bills on average basis i.e. 100% of the consumption recorded in the same months of previous year or average of the last eleven months whichever is higher for a maximum period of two months.

5. In order to proceed further, hearings were conducted at NEPRA Regional Office, Faisalabad and NEPRA Head Office, Islamabad which were attended by both the parties. Certain record was obtained from FESCO pertaining to the billing statements. During the hearings the case was again discussed in detail.

6. The case has been examined in detail in light of the record made so available by the parties, arguments advanced during the hearing and applicable law. Following has been observed:

- (i) The Complainant is a consumer of FESCO having sanctioned load of 20 MW under tariff B-4 bearing reference Nos. 28-13152-5200538 & 28-13152-5200539 and is fed through 132 kV dedicated grid station. The premises has two way supply; one ref. No. 28-13152-5200538 is being fed from Liberty Power whereas supply under ref. No. 28-13152-5200539 is being supplied from Millat Road Grid Station. In December, 2018 date and time of the TOU meter installed against 28-13152-5200538 was observed disturbed, however, accuracy of the meter was within permissible limits. The Complainant requested FESCO to rectify the fault.
- (ii) A technical committee was constituted by FESCO on January 03, 2019 who rectified the fault on May 09, 2019 after a period of five months. During the period from December, 2018 to May, 2019 the Complainant was charged lumpsum units in peak and off peak timings; however, the total units charged were as per the consumption recorded on the meter. FESCO should have downloaded event wise data of the impugned meter for charging of actual consumption, however, no data was retrieved. During the hearing FESCO officials submitted that it is not possible to download event wise data at a belated stage.
- (iii) The Complainant is of the view that FESCO should have charged bills in accordance with Clause 4.3.1. (b) of Consumer Service Manual (CSM) which provides that DISCO may charge bills on average basis i.e. 100% of the consumption recorded in the same months of previous year or average of the



last eleven months whichever is higher for a maximum period of two months. The request of the Complainant to proceed according to Clause 4.3.1. (b) of Consumer Service Manual (CSM) for charging of units on average of last eleven (11) months or corresponding month of the previous year cannot be acceded to because consumption of the disputed period had been recorded by the meter correctly. The accuracy of the impugned meter was Ok. The impugned meter had recorded total units consumed but due to time disturbance, the quantum of peak & off-peak consumption was not properly recorded.

- (iv) According to Clause-6.1.2 of Consumer Service Manual (CSM) concerned XEN (Operations)/DM(O) has to conduct meter reading of all connections having load above 500 KW. In the instant case sanctioned load is 20 MW, therefore, XEN (Operations) was responsible to take meter readings. Furthermore, Clause-6.1.4 of CSM provides that meters readers are responsible to report irregularities/discrepancies in the metering system.
- (v) In order to increase vigilance and accuracy of meter reading process; Superintending Engineer/Manager (Operation) has to physically check at site at least 15% meter readings of consumers having sanctioned load over 500 kW in accordance with Clause-6.2.5 of Consumer Service Manual (CSM). In the instant case SOPs for recording of meter reading was not properly followed. Further, delay in rectification of fault could have been avoided if senior FESCO officials performed their duty vigilantly. On the request of FESCO Division Chak Jhamra, a technical committee was constituted on January 03, 2019 for rectification of fault within four (4) days, however, it took five months to FESCO to rectify the meter fault which is against professionalism.
- (vi) In order to analyze the case in detail; No. of units charged during peak and off-peak hours for the disputed period and corresponding months of post disputed periods is given as under:

(1) **Units charged by FESCO on lumpsum basis (2019) - Disputed Period:**

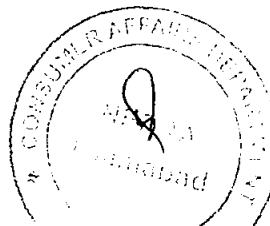
Month	Off-Peak Units	Peak Units	Total Units	%age of Off-Peak Units	%age of Peak Units
Dec-18	3,707,600	55,000	3,762,600	98.54	1.46
Jan-19	4,105,910	75,360	4,181,270	98.20	1.80
Feb-19	3,218,530	80,000	3,298,530	97.57	2.43
Mar-19	3,227,000	100,000	3,327,000	96.99	3.01
Apr-19	4,726,600	160,000	4,886,600	96.73	3.27
May-19	5,003,000	160,000	5,163,000	96.90	3.10
Total	23,988,640	630,360	24,619,000	97.44	2.56

(2) **Actual consumption when fault was rectified (2020)-Post Disputed Period:**

Month	Off-Peak Units	Peak Units	Total Units	%age of Off-Peak Units	%age of Peak Units
Dec-19	3,845,400	441,600	4,287,000	89.70	10.30
Jan-20	3,656,500	512,400	4,168,900	87.71	12.29
Feb-20	3,940,400	528,300	4,468,700	88.18	11.82
Mar-20	3,208,200	414,100	3,622,300	88.57	11.43
Apr-20	1,961,300	168,500	2,129,800	92.09	7.91
May-20	3,394,900	207,700	3,602,600	94.23	5.77
Total	20,006,700	2,272,600	22,279,300	89.80	10.20

(3) **Actual consumption when fault was rectified (2021)-Post Disputed Period:**

Month	Off-Peak Units	Peak Units	Total Units	%age of Off-Peak Units	%age of Peak Units
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Dec-20	5,132,600	274,700	5,407,300	94.92	5.08
Jan-21	5,521,600	1,097,300	6,618,900	83.42	16.58

Month	Off-Peak Units	Peak Units	Total Units	%age of Off-Peak Units	%age of Peak Units
Feb-21	4,866,800	1,275,700	6,142,500	79.23	20.77
Mar-21	6,360,100	1,408,200	7,768,300	81.87	18.13
Apr-21	5,173,100	687,300	5,860,400	88.27	11.73
May-21	2,763,100	409,600	3,172,700	87.09	12.91
Total	29,817,300	5,152,800	34,970,100	85.27	14.73

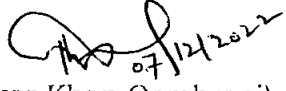
The above data shows that peak-hours consumption of the complainant during disputed period (in the year 2018 & 2019) was 2.56% of the total consumption, however, after rectification of fault (correction of date and time) the average consumption during peak-hours increased manifold i.e. 10.20 % & 14.73% of the total consumption for the years 2020 & 2021 respectively. Therefore, it is evident from the data that during the disputed period from December, 2018 to May, 2019; the Complainant was charged less number of units in peak hours.

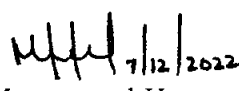
- (vii) Since there is no data downloading record available to ascertain the actual consumption of peak & off-peak hours and accuracy of the meter is within the permissible limits; it is appropriate to utilize peak & off-peak hours criteria for revision of bill. According to the tariff terms and conditions approved by the Authority; four (04) hours for peak and twenty (20) hours for off-peak are taken for the application of Time of Use (ToU) tariff, therefore, the bill of the Complainant should be revised on the basis of the four (04) peak & twenty (20) hours off-peak criteria for the disputed period.


7. Foregoing in view, FESCO is directed for the following:

- To revise the bill of the Complainant for the period from December, 2018 to May, 2019 on the basis of four (04) hours peak and twenty (20) hours off-peak consumption basis and amount already paid (if any) be adjusted.
- In the instant case, the discrepancy was to be removed within four (04) days, however, FESCO officials took five (05) months to resolve the issue, therefore, disciplinary action be taken against all such delinquent employees who failed to identify and resolve the issue timely.
- All field formations be directed to resolve such discrepancies immediately as and when pointed out and to comply with the provisions of Consumer Service Manual (CSM) regarding meter reading process to avoid such negligence in future.

8. Compliance report be submitted within thirty (30) days.


(Lashkar Khan Qambrani)
Member Consumer Complaints Tribunal
Director (CAD)


(Moqem ul Hassan)
Member Consumer Complaints Tribunal
Assistant Legal Advisor (CAD)


(Naweed Hani Shaikh)
Convener Consumer Complaints Tribunal/
Director General (CAD)

Islamabad, December 08, 2022

