



Registrar

# National Electric Power Regulatory Authority

## Islamic Republic of Pakistan

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No. NEPRA/DG(CAD)/TCD 01/37023-26

September 20, 2021

Chief Executive Officer  
Peshawar Electric Supply Company (PESCO),  
WAPDA House, Sakhi Chashma Shami Road,  
Peshawar.

Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY MR. ATIF HAYAT KHAN S/O HAYAT KHAN UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST PESCO REGARDING UNJUSTIFIED BILLING (AC # 05 26152 0029151)**  
PESCO-1096/07/2019

Enclosed find herewith the Decision of Member (Consumer Affairs) dated September 16, 2021 (03 Pages) regarding the subject matter for necessary action and compliance within thirty (30) days, please.

Encl: As above

20/9/21  
(Iftikhar Ali Khan)  
Director

Copy to:

- i. Chief Commercial Officer, PESCO,  
PESCO Head Quarters, WAPDA House,  
Sakhi Chashma Shami Road, Peshawar.
- ii. Incharge Complaint Cell, PESCO,  
PESCO Head Quarters, WAPDA House,  
Sakhi Chashma Shami Road, Peshawar.
- iii. Mr. Atif Hayat Khan S/o Hayat Khan,  
Mohallah Abdur Rehman, Bakhshi Pul,  
Charsadda Road, Peshawar.  
0346-9142614



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

**Complaint No. PESCO-1096/07/2019**

**Mr. Atif Hayat Khan S/o Hayat Khan,**  
Mohallah Abdur Rehman, Bakhshi Pul,  
Charsadda Road, Peshawar.

..... **Complainant**

**Versus**

**Peshawar Electric Supply Company Limited (PESCO)**  
WAPDA House, Sakhi Chasma,  
Shami Road, Peshawar

..... **Respondent**

**Date of Hearings:** 15<sup>th</sup> December 2020  
2<sup>nd</sup> March 2021  
29<sup>th</sup> June 2021

**On behalf of:**

**Complainant:** Mr. Atif Hayat Khan

**Respondent:**

- 1) Mr. Aamir Ali Soomro, SDO
- 2) Mr. Kamran Khan, Revenue Officer
- 3) Mr. Shaban Ali, Line Superintendent
- 4) Mr. Anwar Shad, Commercial Asstt.

**Subject:** **DECISION IN THE MATTER OF COMPLAINT FILED BY MR. ATIF HAYAT KHAN**  
**S/O HAYAT KHAN UNDER SECTION 39 OF THE REGULATION OF**  
**GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER**  
**ACT, 1997 AGAINST PESCO REGARDING UNJUSTIFIED BILLING (AC # 05**  
**26152 0029151)**

**DECISION**

Through this decision, complaint filed by Mr. Atif Hayat Khan S/o Hayat Khan (hereinafter referred to as the "Complainant") against Peshawar Electric Supply Company Limited (hereinafter referred to as the "Respondent" or "PESCO"), under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (hereinafter referred to as the "NEPRA Act"), is being disposed of.

2. NEPRA received the subject complaint on 3<sup>rd</sup> July 2019, wherein the dispute agitated by the Complainant was that his premises has been vacated by him in the year 2014, and all of his dues against the connection at the impugned premises were paid by him before vacating the said premises, i.e. before shifting, he deposited amounts of Rs. 30,000/- and Rs. 15,000/-, in February 2014 and October 2018 respectively, for settlement of his dues. However, PESCO continued to issue bills against the vacant premises, which is unjustified.

3. The matter was taken-up with PESCO. A hearing was held on 15<sup>th</sup> December 2020 at NEPRA Regional Office, Peshawar, wherein both the parties participated and advanced their arguments. In light of discussion during the hearing, PESCO was directed to carry out a site inspection in presence of the Complainant to verify the load and check availability of the meter (if any) at the impugned premises.

4. Another hearing was held on 2<sup>nd</sup> March 2021 at NEPRA Head Office, Islamabad. During the hearing, the Complainant reiterated that he paid a bill amounting to Rs. 30,000/- in the year 2014, and thereafter, his premises has been vacant, however, PESCO installed another meter at the vacant premises. The representative of PESCO submitted that the Complainant is a defaulter since the year 2014 and in order to resolve his grievances w.r.t overbilling, his meter was replaced and sent to M&T for testing. The M&T declared the meter as "old/sluggish/stop". The premises was checked and it was found that there is no meter at site because the Complainant himself removed the meter and has been using direct connection. The Complainant denied the allegations leveled by PESCO.

5. In order to resolve the issue, a final hearing was held on 29<sup>th</sup> June 2021 at NEPRA Head Office, Islamabad. In light of discussion during the hearing, the Complainant was advised to provide any documentary evidence w.r.t non-occupation of the impugned premises. In response, he provided an affidavit from the area's Nazim/Naib Nazim to the extent that his premises (i.e. AC # 05 26152 0029151) is vacant since January 2015.

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. The following has been observed:

- i. The Complainant was a consumer of PESCO under tariff category A-1(a) with a sanctioned load of 1 kW. The issue pertains to alleged billing at vacant premises by PESCO.
- ii. As per the version of PESCO, the Complainant is a defaulter since the year 2014 and in order to resolve his grievances w.r.t overbilling, his meter was replaced and sent to M&T for test result. The M&T declared the meter as "old/sluggish/stop". The premises was checked and no meter was found at site because the Complainant himself removed the meter and has been using direct connection.
- iii. The Complainant submitted that before leaving the impugned premises, all outstanding dues/bills were cleared by him by paying Rs. 30,000/- in February 2014 and a further Rs. 15,000/- in October 2018, after which he was assured by PESCO that his issue will be resolved. However, PESCO again imposed

wrong bills despite the fact that his premises is vacant. PESCO representatives, during the hearing, also acknowledged that the Complainant's premises is vacant since long. At present, the arrears against the Complainant amount to Rs. 192,579/-.

- iv. The Complainant has submitted an affidavit from the area's Nazim/Naib Nazim to the extent that the impugned premises (i.e. AC # 05 26152 0029151) is vacant since January 2015.
- v. The Consumer Service Manual (CSM), Chapter 6, provides that the consumers be billed as per actual consumption/meter reading. However, in the instant case, PESCO has issued bills against a vacant premises without confirming the actual consumption. As such, PESCO has failed to comply with the provisions of law.
- vi. The CSM further provides that if bills are not paid by any consumer, the Distribution Company is required to disconnect the supply. In the instant case, if the supply was being used by the Complainant and bills were not being paid by him, PESCO should have disconnected his supply.
- vii. PESCO failed to provide any concrete evidence to establish that the electricity supply was being used by the Complainant at the impugned premises by one means or the other.
- viii. The bills issued by PESCO against the vacant premises are unjustified.

7. Foregoing in view, PESCO is directed to withdraw all bills charged to the Complainant against AC # 05 26152 0029151 (vacant premises) since January 2015 (i.e. amounting to Rs. 192,579/-), being unjustified.

8. A compliance report be submitted within thirty (30) days.

  
(Rehmatullah Baloch)  
Member (Consumer Affairs)

Islamabad, September 16, 2021.