



National Electric Power Regulatory Authority

NEPRA Tower

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

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Consumer
Affairs Department

TCD 01/ ³⁹⁰⁷ -2022
July 7, 2022

1. Chief Executive Officer,
Peshawar Electric Supply Company (PESCO)
WAPDA House, Sakhi Chashma Shami Road,
Peshawar
2. Mr. Usman Gul
Usman Gul, DGM Accounts
M/s Gadoon Textile Mills Limited, 200-201
Gadoon Amazai Industrial Estate, District Swabi.

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. USMAN GUL, DGM ACCOUNTS, M/S GADOON TEXTILE MILLS LIMITED, UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST PESCO REGARDING WITHDRAWAL OF LATE PAYMENT SURCHARGE (A/C# 33-26842-0005900, 33-26842-0005901, 33-26842-0020302)

Please find enclosed herewith the Decision of NEPRA Consumer Complaints Tribunal dated July 07, 2022 (02 Pages) regarding the subject matter for necessary action.

Encl: As above

Copy to:

C.E./Customer Services Director
Peshawar Electric Supply Company (PESCO)
WAPDA House, Sakhi Chashma Shami Road,
Peshawar


(Muhammad Abid)
Assistant Director



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No. PESCO-NHQ-11622-03-22

Mr. Usman Gul

Usman Gul, DGM Accounts,
M/s Gadoon Textile Mills Limited, 200-201
Gadoon Amazai Industrial Estate, District Swabi.

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Complainant

Versus

Peshawar Electric Supply Company (PESCO)

PESCO Head Quarters,
WAPDA House, Sakhi Chashma Shami Road,
Peshawar.

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Respondent

Date of Hearing: 16th June 2022

On behalf of:

Complainant: Mr. Usman Gul

Respondent:

Mr. Tahir Moeen (Chief Commercial Officer)

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. USMAN GUL, DGM ACCOUNTS, M/S GADOON TEXTILE MILLS LIMITED, UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST PESCO REGARDING WITHDRAWAL OF LATE PAYMENT SURCHARGE (A/C# 33-26842-0005900, 33-26842-0005901, 33-26842-0020302)

DECISION

Through this decision, complaint filed by Mr. Usman Gul, DGM Accounts, M/S Gadoon Textile Mills Limited (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. Brief facts of the case are that NEPRA received the subject complaint on March 30, 2022, wherein the Complainant submitted that the bills for the month of February 2022 were paid on March 25, 2022 having March 24, 2022 as due date. The complainant has submitted that the problem occurred due to technical hurdles and was not a deliberate. Despite extending the due date for

electricity bill for the month of February 2022, PESCO issued notice for disconnection. The complainant has requested for withdrawal of the notice and relief in the Late Payment Surcharges.

3. The matter was taken-up with PESCO for submission of parawise comments/report along with the directions not to disconnect the electricity supply, defer the disputed amount of Rs. 90,942,73/- and issue current bills for payment to the consumer till finalization of the case. In response, PESCO reported that sufficient time was given to the consumer for payment, however negligence was made on part of the Manager Bank Al Habib Gadoon Branch as payment was accepted on March 25, 2022 without Late Payment Surcharges and the same has also been reported to the Zonal Head Bank Al-Habib, Rawalpindi. PESCO summed up that LPS was paid by the Complainant later on March 30, 2022 and there is no violation on the part of PESCO, whereas Manager Bank Al-Habib is responsible for unlawfully exercising his powers.

4. Report of PESCO was sent to the Complainant vide letter dated May 17, 2022. In response the Complainant reiterated its earlier version while adding that threat of disconnection of electricity supply and lodging of FIR left them with only choice to pay the LPS under protest and requested for an opportunity of hearing.

5. In order to probe further into the matter, a hearing was held on June 16, 2022 at NEPRA Head Office, Islamabad which was attended by both the parties. The case has been examined in detail in light of written arguments of the parties, documents placed on record and applicable law. The following has been concluded.


(i). The complainant is an industrial consumer of PESCO having three connections bearing Reference Nos. 268420005900, 268420005901 & 268420020302. The bills for the month of February, 2022 were issued on March 04, 2022 having due date for payment as March 24, 2022 which were delivered to the complainant well before time.

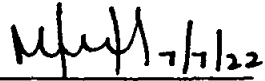
(ii). Tariff Terms and Conditions approved by the Authority envisages that if any bill is not paid by the consumer in full within due date, a Late Payment Surcharge of 10% shall be billed on the amount billed excluding government taxes and duties etc.

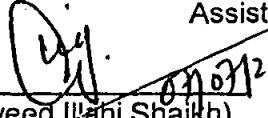
(iii). After expiry of due date; the complainant approached PESCO for one day extension for payment of bills and simultaneously the complainant paid the bills on February 25, 2022 in Bank Al-Habib, Gadoon Branch, Swabi. The bank deposited the bills on February 25, 2022 having due date February 24, 2022 without LPS charges amounting to Rs.3,442,254/-, Rs. 5,013,734/- and Rs. 638,285/- respectively against the above amount whereas the bank should have deposited the bills with LPS. Moreover, the Complainant failed to provide any evidence that PESCO allowed extension of due date for payment of bills.

(iv). PESCO took up the matter with the management of Bank Al Habib, Satellite Town, Rawalpindi. Meanwhile the complainant paid the LPS charges on March 30, 2022 in the same bank.

6. Foregoing in view, the complaint is dismissed.


(Lashkar Khan Qambrani)
Director (Member)


(Moqees Ul Hassan)
Assistant Legal Advisor (Member)


(Naveed Iqbal Shaikh)
Director General (Convener)

Islamabad, July 07, 2022