



**National Electric Power Regulatory Authority**  
ISLAMIC REPUBLIC OF PAKISTAN  
NEPRA Head Office  
Ataturk Avenue (East) Sector G-5/1, Islamabad.  
Ph:051-2013200, Fax: 051-2600021

**Consumer Affairs  
Department**

TCD 01/ 3317 -2023  
August 11, 2023

**Chief Executive Officer, PESCO,**  
WAPDA House, Sakhi Chashma Shami Road,  
Peshawar

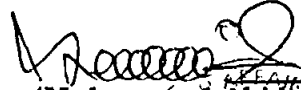
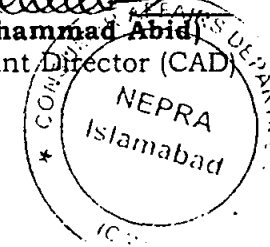
Subject: **COMPLAINT FILED BY PAKISTAN REFRIGERATION (PVT) LTD. UNDER  
SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND  
DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST PESCO  
REGARDING NON-IMPLEMENTATION OF DECISION OF ELECTRICAL  
INSPECTOR/POI (A/C 30 26116 0003100)  
PESCO-1099/07/2021**

Please find enclosed herewith the decision of the NEPRA Consumer Complaints Tribunal dated August 11, 2023 regarding the subject matter for necessary action and compliance within fifteen (15) days.

Encl: **As above**

Copy:-

- 1) Secretary (Energy & Power),  
# 43 Street no. 2, Finance Department,  
Civil Secretariat, Peshawar.
- 1) Chief Commercial Officer, PESCO,  
WAPDA House, Sakhi Chashma Shami Road, Peshawar.
- 2) Incharge Complaint Cell, PESCO,  
WAPDA House, Sakhi Chashma Shami Road, Peshawar.
- 3) Mr. Imtiaz Khan (Deputy Director)  
NEPRA Provincial Office, 6<sup>th</sup> Saddar Road,  
2<sup>nd</sup> Floor, Tasneem Plaza, Peshawar Cantt.
- 4) Pakistan Refrigeration (Pvt) Ltd.  
Dilazak Road Peshawar, KPK  
0323-9271611

  
(Muhammad Abid)  
Assistant Director (CAD)  




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

**Complaint No. PESCO-1099-07-2021**

Pakistan Refrigeration (Pvt) Ltd..  
Dilazak Road Peshawar.  
0323-9271611

..... **Complainant**

**VERSUS**

**Peshawar Electric Supply Company, (PESCO),**  
WAPDA House, Sakhi Chashma Shami Road, Peshawar.

..... **Respondent**

**Date of Hearing:** September 30, 2021,  
October 18, 2021,  
January 22, 2022 &  
June 25, 2022

**On behalf of  
Complainant:**

1) Manager, Pakistan Refrigeration (Pvt.) Ltd.

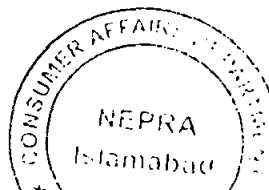
**Respondent:**

1) Mr. Aminullah, Assitant Manger, PESCO  
2) Mr. Shakeel, S.E, PESCO

**Subject:** DECISION IN THE MATTER OF COMPLAINT FILED BY PAKISTAN REFRIGERATION (PVT) LTD. UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST PESCO REGARDING NON-IMPLEMENTATION OF DECISION OF ELECTRIC INSPECTOR/ POI (A/C 30 26116 0003100)  
**PESCO-1099/07/2021**

This decision shall dispose of the complaint filed by M/s Pakistan Refrigeration (Pvt.) Ltd. (hereinafter referred to as "the Complainant") against Peshawar Electric Supply Company (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").

2. NEPRA received a complaint from M/s Pakistan Refrigeration (Pvt.) Ltd., wherein the issue agitated by the Complainant was that NEPRA referred his complaint to Provincial Office of Inspection (POI)/ Electric Inspector for decision. The said complaint was decided by the Provincial Office of Inspection (POI)/ Electric Inspector on March 24, 2021. However, PESCO has failed to implement the decision of the POI. Accordingly, the matter was taken up with PESCO and hearings were conducted, which were attended by both the parties. During the hearings, it was revealed that PESCO initially approached the Electric Inspector, Peshawar Region, Khyber Pakhtunkhwa (hereinafter referred to as the "POI") for the determination of the slowness of the meter installed on the premises of M/s. Pakistan Ice Factory (Complainant), who is an industrial consumer of PESCO bearing Ref No.30-26116-00003100 with tariff category B-2(b). Thereafter, PESCO charged a bill of 88,377 units for three months in December 2020 against which the Complainant filed a complaint before NEPRA which was referred to POI for decision under section 38 of



NEPRA Act. According to the Complainant, the matter was decided by the POI vide decision dated 24.03.2021 with the direction to PESCO to recover the period of slowness for forty days only against which PESCO filed an appeal before the Secretary Energy & Power, Government of Khyber Pakhtunkhwa, Peshawar. The Complainant submitted that the Secretary Energy directed PESCO to recover the period of slowness for two months instead of three months. On the other hand, Respondent PESCO repudiated the version of the Complainant and argued that the meter of the Complainant remained slow for three months, therefore the above mentioned detection bill debited to the Complainant is justified and payable by the Complainant.

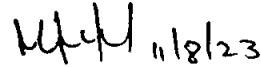
3. It may be noted that prior to the enactment of the NEPRA Act, 1997, the billing & metering disputes between the Distribution Companies and Consumers were dealt by the Electric Inspector and the decision of the Electric Inspector was appealable before the Provincial Government pursuant to the Electricity Act, 1910. However, reading of the NEPRA Act quite clearly demonstrates that the dispute resolution mechanism provided in Electricity Act, 1910 has now been replaced by the NEPRA Act, which is a law later in time and is also much wider in its scope. Therefore, the disputes between the Distribution Companies and Consumers with respect to metering, billing, and collection of tariff shall be dealt by the POI under Section 38 of the NEPRA Act and the decision of the POI may be challenged before the NEPRA within thirty (30) days of its receipt under Section 38(3) of the NEPRA Act. PESCO was already directed vide letter No. NEPRA/DG(CAD)/TCD.01/14841-42 dated August 05, 2022 to withdraw the instant appeal along with other appeals filed with Govt. of KPK and file the same before NEPRA for adjudication.

4. It is evident that PESCO has not filed an appeal against the decision of POI before the NEPRA under Section 38(3) of the NEPRA Act 1997. Foregoing in view, PESCO may have following two options:

- i. To challenge the decision of the POI before NEPRA, subject to legal requirements for appeal process. OR
- ii. To implement the decision of the POI.



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



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



(Naveed Illahi Shaikh)  
Convener Consumer Complaints Tribunal  
Director General (CAD)

Islamabad, August 11, 2023

