



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**

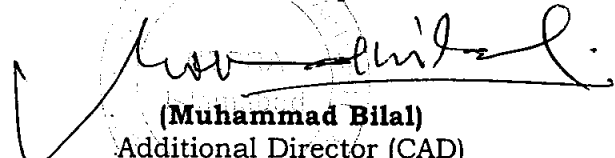
TCD 01/ 5464 -2023
November 28, 2023

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

Subject: **DECISION IN THE MATTER OF MOTION FOR LEAVE FOR REVIEW AGAINST
THE DECISION OF NEPRA CONSUMER COMPLAINTS TRIBUNAL IN THE
MATTER OF COMPLAINT FILED BY MR. SAHIBZADA JAMIULLAH KHAN
THROUGH COUNSEL MR. SHAFIQ AITZAZ KHATTAK ADVOCATE HIGH
COURT, UNDER SECTION 39 OF THE REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST PESCO REGARDING DETECTION BILL (A/C# 30 26622 0050900).
PESCO-NHQ-17862-11-22**

Please find enclosed herewith the decision of NEPRA Consumer Complaints Tribunal dated November 28, 2023, regarding the subject matter for necessary action and compliance within fifteen (15) days.

Encl: As above


(Muhammad Bilal)
Additional Director (CAD)

Copy to:

- 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. Shafiq-ur-Rehman Khattak, Advocate High Court,
Office No. 03, 2nd Floor, Rawal Arcade Plaza,
Session Court Parking, F-8 Markaz, Islamabad.
0334-8535489
- 4) Mr. Sahibzada Jamiullah Khan,
R/o Kotka, Haji Fazal Hassan, P.O. Sara-e-Naurang,
Sahibzada House, Tehsil Sar-e-Naurang,
District Lakki Marwat.
0312-5978818



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY

Motion for leave for review in Complaint No. PESCO- NHQ-17862-11-2022

Sahibzada Jamiullah Khan

Kotka, Haji Fazal Hassan, P.O. Sara-e-Naurang
Sahibzada House, Tehsil Sara-e-Naurang
District Lakki Marwat.

..... Petitioner

VERSUS

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

..... Respondent

Date of Hearing: 1) September 18, 2023
2) September 28, 2023

**On behalf of
Petitioner:**

- 1) Sahibzada Jamiullah Khan
- 2) Mr. Shafiq Ur Rehman Khattak (Council)

Respondent:

- 1) Mr. Hizbullah (XEN), PESCO
- 2) Mr. Faheem Ahmed (SDO), PESCO
- 3) Mr. Muhammad Zaheer (Revenue Officer), PESCO

Subject:- DECISION IN THE MATTER OF MOTION FOR LEAVE FOR REVIEW FILED BY SAHIBZADA JAMIULLAH KHAN AGAINST THE DECISION OF NEPRA CONSUMER COMPLAINTS TRIBUNAL IN THE MATTER COMPLAINT FILED BY SAHIBZADA JAMIULLAH KHAN AGAINST PESCO REGARDING DETECTION BILL (Ref # 30-26622-0050900)

DECISION

Through this decision, a motion for leave for review filed by Sahibzada Jamiullah Khan (hereinafter referred to as the "Petitioner" or "Complainant") against the decision of NEPRA Consumer Complaints Tribunal dated July 26, 2023 in the matter of complaint of Sahibzada Jamiullah Khan against PESCO filed 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. Briefs facts of the case are that the Complainant in his complaint submitted that PESCO charged detection bill amounting to Rs. 1,783,596/- in the month of October 2022. The Complainant approached PESCO but the issue was not redressed. Subsequently, the Complainant approached NEPRA for withdrawal of the detection bill and redressal of his grievances. The matter was taken-up with PESCO for submission of para wise comments/report. In response, PESCO reported that the Complainant's energy meter was checked by the M&T Department on July 22, 2022 and the discrepancy of "One Phase Dead Stop/33.33% Slow" was found. As a result, the Complainant was charged detection bill of

6304 peak units and 34536 off-peak units amounting to Rs. 1,783,596/- for the period of three months i.e. April 21, 2022 to July 22, 2022. In order to probe into the matter, various hearings were held at NEPRA Head Office, Islamabad which were attended by the representatives of both the parties who advanced their arguments based on their earlier submissions. The case was examined in detail in light of record made so available by both the parties, arguments advanced during the hearing and applicable law. The following was concluded:

- i. The Complainant is an industrial consumer of PESCO. The connection is installed under reference number (30-26622-0050900). The sanctioned load of the premises is 112 kW. The Complainant's meter was checked on July 2022 by M&T department whereby discrepancy of the one phase dead was noticed i.e. 33.3% slowness. The Complainant was charged detection bill of 6304 peak units and 34536 off-peak units for the period of three months i.e. April 21, 2022 to July 22, 2022 based on the AMR meter readings.
 - ii. Clause 4.3.3 (c) (i) & (ii) of Consumer Service Manual (CSM) provides that 'in case slowness is established; DISCO shall enhance multiplying factor for charging actual consumption till replacement of the defective metering installation. Further, charging of a bill for the quantum of energy lost if any, because of malfunctioning of metering installation shall not be more than two previous billing cycles'. In the instant matter, PESCO should have charged detection bill for two (02) previous billing cycles on the basis of 33.3% slowness to recover its loss instead of charging detection bill for three (03) previous billing cycles.
3. Accordingly, PESCO was directed to revise the detection bill from three (03) months to two (02) months on the basis of 33.3% slowness as per the relevant provisions of CSM.
4. Being aggrieved with the decision of NEPRA Consumer Complaints Tribunal, the Complainant filed a motion for leave for review vide letter dated September 08, 2023. The Complainant in its review inter alia submitted as under:
- i. An AMR meter was installed at the premises and no misuse of electricity had been done by the Complainant till date. Upon finding any metering discrepancy related to the electricity consumption by PESCO, the same should have been removed expeditiously instead of charging the detection bill after lapse of considerable time period.
 - ii. The Complainant further requested to review the earlier decision.
5. The Complainant also approached Appellate Tribunal (NEPRA) and filed an appeal under Section 12G of the NEPRA Act. Appellate Tribunal (NEPRA) directed vide order dated September 05, 2023 that "from next date of hearing in the Review Application, the ad interim injunction issued by this Tribunal shall be regulated, extended, modified or vacated as the case may be, by the Consumer Complaints Tribunal in accordance with law/ rules and principles of equity after hearing both the parties, by passing a speaking order. However, appellant will make regular payment of current and future electricity bill/s (minus the impugned detection bill)". Accordingly, PESCO was directed vide letter dated September 14, 2023 to defer the disputed amount of Rs. 1,783,596/-.
6. The motion for leave for review filed by the Complainant was considered and hearings were held on September 18, 2023 and September 28, 2023 at NEPRA Head Office, Islamabad. The hearing was attended by both the parties. During the hearing, PESCO officials argued that the Complainant (i.e. the owner of Jamiullah Ice Factory) is currently withholding payment of the regular electricity bills despite the usage of electricity at the same premises. PESCO further argued that the detection bill imposed on the Complainant is justified as per the AMR data while the Complainant reiterated his earlier version.
7. The case has been examined in detail in accordance with the record submitted during the course of complaint processing and other submissions of the parties as explained above.

- i. The impugned decision incorporated all the facts related to the matter and is not ultra vires to the relevant provisions of CSM whereby DISCOs are allowed to recover quantum of energy lost by raising a detection bill on the basis of slowness for only two previous billing cycles. Moreover, the Complainant failed to submit any fresh evidence in support of his review motion.
- ii. Furthermore, it is also revealed that an AMR meter i.e. the impugned meter was installed against the Complainant's premises which essentially provides the greater extent of facility to the concerned PESCO officials in order to ascertain the accuracy of the meter in a prompt manner, however, the same was not checked by PESCO for a considerable time period which is unwarranted.

8. Accordingly to NEPRA (Review Procedure) Regulations, 2009, a motion seeking review of any order is competent only upon the discovery of new and important matter of evidence or on account of some mistake or error apparent on the face of record. The perusal of the decision sought to be reviewed clearly indicates that all material facts and representations made were examined in detail and there is neither any occasion to amend the impugned decision nor any error inviting indulgence, as admissible in law, has been pointed out. Therefore, we are convinced that the review would not result in withdrawal or modification of the impugned decision. Hence, the motion for review is dismissed and the decision dated July 26, 2023 is up held. In addition:

- i. PESCO is directed to remain vigilant in ascertaining any discrepancy of metering equipment especially AMR meters installed in its distribution jurisdiction for undisputed and judicious billing of its consumers. Accordingly field formations be directed to be vigilant enough and report any discrepancy if found in AMR promptly so that loss of revenue if any sustained to PESCO is pointed out timely.

9. Compliance report in respect of the original decision dated July 26, 2023 and the additional instructions be submitted within fifteen (15) days, positively.



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



(Muhammad Irfan Ul Haq)
Member, Consumer Complaints Tribunal/
Assistant Legal Advisor



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

Islamabad, November, 28 2023