



National Electric Power Regulatory Authority

ISLAMIC REPUBLIC OF PAKISTAN
NEPRA Tower, Ataturk Avenue (East),
Sector G-5/1, Islamabad.
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Consumer Affairs Department

TCD.08/ 16/11 -2023
April 20, 2023

Chief Executive Officer,
Quetta Electric Supply Company (QESCO),
Zarghoon Road, Quetta.

Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY MR. ABDUL SAMAD
MANAGING PARTNER MEHMOOD KHAN AGRICULTURAL FOUNDARY
UNDER SECTION 39 OF THE REGULATION OF GENERATION
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST QESCO REGARDING DETECTION BILLING IN DECEMBER 2022
(REF# 24 48134 0361203)**
Case No. **QESCO-QET-18894-12-22**

Please find enclosed herewith the decision of the NEPRA Consumer Complaints Tribunal dated April 19, 2023 regarding the subject matter for necessary action and compliance within thirty (30) days, positively.


(Muhammad Abid)
Assistant Director (CAD)
NEPRA
Islamabad
CONSUMER AFFAIRS
*
(CAD)

Encl: As above

Copy to:

1. C.E/Customer Services Director, QESCO, Zarghoon Road, Quetta.
2. Director Commercial, QESCO, Zarghoon Road, Quetta.
3. Superintending Engineer (Operations), Quetta Circle, Block 4, Satellite Town, Quetta.
4. Mr. Abdul Samad, Managing Director Samad Steel Mill Plot C-56, Phase-1, Industrial Area, Eastern Bypass, Quetta.
Cell # 0300-3823922, 0336-8043797, 0333-7839093



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No. QESCO-QET-18894-12-22

Mr. Abdul Samad,
Managing Partner – Mehmood Agricultural Foundry,
Muhalla Haji Ghebi Road, Quetta.
Contact# 0336-8043797

.....Complainant

Versus

Quetta Electric Supply Company (QESCO)
Zarghoon Road, Quetta.

..... Respondent

Date of Hearing(s):

- 1) January 27, 2023
- 2) February 23, 2023
- 3) March 03, 2023
- 4) March 10, 2023

On behalf of:
Complainant:

- 1) Syed Salim Ahmed, Legal Counsel
- 2) Mr. Ziauddin
- 3) Mr. Jahanziab Khan

Respondent:

- 1) Mr. Muhammad Nizam, the then Regional Manager (M&T)
- 2) Mr. Mujeeb ur Rehman Marri, Superintending Engineer (Operation) Central Circle
- 3) Mr. Abdul Nasir, the then Superintending Engineer (Operation) Central Circle
- 4) Qazi Amanullah, Executive Engineer (Operation) Sariaab Division
- 5) Mr. Naweed Ahmed, Circle Manager (M&T)
- 6) Mr. Abrar Ahmed Shirzai, DD Technical Central Circle
- 7) Mr. Mumtaz Ahmed, Revenue Officer Sariaab Division

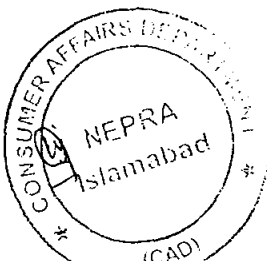
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DECISION

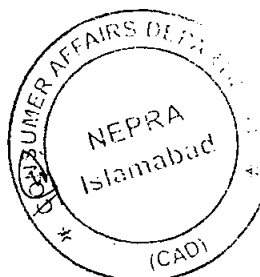
This decision shall dispose of the complaint filed by Mr. Abdul Samad, Managing Partner Mehmood Khan Agriculture Foundry, Quetta (hereinafter referred to as "the Complainant") against Quetta Electric Supply Company (hereinafter referred to as the "Respondent" or "QESCO"), under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (hereinafter referred to as the "NEPRA Act").

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2. The brief facts of the case are that the Complainant filed a complaint dated December 23, 2022 before NEPRA wherein the complainant apprised that he is carrying out business with title of M/s Mehmood Agriculture Foundary at Plot No. F-66, Phase-4, Industrial Area Eastern Bypass Quetta. His plot is further divided into Plot No. F-66/A, F-66/B & F-66/C and QESCO has provided electricity connections at Plot No. F-66/A having reference No. 24-48134-0361203 with present sanctioned load of 1000 kW and at Plot No. F-66/B against reference No. 24-48134-0361208 with sanctioned load of 995 kW, however, Plot No. F-66/C has no electricity connection. The electricity meters /equipment/transformers are installed in a separate room under lock and key in the control of QESCO and are easily accessible to QESCO for checking and the Complainant cannot tamper with the metering equipment due to inaccessibility in the panel room and without taking shut down. The Complainant further submitted as under:

- (i) QESCO officials installed a check meter at their premises located at Plot No. F-66/A on November 10, 2022 in series with the existing meter and pasted fresh sealing bonds on the door of the panel room. On November 12, 2022, an inspection team headed by the Superintending Engineer (Operation) visited their premises and removed the installed energy meter in their presence but did not secure the energy meter as required by the provisions of law which shows mala fide intentions of the QESCO officials.
- (ii) Thereafter, QESCO issued letter No. XEN/OPR/SARIAB/QESCO/DB-4242-48 dated November 18, 2022 in which they had asked the complainant to visit QESCO M&T Lab on November 21, 2022 for testing / downloading of their meter. The complainant vide letter dated November 21, 2022, replied that they had serious apprehensions over removal of energy meter against the provisions of law. Furthermore, since QESCO had previously charged them detection bills amounting to Rs. 16,302,874/- and Rs. 4,658,436/- against which complaints had been registered in NEPRA which were pending at the time therefore it was not appropriate to be present at QESCO offices without the presence of Electric Inspector who would have been in a better position to supervise all technical activities regarding the matter. QESCO issued another letter No. XEN/OPR/SARIAB/QESCO/DB/4540-51 dated November 25, 2022 wherein QESCO had informed the Complainant that his meter was checked and it was observed that the billing meter recorded 50% less units. The Complainant vide letter dated November 29, 2022 reiterated his apprehension over the actions taken by the QESCO Officials.
- (iii) Subsequently, QESCO officials issued a detection bill amounting to Rs. 25,388,400/- due to 50% slowness of energy meter. The complainant vide letter dated December 19, 2022, informed the QESCO officials that the issuance of the exaggerated detection bill is not based on any ground facts but is a revengeful act against the consumer as complaints had previously been lodged against QESCO at NEPRA and before the Honorable High Court of Balochistan.
- (iv) The alleged metering equipment was required to be secured in presence of the consumer despite which when the QESCO officials visited their premises on November 12, 2022 they failed to secure the metering equipment before taking the energy meter in their custody which raises serious questions regarding the intentions of the QESCO officials. Furthermore, meter reader is obligated to check the irregularities / discrepancies in the metering equipment and report the same in the reading book/discrepancy book while no such discrepancies were identified by the meter reader prior to the visit of QESCO officials on November 12, 2022. The installed metering equipment / transformers are installed in separate room under lock & key in the custody of the QESCO officials and are easily accessible for recording & testing of metering equipment or observing any irregularity or technical fault therein, the consumer has no access to the same and hence alleged



slowness in the metering equipment cannot be attributed towards the complainant in any manner.

- (v) The Complainant reiterated the above in the grounds of his complaint and prayed that the action of QESCO be declared null and void, the detection bill amounting to Rs. 25,388,400/- against reference No. 24-48134-0361203 charged on the basis of impugned slowness be cancelled, and QESCO be directed not to disconnect electricity supply.

3. The subject matter was taken up with QESCO vide letter dated December 28, 2022. QESCO officials failed to submit detailed report regarding the matter within the stipulated time. In the meantime, the complainant also approached the Honorable High Court of Balochistan and filed a Constitutional Petition bearing CP No. 2179/2022 regarding the matter. The Honorable High Court of Balochistan vide order dated January 03, 2023 disposed of the petition in the following terms:

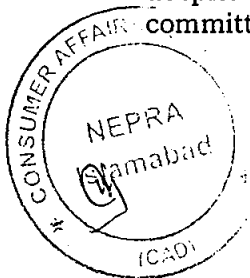
"2. Learned counsel appearing on behalf of the respondents, at the very outset, pointed out that the instant petition is not maintainable for want of alternate remedy. In this regard, he further stated that the petitioner has filed a complaint under section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 before the National Electric Power Regulatory Authority (NEPRA) which is still pending.

3. When the learned counsel for the petitioner was confronted with such aspect of the case, he frankly conceded and fairly suggested that the petitioner will not press the instant petition and would be satisfied, provided the NEPRA is directed to decide the fate of the complaint filed by the petitioner, positively within a period of one month and restrain the respondents from disconnecting the electricity connection of meter consumer 48010620992 with reference No. 24-48134-0361203 U installed at Mehmood Agricultural Foundary i.e. Plot No. F-66(A) Phase IV, Industrial Estate Eastern ByPass, Quetta till disposal of the complaint by the NEPRA.

Order accordingly. However, the petitioner is directed to ensure deposit of running bills within stipulated period."

4. In order to proceed further, a hearing was held on January 27, 2023 at NEPRA Head Office Islamabad which was attended by QESCO officials only wherein QESCO officials provided detailed written report regarding the matter. The complainant was asked to attend the hearing via zoom link but they failed to attend the same stating that their legal counsel could not attend the hearing and requested to reschedule the hearing to another date. QESCO vide report dated January 25, 2022 submitted its response as under:

- (i) The connection in the name of M/s Mehmood Agriculture foundry bearing reference No. 24-48134-0361203 having sanctioned load 1000 kW under tariff B-III was running at 11 kV Asimabad Feeder where line losses were at higher side despite the fact that only three (3) number B3 connections were running on the feeder out of a total of fifteen (15) number of connections. In order to investigate the matter, a committee was constituted to check accuracy of meters / downloading of meter data and installation of check meters of the three (3) industrial connections of B3 tariff category which included the complainant's premises bearing reference No. 24-48134-0361203.
- (ii) The Committee visited the premises of the complainant bearing reference No. 24-48134-0361203 on November 10, 2022 and installed a check meter, in the presence of the complainant, to ascertain the recording of kWh units by the billing meter. The load of the connection was switched off at the time QESCO staff had entered the premises. The consumer was asked to make available the industry / plant load to check the recording of kWh units by the billing meter and check meter. The Committee waited for the consumer to put load on the meters but despite lapse of two (2) days, the consumer did not oblige. Eventually the committee decided to remove the billing meter and test the recording of units at



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testing bench of M&T lab QESCO. The committee replaced the billing meter of the complainant on November 12, 2022, in the presence of the complainant and obtained signatures on security slips pasted on the impugned billing meter. Before replacement of the billing meter it was found that billing meter had recorded 140kWh and the check meter had recorded 240kWh units from November 10, 2022 to November 12, 2022 on account of lighting load; which shows that the impugned meter was slow.

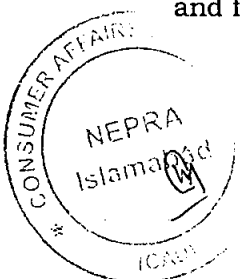
- (iii) The committee members in presence of the representative of Energy Department tested the meter on November 21, 2022 in M&T lab and found that the impugned meter recorded 50% less kWh units. The consumer was also informed to ensure his presence during the testing of the meter but he did not attend the activity. On the recommendation of the committee a detection bill of 663480 units for a period of 3 months and 10 days amounting to Rs. 25,388,400/- was charged to the complainant.

5. In order to proceed further, another hearing was scheduled on February 23, 2023. Both the parties failed to attend the hearing, therefore another hearing was scheduled on March 03, 2023 to provide an opportunity to the parties to present their case. The complainant as well as QESCO officials attended the hearing but the complainant requested to postpone the hearing as their legal counsel was not able to attend the same due to personal reasons. Furthermore, they requested for a copy of the report submitted by QESCO. The complainant was asked to provide a final date for hearing so that their case may be discussed. The complainant submitted that they will be able to attend the hearing on March 10, 2023 along with their legal counsel. Therefore, the hearing was adjourned and another hearing was scheduled on March 10, 2023.

6. During the hearing held on March 10, 2023, the legal counsel of the complainant argued that QESCO officials did not provide any notice to the complainant prior to their visits on November 10, 2022 and November 12, 2022. Furthermore, Electric Inspector was not present during their visits to ensure that proper procedure was being followed by QESCO officials during their inspection. The meter accuracy was checked on lighting load only and the complainant was not provided sufficient time to rectify the technical issue at the factory so that accuracy of the meter may have been checked on industrial load. Moreover, QESCO officials had assured the complainant before removing their meter that the impugned meter will be sent to the manufacturer for proper testing but instead meter accuracy was checked at QESCO M&T Lab without inviting the Electric Inspector.

7. In response, QESCO officials submitted that the Electric Inspector had visited the site on November 11, 2022 to ensure that the billing meter was secured properly with security bonds. Furthermore, the Electric Inspector was present during meter testing conducted on November 21, 2022 at M&T Lab. QESCO officials further submitted that they were afraid that the metering equipment may be damaged in their absence therefore, it was decided that the billing meter of the complainant should be secured and taken into custody without further delay. At the time of removing the billing meter, fresh security slips were pasted on the impugned meter and the complainant also affixed his signatures on the slips. The same security bonds are still intact and can be examined by the complainant for his satisfaction. Furthermore, QESCO is well equipped with testing machinery therefore there was no need to send the meter to the manufacturer.

8. Since the security slips were still intact therefore, QESCO officials were directed to check the accuracy of the meter one more time in the presence of the complainant to remove any apprehensions that the complainant might have. In this regard, QESCO was directed to constitute a committee to check the meter accuracy on March, 20, 2023 and download the meter data in presence of the complainant and his legal counsel. On March 20, 2023, meter accuracy could not be tested as one of the committee members i.e. Circle Manager M&T QESCO could not attend the meeting as he was on leave. Therefore, the committee decided to conduct the exercise on March 29, 2023, after consultation with legal counsel of the Complainant. On March 29, 2023, the committee checked kWh recording of the impugned meter in presence of the representatives of the Complainant and his legal counsel and found that the impugned meter recorded 48.64% less kWh units. The representative of



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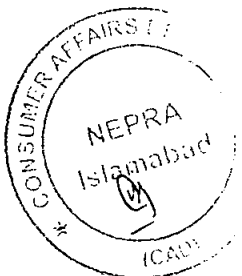
the complainant refused to acknowledge the result and did not provide any reason regarding the matter, although the legal counsel as a representative of the complainant did sign the results.

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

- (i) The Complainant is a consumer of QESCO and had sanctioned load of 1000 kW under B-III tariff running with reference No. 24-48134-0361203 and is fed through 11 kV Asimabad Feeder, Quetta. The connection was installed in July 2020. According to QESCO line losses of the said feeder were at higher side despite the fact that only three (3) connections are running on the feeder. QESCO took serious steps to lower the line losses in Spezand Sub Division and constituted a committee for checking of meter accuracy / downloading of meter data and installation of check meter of the B-III connections that were operational including the complainant's connection.

Date	Time	Load x 2000 (MF) kW
November 10, 2022	08:00	0.1462 x 2000 = 292.4
	08:30	0.4098 x 2000 = 819.6
	09:00	0.4508 x 2000 = 901.6
	09:30	0.4736 x 2000 = 947.2
	10:00	0.3618 x 2000 = 723.6
	10:30	0.3618 x 2000 = 723.6
	11:00	0.4416 x 2000 = 883.2
	11:30	0.4718 x 2000 = 943.6
	12:00	0.2552 x 2000 = 510.4
	12:30	0.0018 x 2000 = 3.6
	13:00	0.0018 x 2000 = 3.6
	13:30	0.0020 x 2000 = 4
	The above data shows that the factory was running smoothly upto 12:00 hours and when QESCO officials visited the site after 12:00 hours, the load was cut with malafide intention by the complainant.	

- (ii) At the time of installation of the check meter at the complainant's premises on November 10, 2022, the industrial load could not be tested due to non-availability of load. The Complainant is of the view that their machinery was out of order therefore industrial load cannot be put. QESCO installed a check meter bearing No. 0000146 (Creative) in series with the impugned meter bearing No. 000321 (Creative). No industrial load was made available for next two days.
- (iii) The point of view of the complainant that the machinery was out of order, therefore industrial load was not available is baseless. The record shows that QESCO team visited the site on November 10, 2022 and recorded and downloaded the data at 12:57 hours. The load profile shows that the factory was in a running condition, upto November 10, 2022 at the time of checking. The running load was as under:
- (iv) QESCO officials again visited the site on November 12, 2022 but still industrial load was not available. At the time of installation of check meter on November 10, 2022, the reading of the billing meter bearing No. 000321 was recorded as 1619.30 and on November 12, 2022, the reading of the said meter was recorded as 1619.37 as such the billing meter recorded 1619.37 - 1619.30 = 0.07 x 2000(MF) = 140 Units. The check meter bearing No. 000146 had initial reading of 0.27 on November 10, 2022 and on November 12, 2022, the reading was 0.39 as such the check meter recorded 0.39 - 0.27 = 0.12 x 2000(MF) = 240 Units. This shows that the billing meter was 41.6 percent slow. Since only light load was used, and no industrial load made available therefore, exact slowness could only be checked in the laboratory.



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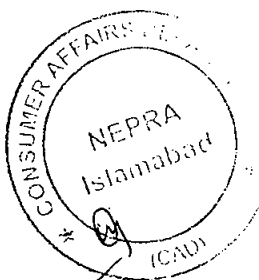
- (v) Keeping in view the above discrepancy; QESCO issued a detection bill for 663,480 units for the months of September, 2022, October, 2022 and November, 2022. QESCO also added 10 days consumption i.e. November 02, 2022 to November 12, 2022 for charging of detection bill. The Complainant was already charged 663480 units during the above period and QESCO raised detection bill of 663480 units on the basis of 50% slowness.
- (vi) In order to further investigate the matter, QESCO was directed to constitute a committee for checking accuracy of the meter. The committee did not include QESCO officials against whom the complainant had previously reservations / allegations. The impugned meter was jointly checked in presence of the representative of complainant and his legal counsel on March 29, 2023. NEPRA representative was also present during the testing and observed that the impugned meter recorded 48.64% less kWh units.
- (vii) During the testing of the impugned meter, the Complainant claimed that the security slips were not properly secured. The meter security slips were examined and it was found that one of the security slips on the side of the meter was indeed worn off a little bit due to old age but it had not completely compromised the integrity of the meter, all the other security slips were secured properly. The Complainant further apprised that no notice was served upon him by QESCO regarding discrepancies and entering in the premises which is violation of relevant provisions of Consumer Service Manual (CSM). Moreover, metering equipment is installed in a separate room, under lock & key in the custody of QESCO officials, therefore, the Complainant was unable to have any accesses to the said room and any activity cannot be performed without taking shutdown from the grid. QESCO officials responded the Complainant was earlier involved in theft of electricity, therefore, no notice was served and locked rooms can be opened using help of experts. QESCO representatives further submitted that it is possible to disconnect the electricity supply to the panel room without obtaining shutdown from Grid Station using cut off points installed near the consumers/Complainant's premises. Access to the employees of DISCO in the premises of the consumer is governed by Clause-14.1 of Consumer Service Manual (CSM) which is reproduced here under:

"Clause-14.1. Access to/at the Consumer's Premises. A duly authorized employee of DISCO shall be entitled at all reasonable times, and on informing the occupier of his intention after giving a notice of clear 24 hours (however, no notice is required for conducting raid in case of theft/illegal abstraction of electricity), to enter the premises to which energy is or has been, or is to be supplied by DISCO".

- (viii) The Consumer Service Manual (CSM) envisages a procedure for checking accuracy of metering installation and bill adjustment. Relevant provisions are given as under:

Clause-4.3.3. If at any time DISCO, doubts the accuracy of any metering installation, DISCO may after informing the consumer:

- a) Fix another duly calibrated and tested metering installation (check meter) in series with the impugned metering installation to determine the difference in consumption or maximum demand recorded by the check meter and that recorded by the impugned metering installation during a fixed period.
- b)
- c) If the impugned metering installation should prove to be incorrect during the above checking(s), DISCO shall install a "correct meter" immediately or within two billing cycles if meters are not available.



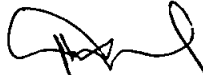
- i. In case slowness is established, DISCO shall enhance multiplying factor for charging actual consumption till replacement of the defective metering installation.
- ii. Further, charging of a bill for the quantum of energy lost if any, because of malfunctioning of metering installation shall not be more than two previous billing cycles.


In light of above provisions of Consumer Service Manual, QESCO installed a check meter, however, keeping in view the past track of the complainant being involved in theft of electricity, QESCO had doubt that the complainant might damage the meter, therefore, QESCO removed the impugned meter, secured the same in presence of the complainant and was taken into custody. QESCO installed another billing meter bearing No. 0000200 (Creative) on November 12, 2022.


- (ix) As per clause 4.3.3 of the Consumer Service Manual (CSM), QESCO could only charge detection bill for only two previous billing cycles in case of established slowness but instead, the complainant was charged 663480 units for a period of 3 months and ten (10) days.

10. QESCO has charged detection bill for 663480 units amounting to Rs. 25,388,400/- for a period of three (03) months and ten (10) days, however, QESCO has not alleged the consumer for being involved in theft of electricity. The case has been dealt purely on slowness basis. Foregoing in view, QESCO is directed to revise the detection bill amounting to Rs. 25,388,400/- from three months and ten (10) days to two (02) months on 48.64% slowness as per provisions of Consumer Service Manual (CSM). However, if QESCO is of the view that the Complainant was involved in theft of electricity then evidences be provided by QESCO for its claim so that the matter can be dealt accordingly.

11. 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) NEPRA

Islamabad, April 19, 2023

