



Registrar

National Electric Power Regulatory Authority
Islamic Republic of Pakistan

NEPRA Tower, Attaturk Avenue (East), G-5/1, Islamabad
Ph: +92-51-9206500, Fax: +92-51-2600025
Web: www.nepra.org.pk, E-mail: registrar@nepra.org.pk

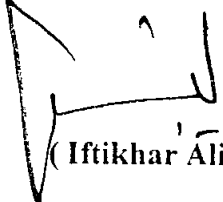
No. NEPRA/R/TCD-04(CAD)/ 15364-67
November 11, 2016

Chief Executive Officer
Faisalabad Electric Supply Company Limited (FESCO)
Abdullah Pur, Canal Bank Road
Faisalabad.

Subject: ORDER IN THE MATTER OF COMPLAINT FILED BY MR. ZAFAR IQBAL UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST FESCO REGARDING DETECTION BILL (A/C NO. 06 13466 0387400 R)
FESCO-66/2016

Please find enclosed the Order of NEPRA in the subject matter for compliance within thirty (30) days of receipt of the Order.

Encl: As above


(Iftikhar Ali Khan)
Director
Registrar Office

Copy to:-

1. C.E/Customer Services Director
Faisalabad Electric Supply Company Limited (FESCO)
Abdullah Pur, Canal Bank Road Faisalabad.
2. Executive Engineer (Operation)
3rd Division FESCO Sargodha
66-A, Civil Lines Opposite District Council Road,
District Sargodha.
3. Mr. Zafar Iqbal S/o Allah Bakhsh
Iqbal Medical Pharmacy, Jhawarian
Tehsil Shahpur, District Sargodha.



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No.FESCO-66-2016

Mr. Zafar Iqbal **Complainant**
Iqbal Medical Pharmacy, Jhawarian
Tehsil Shahpur, District Sargodha.

Versus

Faisalabad Electric Supply Company Limited **Respondent**
Abdullah Pur, Canal Bank Road, Faisalabad.

Date of Hearing: October 04, 2016

Date of Decision: November 10, 2016

On behalf of:

Complainant: Mr. Zafar Iqbal.

Respondent: i). Mr. Shahbaz Mahmood, Executive Engineer, FESCO.
ii). Hafiz Anjum Naseer, Sub Divisional Officer, FESCO.

Subject: Order in the Matter of Complaint filed By Mr. Zafar Iqbal Under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 Against FESCO Regarding Detection Bill (A/C # 06 13466 0387400 R)

ORDER

This Order shall dispose of the complaint dated nil filed by Mr. Zafar Iqbal (hereinafter referred to as the "Complainant") against Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Respondent" or "FESCO") under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997.

2. Brief facts of the case are that the Complainant in his complaint stated that FESCO officials removed his electricity meter on May 31, 2016. On approaching FESCO, he was informed that the body of the meter has been tampered and he has to pay Rs 5000/- as

detection bill for restoration of electricity supply. He had no other option but to pay the said bill under duress. Later on, FESCO officials lodged FIR against him and also sent another detection bill amounting to Rs. 20,000/- which was also paid. The Complainant further submitted that he has not been involved in theft of electricity and requested for resolution of the issue.

3. The matter was taken up with FESCO vide letter dated July 21, 2016 for submission of comments. In response thereto, FESCO vide its letter dated September 02, 2016 replied that the Divisional Task Force Team along with Sub Divisional Task Force Team checked the electricity meter of the premises whereby body of the meter was found tampered. Therefore, the meter was removed and replaced with a new one on June 01, 2016. A letter was written to the concerned police station on June 03, 2016 for lodging FIR; which was registered on June 08, 2016. An advanced detection bill amounting to Rs. 5000/- was delivered to the Complainant which was deposited by him on May 31, 2016. Another detection bill amounting to Rs. 29,185/- for 1504 units was issued to the Complainant, out of which he deposited Rs. 20,000/- on June 17, 2016 and the remaining amount on July 26, 2016. The report of FESCO was sent to the Complainant for his views/comments in the matter. In response to the said, the Complainant did not agree to the report of FESCO and termed it as baseless and frivolous.

4. In order to further look into the matter, a hearing was held on October 04, 2016 at NEPRA Head Office Islamabad. The hearing was attended by the representatives of both parties wherein the parties advanced arguments on the basis of their earlier versions. The Complainant pressed that he paid detection bills under duress as his electricity supply was disconnected and FIR was registered against him. During the course of hearing, FESCO was directed to provide billing statement of the Complainant for last four years, status of FIR, copy of discrepancy register and justification for charging detection bill for six months, and the Complainant was also asked to submit the documentary proof with respect to his previous billings. In response thereof, FESCO only submitted billing statement whereas the Complainant submitted proof with regard to non-occupancy of the premises during some months.

5. The case has been examined in detail and based on the available record, relevant documentary evidence & applicable law, the following has been observed:

- (i). According to FESCO, the electricity meter of the Complainant was checked on May 31, 2016 whereby body of the meter was found tampered. Accordingly, FESCO issued a notice to the Complainant for submission of reply within a week, however, it has been noted that without waiting for the response of the

Complainant, FESCO reported the matter to the concerned police station on June 03, 2016 and FIR was registered on June 08, 2016.

- (ii). FESCO disconnected the electricity supply of the Complainant on May 31, 2016. The Complainant approached FESCO for knowing the reasons of disconnection whereby he was informed that the body of the meter has been tampered and an advance detection bill amounting to Rs. 5000/- was issued to him on June 01, 2016 which he paid under duress and the supply was restored. This amount was then adjusted in the billing month of June 2016. Thereafter, FESCO issued another detection bill amounting to Rs 20,000/- on June 17, 2016 which was again paid by the Complainant under coercion as FESCO had already lodged FIR against him.
- (iii). Later on, FESCO assessed the consumption of the premises as 2622 units for the period of six months i.e. December 2015 to May 2016 and after deducting already charged 1118 units during this period, FESCO raised detection bill amounting to Rs. 29,185/- for 1504 units. The Complainant approached FESCO with the request that he has already paid detection bill, on which FESCO reduced the bill to Rs. 11,524; which was paid by the Complainant in two installments. Nevertheless, FESCO charged total detection bill amounting to Rs. 31,524/- (Rs.20000/- + 11,524/-) without following the legal procedure laid down in Consumer Service Manual (CSM).
- (iv). The billing statement of the premises provided by FESCO is as follows:

Month	No. of units (kWh) consumed				
	2012	2013	2014	2015	2016
January	80	100	149	88	109
February	70	80	153	120	112
March	110	80	150	150	100
April	110	70	109	138	162
May	60	80	140	251	234
June	90	60	140	330	438
July	120	49	79	269	212
August	150	80	184	295	225
September	206	120	154	499	192
October	187	120	120	300	195
November	150	100	90	90	
December	90	100	63	401	

- (v). In view of the above, it is clarified that FESCO checked the meter on May 31, 2016 and reported discrepancy of meter tampering. FESCO replaced the electricity meter on June 01, 2016. Accordingly, FESCO raised a detection bill for the period from December, 2015 to May, 2016. The above billing analysis shows that the consumption of the premises during the disputed period was 1118 units whereas the consumption in the corresponding months of previous year was 810 units as such the consumption was already on higher side during the disputed period. Moreover, the above billing data shows that after replacement of the electricity meter (i.e. July to October 2016), the average monthly consumption is 206 units whereas the consumption in corresponding months of previous year was 341 units. If the Complainant was involved in theft of electricity, there should have been reduction in the recorded consumption during the disputed period and increase in consumption after replacement of the meter, however, the same is not the case which implies that there was no involvement of the Complainant in theft of electricity.
- (vi). CSM envisages a procedure prior to issuance of detection which provides, inter alia, for securing the existing meter in the presence of the consumer or his representative, installation of check meter, issuance of notice and examining the reply of the consumer. Once illegal abstraction is confirmed, detection bill is to be restricted to previous six months from the date of illegal abstraction. If the consumer objects payments or disputes over the quantum of the units detected by the distribution company, the appellate authority for revision of detection bill would be the review committee of the distribution company headed by the next higher officer. The consumer will also be given personal hearing by the review committee. In case, the dispute remains unresolved even after exhaustive review, the distribution company after getting approval of Chief Executive Officer may lodge the F.I.R. The consumer may also approach a competent Court of law under the relevant provisions of Electricity Act, 1910. CSM also envisages that in case a meter becomes defective through atmospheric effects or through some internal fault, the consumer shall not be charged and the meter is required to be replaced with a healthy meter. If the distribution company feels that quantum of energy lost due to malfunction of meter is more than one billing cycle then in such cases a check meter is installed and declared as billing meter and difference between consumption of the two meters is charged to the consumer for a maximum of two billing cycles.



6. The above discussion transpires that the actions taken by FESCO officials were not based on merit rather the same appear to be mala fide and aimed at harassing the consumer. Moreover, FESCO has not followed the procedure envisaged in CSM prior to imposition of detection bill; which renders the entire billing void.

7. In view of above discussion, FESCO is hereby directed to withdraw the detection bill amounting to Rs. 31,524/- charged against the Complainant being illegal & unjustified and take disciplinary action against the officials at fault. Compliance report must be submitted within thirty (30) days.

8. FESCO is further directed that in future the procedure provided in CSM should be complied with in letter and spirit in case of illegal abstraction of electricity.

Islamabad, November 10, 2016

Member (Consumer Affairs) 12/11