



Before the Appellate Board  
National Electric Power Regulatory Authority  
(NEPRA)  
Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-031/POI-2016/1239-1244

September 23, 2016

1. Muhammad Aslam,  
S/o Muhammad Tufail,  
Prop: Power Looms Factory,  
R/o Chak No. 66/JB,  
Dhandra, Jhang Road,  
Faisalabad
2. Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullahpur,  
Faisalabad
3. Ch. Muhammad Imran Bhatti,  
Advocate High Court,  
44-District Courts,  
Faisalabad
4. Mehar Shahdi Mehmood,  
Advocate High Court,  
Office No. 25, 3<sup>rd</sup> Floor,  
Ali Plaza, 3-Mozang Road,  
Lahore
5. Sub Divisional Officer (Operation),  
FESCO Ltd,  
Jhang Road Sub Division,  
Faisalabad
6. The Electric Inspector  
Energy Department,  
Govt. of Punjab,  
Opposite Commissioner Office,  
D.C.G Road, Civil Lines,  
Faisalabad Region, Faisalabad

Subject: Appeal Titled FESCO Vs. Muhammad Aslam Against the Decision Dated 06.01.2016 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

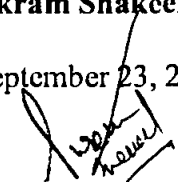
Please find enclosed herewith the Decision of the Appellate Board dated 23.09.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-031/POI-2016/1245  
Forwarded for information please.

(Ikram Shakcel)

September 23, 2016

  
Assistant Director  
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Member (CA)



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-031/POI-2016

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Aslam S/o Muhammad Tufail, Prop: Power Looms Factory,  
R/o Chak No. 66/JB, Dhandra Jhang Road, Faisalabad

.....Respondent

For the appellant:

Mehar Shahid Mehmood advocate  
Mr. Muhammad Saeed SDO

For the respondent:

Ch. Muhammad Imran Bhati advocate

### DECISION

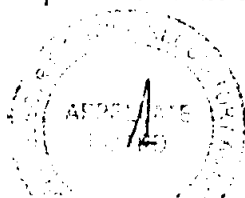
1. This decision shall dispose of the appeal filed by Faisalabad Electric Company Limited (hereinafter referred to as FESCO) against the decision dated 06.01.2016 of Provincial Office of Inspection/Electric Inspector, Faisalabad Region, Faisalabad (hereinafter referred to as POI).
2. Brief facts of the case are that the respondent is an industrial consumer of FESCO bearing Ref No. 27-13215-6506402 with a sanctioned load of 5.07 kW under B-1(b) tariff. Electricity meter of the respondent was checked by Metering and Testing (M&T) FESCO on 09.07.2014, which was found burnt with display washed out. Subsequently a detection bill amounting to Rs. 79,828/- on account of less charged 6,313 units for July 2014 was debited to the respondent in June 2015 on the basis of consumption of the corresponding month of previous year i.e. July 2013.





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3. Being aggrieved, the respondent filed an application before POI on 14.07.2015 and challenged the detection bill amounting to Rs. 79,828/- of 6,313 units for July 2014 and added in the bill of the respondent for June 2015. POI disposed of the matter vide its decision dated 06.01.2016 with the following conclusion:  
  
*"Summing up all the observations/discussion and keeping in view all the aspects of the case, this forum declares that the detection bill of Rs. 79,828/- for 6,313 units charged in the billing month of 06/2015 as Null, Void & without any legal effect and consumer is not liable to pay the same. The respondent are directed to withdraw the same and overhaul petitioner's account by adjusting all Credits, Debits, Deferred Amount and Payments already made by the consumer."*
4. Being dissatisfied with the POI decision dated 06.01.2016 (hereinafter referred to as the impugned decision), FESCO has filed the instant appeal under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as the NEPRA Act 1997). In its appeal, FESCO inter alia contended that metering equipment of the respondent was checked by M&T on 09.07.2014 and it was found burnt with display washed out. According to FESCO, detection bill of Rs. 79,828/- on account of less charged 6,313 units for July 2014 was debited to the respondent in June 2015 which the respondent is liable to pay. FESCO submitted that the impugned decision was based on illegal assumptions and presumptions and pleaded for cancellation of the impugned decision.
5. Notice was issued to the respondent for filing reply/parawise comments, which were filed on 06.05.2016. In his reply, the respondent contended that the impugned decision was in accordance with facts and law and therefore liable to be maintained. The respondent argued that he was not associated during checking of the impugned meter by FESCO nor it was got checked by POI, therefore charging the detection bill of Rs. 79,828/- on account of less charged 6,313 units by FESCO for July 2014 and added in the bill for June 2015 was inconsistent with the provisions of Consumer Service Manual (CSM) and he is not liable to pay the same.
6. Notice was issued to both the parties and the appeal was heard in Lahore on 29.08.2016 in





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which both the parties made their appearance. Mehar Shahid Mehmood advocate, reiterated the same arguments as contained in memo of the appeal and contended that meter of the respondent was checked by M&T on 09.07.2014 and found burnt with display washed out. As per learned counsel for FESCO, a detection bill of Rs. 79,828/- on account of less charged 6,313 units by FESCO for July 2014 was added in June 2015 as the actual energy consumed was not recorded due to the meter being defective during the disputed period. Learned counsel for FESCO prayed for acceptance of the appeal and cancellation of the impugned decision. On the other hand, Ch. Muhammad Imran Bhatti learned counsel for the respondent averred that the meter was working correctly and readable till 31.07.2014, therefore charging the aforesaid detection bill is not justified and liable to be cancelled. Learned counsel for the respondent defended the impugned decision and pleaded for dismissal of the appeal.

7. We have heard arguments of both the parties and perused the record placed before us. Following are our observations:
- i. Detection bill amounting to Rs. 79,828/- on account of less charged 6,313 units for the month of July 2014 was debited to the respondent in June 2015 on the basis of consumption of the corresponding month of previous year i.e. July 2013. The aforesaid detection bill was assailed by the respondent before POI vide the application dated 14.07.2015.
  - ii. There is no force in the contention of FESCO that the detection bill was charged to the respondent due to less charged 6,313 units in July 2014, moreover FESCO failed to produce any document i.e. meter change order (MCO) and M&T report before us to substantiate their stance that the defective meter was replaced by FESCO in August 2014. POI has rightly determined in the impugned decision that the respondent was already billed 14,294 units by FESCO in August 2014 on the basis of consumption of new meter for July 2014 & August 2014 collectively. Therefore the detection bill amounting to Rs. 79,828/- on account of less charged 6,313 units for July 2014 added in the bill of June 2015 on the basis of consumption of the corresponding month of previous year i.e.





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July 2013 has no technical justification and liable to be cancelled as determined in the impugned decision.

- iii. Although consumption of July 2014 was added with the bill of August 2014 but the MDI (kW) was charged only for August 2014 and as such the respondent is liable to be charged for 26 kW MDI for July 2014 on the basis of 26 kW MDI recorded in August 2014. Impugned decision to this extent is liable to be modified.

8. In view of discussion in preceding paragraph, it is concluded that:

- i. The detection bill amounting to Rs. 79,828/- on account of less charged 6,313 units for July 2014 debited to the respondent in June 2015 on the basis of consumption of July 2013 is null and void, and the respondent is not liable to pay the same as declared in the impugned decision. However the respondent is liable to be billed for 26 kW MDI for July 2014 and the impugned decision stands modified to this extent.
- ii. The consumer's billing account be overhauled and revised accordingly.

9. The appeal is disposed of in above terms.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Date: 22.09.2016

