



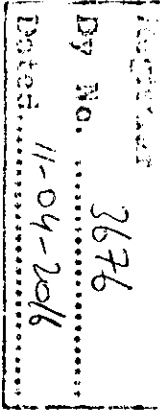
Before the Appellate Board
National Electric Power Regulatory Authority
(NEPRA)
Islamic Republic of Pakistan

NEPRA Office , Atta Turk Avenue (East), G5/1, Islamabad
Tel. No.+92 051 2013200 Fax No. +92 051 2600028
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/AB/Appeal-080/POI-2015/ 386-390

April 08, 2016

1. Tehsil Municipal Administration,
Through Tehsil Municipal Officer,
TMA, Chiniot,
Hai Muhammad Yousaf (Light Inspector),
Through Malik Fazal Kallaru,
Advocate High Court,
Legal Advisor, TMA, Chiniot,
Jhang Road, Chiniot
2. The Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullah Pur,
Faisalabad
3. Muhammad Nawaz Waseer
Advocate Supreme Court of Pakistan,
30-Macleagon Road, Lahore
4. Ghulam Murtaza Abbasi
Sub Divisional Officer,
FESCO Ltd,
Chiniot-III Sub Division,
Chiniot, Distt. Faisalabad
5. Electric Inspector
Energy Department,
Govt. of Punjab,
Opposite Commissioner Office,
D.C.G Road, Civil Lines,
Faisalabad Region, Faisalabad



Subject: Appeal Titled FESCO Vs. Tehsil Municipal Administration Against the Decision Dated 07.07.2015 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the decision of the Appellate Board dated 07.04.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-080/POI-2015/ 391

April 08/2016

Forwarded for information please.

Assistant Director
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Member (CA)

11.04.16

D/B-II/AR/mlf



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-080/POI-2015

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Tehsil Municipal Administration, Chiniot,
Through Haji Muhammad Yousaf (Light Inspector),
Jhang Road, Chiniot, Distrit Faisalabad

.....Respondent

For the appellant:

Mr. Ghulam Murtaza Abbasi SDO
Mian Zubair Nawaz Clerk vice Mr. Muhammad Nawaz Waseer Advocate

For the respondent:

Nemo

DECISION

1. This decision shall dispose of an appeal filed by Faisalabad Electric Supply Company (hereinafter referred to as FESCO) against the decision dated 07.07.2015 of the Provincial Office of Inspection/ Electric Inspector Faisalabad Region, Faisalabad (hereinafter referred to as POI) under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electricity Power Act 1997 (hereinafter referred to as the Act).
2. The respondent is owner of a connection for disposal works bearing consumer A/C. No. 24-13163-5602900 with a sanctioned load of 115 kW and governed under tariff B-2b. As per facts of the case, the site of the respondent was checked by Metering and Testing (M&T) on 15.07.2013 and reportedly the meter was found 33 % slow due to red phase being dead.



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Notice dated 17.09.2013 was issued to the respondent and a detection bill of Rs. 1,223,725/- for 47,717 units for the period December 2012 to September 2013 was added as arrears in billing month of September 2014.

3. Being aggrieved with the aforementioned detection bill of Rs. 1,223,725/-, the respondent filed an application dated 30.09.2014 before POI and, inter alia, prayed that the above mentioned detection bill along with the subsequent bills recovered with enhanced multiplication factor (M.F) of 59.7 instead of 40 were liable to be declared unlawful, baseless and not payable. POI decided the matter vide its decision dated 07.07.2015 with the following conclusion:

"Summing up the aforesaid discussion, it is held that (I) The impugned energy meter became 33 % slow in the month of 06/2013 (II) The detection bill Rs. 1,223,725/- charged for retrospective period of 12/2012 to 09/2013 for 10 months is held as null, void and of no legal consequence. (III) FESCO concerned Authority is directed to charge the petitioner @ 33 % slowness w.e.f 06/2013 to replacement of the meter in 01/2015. (IV) FESCO Authority is also directed to over haul the account of the petitioner/consumer accordingly."

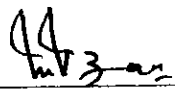
4. Being dissatisfied with the decision dated 07.07.2015 of POI (hereinafter referred to as the impugned decision), FESCO has filed the instant appeal. FESCO in its appeal, inter alia, contended that since meter of the respondent was found 33 % slow, the detection bill for 47,717 units for the period December 2012 to September 2013 and the onward billing with enhanced M.F from 40 to 59.7 from September 2014 onwards were justified and the respondent was liable to pay the same. FESCO pleaded that the impugned decision was against the law and facts and liable to be set aside.
5. Notice of the appeal was issued to the respondent for filing reply/parawise comments which were however not filed.
6. After issuing notice to both the parties, hearing of the appeal was conducted at Lahore on 28.03.2016, in which no one entered appearance for the respondent and Mr. Ghulam Murtaza Abbasi SDO appeared for the appellant FESCO. The representative of FESCO



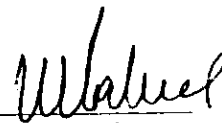
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repeated the same arguments as narrated in memo of the appeal. According to the representative of FESCO, 33 % slowness of the meter was confirmed by M&T checking and subsequent checking by POI and as such the detection bill for the period December 2012 to September 2013 and onward billing with enhanced M.F of 59.7 till replacement of the meter was justified and the respondent is liable to pay the same. He prayed for acceptance of the appeal.

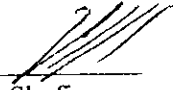
7. We have arguments of representative of FESCO and examined the record placed before us. It is observed that meter of the respondent was admittedly 33 % slow. On the basis of the consumption record POI has rightly ascertained that the meter was recording correct consumption till May 2013 and became slow from June 2013 and onwards. It is rightly determined by POI that the respondent is liable to be charged @ 33 % slowness from June 2013 onwards till replacement of the meter in January 2015. As the meter of the respondent was found slow in July 2013 therefore pursuant to clause 4.4 of Consumer Service Manual, the respondent is liable to be billed for two billing cycles i.e. June 2013 and July 2013 and onward billing with enhanced M.F from 40 to 59.7 till replacement of the defective meter. We are in agreement with the impugned decision that the detection bill of Rs. 1,223,725/- for the period December 2012 to September 2013 is held null, void and of no legal consequence and the respondent is not liable to pay the same and the respondent is liable to be charged @ 33 % slowness from June 2013 till replacement of the meter in January 2015.
8. In view of above it is concluded that the impugned decision is in accordance with the facts and law and liable to be maintained. Resultantly the appeal is dismissed.



Muhammad Qamar-uz-Zaman
Member



Nadir Ali Khoso
Convener



Muhammad Shafique
Member

Date: 07.04.2016