



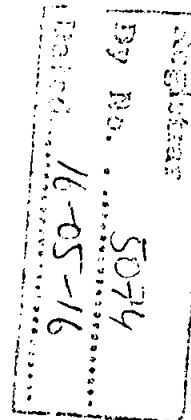
Before the Appellate Board
National Electric Power Regulatory Authority
(NEPRA)
Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-109/POI-2015/ 577-581

May 12, 2016

1. Liaquat Ali
S/o Ahmed Ali,
R/o Mohallah Aminabad,
Near Novelty Pull, Faisalabad
2. The Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullah Pur,
Faisalabad
3. Ch. Fiaz Ahmad Singhairah,
Advocate High Court,
Anab Centre, 2nd Floor,
1-Mozang Road, Lahore
4. Sub Divisional Officer (Op)
FESCO Ltd,
Factory Aread Sub Division,
Sargodha
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. Liaquat Ali Against the Decision Dated 16.06.2015 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the decision of the Appellate Board dated 10.05.2016, regarding the subject matter, for information and necessary action accordingly.


Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-109/POI-2015/ 582

May 12, 2016

Forwarded for information please.


Assistant Director
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Member (CA)

— DD (IT)

Gp. In.

— D/R = /MF


16.05.16



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-109/POI-2015

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Liaquat Ali, S/o Ahmad Ali, R/o Mohallah Aminabad,
Near Novelty Pull, Faisalabad

.....Respondent

For the appellant:

Ch. Fiaz Ahmed Singhairah 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 16.06.2015 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. As per facts of the case, the respondent is an industrial consumer of FESCO bearing consumer A/C. No. 27-13213-6302505 with a sanctioned load of 16 kW under tariff B-1b. Electricity meter of the respondent was checked by Metering and Testing (M&T) FESCO on 04.10.2012 and reportedly found it dead stop with black spot on the reading display. After issuing notice dated 26.06.2013, a detection bill of Rs. 86,283/- for 6,556 units for the



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period August 2012 to October 2012 (03 months) was charged to the respondent in July 2013 on load factor basis @ 3,054 units per month. Defective meter was replaced in November 2012.

3. The respondent being aggrieved with the aforementioned detection bill filed an application on 21.08.2013 before POI. The defective meter could not be checked by POI as it was already replaced in November 2012. POI disposed of the matter vide its decision dated 16.06.2015 and concluded as under:-

"Summing up the foregoing discussion, it is held, (I) the petitioner meter became defective in the billing month of 10/2012 to replacement of meter in 11/2012 (II) Detection bill charged amounting to Rs. 86283/- for 6556 Kwh for retrospective period of 3 month w.e.f 08/2012 to 10/2012 and charged in 07/2013 is held as null, void and illegal and petitioner is not liable to pay the same. FESCO Authority is directed to charge 1261 Kwh/14 Kw MDI w.e.f. 10/2012 to replacement of meter in 11/2012 proportionately & accordingly. FESCO concerned Authority is also directed to over haul the account of the petitioner/consumer accordingly."

4. Being dissatisfied with the POI decision dated 16.06.2015 (hereinafter referred to as the impugned decision), FESCO has filed the instant appeal. FESCO in it's appeal, inter alia, contended that the impugned order was illegal, unlawful and therefore 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. Notice was issued to both the parties and hearing of the appeal was conducted in NEPRA Office Lahore on 12.04.2016, in which no one entered appearance for the respondent. Ch. Fiaz Ahmed Singhairah Advocate appearing for FESCO repeated the same arguments as mentioned in memo of the appeal. According to learned counsel for FESCO the electricity meter of the respondent was found defective on checking dated 04.10.2012 and as such the detection bill of Rs. 86,283/- for 6,556 units for the period August 2012 to

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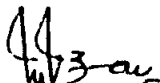
National Electric Power Regulatory Authority

October 2012 (03 months) was charged to the respondent to recover the revenue loss sustained by FESCO. Learned counsel for FESCO submitted that it was proved from the consumption data that the meter became defective w.e.f. August 2012 and as such the detection bill was chargeable to the respondent for the period August 2012 to October 2012 as the defective meter was replaced in November 2012. Learned counsel further averred that the impugned decision was rendered without considering the facts and was therefore liable to be set aside.

7. We have heard arguments of learned counsel for FESCO and examined the record placed before us. It has been observed as under:

The respondent was not associated in the M&T meter checking dated 04.10.2012 and the meter could not be checked by POI too as it was already removed in November 2012. It has rightly been determined in the impugned decision that the billing meter became defective from October 2012 and as such the respondent is liable to be charged detection bill @ 1,261 units/14 kW MD1 per month from October 2012 till replacement of the meter in November 2012. Therefore we agree with the impugned decision that detection bill of Rs. 86,283/- for 6,556 units for the period August 2012 to October 2012 charged in July 2013 is null and void and the respondent is not liable to pay the same.


8. In view of the forgoing discussion, it is concluded that there is no reason to interfere with the impugned decision which is upheld and consequently the appeal of FESCO is dismissed.



Muhammad Qamar-uz-Zaman
Member



Nadir Ali Khoso
Convener



Muhammad Shafique
Member

Date: 10.05.2016