



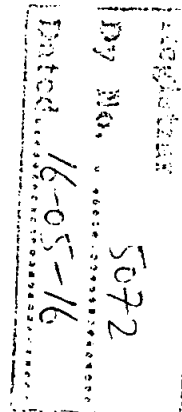
Before the Appellate Board
National Electric Power Regulatory Authority
(NEPRA)
Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-140/POI-2015/ 590 — 594

May 12, 2016

1. Tahir Latif Dogar
S/o Abdul Latif Dogar,
R/o Chak No. 123/JB,
Opposite Bilal Park,
Faisalabad
2. The Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullah Pur,
Faisalabad
3. Muhammad Nawaz Waseer
Advocate Supreme Court of Pakistan,
30-Mcieagon Road, Lahore
4. Sub Divisional Officer (Op)
FESCO Ltd,
Faizabad Sub Division,
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. Tahir Latif Dogar Against the Decision Dated 16.11.2015 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the decision of the Appellate Board dated 11.05.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-140/POI-2015/ 595

May 12, 2016

Forwarded for information please.

Assistant Director
Appellate Board

1. Registrar
2. Director (CAD)

16.05.16

CC:

— DD (IT)

1. Member (CA)

Copy to:

— D/Ag - 2/MF



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-140/POI-2015

Faisalabad Electric Supply Company LimitedAppellant

Versus

Tahir Latif Dogar, S/o Abdul Latif Dogar, R/o Chak
No. 123/JB, Opposite Bilal Park, FaisalabadRespondent

For the appellant:

Mr. Muhammad Nawaz Waseer Advocate
Mr. Imtiaz Ahmed SDO

For the respondent:

Tahir Latif Dogar

DECISION

1. This decision shall dispose of an appeal filed by Faisalabad Electric Supply Company (hereinafter referred to as FESCO) against the decision dated 16.11.2015 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. 21-13222-0378606 with a sanctioned load of 4.25 kW under tariff B-1. The billing meter of the respondent was checked by Surveillance team of FESCO on 18.12.2012 wherein one phase of the meter was found dead stop. Notice regarding this discrepancy was issued on 20.12.2012 and the defective meter was replaced on 04.01.2013. A detection bill of Rs. 132,767/- for 10,352 units for the period August 2012 to November



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2012 was charged to the respondent in June 2013 on the basis of consumption of the same period of previous year.

3. The respondent being aggrieved with the above mentioned detection bill of Rs. 132,767/- filed an application before POI on 20.08.2013. Disputed billing meter was checked by POI on 11.11.2013 and it was found 33 % slow due to one phase being dead stop. The matter was disposed of by POI vide its decision dated 16.11.2015 and concluded as under:-

“Summing up all the above observations/discussion and keeping in view all the aspects of the case this forum declares the detection bill amounting to Rs. 132,767/- for 10352 units for the period of 08/2012 to 11/2012 charged in the billing month of 06/2013 as Null, Void & without any legal effect and petitioner is not liable to pay the same. The Respondents are directed to withdraw the same and charge the revised detection bill for the cost of 1323 units for the same period and overhaul petitioner's account by adjusting all Credits, Debits, Deferred Amount & Payments already made by the consumer.”

4. Being dissatisfied with the POI decision dated 16.11.2015 (hereinafter referred to as the impugned decision), FESCO has filed the instant appeal. FESCO in its appeal, inter alia, contended that admittedly the impugned meter was 33 % slow but POI in the impugned decision illegally and erroneously compared the consumption of two different connections of the respondent, whereas it was required to analyze only the account No. 0378606 against which the detection bill was raised. According to FESCO, the impugned decision was illegal and unlawful and therefore be set aside and a detection bill be allowed to be recovered from the respondent.
5. Notice of the appeal was issued to the respondent for filing reply/parawise comments which were filed on 02.02.2016. The respondent in his reply/parawise comments, inter alia, contended that the premises was getting supply from two different meters and the total consumption of both the meters in the disputed period was comparable with the total



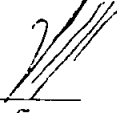
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- consumption of same months of previous year. According to the respondent, detection bill was unlawful and he is not liable to pay the same.
6. Notice was issued to both the parties and hearing of the appeal was conducted in NEPRA Office Lahore on 19.04.2016, in which both the parties made their appearance. Mr. Muhammad Nawaz Waseer Advocate and Mr. Imtiaz Ahmed SDO represented the appellant FESCO and contended that the detection bill of Rs. 132,767/- for 10,352 units for the period August 2012 to November 2012 was charged to the respondent on the consumption of previous year as his meter was found defective. According to learned counsel for FESCO the detection bill was correctly charged and the respondent is liable to pay the same. Mr. Tahir Latif Dogar, the respondent appearing in person defended the impugned decision and pleaded that the same was in accordance with the law and liable to be maintained.
7. We have heard arguments of both the parties and examined the record placed before us. Following are our observations:
- i. Admittedly one phase of the meter was dead stop and therefore it was running 33 % slow as checked by FESCO on 18.12.2012 and confirmed by POI on 11.11.2013.
 - ii. The detection bill of Rs. 132,767/- for 10,352 units for the period August 2012 to November 2012 was charged on the basis of consumption for the same period of previous year i.e. August 2011 to November 2011.
 - iii. There is force in the contention of the respondent that his premises was getting electric supply from two separate meters and total consumption of both the meters for the period August 2012 to November is comparable with the total consumption of previous year i.e. August 2011 to November 2011.
 - iv. It is correctly determined in the impugned decision that the respondent is liable to be billed for August 2012 to November 2012 due to 33 % slowness of the meter by applying Multiplying Factor (M.F.) of 1.48.

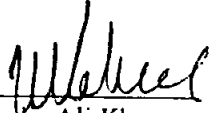


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- v. Impugned decision for declaring detection bill of Rs. 132,767 for 10,352 units for the period August 2012 to November 2012 as null and void and charging the respondent by applying M.F of 1.49 from August 2012 to November 2012 is justified and liable to be maintained.
8. In view of the discussion we do not find any reason to interfere with the impugned decision which his upheld and consequently the appeal is dismissed.



Muhammad Shafique
Member



Nadir Ali Khoso
Convener

Date: 11.05.2016