



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

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No. NEPRA/AB/Appeal-017/POI-2016/ 1416 - 1420

November 11, 2016

1. Syed Muhammad Shafique Shah,  
S/o Muhammad Rafique,  
P-93, Khawaja Town,  
Jhang Road, Faisalabad
2. Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullahpur,  
Faisalabad
3. Mehar Shahid Mahmood,  
Advocate High Court,  
Office No. 25, 3<sup>rd</sup> Floor,  
Ali Plaza, 3-Mozang Road,  
Lahore
4. Sub Divisional Officer (Op),  
Saman Abad Sub Division,  
FESCO Ltd,  
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. Syed Muhammad Shafique Shah Against the Decision Dated 27.11.2015 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad**

Please find enclosed herewith the Decision of the Appellate Board dated 10.11.2016, regarding the subject matter, for information and necessary action accordingly.

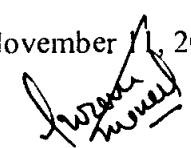
Encl: **As Above**

(Ikram Shakeel)

No. NEPRA/AB/Appeal-017/POI-2016/ 1421

November 11, 2016

Forwarded for information please.

  
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-017/POI-2016

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Syed Muhammad Shafique Shah, S/o Muhammad Rafique Shah,  
P-93, Khawaja Town, Jhang Road, Faisalabad

.....Respondent

For the appellant:

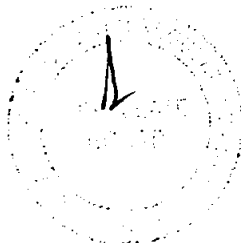
Mehar Shahid Mehmood Advocate  
Mr. Imtiaz Ahmed SDO

For the respondent:

Syed Muhammad Shafique Shah

## DECISION

1. Through this decision, an appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 27.11.2015 of Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as POI) is being disposed of. FESCO is a licensee of National Electric Power Regulatory Authority (hereinafter referred to as NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the license.
2. Brief facts of the case are that the respondent is a residential consumer of FESCO bearing Ref No. 05-13223-0578752 with a sanctioned load of 3.00 kW under A-1A tariff. The respondent received a bill of Rs. 48,603/- for 2,311 units in July 2014 and another bill of Rs. 78,972/- in August 2014 for 1,235 units containing the arrears of past months. The respondent contended that these bills were excessive and never before such consumption was recorded for his connection. The meter was checked by M&T FESCO on 08.08.2014 and found



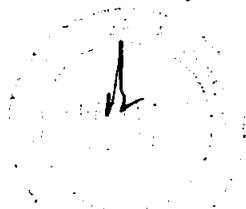


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working within permissible limits. A check meter was also installed in series with the disputed meter on 13.08.2014 and comparison of both the meters proved that the disputed meter was functioning correctly. Again both the meters were checked by POI on 30.09.2015 and found working within permissible limits of error. POI disposed of the matter vide its decision dated 27.11.2015 with the following conclusion:

4- *"Summing up all the above observations/discussion and keeping in view all the aspects of the case this forum declares the bill for the month of 07/2014 of 2311 units 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 petitioner 2311 units segregating the same for period of three months from May, 2014 to July, 2014. Respondents are also directed to afford the consumer a credit for the cost of 694 units as discussed in para 4 (vi and vii) and overhaul petitioner's account by adjusting all Credits, Debits, Deferred Amount & Payments already made by the consumer. However the bill for the month of 08/2014 charged for 1235 units is justified and consumer is liable to pay the same in toto."*

3. Being aggrieved with the POI decision dated 27.11.2015 (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 pleaded that the impugned decision was unlawful, void, without jurisdiction and liable to be set aside.
4. Notice was issued to the respondent for filing reply/parawise comments which were however no filed.
5. After issuing notice to the parties, hearing of the appeal was held in Lahore on 07.10.2016 in which both the parties participated. Mehar Shahid Mehmood advocate, learned counsel for FESCO reiterated the same arguments as narrated in memo of the appeal and pleaded that bills for July 2014 and August 2014 were charged to the respondent as per actual consumption of 2,311 units and 1,235 units respectively as recorded by the electricity meter and it is the responsibility of the respondent to pay the same. The learned counsel further pointed out that the complaint filed on 11.09.2014 was decided by POI on 27.11.2015 and pursuant to section 26 (6)





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of Electricity Act, 1910, the decision announced after 90 days became functus officio, void ab-initio and coram non iudice. He pleaded for setting aside of the impugned decision. Syed Muhammad Shafique Shah the respondent defended the impugned decision and prayed that same should be maintained.

6. Arguments heard and record perused. It is observed that there is no report placed before us regarding defectiveness of the old meter but MCO No. 32/12 dated 06.05.2014 was issued for its replacement and new meter was drawn accordingly on 06.05.2014. Surprisingly the new meter was installed on 20.06.2014 after a lapse of 45 days. We are inclined to agree with remarks of POI that the new meter was actually installed on 06.05.2014 but 694 units consumption recorded in June 2014 by the new meter was incorrectly shown as the consumption against the old meter as such these 694 units are to be credited to the respondent. We further agree with the impugned decision that total 2,311 units were recorded by new meter till the billing month of July 2014 which need to be distributed amongst the months of May 2014, June 2014 and July 2014. POI has rightly determined that consumption of 1,235 units for August 2014 is justified and the respondent is liable to pay the same. As regards objection of FESCO regarding announcement of impugned decision after 90 days it is clarified that the decision was rendered by the officer in his capacity as POI (not as Electric Inspector) under section 38 (3) of NEPRA Act 1997 which does not impose any time limit in this regard. The objection of FESCO is not valid and therefore overruled.
7. In view of foregoing, we do not find any reason to intervene in the impugned decision, which is upheld and consequently the appeal is dismissed.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Date: 10.11.2016

