



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 2600030  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/AB/Appeal-032/POI-2016/1270-1275

September 26, 2016

1. Umar Farooq,  
S/o Muhammad Bashir Tabassum  
Managing Paratner,  
M/s S&H Petroleum & CNG Station,  
PirMahal Road, Rajana,  
Tehsil & District Toba Tek Singh
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,  
Rajana Sub Division,  
Tehsil & District Toba Tek Singh
6. Electric Inspector  
Energy Department,  
Govt. of Punjab,  
Opposite Commissioner Office,  
D.C.G Road, Civil Lines,  
Faisalabad Region, Faisalabad

Subject: **Appeal Titled FESCO Vs. Umar Farooq Against the Decision Dated 04.01.2016 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad**

Please find enclosed herewith the Decision of the Appellate Board dated 26.09.2016, regarding the subject matter, for information and necessary action accordingly.

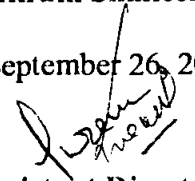
Encl: **As Above**

No. NEPRA/AB/Appeal-032/POI-2016/1276

Forwarded for information please.

(Ikram Shakeel)

September 26, 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-032/POI-2016

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Umar Farooq S/o Muhammad Bashir Tabassum, Managing Partner,  
M/s S & H Petroleum & CNG Station, Pir Mahal Road, Rajana,  
Tehsil and District Toba Tek Singh

.....Respondent

For the appellant:

Mehar Shahid Mehmood advocate  
Mr. Muhammad Ismail Khalid SDO

For the respondent:

Ch. Muhammad Imran Bhatti Advocate

## DECISION

1. Brief facts of the case are that the respondent is a commercial consumer of FESCO bearing Ref No. 24-13327-5701902 with a sanctioned load of 144 kW under A-2C tariff. Both TOU billing meter and current transformer (CT) operated backup meter of the respondent were checked by Metering and Testing (M&T) FESCO on 20.11.2013 and reportedly both were found defective/running 33.6% slow. FESCO raised the multiplication factor (MF) from 60 to 90.36 from December 2013 and onwards. Later on a detection bill amounting to Rs. 379,652/- for 16,477 units/ 242 kW for the period June 2013 to November 2013 (6 months) was charged by FESCO to the respondent in April 2014 due to 33.6% slowness of the meter. Being aggrieved, the respondent filed an application before POI on 11.12.2014 and challenged the detection bill amounting to Rs. 379,652/- for 16,477 units/ 242 kW for the





## National Electric Power Regulatory Authority

period June 2013 to November 2013 (6 months) charged by FESCO in April 2014. Both TOU billing meter and backup meter were checked by POI on 05.05.2014 in presence of both the parties and the same were found defective with 33% slowness. POI disposed of the matter vide its decision dated 04.01.2016 with the following conclusion:

±. *“Summing up all the observations, conclusions and calculations, this forum declares the charging of detection bill amounting to Rs.379,652/- for the cost of 16,477 units and 242 KW MDI as null, void & without any legal effect and consumer is not liable to pay the same. The respondents are directed to withdraw the same and charge the consumer revised detection bill for the cost of 8,207 units and 151 kW MDI for the period from 08/2013 to 11/2013. The respondents are also directed to overhaul petitioner’s account by adjusting all Credits, Debits, Deferred Amount & Payments already made by the consumer.”*

2. Being dissatisfied with the POI decision dated 04.01.2016 (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 the metering equipment of the respondent was checked by M&T on 20.11.2013 and both the meters were found 33.6 % slow. According to FESCO, a detection bill of Rs.379,652/- for 16,477 units/ 242 kW MDI for the period June 2013 to November 2013 (6 months) was debited to the respondent in April 2014. As per FESCO, POI failed to decide the matter within stipulated period of 90 days as envisaged in section 26(6) of Electricity Act 1910.
3. In reply to the notice of appeal, the respondent filed its comments wherein he contended that the impugned decision is justified and further that the appeal filed by FESCO is barred by time. The respondent further contended that charging of MF from 60 to 90.36 for the period December 2013 to June 2015 and the aforesaid detection bill are violative of the provisions of consumer service manual (CSM).
4. After issuing notices to the parties, hearing of the appeal was held in Lahore on 29.08.2016 in which both the parties participated. Mehar Shahid Mehmood advocate, learned counsel for FESCO contended that the impugned decision was received on 11.01.2016 and therefore the



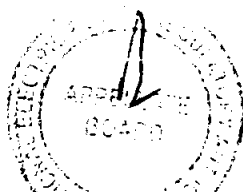


## National Electric Power Regulatory Authority

appeal filed on 04.02.2016 was within the time limit as prescribed in the law. According to FESCO, the impugned decision pronounced after expiry of 90 days became invalid pursuant to section 26(6) of Electricity Act 1910. As per learned counsel for FESCO, metering equipment of the respondent was checked by M&T on 20.11.2013 and both the meters were found defective with 33.6% slowness. According to learned counsel for FESCO, M.F. was raised from 60 to 90.36 w.e.f December 2013 and a detection bill of Rs. 379,652/- for 16,477 units/ 242 kW for the period June 2013 to November 2013 (6 months) was debited to the respondent in April 2014 as the actual energy was not being recorded by the meter due to the 33.6% slowness during the disputed period. On the other hand, Ch. Muhammad Imran Bhatti learned counsel for the respondent reiterated the same arguments as given in the respondent's parawise comments/reply to the appeal. The learned counsel for the respondent defended the impugned decision and pleaded that the appeal against the impugned decision was time barred and liable to be dismissed on this ground.

5. Arguments heard and record perused. As per available record, the impugned decision was received by the appellant on 04.01.2016 and the appeal filed on 04.02.2016, therefore, it is held that the same is within time. As regards, the objection of FESCO regarding disposal of the complaint by POI after a period of 90 days, it is relevant to clarify that the matter was adjudicated by POI under section 38 of the NEPRA Act 1997 (not as Electric Inspector under section 26 (6) of Electricity Act 1910) which does not impose any restriction of time limit upon POI for deciding the matter, therefore the contention of the appellant in this regard is also without any legal basis. In so far as the merits of the case are concerned,

i. 33.6% slowness of both the billing meter and backup meter was observed by M&T FESCO on 20.11.2013 but later on 33% slowness was confirmed by POI during the checking dated 05.05.2014 in presence of both parties, therefore, we agree with the determination of POI to charge the detection bill for 8,207 units/151 kW MDI for the period August 2013 to November 2013 (4 months) due to 33% slowness of the meters as the actual consumption of electricity was not recorded during that period and the respondent is liable to pay the same. Therefore the detection bill amounting to Rs. 379,652/- for 16,477 units/ 242 kW for the period June 2013 to November 2013





## National Electric Power Regulatory Authority

(6 months) charged to the respondent in April 2014 has no justification and liable to be cancelled as determined in the impugned decision.

6. In view of discussion in preceding paragraphs, 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: 26.09.2016

