



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

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No. NEPRA/AB/Appeal-060/POI-2016/1356-1360

November 03, 2016

1. Zubair Khawar,
S/o Mohammad Sadiq,
Prop: Iqbal Dying,
Through Zulqarnain Haider,
S/o Nazir Ahmad,
R/o Chak No. 22/RB,
Near Mujahid Abad, Faisalabad
2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad
3. Muhammad Nawaz Waseer,
Advocate Supreme Court,
Ghazi Law Chambers,
30-Mcleagon 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. Zubair Khawar Against the Decision Dated 11.02.2016 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the Decision of the Appellate Board dated 01.11.2016, regarding the subject matter, for information and necessary action accordingly.

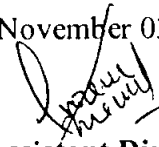
Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-060/POI-2016/1361

November 03, 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-060/POI-2016

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Zubair Khawar S/o Muhammad Sadiq, Through Zulqarnain Haider,
S/o Nazir Ahmed, R/o Chak No.222/RB, Near Mujahid Abad,
Faisalabad

.....Respondent

For the appellant:

Mr. Muhammad Nawaz Waseer advocate
Mr. Hammad Ghafar SDO

For the respondent:

Mr. Zulqarnaian Haider

DECISION

1. This decision shall dispose of the appeal filed by Faisalabad Electric Company Limited (hereinafter referred to as FESCO) against the decision dated 11.02.2016 of Provincial Office of Inspection/Electric Inspector, Faisalabad Region, Faisalabad (hereinafter referred to as POI).
2. Brief facts of the case are that the respondent is an industrial consumer of FESCO bearing Ref No. 24-13211-5101610 with a sanctioned load of 68.16 kW under B2b(12) tariff. Both TOU billing meter and CT meter of the respondent were checked by Metering and Testing (M&T) FESCO on 20.09.2014 and reportedly both malfunctioning with red phase being dead. After issuing notice dated 30.09.2014 to the respondent regarding above discrepancy, a detection bill amounting to Rs. 416,133/- for 18,914 units/ 123 kW from April 2014 to



September 2014 (6 months) was debited by FESCO to the respondent in October 2014 due to 33% slowness of the TOU billing meter. The respondent filed an application to CEO FESCO against the aforesaid detection bill and as directed by CEO FESCO, an amount of Rs. 124,836/- being 30% of the detection bill of Rs. 416,133/- was deposited by the respondent. The detection bill was reviewed by a committee of FESCO, which recommended for revision of the detection bill for three months only but it was not implemented.

3. Being aggrieved, the respondent filed an application before POI on 10.03.2015 and challenged the detection bill of Rs. 416,133/- for 18,914 units/123 kW for the period from April 2014 to September 2014 charged in October 2014. POI disposed of the matter vide its decision dated 11.02.2016 with the following conclusion:

“Summing up all the observations/discussion and keeping in view all the aspects of the case this forum declares that the detection bill amount of Rs.416,133/- for 18,914 units charged as arrears in the bill for the month of 10/2014 and MDI of 123 kW as null, void and without legal effect and the consumer is not liable to pay the same. The respondents are directed to withdraw the same and charged the revised detection bill for 7,213 units and 42 kW MDI for two billing cycles i.e. 08/2014 & 09/2014 and overhaul petitioner’s account by adjusting all Credits, Debits, Deferred Amount & Payments already made by the consumer. Disposed of in above terms.”

4. FESCO was dissatisfied with the POI decision dated 11.02.2016 (hereinafter referred to as the impugned decision), therefore 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 20.09.2014 and both found malfunctioning with red phase being dead. According to FESCO, a detection bill of Rs. 416,133/- for 18,914 units/123 kW for the period from April 2014 to September 2014 (6 months) was charged by FESCO to the respondent in October 2014 due to 33% slowness of TOU billing meter. FESCO averred that the impugned decision is contrary to



National Electric Power Regulatory Authority

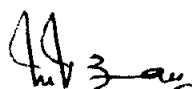
the clear instructions and guidelines as mentioned in clause 4 of Consumer Service Manual (CSM), hence the impugned decision was illegal, unlawful and therefore liable to be set aside.

5. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which however were not submitted by the respondent.
6. Notice was issued and hearing of the appeal was conducted in the regional office NEPRA Lahore on 05.09.2016 in which both the parties participated. Mr. Muhammad Nawaz Waseer advocate appearing for FESCO reiterated the same argument as narrated in memo of the appeal and contended that billing meter was found 33% slow during M&T checking on 20.09.2014 and accordingly a detection bill of Rs. 416,133/- for 18,914 units/123 kW for the period from April 2014 to September 2014 (6 months) was charged to the respondent in October 2014 which is legal and justified and the respondent is liable to be the same. On the other hand, Mr. Zulqarnain Haider appearing as representative for the respondent averred that the detection bill charged to the respondent was not justified and the respondent is not obligated to pay the same. The representative for the respondent further explained that the low consumption of energy recorded during the disputed period was due to low demand and cannot be attributed to the defective meter. The representative for the respondent pleaded that the impugned decision was in accordance with the provisions of CSM and therefore liable to be upheld.
7. We have heard arguments of both the parties and perused the record placed before us. Following are our observations:


33% slowness of TOU billing meter was observed by M&T FESCO on 20.09.2014 and accordingly a detection bill of Rs. 416,133/- for 18,914 units/123 kW for the period from April 2014 to September 2014 (6 months) was charged by FESCO to the respondent in October 2014. However the review committee of FESCO did not approve the above detection bill and recommended to reduce the same from six to three months only. POI has rightly determined in the impugned decision that the respondent is liable to be

charged for two months pursuant to clause 4.4 (e) of CSM. We are therefore in agreement with the determination of POI that the respondent is liable to be charged the detection bill of 7,213 units/42 kW for the period August 2014 to September 2014 (two months only).

8. 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: 01.11.2016

