



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

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No. NEPRA/AB/Appeal-072/POI-2016/ 1596-1599

December 05, 2016

1. Rana Shahzad Faisal,
S/o Muhammad Latif,
Awami Street, S/Road,
Faisalabad
2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad
3. Ch. Muhammad Imran Bhatti,
Advocate High Court,
44-District Courts, Faisalabad
4. Shahzad Ahmed Bajwa,
Advocate High Court,
Office No. 429, 4th Executive Floor,
Sadiq Plaza, The Mall,
Lahore
5. Sub Divisional Officer (Operation),
FESCO Ltd,
Samundri Road Sub Division,
Faisalabad
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. Rana Shahzad Faisal Against the Decision Dated 04.03.2016 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the Decision of the Appellate Board dated 02.12.2016, regarding the subject matter, for information and necessary action accordingly.

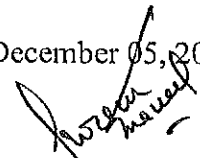
Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-072/POI-2016/ 1600

December 05, 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-072/POI-2016

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Rana Shahzad Faisal S/o Muhammad Latif,
Awami Street, S/Road, Faisalabad

.....Respondent

For the appellant:

Mr. Shahzad Ahmed Bajwa advocate

For the respondent:

Ch. Muhammad Imran Bhatti advocate

DECISION

1. This decision shall dispose of the appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 04.03.2016 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. 24-13242-5200724 with a sanctioned load of 55.73 kW under B-2b (12) tariff. Both TOU billing meter and backup meter of the respondent were checked by Metering and Testing (M&T) FESCO on 30.12.2014 and reportedly both were found malfunctioning (33% slow) with red phase being dead. After issuing notice to the respondent regarding above discrepancy, a detection bill amounting to Rs. 395,470/- for 26,705 units/183 kW for the period June 2014 to December 2014 was charged by FESCO to the respondent in January 2015 due to 33% slowness of the TOU billing meter. Multiplication Factor (MF) was raised from 20 to 29.8 by FESCO and the bills with enhanced MF were charged from January 2015 and onwards till the replacement of the meter.





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3. Being aggrieved with the detection bill of Rs. 395,470/- and bills with enhanced MF = 29.8, the respondent filed an application dated 27.01.2015 before POI and challenged the aforesaid bills. Both meters were checked by POI on 14.04.2015 in presence of both the parties and the same were found 33% slow due to one phase dead. POI disposed of the matter vide its decision dated 04.03.2016 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.395,470/- for 26,705 units for the period 06/2014 to 12/2014 added as arrears in the billing month of 01/2015 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 charge the petitioner revised detection bill for the cost of 11,555 units and 12 kW for the period 11/2014 to 12/2014. However the bills charged with enhanced multiplication factor w.e.f. 01/2015 to replacement of meter are justified and legal. The FESCO/respondents is further directed to 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 04.03.2016 (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 impugned decision passed by POI is illegal, unlawful, void and without jurisdiction and therefore liable to be set aside.
5. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which were filed on 10.05.2016. In his reply/parawise comments, the respondent raised the preliminary objection and contended that the appeal against the impugned decision dated 04.03.2016 was filed before NEPRA on 07.04.2016, which is not maintainable being time barred. According to the respondent, no notice was served to him before the alleged checking dated 30.12.2014, which is violative of Consumer Service Manual (CSM) and the detection bill of Rs. 395,470/- for 26,705 units/183 kW for the period June 2014 to December 2014 charged by FESCO in January 2015 is illegal, excessive, unjustified and the same is not payable by the



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respondent. The respondent prayed for upholding the impugned decision.

6. Notice was issued and hearing of the appeal was conducted in the regional office NEPRA Lahore on 07.10.2016, which was attended by both the parties. Mr. Shahzad Ahmed Bajwa advocate appearing for FESCO, reiterated the same argument as narrated in memo of the appeal and contended that metering equipment was found 33% slow due to one dead phase during M&T checking on 30.12.2014. According to learned counsel for FESCO, a detection bill of Rs. 395,470/- for 26,705 units/183 kW for the period June 2014 to December 2014 was charged to the respondent in January 2015 on 33% slowness basis but POI allowed to charge the detection bill for the period October 2014 to December 2014 only. On the other hand, Ch. Muhammad Imran Bhatti advocate learned counsel 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 learned counsel for the respondent pleaded that the impugned decision was rendered 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:
 - i. The appeal filed on 04.04.2016 against the impugned decision dated 04.03.2016 is within the time limit of 30 days as envisaged in section 38(3) of NEPRA Act 1997. The objection of the respondent in this regard is not maintainable.
 - ii. 33% slowness of metering equipment was noticed by M&T FESCO on 30.12.2014 and the same was confirmed by POI during checking dated 14.04.2015. The respondent assailed the detection bill of Rs. 395,470/- for 26,705 units/183 kW from June 2014 to December 2014 charged by FESCO in January 2015 and the billing with MF= 29.8 from January 2015 and onwards till meter change order (MCO) before POI on 27.01.2015.

Consumption data as provided by FESCO is tabulated below:





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Month	Units/kW charged during undisputed period, Year 2013		Units/kW charged during disputed period, Year 2014	
	Units	kW	Units	kW
June	116	4	6300	26
July	3297	21	7120	25
August	9548	31	7280	26
September	10756	32	10060	21
October	13349	31	9580	28
November	8235	27	6960	21
December	11360	23	6920	20

Perusal of the above table has revealed that there is no considerable difference in the consumption recorded in September 2013 and September 2014, which established that the meters were working correctly till September 2014. However the consumption from October 2014 and onwards shows that it has decreased considerably as compared to the corresponding months of year 2013. Evidently the meter became defective with 33% slowness from October 2014 and onwards till the replacement of meter. We are inclined to agree with the impugned decision that the detection bill of Rs. 395,470/- for 26,705 units/183 kW for the period from June 2014 to December 2014 charged by FESCO in January 2015 is null, void and without legal effect and not payable by the respondent. POI has rightly determined that the respondent should to pay the detection bill of 11,555 units/12 kW for the period October 2014 to December 2014 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: 02.12.2016