



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 2600028
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/AB/Appeal-138/POI-2015/ 234-239

February 24, 2016

1. Muhammad Kaleem Mumtaz,
S/o Rana Maqsood Iqbal Khan,
R/o 12-A, Peoples Colony No. 1,
Faisalabad
2. The Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullah Pur,
Faisalabad
3. Mian Muhammad Javaid
Advocate Supreme Court of Pakistan,
4-Link Farid Kot Road,
Lahore
4. Sardar Sohail Ahmad Gujjar
Advocate High Court,
56-District Courts, Faisalabad
5. Sub Divisional Officer,
FESCO Ltd,
Bhawana Sub Division,
Bhawana
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. Muhammad Kaleem Mumtaz Against the Decision Dated 06.11.2015 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad**

Please find enclosed herewith the decision of the Appellate Board dated 24.02.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

(Ikram Shakeel)

No. NEPRA/AB/Appeal-138/POI-2015/ 240

February 24, 2016

Forwarded for information please.

**Assistant Director
Appellate Board**

1. Registrar
2. Director (CAD)

CC:

1. Vice Chairman/Member (CA)



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 2600028
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/AB/Appeal-138/POI-2015/ 234-239

February 24, 2016

1. Muhammad Kaleem Mumtaz,
S/o Rana Maqsood Iqbal Khan,
R/o 12-A, Peoples Colony No. 1,
Faisalabad
2. The Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullah Pur,
Faisalabad
3. Mian Muhammad Javaid
Advocate Supreme Court of Pakistan,
4-Link Farid Kot Road,
Lahore
4. Sardar Sohail Ahmad Gujjar
Advocate High Court,
56-District Courts, Faisalabad
5. Sub Divisional Officer,
FESCO Ltd,
Bhawana Sub Division,
Bhawana
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. Muhammad Kaleem Mumtaz Against the Decision Dated 06.11.2015 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the decision of the Appellate Board dated 24.02.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-138/POI-2015/ 240

February 24, 2016

Forwarded for information please.

Assistant Director
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Vice Chairman/Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-138/POI-2015

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Kaleem Mumtaz, S/o Rana Maqsood Iqbal Khan,
R/o 12-A, Peoples Colony No. 1, Faisalabad

.....Respondent

For the appellant:

Muhammad Naeem Shahzad SDO
Mian Muhammad Javaid

For the respondent:

Sardar Sohail Ahmed Advocate

DECISION

1. This decision shall dispose of an appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 06.11.2015 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 Electric Power Act 1997 (hereinafter referred to as the Act).
2. The respondent is a consumer of FESCO bearing Ref No. 29-13164-3131100 with a sanctioned load of 5 kW under D-1b (50) T tariff. As per facts of the case, pursuant to Audit Note No. 252, dated 27.03.2013 (hereinafter referred to as AN 252), a bill of Rs. 91,471/- for 7,731 units for the period September 2011 to November 2011 (03 months)

12



National Electric Power Regulatory Authority

was charged to the respondent in the month of November 2013. As per FESCO, meter of the respondent was replaced on 01.12.2011 as it was washed out.

3. Being aggrieved with the amount of Rs. 91,471/- for 7,731 units for the period September 2011 to November 2011 (03 months) included as bill adjustment in the electricity bill of November 2013, the respondent filed an application before POI on 18.12.2013. The matter was disposed of by POI vide its decision dated 06.11.2015 with the following conclusion:

"Summing up all the above observation/conclusion, this forum declares the charging of Rs. 91,471/- added in the billing month of 11.2013 on the basis of Audit Note No.252 dated 27.03.2013 for the cost of 7731 units for the period of 09.2011 to 11.2011 as null, void and of no legal effect and the petitioner is not liable to pay the same. FESCO Authority is directed to withdraw the same and overhaul the account of the petitioner accordingly."

4. Being dissatisfied with the POI decision dated 06.11.2015 (hereinafter referred to as the impugned decision), FESCO has filed the instant appeal under section 38 (3) of the Act. FESCO in its appeal, inter alia, contented that the impugned decision was illegal and void and was 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 26.01.2016. The respondent in his reply, inter-alia, pleaded that the impugned decision was according to settled law and facts of the case and therefore liable to be maintained.
6. After issuing notice to both the parties, the appeal was heard on 15.02.2016 at Lahore in which, Mr. Muhammad Naeem Shahzad SDO appeared for the appellant FESCO and Sardar Sohail Ahmed Advocate represented the respondent. The representative of FESCO submitted that the amount of Rs. 91,471/- for 7,731 units for the period September 2011 to November 2011(03 months) and included as bill adjustment in the bill of November 2013 on the recommendation on the AN 252, was justified and the respondent was liable to pay

12



National Electric Power Regulatory Authority

the same. The learned counsel for the respondent defended the impugned decision of POI and averred that AN 252 was an internal matter between the audit department and FESCO and it was rightly observed in the impugned decision that the respondent was not liable to pay any amount on the recommendation of the audit. The learned counsel further contented that the impugned decision was according to facts and law, which were not contradicted by FESCO and same was therefore liable to be maintained.


7. Arguments of both parties heard and relevant record was examined. It has been observed that the adjustment bill of Rs. 91,471/- for 7,731 units for the period September 2011 to November 2011 (03 months) was debited to the respondent pursuant to AN 252. FESCO has failed to contradict the findings of POI. We are convinced with the arguments of the learned counsel for the respondent that the impugned decision contains proper technical reasoning and legal justification and therefore the same is liable to be maintained.
8. In view of above discussion, 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: 24.02.2016