



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

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No. NEPRA/AB/Appeal-070/POI-2014/ 678-682

May 10, 2017

1. Ch. Sadiq Ali,
S/o Ch. Nawab Din,
R/o House No. P-3725,
Street No. 12, Mansoorabad,
Faisalabad
2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad
3. Mehar Shahid Mehmood,
Advocate High Court,
Office No. 25, 3rd Floor,
Ali Plaza, 3-Mozang Road,
Lahore
4. Sub Divisional Officer (Operation),
FESCO Ltd,
Mansoorabad Sub Division,
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. Ch. Sadiq Ali Against the Decision Dated 17.02.2014 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the Decision of the Appellate Board dated 10.05.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-070/POI-2014/ 683

Forwarded for information please.

(Ikram Shakeel)

May 10, 2017

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-070/POI-2014

Faisalabad Electric Supply Company LimitedAppellant

Versus

Ch. Sadiq Ali S/o Ch. Nawab Din R/o House No. P-3725,
Street No.12 Mansoorabad, FaisalabadRespondent

For the Appellant:

Mehar Shahid Mahmood Advocate
Mr. Shazad Ahmed Bajwa Advocate
Mr. Arsalan Ali SDO

For the Respondent:

Ch. Sadiq Ali

DECISION

1. Brief facts leading to the disposal of this appeal are that an appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 17.02.2014 of the Provincial Office of Inspection/Electric Inspector Faisalabad Region, Faisalabad was dismissed by NEPRA on 25.02.2015 being time barred. Said decision was assailed before Honorable Lahore High Court Lahore through Writ Petition No. 16677/2015 and the decision dated 25.02.2015 of the NEPRA was set aside by the Honorable High Court vide its decision dated 25.04.2016 with the directions to decide the matter on merits.

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2. Pursuant to the directions of Honorable High Court, the appeal was restored to its original number and notice of hearing was served to both the parties. The hearing was conducted on 20.04.2017 in NEPRA's Regional Office at Lahore wherein Mehar Shahid Mahmood advocate along with other officials appeared for the appellant FESCO and Ch. Sadiq Ali the respondent appeared in person. Learned counsel for the appellant argued that meter of the respondent was found tampered for theft of electricity during Metering & Testing (M&T) FESCO checking dated 15.01.2013, the respondent was informed through notice regarding the above discrepancy and Police was informed for registration of FIR, which however was not registered. According to the learned counsel for FESCO, a detection bill amounting to Rs.83,436/- for 5,002 units for the period July 2012 to December 2012 was charged to the respondent, which was paid by him in three installments without any protest. On the other hand, the respondent defended the impugned decision and pleaded for upholding the same.
3. After hearing the arguments and perusal of record, it is observed as under:-
 - i. A detection bill of Rs.83,436/- for 5,002 units for the period July 2012 to December 2012 (6 months) charged to the respondent due to theft of electricity was assailed by him before POI vide application dated 25.06.2013.
 - ii. According to clause 9.1 c (3) of CSM, the respondent is liable to be billed



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maximum for three billing cycles being a domestic consumer as nothing has been placed on record by FESCO showing that approval for charging the detection bill beyond three months was obtained from the Chief Executive (or any officer authorized in this behalf) of the FESCO and action was also initiated against the delinquent officer in charge for not being vigilant. Therefore the detection bill of Rs. 83,436/- for 5,002 units for the period July 2012 to December 2012 (6 months) charged to the respondent is against the provisions of Consumer Service Manual.

- iii. Pursuant to clause 9.1 c (3) of CSM, the respondent is liable to be billed for October 2012 to December 2012 (3 months) only, if low consumption is established during the disputed months. In this regard, comparison of the consumption data between the disputed and undisputed periods as provided by FESCO is tabulated below:

Period	Normal Mode Average Units/Month
Corresponding period before dispute October 2011 to December 2011 (3 months)	276
Undisputed period before dispute August 2011 to June 2012 (11 months)	304
Disputed period October 2012 to December 2012 (3 months)	245

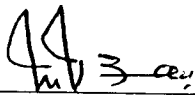
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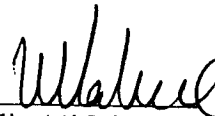
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It is evident from the above table that consumption of disputed period is lower than the consumption of undisputed periods. Hence it would be fair and appropriate to charge the detection bill @ 304 units/month for the disputed period i.e. October 2012 to December 2012 as recorded during the undisputed period i.e. August 2011 to June 2012.


4. For the foregoing reasons, we have reached to the conclusion that:
 - i. The detection bill of Rs.83,436/- for 5,002 units for the period July 2012 to December 2012 (6 months) charged by FESCO to the respondent is unjustified, therefore decision of POI to that extent is upheld.
 - ii. The respondent should be charged the detection bill @ 304 units/month for three months only i.e. October 2012 to December 2012.
5. Impugned decision is modified in above terms.



Muhammad Qamar-uz-Zaman
Member



Nadir Ali Khoso
Convener



Muhammad Shafique
Member

Dated: 10.05.2017