



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

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No. NEPRA/AB/Appeal-082/POI-2016/ 259-264

February 22, 2017

1. Amir Danish,  
R/o Chak No. 66/JB,  
Tehsil & District 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. Mehar Shahid Mahmood,  
Advocate High Court,  
Office No. 25, 3<sup>rd</sup> Floor,  
Ali Plaza, 3-Mozang Road,  
Lahore
5. Sub Divisional Officer (Operation),  
FESCO Ltd,  
Jhang 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 Amir Danish Vs. FESCO Against the Decision Dated 18.03.2016 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad**

Please find enclosed herewith the Decision of the Appellate Board dated 21.02.2017, regarding the subject matter, for information and necessary action accordingly.

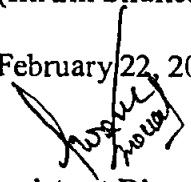
Encl: As Above

No. NEPRA/AB/Appeal-082/POI-2016/ 265

Forwarded for information please.

(Ikram Shakeel)

February 22, 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-082/POI-2016

Amir Danish R/o Chak No.66/JB, Tehsil & District Faisalabad .....Appellant

Versus

Faisalabad Electric Supply Company Limited .....Respondent

For the appellant:

Ch. Muhammad Imran Bhatti Advocate

For the respondent:

Mr. Mehar Shahid Mehmood Advocate

Mr. Muhammad Saeed SDO

## DECISION

1. Through this decision, an appeal filed by Mr. Amir Danish (hereinafter referred to as the appellant) against the decision dated 18.03.2016 of the Provincial Office of Inspection/Electric Inspector, Faisalabad Region, Faisalabad (hereinafter referred to as POI) is being disposed of.
2. Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) is a licensee of National Electric Power Regulatory Authority (hereinafter referred to as NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the license and the appellant is an industrial consumer of FESCO bearing Ref No.24-13215-5516900 with a sanctioned load of 408 kW under B-2b tariff.





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3. As per fact of the case, the appellant informed FESCO regarding the defectiveness of TOU billing meter on 14.06.2013, which was checked by Metering & Testing (M&T) FESCO on the same day and reportedly the main cable was found burnt inside A.T.B. The defective TOU billing meter (first disputed meter) of the appellant was replaced by FESCO with the new TOU billing meter on 18.06.2013. New TOU billing and backup meters of the appellant were checked by M&T FESCO on 05.07.2013 and reportedly the new TOU billing meter (second disputed meter) was found 66% slow due to two phases dead. As per appellant, electric supply of the appellant was disconnected by FESCO on 05.07.2013 and first detection bill of Rs.1,630,728/- for 23,992 units/2,824 kW MDI for the period 11.02.2013 to 11.06.2013 was charged by FESCO to the appellant on 08.07.2013 on the basis of data retrieval report of the first disputed meter.
4. Being aggrieved, the appellant filed first application before POI on 11.07.2013 and challenged the first detection bill of Rs.1,630,728/- for 23,992 units/ 2,824 kW MDI for the period 11.02.2013 to 11.06.2013 charged by FESCO on 08.07.2013, 50 % of which was paid on 12.07.2013 as directed by POI. During the pendency of case before POI, FESCO issued the second detection bill of Rs.164,044/- for 14,621 units for the period 03.07.2013 to 05.07.2013 (2 days) to the appellant in August 2013@ 66% slowness basis of the second disputed meter, which was also assailed by the appellant before POI vide the second application dated 24.08.2013. The matter was disposed of by POI vide its decision dated 18.03.2016 with the following conclusion:

*"Summing up all the above observations/discussion and keeping in view all the aspects of the case this forum declares that: 1. the detection bill of Rs.164044/- for 14621 units on the*





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*basis of 66% slowness from 03.07.2013 to 05.07.2013 is justified and the consumer is liable to pay the same. 2. The charging of the detection bill for 2824 KW MDI is justified, however it should be charged at the applicable rate at different times from 06.09.2007 to 18.06.2013. 3. The detection bill of 241369/- for 23992 units is unjustified, illegal and the 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 19,453 units at the applicable rates at that time. The respondents are directed to overhaul petitioner's account by adjusting all Credits, Debits, Deferred Amount & Payments already made by the consumer. Disposed of in above terms."*

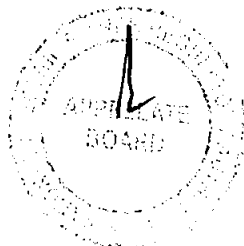
5. Being dissatisfied with the decision of POI dated 18.03.2016 (hereinafter referred to as the impugned decision), the appellant has filed the instant appeal before NEPRA under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as the NEPRA Act 1997). In its appeal, the appellant contended that first detection bill of Rs.1,630,728/- for 23,992 units/ 2,824 kW MDI for the period 11.02.2013 to 11.06.2013 and second detection bill of Rs.164,044/- for 14,621 units for the period 03.07.2013 to 05.07.2013 (2 days) charged by FESCO in July 2013 and August 2013 respectively are unilateral, illegal, unlawful, without notice and therefore not payable by the appellant. As per appellant, 50% payment against both the aforesaid detection bills was made under protest. The appellant pleaded that the impugned decision was rendered in arbitrary manner having no legal basis and liable to be set aside. Notice of the appeal was issued to FESCO for filing reply/parawise comments which, however, were not filed.





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6. After issuing notice to both the parties, hearing of the appeal was held in Lahore on 10.02.2017 in which Ch. Muhammad Imran Bhatti advocate represented the appellant and Mehar Shahid Mehmood advocate along with SDO FESCO appeared for the respondent. Learned counsel for the appellant contended that first disputed meter became defective on 14.06.2013, which was replaced by FESCO on 18.06.2013. According to the appellant, first detection bill of Rs.1,630,728/- for 23,992 units/2,824 kW MDI for the period 11.02.2013 to 11.06.2013 and second detection bill of Rs.164,044/- for 14,621 units for the period 03.07.2013 to 05.07.2013 (2 days) charged by FESCO in July 2013 and August 2013 respectively are inconsistent with the provisions of Consumer Service Manual (CSM) and therefore both the aforesaid detection bills are liable to be set aside. On the contrary, learned counsel for FESCO rebutted the arguments of the learned counsel for the appellant and contended that the first disputed meter defective and replaced by FESCO with the second disputed meter on 18.06.2013 and as such the first detection bill of Rs.1,630,728/- for 23,992 units/2,824 kW MDI for the period 11.02.2013 to 11.06.2013 charged on the basis of data retrieval report is justified and payable by the appellant . According to the learned counsel for FESCO, the second disputed meter was also found defective, therefore the second detection bill of Rs.164,044/- for 14,621 units for the period 03.07.2013 to 05.07.2013 (2 days) charged @ 66% slowness basis of the second disputed meter is correct and the appellant is responsible to pay the same.
7. Arguments heard, record examined and following is observed:





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- i. Admittedly the first disputed meter was defective and replaced by FESCO with the second disputed meter on 18.06.2013. Later on the second disputed meter of the appellant was also found 66% slow by M&T FESCO on 05.07.2013.
- ii. First detection bill of Rs.1,630,728/- for 23,992 units/2,824 kW MDI for the period 11.02.2013 to 11.06.2013 was charged to the appellant on the basis of data retrieval report of first disputed meter, which was challenged by the appellant before POI vide application dated 11.07.2013. POI has verified the calculation of detection units charged by FESCO on the basis of data retrieval report of first disputed meter. Charging of the first detection bill for four months is inconsistent with the provisions of CSM. As per clause 4.4(e) of CSM, maximum period for charging the detection bill due to the defectiveness of the meter is restricted to two billing cycles. Under these circumstances, the first detection bill for 23,992 units for the period 11.02.2013 to 11.06.2013 charged to the appellant is unjustified and therefore liable to be cancelled. Since the meter was found defective on 14.06.2013, the appellant is liable to be charged for the previous months of April 2013 & May 2013 (two months only). Impugned decision to this extent is liable to be modified.
- iii. Second detection bill of Rs.164,044/- for 14,621 units for the period 03.07.2013 to 05.07.2013 (2 days) charged to the appellant @ 66% slowness of the second disputed meter was also challenged by the appellant before POI vide application dated 24.08.2013.





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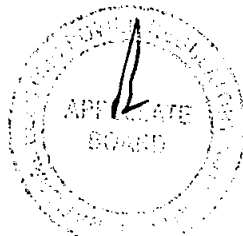
Detection units calculated on the basis of 66% slowness of the second disputed meter are given below:

	<u>Units</u>
• Total units recorded during undisputed period (18.06.2013 to 03.07.2013)	= 60,260
• Average units per day = $\frac{\text{Total Units charged} = 60,260}{\text{No. of days} \quad 16}$	= 3,766
• Total units to be charged = Average units x MF due to 66% slowness x No. of days for disputed period per day (Multiplication Factor) (03.07.2013 to 05.07.2013)	
Total units charged = $3,766 \times \left(\frac{100}{100-66}\right) \times 2$	= 22,152
• Units already charged = Average units x No. of days = $3,766 \times 2$ for disputed period per day (03.07.2013 to 05.07.2013)	= 7,532
• Net units to be charged = Total units charged -- Units already charged for disputed period (03.07.2013 to 05.07.2013) = 22,152 - 7,532	= 14,621

From the above, it is evident that the appellant has rightly been charged the second detection bill of Rs.164,044/- for 14,621 units for the period 03.07.2013 to 05.07.2013 (2 days) @ 66% slowness of the second disputed meter as already determined in the impugned decision.

8. In view of foregoing discussion, we have reached to the conclusion that:

- i. First detection bill for 23,992 units for the period 11.02.2013 to 11.06.2013 charged to the appellant is unjustified and the appellant is not responsible to pay the same as already determined in the impugned decision. The appellant should be charged for April 2013 & May 2013 (two months only) as per data retrieval report of the first disputed meter. Impugned decision is modified to this extent.





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ii. Second detection bill of Rs.164,044/- for 14,621 units for the period 03.07.2013 to 05.07.2013 (2 days) @ 66% slowness of the second disputed meter is justified and to be paid by the appellant as already determined by POI.

9. The impugned decision is modified in above terms.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Dated: 21.02.2017

