



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

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No. NEPRA/AB/Appeal-084/POI-2014/ 612 — 616

April 27, 2017

1. M/s Areeha Spinning Mills (Pvt.) Ltd,
Through Muhammad Yousaf,
Director/Partner, Faisalaba Road,
Chiniot
2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad
3. Dr. Muhammad Irtiza Awan,
Advocate High Court,
Al-Majeed Centre,
1-Mozang Road, 38-Link Farid Kot Road,
Lahore
4. Sub Divisional Officer (Operation),
FESCO Ltd,
Chiniot-I Sub Division,
Chiniot
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. M/s Areeha Spinning Mills (Pvt.) Ltd. Against the Decision Dated 21.04.2014 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad**

Please find enclosed herewith the Decision of the Appellate Board dated 26.04.2017, regarding the subject matter, for information and necessary action accordingly.

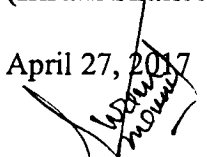
Encl: **As Above**

No. NEPRA/AB/Appeal-084/POI-2014/ 617

Forwarded for information please.

(Ikram Shakeel)

April 27, 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-084/POI-2014

Faisalabad Electric Supply Company LimitedAppellant

Versus

M/s Areeha Spinning Mills (Pvt.) Limited,
Faisalabad Road, ChiniotRespondent

For the Appellant:

Dr. M. Irtiza Awan Advocate
Mr. Waqar Ahmed SDO

For the Respondent:

Nemo

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 21.04.2014 of the Provincial Office of Inspection/Electric Inspector Faisalabad Region, Faisalabad was dismissed by NEPRA on 10.11.2014 being time barred. Said decision was assailed before Honorable Lahore High Court Lahore through Writ Petition No. No.11039/2015 and the decision of NEPRA dated 10.11.2014 was set aside by Lahore High Court vide it's 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 matter was again taken up and re-hearing of the appeal was conducted on 20.04.2017 wherein Dr. Muhammad Irtiza Awan advocate appeared for the appellant FESCO and no one represented the respondent. It has been argued on behalf of the appellant that the old billing meter was found 45% slow, therefore the detection bill amounting to Rs. 1,365,863/- for the period August 2011 to January 2012 charged to the respondent due to 45 % slowness is justified and the respondent is liable to pay the same
3. After hearing the arguments and perusal of record, it is observed as under:-
 - i. Old billing meter of the respondent was found 45% slow in comparison with check meter installed by FESCO on 13.01.2012, the same slowness was also confirmed by POI. Admittedly the meter was slow by 45%, only the period of detection bill needs to be worked out.
 - ii. Billing was shifted on the check meter by FESCO w.e.f February 2012 and onwards.
 - iii. The respondent was charged the detection bill amounting to Rs. 1,365,863/- for the period August 2011 to January 2012 (6 months) by FESCO @ 45% slowness, which was assailed by the respondent before POI vide his application dated 19.06.2013.



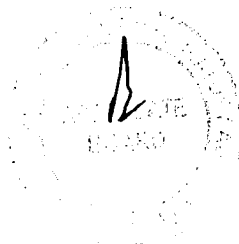


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- iv. Charging of the aforesaid detection bill for six months by FESCO to the respondent is inconsistent with the provision of Consumer Service Manual (CSM). Pursuant to clause 4.4(e) of CSM, a consumer could be charged maximum for two billing cycles due to slowness of the meter, if established.
- v. For assessing the slowness of the old billing meter, comparison of the consumption of disputed and undisputed months is given below:

Undisputed months			Disputed months		
Month	Units	MDI	Month	Units	MDI
Aug 2010	33,040	306	Aug 2011	36,470	262
Sep 2010	38,670	316	Sep 2011	33,790	249
Oct 2010	27,670	326	Oct 2011	33,190	247
Nov 2010	50,120	346	Nov 2011	59,650	265
Dec 2010	41,830	267	Dec 2011	37,390	235
Jan 2011	77,150	351	Jan 2012	3,390	37

From the above table it is evident that the normal consumption recorded during the disputed months i.e. August 2011 to December 2011 is compatible with the normal consumption recorded during the corresponding undisputed months i.e. August 2010 to January 2010, however drastic decline in the consumption is noted from January 2012, which indicates that the old billing meter became 45%

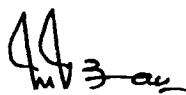





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slow w.e.f January 2012. It is concluded that the old billing meter of the respondent worked correctly till December 2011 and became 45% slow w.e.f January 2012. There is no justification for charging the detection bill of Rs.1,365,863/- for the period August 2011 to January 2012@ 45% slowness of the old billing meter and the respondent should be charged the detection bill for January 2012 @ 45% slowness as already determined by POI.


4. Forgoing in view, 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



Nadir Ali Khoso
Convener



Muhammad Shafique
Member

Dated: 26.04.2017