



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

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No. NEPRA/AB/Appeal-094/POI-2014/ *684-688*

May 10, 2017

1. Muhammad Sarwar Gondal,  
S/o Muhammad Khan,  
C/o Muhammad Yousaf,  
S/o Ghulam Ali,  
Prop: Power Looms Factory,  
Marzipur, Faisalabad
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,  
Faizabad 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. Muhammad Sarwar Gondal Against the Decision Dated 29.11.2013 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-094/POI-2014/ *689*

Forwarded for information please.

(Ikram Shakeel)

May 10, 2017

*(Signature)*  
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-094/POI-2014

Faisalabad Electric Supply Company Limited .....Appellant

Versus

Muhammad Sarwar Gondal, S/o Muhammad Yousaf,  
S/o Ghulam Ali Prop: Power Looms, Marzipur, Faisalabad .....Respondent

#### For the Appellant:

Dr. M. IrtizaAwan Advocate

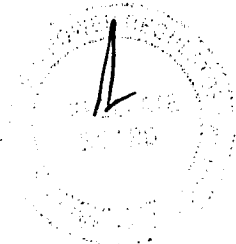
Mr. Waqar Ahmed SDO

#### For the Respondent:

Nemo

### DECISION

1. Brief facts of the case are that an appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 29.11.2013 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. 5119/2015 and the decision dated 10.11.2014 of NEPRA was set aside by the

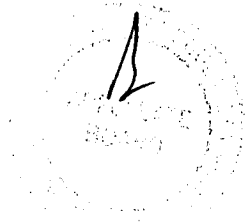




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Honorable High Court vide decision dated 25.04.2016 with the directions to decide the matter on merits.

2. Pursuant to the directions of Honorable High Court, the matter was again taken up and re-hearing of the appeal was held on 20.04.2017 wherein Dr. Muhammad Irtiza Awan advocate along with Mr. Waqar Ahmed SDO appeared for FESCO and no one entered appearance for the respondent. Learned counsel for the appellant contended that both the billing and backup meters were found 33% slow due to one phase being dead during the checking by the Metering and Testing (M&T) FESCO dated 12.03.2012, therefore the detection bill of Rs. 388,053/- for 40,900 units/86 kW for the period October 2011 to February 2012 is justified.
3. Arguments heard and record perused. Admittedly both the billing and backup meters of the respondent were found 33% slow during M&T checking dated 12.03.2012, therefore, the dispute to be ascertained may be relevant for the period for the purpose. Due to 33% slowness of the meter, a detection bill of Rs.388,053/- for 40,900 units/86 kW for the period October 2011 to February 2012 (5 months) was charged by FESCO to the respondent, which was agitated by him before POI vide his application dated 31.12.2012. Pursuant to clause 4.4(e) of Consumer Service Manual (CSM), a consumer could be charged maximum for two billing cycles due to slowness of the meter. In the instant case, the respondent was charged the detection bill of





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Rs.388,053/-for 40,900 units for five months by FESCO, which is obviously not in line with the provisions of CSM.

4. In order to assess the slowness of the billing meter, comparison of the consumption of disputed and undisputed periods is given below:

Disputed months			Undisputed months			
Month	Units	MDI	Month	Units	MDI	MDI due to slowness
Oct 2011	15,880	20	Mar 2012	22,089	20	29.8 (MF=1.49)
Nov 2011	15,740	36	Apr 2012	23,671	38	57
Dec 2011	16,100	38	May 2012	25,969	43	64
Jan 2012	17,980	31	Jun 2012	13,646	19.4	58.9 (MF=3)
Feb 2012	17,340	50	Jul 2012	16,920		46 (MCO)

From the above table it emerges that no significant variation occurred in the kWh part of the billing meter during the disputed periods i.e. October 2011 to February 2012. As regards MDI part of the meter, there is a significant increase noticed during the same period, however decline in MDI is witnessed from March 2012, which indicates that the billing meter became 33% slow w.e.f March 2012. POI has rightly analyzed in the impugned decision that the billing meter of the respondent was working correctly till February 2012 and it became 33% slow w.e.f March 2012. Under these circumstances, the detection bill of Rs. 388,053/- for 40,900 units for the period October 2011 to February 2012



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charged by FESCO to the respondent @ 33% slowness is not justified. In this view of the matter, no illegality or irregularity in the impugned decision has been noticed and consequently the appeal is dismissed.

Muhammad Qamar-uz-Zaman  
Member

Nadir Ali Khoso  
Convener

Muhammad Shafique  
Member

Dated: 10.05.2017