



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

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No. NEPRA/AB/Appeal-102/POI-2014/ *1032-1037*

July 11, 2017

1. Muhammad Rafique,
S/o Abdul Rehman,
R/o Chak No. 67/JB,
Saddar Jhang Road,
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. Ch. Muhammad Imran Bhatti,
Advocate Hig Court,
44-District Courts,
Faisalabad
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 FESCO Vs. Muhammad Rafique Against the Decision Dated 24.06.2014 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the Decision of the Appellate Board dated 11.07.2017, regarding the subject matter, for information and necessary action accordingly.

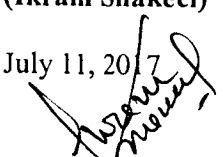
Encl: As Above

No. NEPRA/AB/Appeal-102/POI-2014/ *1038*

Forwarded for information please.

(Ikram Shakeel)

July 11, 2017


Assistant Director
Appellate Board

1. Registrar

CC:

1. Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-102/POI-2014

Faisalabad Electric Supply Company LimitedAppellant

Versus

Muhammad Rafique S/o Abdul Rehman,
R/o Chak No. 67/JB, Saddar Jhang Road, FaisalabadRespondent

For the Appellant:

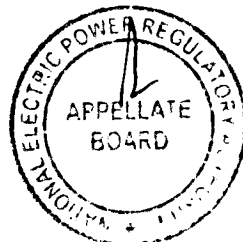
Mehar Shahid Mahmood Advocate
Mr. Muhammad Saeed SDO

For the Respondent:

Ch. Muhammad Imran Bhatti Advocate

DECISION

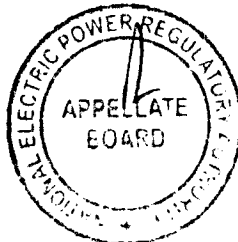
1. Brief facts leading to the disposal of this appeal are that an appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 24.06.2014 of the Provincial Office of Inspection/Electric Inspector Faisalabad Region, Faisalabad (POI) was dismissed by the Appellate Board on 31.03.2015 being time barred. Said decision was assailed before the Honorable Lahore High Court Lahore through Writ Petition No. No.19916 of 2015 and the Appellate Board decision dated 31.03.2015 was set aside by the honorable High Court vide decision dated 25.04.2016 with the directions to NEPRA to decide the matter on merits.





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2. In pursuance of the directions of Honorable Court, the matter was again taken up and the appeal was re-heard on 19.06.2017 wherein Mehar Shahid Mahmood advocate along with Mr. Muhammad Saeed SDO represented the appellant FESCO and Ch. Muhammad Imran Bhatt advocate appeared for the respondent. It has been argued on behalf of the appellant that the disputed meter was found 33% slow due to one phase being dead and 66% slow due to two phase being dead during metering and testing (M&T) FESCO checking dated 29.11.2011 and 27.03.2012 respectively. As per learned counsel for FESCO, a detection bill amounting to Rs.148,745/- for 18,006 units for the period August 2011 to December 2011 (4 months) was charged to the respondent in February 2012 @ 33% slowness of the meter. Learned counsel for FESCO averred that the disputed meter was also found 66% slow due to two phase being dead during joint inspection of POI on 27.03.2012, therefore the respondent is obligated to pay the aforesaid detection bill for entire disputed period i.e. August 2011 to December 2011. Conversely learned counsel for the respondent defended the impugned decision and prayed for upholding the same.
3. After hearing the arguments and perusal of record, it is observed as under:-
 - i. The detection bill amounting to Rs. Rs.148,745/- for 18,006 units for the period August 2011 to December 2011 (4 months) charged to the respondent in February 2012 was challenged by the respondent before POI vide his application dated 25.02.2012.



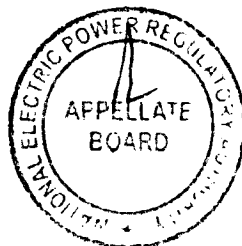


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- ii. Since 66 % slowness of the disputed meter of the respondent was confirmed by POI during joint checking on 27.03.2012, therefore charging the aforesaid detection bill @ 33% slowness could not be objected, however the period of slowness needs to be ascertained. For this purpose, consumption data as provided by FESCO is tabulated below:

Month	Year 2010		Year 2011	
	KWh	MDI	KWh	MDI
August	7,145	32	7,362	31
September	1,4161	30	8,401	28
October	1,2469	31	4,872	18
November	1,4123	29	9,138	19
December	1,4136	30	6,784	17


It is evident from the above table that KWh part of the meter for August 2011 is compatible to KWh part of the meter for August 2010, however KWh part of the meter drastically declined from September 2011 and onwards as compared to the KWh part of the meter during corresponding months of previous year. As regards the MDI part of meter, it is observed that MDI recorded by the meter for August 2011 and September 2011 is equivalent to the MDI recorded in the corresponding previous months (i.e. August 2010 & September 2010), however a severe decline in MDI is noticed w.e.f October 2011 and onwards. We are inclined to agree with the determination of POI that KWh part of the meter became 33% slow w.e.f September 2011 and onwards and MDI part of the meter became 33% slow w.e.f October 2011 and Onwards.



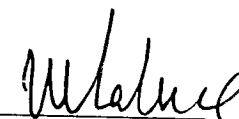


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4. From the discussion in preceding paragraphs it is concluded as under:
- i. The detection bill amounting to Rs.148,745/- for 18,006 units for the period August 2011 to December 2011 (4 months) charged to the respondent in February 2012 @ 33% slowness has no justification, therefore declared null, void as decided by POI.
 - ii. However the respondent should be charged the KWh part of the meter w.e.f September 2011 to December 2011 @ 33% slowness and MDI part of the meter w.e.f October 2011 to December 2011 @ 33% slowness as already determined in the impugned decision.
5. Forging in view, the impugned decision is upheld and consequently the appeal is dismissed.



Muhammad Qamar-uz-Zaman
Member



Nadir Ali Khoso
Convener



Muhammad Shafique
Member

Dated: 11.07.2017

