



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

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No. NEPRA/AB/Appeal-112/POI-2014/ 758-762

May 22, 2017

1. Ch. Muhammad Imran Bhatti,
Advocate High Court,
44-District Courts,
Faisalabad
2. Chief Executive Officer,
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad
3. Shahzad Ahmed Bajwa
Advocate High Court,
Office No. 429, 4th Executive Floor,
Sadiq Plaz, The Mall,
Lahore
4. Sub Divisional Officer/AM (Opr),
FESCO Ltd,
Jhang Road 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. Tanveer Hussain Against the Decision Dated 15.08.2014 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the Decision of the Appellate Board dated 18.05.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-112/POI-2014/ 763

May 22, 2017

Forwarded for information please.

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-112/POI-2014

Faisalabad Electric Supply Company LimitedAppellant

Versus

Tanveer Hussain S/o Muhammad Luqman
R/o Chak No. 62/JB, Jhang Road, FaisalabadRespondent

For the Appellant:

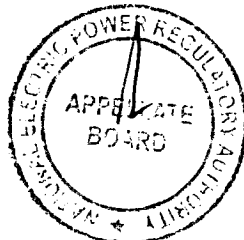
Shahzad Ahmed Bajwa Advocate
Mr. Muhammad Saeed SDO

For the Respondent:

Nemo

DECISION

1. Brief facts of the case are that Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) filed an appeal against the decision dated 15.08.2014 of the Provincial Office of Inspection/Electric Inspector Faisalabad Region, Faisalabad, which was dismissed by the NEPRA Appellate Board on 31.03.2015 being barred by time. Said decision was assailed by FESCO before Honorable Lahore High Court Lahore through Writ Petition No.19882/2015 and the decision dated 31.03.2015 of the Appellate Board was set aside by the Honorable

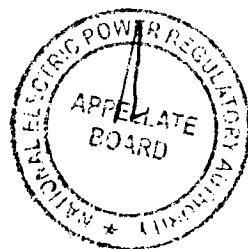




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High Court vide its decision dated 25.04.2016 with the directions to decide the matter on merits.

2. Pursuant to the directions of Honorable High Court, re-hearing of the appeal was conducted in NEPRA Provincial Office Lahore on 08.05.2017 in which Mr. Shahzad Ahmed Bajwa advocate along with other officials represented the appellant FESCO and no one appeared for the respondent. Learned counsel for the appellant argued that TOU meter of the respondent was found 33% slow due to one phase being dead during Metering & Testing (M&T) FESCO checking dated 14.10.2013, which was replaced by FESCO vide meter change order (MCO) dated 14.10.2013. According to the learned counsel for FESCO, a detection bill amounting to Rs.61,714/- for 4,144 units for the period June 2013 to September 2013(4 months) was charged to the respondent in November 2013, which is justified and payable by the respondent.
3. After hearing the arguments and perusal of record, it is observed as under:-
 - i. Due to 33% slowness of TOU meter, a detection bill of Rs.61,714/- for 4,144 units for the period June 2013 to September 2013(4 months) charged to the respondent was disputed by him before POI vide application dated 19.12.2013.
 - ii. According 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 Rs.61,714/-





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for 4,144 units for four months by FESCO, which is obviously not in line with the provision of CSM, therefore liable to be cancelled as already determined in the impugned decision.

- iii. Pursuant to clause 4.4 (e) of CSM, the detection bill for two months only i.e. August 2013 and September 2013 could be charged, if it is established that the meter was slow during that period. In this regard comparison of the consumption of disputed and corresponding undisputed months is worked out as under:

| Corresponding undisputed months | | Disputed months | |
|---------------------------------|--------------|-----------------|--------------|
| Month | Units | Month | Units |
| Aug 2012 | 3,395 | Aug 2013 | 2,271 |
| Sep 2012 | 2,625 | Sep 2013 | 2,443 |
| Total | 6,020 | Total | 4,714 |

From the above table it emerges that total kWh consumption recorded during the disputed months is considerably lesser than the total kWh consumption of corresponding undisputed months. Therefore we are of the view that the respondent is liable to be charged 6,020 units only for the disputed months i.e. August 2013 and September 2013 as recorded during the corresponding undisputed months of previous year.

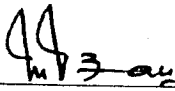
4. Forgoing in view, we have reached to conclusion that:






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- i. Detection bill of Rs.61,417/- for 4,144 units for the period June 2013 to September 2013 charged by FESCO to the respondent is unjustified, therefore cancelled as decided by POI.
 - ii. The respondent should be charged total 6,020 units for August 2013 and September 2013.
5. Impugned decision is modified in above terms.



Muhammad Qamar-uz-Zaman
Member



Nadir Ali Khoso
Convener



Muhammad Shafique
Member

Dated: 18.05.2017

