



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

NEPRA Office, Atta Turk Avenue (East), G5/1, Islamabad
Tel. No. +92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/AB/Appeal-115/POI-2014/ 816-820

June 01, 2017

1. Muhammad Nawaz,
S/o Allah Ditta,
Prop: Tube-Well,
R/o Chak No. 181/JB,
Jhang
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. Sub Divisional Officer (Operation),
FESCO Ltd,
Nia Lahore 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 Nawaz Against the Decision Dated 31.03.2014 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the Decision of the Appellate Board dated 31.05.2017, regarding the subject matter, for information and necessary action accordingly.

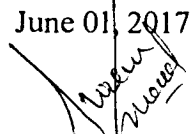
Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-115/POI-2014/ 821

Forwarded for information please.

June 01, 2017


Assistant Director
Appellate Board

✓ Registrar

CC:

1. Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-115/POI-2014

Faisalabad Electric Supply Company LimitedAppellant

Versus

Muhammad Nawaz S/o Allah Ditta,
Prop: Tube Well, R/o Chak No.181/JB, JhangRespondent

For the Appellant:

Mehar Shahid Mahmood Advocate

For the Respondent:

Muhammad Nawaz

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 31.03.2014 of the Provincial Office of Inspection/Electric Inspector Faisalabad Region, Faisalabad was dismissed by the Appellate Board on 17.02.2015 being time barred. Said decision was assailed before the Honorable Lahore High Court Lahore through Writ Petition No. No.16172 of 2015 and the Appellate Board decision dated 17.02.2015 was set aside by the honorable High Court vide decision dated 25.04.2016 with the directions to decide the matter on merits.
2. In pursuance of the directions of Honorable Court, the matter was again taken up and the appeal was re-heard on 22.05.2017 wherein Mehar Shahid Mahmood advocate appeared for the appellant FESCO and Mr. Muhammad Nawaz the respondent appeared

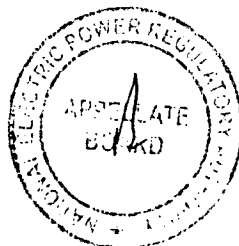




National Electric Power Regulatory Authority

in person. It has been argued on behalf of the appellant that the disputed meter was found 70% slow during metering and testing (M&T) FESCO checking dated 15.04.2013, therefore the detection bill amounting to Rs.101,966/- for 9,763 units for the period December 2012 to March 2013 (4 months) was charged to the respondent in June 2013. Learned counsel for FESCO averred that the disputed meter was also found 65.33% slow during joint inspection of POI on 26.08.2013, therefore the respondent is obligated to pay the aforesaid detection bill for entire disputed period i.e. December 2012 to March 2013. Conversely the respondent submitted that he observed slowness in the disputed meter and instantly reported SDO FESCO on 16.04.2013 regarding the above discrepancy, therefore charging the aforesaid detection bill for the back period is unjustified.

3. After hearing the arguments and perusal of record, it is observed as under:-
 - i. 65.33% slowness of the disputed meter of the respondent was confirmed by POI during joint checking on 26.08.2013. Admittedly the disputed meter was slow by 65.33%, only the period of detection bill needs to be ascertained.
 - ii. The detection bill amounting to Rs.101,966/- for 9,763 units for the period December 2012 to March 2013 charged to the respondent in June 2013, was challenged by the respondent before POI vide his application dated 29.07.2013.
 - iii. Charging of the aforesaid detection bill for four months by FESCO to the respondent





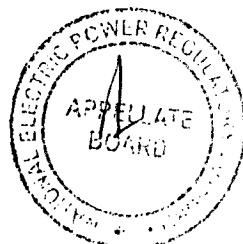
National Electric Power Regulatory Authority

is inconsistent with the provision of Consumer Service Manual (CSM). According to clause 4.4(e) of CSM, a consumer could be charged maximum for two billing cycles due to a slow/defective meter. The detection bill of Rs.101,966/- for 9,763 units for the period December 2012 to March 2013 charged to the respondent in June 2013 for a period of four months is not justified therefore liable to be cancelled as already determined by POI.

- iv. Pursuant to clause 4.4(e) of CSM, the respondent is liable to be charged for February 2013 and March 2013 due to slowness of the meter, if established during the same period. In this regard, comparison of the consumption of disputed and undisputed months is given below:

Undisputed months		Disputed months	
Month	Units	Month	Units
February 2012	1,343	February 2013	642
March 2012	1,391	March 2013	889
Total	2,734	Total	1,531

From the above table it is evident that the total normal consumption recorded during the disputed months i.e. February 2013 and March 2013 is much less than the total normal consumption recorded during the corresponding undisputed months of previous year i.e. February 2012 and March 2012, which confirms the fact that the disputed meter became 65.33% slow w.e.f February 2013. It is also determined by POI that the meter became 65.33% slow w.e.f February 2013 but there is no specific direction by POI for charging the detection bill for February 2013 & March





National Electric Power Regulatory Authority

2013 due to said slowness of the meter. It is concluded that the respondent is liable to be charged the detection bill for February 2013 and March 2013 (two months only) on the basis of 65.33% slowness of the disputed meter.

4. In view of above, we have reached to the conclusion that:

- i. Detection bill of Rs.101,966/- for 9,763 units for the period December 2012 to March 2013 charged to the respondent in June 2013 is unjustified, therefore declared null & void as already determined in the impugned decision.
- ii. The respondent should pay the detection bill for two months only i.e. February 2013 and March 2013 @ 65.33% slowness of the disputed meter. Impugned decision is modified in above terms.

Handwritten signature of Muhammad Qamar-uz-Zaman in black ink.

Muhammad Qamar-uz-Zaman
Member

Handwritten signature of Nadir Ali Khoso in black ink.

Nadir Ali Khoso
Convener

Handwritten signature of Muhammad Shafique in black ink.

Muhammad Shafique
Member

Dated: 31.05.2017

