



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-116/POI-2014/ 539-543

April 17, 2017

1. Mumtaz Ahmed,
S/o Khuda Yar,
Prop: Bismillah Ice Factory,
House No. 66, Sarwar Colony,
Quaid-e-Azam Road, Tandlianwala,
District Faisalabad
2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad
3. Dr. Muhammad Irtiza Awan
Advocate High Court,
Al-Majeed Centre,
38-Link Farid Kot Road,
1-Mozang Road, Lahore
4. Sub Divisional Officer (Operation),
FESCO Ltd,
Tandlianwala 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. Mumtaz Ahmed Against the Decision Dated 26.06.2014 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the Decision of the Appellate Board dated 17.04.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-116/POI-2014/ 544

April 17, 2017

Forwarded for information please.


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-116/POI-2014

Faisalabad Electric Supply Company LimitedAppellant

Versus

Mumtaz Ahmed S/o KhudaYar, Prop: Bismillah Ice Factory,
Samundri Road, Tandliawala, District FaisalabadRespondent

For the Appellant:

Dr. M. Irtiza Awan Advocate
Mr. Haq Nawaz SDO

For the Respondent:

Mr. Zaheer Abbas
Mr. Muazzam Abbas

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 26.06.2014 of the Provincial Office of Inspection/Electric Inspector Faisalabad Region, Faisalabad was dismissed by this Board on 23.02.2015 being time barred. Said decision was assailed before Lahore High Court Lahore through Writ Petition No. 18195/2015 and vide decision dated 12.05.2016, the decision of the



National Electric Power Regulatory Authority

Appellate Board dated 23.02.2015 was set aside by the honourable High Court with the directions to decide the matter on merits.

2. Pursuant to the directions of honourable High Court, the matter was again taken up and re-hearing of the appeal was conducted in Lahore on 31.03.2017 wherein both the parties participated. It has been argued on behalf of the appellant that TOU billing meter of the respondent was checked by FESCO on 05.07.2013 and found 35.31% slow, therefore the detection bill of Rs.272,944/- for 19,776 units for the period May 2013 to July 2013 (3 months) charged to the respondent @ 35.31% slowness is legal, valid and payable by the respondent. LESCO averred that the impugned decision of POI to the extent of cancellation of aforesaid detection bill and revision of the same @ 37.54% slowness for kWh part w.e.f June 2013 and MDI part w.e.f July 2013 is illegal, unlawful and therefore liable to be set aside. On behalf of respondent, it is pleaded that the impugned decision was given on merits and therefore the same should be upheld.
3. After hearing the arguments and perusal of record, it is observed as under:-
 - i. The TOU billing meter of the respondent was found 35.31% slow due to blue phase being dead during FESCO checking dated 05.07.2013. TOU billing meter was also found 37.54% slow during inspection by POI on 27.11.2013.

A



National Electric Power Regulatory Authority

- ii. Pursuant to clause 4.4 (e) of Consumer Service Manual (CSM), charging of the detection bill due to defective meter may be charged up-to two billing cycles only. Charging of the detection bill amounting to Rs.272,944/- for 19,776 units for three months by FESCO due to slowness of the meter is violation of CSM, therefore declared null and void as already determined in the impugned decision.
- iii. Since 37.54% slowness of the meter was observed in July 2013, the respondent is liable to be charged the detection bill @ 37.54% slowness for the months June 2013 and July 2013, if the slowness is established during these months. Comparison of the consumption of disputed months with consumption of corresponding undisputed months is given below:

Undisputed months	kWh (units)	MDI (kW)	Disputed months	kWh (units)	MDI (kW)
June 2012	21,960	81	June 2013	10,926	75
July 2012	32,600	68	July 2013	14,440	47

3. From the above table, it is revealed that the kWh consumption during the disputed months i.e. June 2013 and July 2013 is lesser than the kWh consumption of corresponding months of previous year i.e. June 2012 and July 2012. As regards MDI (kW) part of the TOU billing meter, it is observed that the MDI (kW) of June 2013 is equivalent to the MDI (kW) recorded in June 2012. However MDI (kW) of July 2013 is considerably lesser than the MDI



National Electric Power Regulatory Authority

(kW) recorded in July 2012. It is established that the kWh part of the meter became slow in June 2013, whereas MDI (kW) component became slow from July 2013. Hence it is concluded that the respondent is liable to be charged kWh part @ 37.54% slowness from June 2013 and MDI part w.e.f July 2013 and onwards till the shifting of billing on a correct TOU meter, which is the determination of 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: 17.04.2017