



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

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No. NEPRA/AB/Appeal-117/POI-2014/ 822 - 826

June 01, 2017

1. Muhammad Siddique,  
S/o Muhammad Din,  
Prop: Power Looms Factory,  
R/o Chak No. 66/JB,  
Dhandra Jhang Road,  
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,  
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. Muhammad Siddique Against the Decision Dated 13.08.2014 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

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

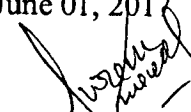
Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-117/POI-2014/ 827

June 01, 2017

Forwarded for information please.

  
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-117/POI-2014

Faisalabad Electric Supply Company Limited .....Appellant

Versus

Muhammad Siddique S/o Muhammad Din,  
Prop: Power Looms Factory R/o Chak No. 66/JB,  
Dhandra Jhang Road, District Faisalabad .....Respondent

For the Appellant:

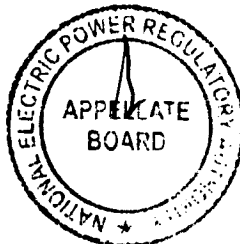
Dr. M. Irtiza Awan Advocate  
Mr. Muhammad Saeed SDO

For the Respondent:

Nemo

### DECISION

1. Brief facts give rising to the instant appeal are that the appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 13.08.2014 of the Provincial Office of Inspection/Electric Inspector Faisalabad Region, Faisalabad was dismissed by the Appellate Board vide its decision dated 31.03.2015 on the grounds of limitation. The said decision was challenged before the Honorable Lahore High Court Lahore through Writ Petition No.19762 of 2015 whereby the decision dated 31.03.2015 of the Appellate Board was set aside by the Honorable High Court vide decision dated 25.04.2016 with the directions to decide the matter on merits.



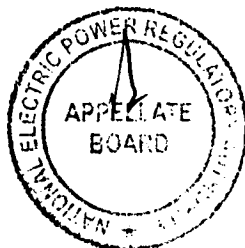


## National Electric Power Regulatory Authority

2. Pursuant to the directions of Honorable High Court, the appeal was reheard in NEPRA provincial office Lahore on 22.05.2017 wherein Dr. Muhammad Irtiza Awan advocate along with Mr. Muhammad Saeed 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 Metering and Testing (M&T) FESCO checking dated 23.02.2012, therefore multiplication factor (MF) was enhanced from 40 to 59.7 by FESCO w.e.f May 2012 to account for the 33% slowness. Learned counsel for FESCO further contended that a detection bill of Rs. 274,179/- for 34,437 units for the period January 2012 to April 2012 (4 months) was charged to the respondent in May 2012 @ 33% slowness to recover revenue loss sustained by FESCO. Learned counsel for FESCO averred that 33% slowness of the meters was also confirmed by POI during joint inspection on 05.03.2013, hence the aforesaid detection bill charged to the respondent is in line with the provision of Consumer Service Manual (CSM) and payable by the respondent.

3. Arguments heard, record perused and observed as under:

- i. Both the billing and backup meters of the respondent were found 33% slow during M&T checking dated 23.02.2012, which was also confirmed by POI on 05.03.2013, as such only the period of detection bill needs to be ascertained.



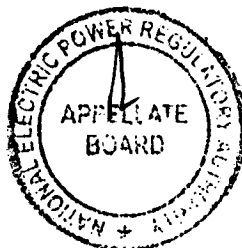


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- ii. Due to 33% slowness of the meter, the detection bill of Rs.274,179/- for 34,437 units for the period January 2012 to April 2012 (4 months) was charged by FESCO to the respondent, which was agitated by him before POI vide his application dated 25.06.2012.
- iii. Pursuant to clause 4.4(e) of 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.274,179/- for 34,437 units for the period January 2012 to April 2012 i.e. for four months by FESCO, which is obviously not in line with the provision of CSM and liable to be declared void.
- iv. In order to assess the slowness of the billing meter, comparison of the consumption of disputed and undisputed months is given below:

Undisputed months			Disputed months		
Month	Units	MDI	Month	Units	MDI
Jan 2011	18,800	36	Jan 2012	25,440	48
Feb 2011	21,253	54	Feb 2012	20,480	77
Mar 2011	19,223	55	Mar 2012	16,840	40
April 2011	18,865	53	April 2012	20,240	41

From the above table it emerges that no significant variation occurred in the kWh and MDI part of the billing meter during the disputed months i.e. January

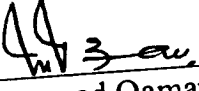


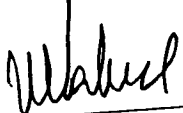
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2012 and February 2012. However decline in kWh and MDI part of the billing meter is witnessed from March 2012, which indicates that the billing meter became 33% slow w.e.f. March 2012. POI has rightly analyzed in the impugned decision that the billing meter of the respondent worked correctly till February 2012 and became 33% slow w.e.f. March 2012. Under these circumstances, the detection bill of Rs.274,179/- for 34,437 units for the period January 2012 to April 2012 charged by FESCO to the respondent @ 33% slowness is unjustified, therefore cancelled as already determined in the impugned decision.

4. In view of above, the impugned decision is maintained and consequently the appeal is dismissed.

  
Muhammad Qamar-uz-Zaman  
Member

  
Nadir Ali Khoso  
Convener

  
Muhammad Shafique  
Member

Dated: 31.05.2017

