



Before the Appellate Board  
National Electric Power Regulatory Authority  
(NEPRA)

Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-117/POI-2016/ 1142 - 1146

August 09, 2017

1. Deputy Director,  
Electric Cell, WASA,  
Head Jhal Bridge,  
Faisalabad
2. Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullahpur,  
Faisalabad
3. Saeed Ahmed Bhatti,  
Advocate High Court,  
2<sup>nd</sup> Floor, Akram Mansion,  
Neela Gumbad, Lahore
4. Sub Divisional Officer (Operation),  
FESCO Ltd,  
Samundri 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. Deputy Director, Electric Cell, WASA Against the Decision Dated 12.05.2016 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the Decision of the Appellate Board dated 08.08.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-117/POI-2016/ 1147

Forwarded for information please.

(Ikram Shakeel)

August 09, 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-117/POI-2016

Faisalabad Electric Supply Company Limited .....Appellant

Versus

Deputy Director, Electrical Cell, WASA,  
Head Jhal Bridge, Faisalabad .....Respondent

For the appellant:

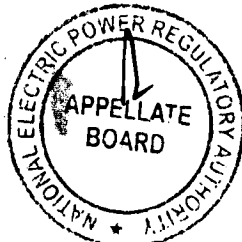
Mr. Saeed Ahmed Bhatti Advocate  
Mr. Muhammad Zafar Sharif SDO

For the respondent:

Mr. Abu Bakar Ijaz DD (Tech) WASA

### DECISION

1. This decision shall dispose of the appeal filed by Faisalabad Electric Company Limited (hereinafter referred to as FESCO) against the decision dated 12.05.2016 of Provincial Office of Inspection/Electric Inspector, Faisalabad Region, Faisalabad (hereinafter referred to as POI).
2. As per fact of the case, the respondent is an industrial consumer of FESCO bearing Ref No. 27-13242-6208102 with a sanctioned load of 15kW under B-1tariff. Electricity meter of the respondent was checked by Metering and Testing (M&T) FESCO on 20.04.2015 and reportedly it was found defective/running 33.33% slow due to one phase dead. A detection bill amounting to Rs.72,582/- for 5,735 units for the period November 2014 to March 2015 (5 months) was charged by FESCO to the respondent in June 2015





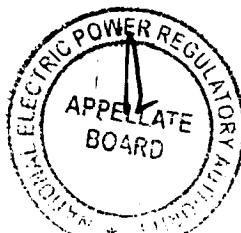
## National Electric Power Regulatory Authority

due to 33.33% slowness of the meter.

3. Being aggrieved, the respondent filed an application before POI on 07.02.2015 and challenged the aforesaid detection bill. Meter of the respondent was checked by POI in presence of both the parties and 33.33% slowness of the meter was confirmed. The matter was disposed of by POI vide its decision dated 12.05.2016 with the following conclusion:

*"Summing up all the observations/discussion and keeping in view all the aspects of the case this forum declares the detection bill amounting to Rs.72,582/- for 5,735 units for the period 11/2014 to 03/2015 (five months) charged in the month of 06/2015 as null, void and without legal effect and the consumer is not liable to pay the same. The respondents are directed to withdraw the same and charge the revised detection bill for the cost of 2014 units for the period 02/2015 to 03/2015 and overhaul petitioner's account by adjusting all Credits, Debits, Deferred Amount & Payments already made by the consumer."*

4. Being dissatisfied with the POI decision dated 12.05.2016 (hereinafter referred to as the impugned decision), FESCO has filed the instant appeal under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as the NEPRA Act 1997). In its appeal, FESCO inter alia, raised the preliminary objection regarding jurisdiction of POI for announcement of the impugned decision after statutory period of 90 days as envisaged under Section 26 (6) of Electricity Act 1910. FESCO contended that the detection bill of Rs.72,582/- for 5,735 units for the period

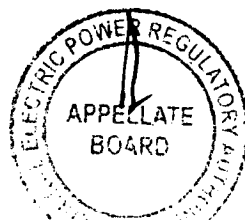




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November 2014 to March 2015 (5 months) charged by FESCO to the respondent in June 2015 due to 33.33% slowness of the meter is legal, valid and justified, whereas POI has declared the aforesaid detection bill as null and void and revised the same for the cost of 2,014 units for February 2015 to March 2015 only. According to FESCO, the impugned decision is void, ab-initio, without lawful authority, without jurisdiction and liable to be set aside.

5. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which were filed on 19.09.2016. In his reply, the respondent raised the preliminary objection on the checking report dated 15.04.2015 and contended that the same is based on surmises and conjectures and not reliable. The respondent inter alia, contended that the detection bill of Rs.72,582/- for 5,735 units for the period November 2014 to March 2015 (5 months) charged by FESCO to the respondent in June 2015 is violative of clause 4.4(e) of Consumer Service Manual (CSM). The respondent submitted that the impugned decision rendered by POI is legal, lawful, within jurisdiction, therefore liable to be maintained.
6. Hearing of the appeal was conducted in NEPRA's Regional Office at Lahore on 14.07.2017 wherein Mr. Saeed Ahmed Bhatti advocate and Mr. Muhammad Zafar Sharif SDO represented the appellants FESCO and Mr. Abu Bakar Ajaz the respondent appeared in person. Learned counsel for FESCO reiterated the same arguments as narrated in memo of the appeal and pleaded that the impugned decision is incomplete, non-speaking, violative of Consumer Service Manual (CSM), therefore liable to be cancelled and the matter be remanded

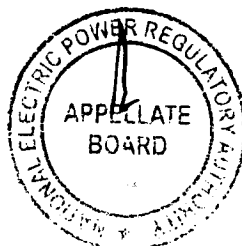




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back to POI. On the other hand, the respondent contended that due to a defective meter, he is liable to be charged for two billing cycles as per provision of CSM.

7. Arguments heard and record perused. FESCO raised the objection regarding the jurisdiction of POI for deciding the matter after prescribed time limit of 90 days as envisaged under Section 26(6) of Electricity Act 1910. It is clarified that the impugned decision was announced by POI (not as Electric Inspector) under Section 38 of NEPRA Act 1997 whereof no time limit is specified. Moreover the objection was not pressed by FESCO during the hearing. Hence the objection of FESCO is over ruled. 33.33% slowness of the meter was observed by M&T FESCO on 20.04.2015 and the detection bill of Rs.72,582/- for 5,735 units for the period November 2014 to March 2015 (5 months) was charged by FESCO in June 2015 due to 33.33% slowness of the meter, which was agitated by the respondent before POI. Pursuant to clause 4.4 (e) of CSM, the maximum period for charging the detection bill due to a defective/slow meter is two billing cycles, whereas in the instant case FESCO charged the detection bill for a period of 5 months, which is violation of the provisions of CSM. There is no force in the contention of FESCO regarding the incomprehensiveness of the impugned decision. POI has rightly declared the detection bill of Rs.72,582/- for 5,735 units for the period November 2014 to March 2015 (5 months) charged by FESCO in June 2015 due to 33.33% slowness as null and void. The respondent is liable to be charged the detection bill due to 33.33% slowness for February 2015 and March 2015 only. Further the Computation of the detection units for February 2015 and March 2015 @ 33.33% slowness of the meter is





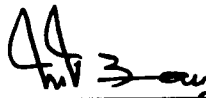
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done below:

- Total Units already charged for the months February 2015 and March 2015= **4,090 units**
- Total Units to be charged @ 33.33% slowness =  $4,090 \times \frac{(100)}{67} = 6,104 \text{ units}$
- Net units chargeable = Units to be charged – Units already charged  
 $= 6,104 \text{ units} - 4,090 \text{ units} = 2,014 \text{ units}$

Accordingly, the respondent is liable to be charged 2,014 units for February 2015 and March 2015 as already determined in the impugned decision. The billing account of the respondent should be revised and be overhauled accordingly. The payment made (if any) should be adjusted.

8. The upshot of the above discussion is that the appellant failed to substantiate its case; resultantly, the appeal is dismissed.

  
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Muhammad Qamar-uz-Zaman  
Member

  
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Nadir Ali Khoso  
Convener

Date: 08.08.2017

