

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



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No. NEPRA/AB/Appeal-121/POI-2014/ *1183-1187*

August 09, 2017

1. Mst. Zubaida Begum,
W/o Sh. Riaz Ahmad,
Makkha Estate, Chak No. 07/JB,
Sargodha Road, Faisalabad
2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad
3. Dr. Muhammad Irtiza Awan,
Advocate High Court,
Al Majeed Centre, 1-Mozang Rod,
38-Link Frid Kot Road, Lahore
4. Sub Divisional Officer (Operation),
FESCO Ltd,
Islampura 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. Mst. Zubaida Begum Against the Decision Dated 21.08.2014 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

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

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-121/POI-2014/ *1188*

August 09, 2017

Forwarded for information please.

W. Shakeel
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-121/POI-2014

Faisalabad Electric Supply Company LimitedAppellant

Versus

Mst Zubaida Begum Wife of Sh. Riaz Ahmed,
Makkah Estate, Chak No.7/JB, Sargodha Road, FaisalabadRespondent

For the Appellant:

Dr. M. Irtiza Awan Advocate

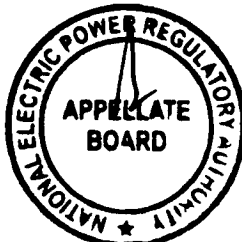
Mr. Muhammad Naeem Javed Add. XEN

For the Respondent:

Nemo

DECISION

1. As per facts of the case, an appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 21.08.2014 of the Provincial Office of Inspection/Electric Inspector Faisalabad Region, Faisalabad (POI) 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.13908 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 NEPRA to decide the matter on merits.



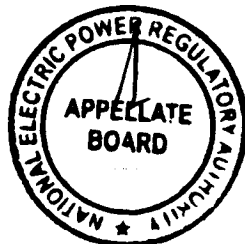


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2. Pursuant to the directions of Honorable High Court, the appeal was reheard in NEPRA provincial office Lahore on 14.07.2017 wherein Dr. Muhammad Irtiza Awan advocate along with Mr. Muhammad Naeem Javed Add. XEN appeared for FESCO and no one entered appearance for the respondent. Learned counsel for the appellant FESCO contended that meter of the respondent was found defective during cycle reading in August 2011 and the same defect of the meter was confirmed by Metering and Testing (M&T) FESCO on 09.09.2011, therefore the electricity bills for the period August 2011 to January 2012 (6 months) were charged to the respondent on DEF-EST code. FESCO averred that the aforesaid electricity bills were charged on the basis of consumption of corresponding months of previous year as per standard operating procedure, whereas POI decided to charge the aforesaid electricity bills on the basis of average consumption of last 11 months, which is incorrect. As per FESCO, defective meter of the respondent was replaced vide meter change order (MCO) dated 31.01.2012

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

- i. Meter of the respondent was found defective by M&T FESCO on 09.09.2011, therefore the electricity bills for the period August 2011 to January 2012 were charged to the respondent by FESCO on DEF-EST code, which were challenged by the respondent before POI on 02.01.2013.
- ii. Pursuant to clause 4.4(e) of Consumer Service Manual (CSM), the consumer is liable to be charged on DEF-EST code due to a defective meter, which provides that the basis of charging will be 100% consumption recorded in the same month





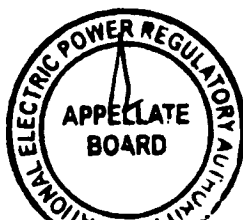
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of previous year or average of the last 11 months, whichever is higher. In the instant case, FESCO has assailed the impugned decision for charging the electricity bills for the period August 2011 to January 2012 (6 months) on the basis of average of last eleven months instead of charging the electricity bills on the basis of consumption of corresponding months of previous year.

- iii. In order to assess the justification of the electricity bills for the period August 2011 to January 2012 charged by FESCO, the comparison of consumption data as provided by FESCO is given below:

Consumption of last eleven months		Already charged by FESCO (Disputed)		Corresponding undisputed months	
Month	Units/MDI	Month	Units/MDI	Month	Units/MDI
Sep-10	21040/40	Aug-11	21335/33	Aug-10	20180/43
Oct-10	17630/38	Sep-11	21040/39	Sep-10	21040/40
Nov-10	22170/38	Oct-11	20293/39	Oct-10	17630/38
Dec-10	22690/38	Nov-11	22170/33	Nov-10	22170/38
Jan-11	21190/34	Dec-11	22690/39	Dec-10	22690/38
Feb-11	20820/35	Jan-12	21190/39	Jan-11	21190/34
Mar-11	22490/33				
Apr-11	17490/31				
May-11	19600/33				
Jun-11	20150/33				
Jul-11	17160/33				
Sep-10	21040/33				
Average of last 11 months	20,221/35	Average/ month	21,453/37	Average/ month	20,817/38

From the above table, it is observed that the average units per month charged during the disputed months i.e. August 2011 to January 2012 are higher than the average units per month recorded during the corresponding months of previous year and during the last eleven months respectively, which confirms that neither the billing was done on the basis of average consumption of last eleven months





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nor on the basis of consumption of corresponding month of previous year. Hence the electricity bills for the period August 2011 to January 2012 (6 months) are illegal, unjustified and liable to be cancelled as already determined in the impugned decision.

iv. Pursuant to clause 4.4(e) of CSM, it would be judicious to charge the electricity bills for the period August 2011 to January 2012 (6 months) on the basis of average consumption per month of corresponding months of previous year i.e. August 2010 to January 2011 being on higher side.

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

- i. The electricity bills for the period August 2011 to January 2012 (6 months) are illegal, unjustified and not payable by the respondent.
- ii. The respondent should be charged 20,817units/38 kW MDI per month for the disputed months i.e. August 2011 to January 2012.
- iii. Consumer account of the respondent should be overhauled after adjustment of arrears/deferred amounts and fuel price adjustment (FPA).

5. The impugned decision is modified in above terms.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 08.08.2017

