



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

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No. NEPRA/AB/Appeal-123/POI-2016/ 1189-1193

August 09, 2017

1. Muhammad Ashraf,  
S/o Muhammad Sharif,  
Prop: Tube Well,  
R/o Mouza Darta Kharlan,  
Bhawana, District Chiniot
2. Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullahpur,  
Faisalabad
3. Ch. Fiaz Ahmed Singhairah,  
Advocate Supreme Court,  
Anab Centre, 2<sup>nd</sup> Floor,  
1-Mozang Road, Lahore
4. Sub Divisional Officer (Operation),  
FESCO Ltd,  
Bhawana Sub Division,  
Chiniot
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 Ashraf Against the Decision Dated 28.04.2016 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-123/POI-2016/ 1194  
Forwarded for information please.

(Ikram Shakeel)

August 09, 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-123/POI-2016

Faisalabad Electric Supply Company Limited .....Appellant

Versus

Muhammad Ashraf S/o Muhammad Sharif Prop:Tube Well,  
R/o Moza Darata Kharlan, Bhawana District Chiniot .....Respondent

#### For the appellant:

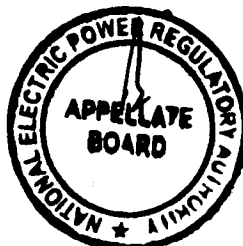
Ch. Faiz Ahmed advocate

#### For the respondent:

Nemo

### DECISION

1. This decision shall dispose of the appeal filed by Faisalabad Electric Company Limited (hereinafter referred to as FESCO) against the decision dated 28.04.2016 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 agricultural consumer (Tube well) of FESCO bearing Ref No. 29-13164-3085901 with a sanctioned load of 7.68kW under D-1b tariff. Electricity meter of the respondent was checked by Metering and Testing (M&T) FESCO on 20.08.2014 and reportedly it was found defective/running 33% slow. After issuing notice dated 29.08.2014 to the respondent, a detection bill amounting to Rs.65,392/- for 3,640 units for the period October 2013 to July 2014 (10 months) was charged by FESCO to the respondent in December 2014 to recover





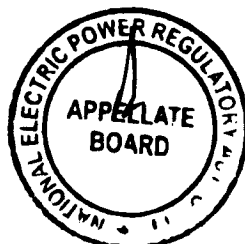
## National Electric Power Regulatory Authority

revenue loss sustained due to 33% slowness of the meter.

3. Being aggrieved, the respondent filed an application before POI on 03.02.2015 and challenged the detection bill amounting to Rs.65,392/- for 3,640 units for the period October 2013 to July 2014 charged by FESCO in December 2014. POI disposed of the matter vide its decision dated 28.04.2016 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.65392/- for 3460 units charged as arrear in the bill for the month of 12/2014 as null, void and without legal effect and the consumer is not liable to pay the same. The respondents are directed to withdrawn the same and charge the revised detection bill for 1503 units for two billing cycles 06/2014 and 07/2014 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 28.04.2016 (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 contended that the detection bill of Rs.65,392/- for 3,640 units for the period October 2013 to July 2014 (10 months) charged to the respondent in December 2014 @ 33% slowness of the meter is justified, whereas POI has declared the aforesaid detection bill as null and void. FESCO prayed that the impugned





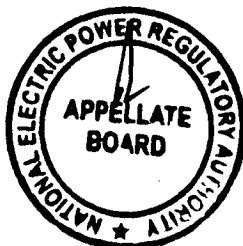
## National Electric Power Regulatory Authority

decision is illegal, unlawful, without jurisdiction and authority and therefore liable to be set aside. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which however were not filed.

5. Notice was issued and the appeal was heard in Lahore on 14.07.2017, wherein Ch. Fiaz Ahmed Singhairah advocate appeared for the appellant FESCO but no one entered appearance for the respondent. Learned counsel for FESCO reiterated the same arguments as narrated in memo of the appeal and pleaded that the impugned decision is incomplete, not speaking, violative of Consumer Service Manual (CSM), therefore liable to be remanded back to POI.

6. Arguments heard, perused the record placed before us. It is observed as under:

- i. 33% slowness of the meter was observed by M&T FESCO on 20.08.2014, hence a detection bill of Rs.65,392/- for 3,640 units for the period October 2013 to July 2014 (10 months) was charged by FESCO in December 2014 due to 33% slowness of the meter, which was agitated by the respondent before POI.
- ii. 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 10 months, which is violative of 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.65,392/- for 3,640 units for the period October 2013 to July 2014 (10 months) charged by FESCO in December 2014 due to 33% slowness as





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null and void.


iii. Computation of the detection units for June 2014 and July 2014 @ 33% slowness of the meter is done below:


- Units already charged during June 2014 and July 2014 = **3,052 units**
- Units to be charged @ 33% slowness =  $3,052 \times \frac{100}{67}$  = **4,555 units**
- Net units chargeable = Units to be charged – Units already charged  
= 4,555 units – 3,052 units = **1,503 units**

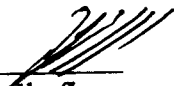
The respondent is liable to be charged 1,503 units for June 2014 and July 2014 as already determined in the impugned decision.

vi. The consumer account of the respondent should be overhauled after making the adjustment of the payment made (if any) against the aforesaid detection bill.

7. In view of discussion in preceding paragraphs, 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

Date: 08.08.2017

