



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

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No. NEPRA/AB/Appeal-127/POI-2014/ 1766-1770

November 29, 2017

1. Hafeez Ullah Khan,  
S/o Chiragh Din,  
Prop: Power Looms,  
R/o Chak No. 230/RB,  
Jhang Road, Faisalabad
2. Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullahpur,  
Faisalabad
3. Dr. Muhammad Irtiza Awan,  
Advocate High Court,  
Al-Majeed Centre, I-Mozang Road,  
38-Link Farid Kot 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. Hafeez Ullah Khan Against the Decision Dated 03.09.2014 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the Decision of the Appellate Board dated 24.11.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-127/POI-2014/ 1771  
Forwarded for information please.

(Ikram Shakeel)

November 29, 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-127/POI-2014

Faisalabad Electric Supply Company Limited .....Appellant

Versus

Hafeez Ullah Khan S/o Chirag Din, Prop: Power Looms,  
R/o Chak No.230/RB, Jhang Road, Faisalabad .....Respondent

#### For the Appellant:

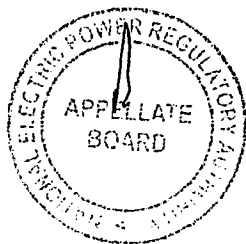
Dr. Muhammad Irtiza Awan Advocate  
Mr. Muhammad Saeed SDO

#### For the Respondent:

Nemo

### DECISION

1. Brief facts of the case are that the meter of the respondent was found 33 % slow by Metering and Testing (M&T) FESCO during the checking on 20.05.2010 due to one phase being dead. The Multiplication Factor (M.F) of the respondent was raised from 40 to 59.7 by FESCO w.e.f June 2010 and onwards and the electricity bills with enhanced MF were paid accordingly by the respondent without any dispute. The meter of the respondent was again checked by M&T FESCO on 07.07.2011 and found 66 % slow due to two phases being dead. The electricity bill for August 2011 to December 2011 were charged with enhanced M.F = 117.6. Subsequently the defective meter of the respondent was replaced in January 2012.
2. The respondent being aggrieved with the electricity bills charged from August 2011 to December 2011 on the basis of enhanced M.F = 117.6 filed an application before

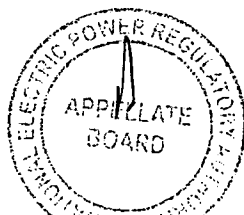




## National Electric Power Regulatory Authority

Provincial Office of Inspection Faisalabad Region Faisalabad (POI) on 26.08.2013, which was decided by POI vide its decision dated 03.09.2013.

3. FESCO filed instant appeal before NEPRA being dissatisfied with the POI decision dated 03.09.2013, which was dismissed by this forum on 05.05.2015. The decision dated 05.05.2015 was assailed before the honorable Lahore High Court Lahore through the Writ Petition No. 19763 of 2015 and the honorable High Court vide its judgment dated 25.04.2016 set aside the decision dated 05.05.2015 of the NEPRA Appellate Board with the direction to decide the matter on merit.
4. Pursuant to the directions of honorable High Court, the appeal was reheard on 03.10.2017 in NEPRA Regional office Lahore, wherein Dr. M. Irtiza Awan advocate along with SDO FESCO appeared for the appellant whereas no one represented the respondent. The representatives of FESCO contended that since 66 % slowness of the meter was confirmed, the kWh units charged in the electricity bills to the respondent with enhanced M.F = 117.6 for the period August 2011 to December 2011 are justified and payable. However, relief of 315 kW for the MDI part was given to the respondent as MDI was correctly recorded. When confirmed, the SDO FESCO admitted that due to erratic behavior of the meter, for MDI part only adjustment was given but no relief could be granted for kWh units, which was charged with enhanced M.F. Obviously FESCO became selective and made two different approaches for MDI (kW) and units (kWh) parts of billing.
5. After hearing the arguments and perusal of record, it is observed as under:-
  - i. The bills for the period from August 2011 to December 2011 with enhanced





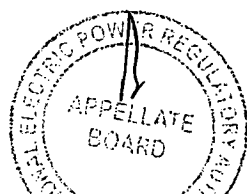
## National Electric Power Regulatory Authority

M.F = 117.6 are disputed by the respondent.

- ii. Since erratic behavior of the meter has been admitted by FESCO, therefore it would not be fair for FESCO to be selective and charge the respondent the kWh units with enhanced M.F for the whole disputed period from August 2011 to December 2011.
- iii. Obviously meter is defective and the respondent is liable to be charged on defective/estimated basis as laid down clause 4.4 c of Consumer Service Manual. As per defective/estimate code, the basis of charging for the disputed period would be 100 % consumption of the corresponding undisputed period or the average consumption of the last 11 months, whichever is higher. Calculation in this regard is made below:

Consumption of last eleven months			Disputed period charged with MF=117.6			Consumption of corresponding undisputed period		
Month	kWh	kW	Month	kWh	kW	Month	kWh	kW
Sep-10	35403	86	Aug-11	35530	145	Aug-10	41253	72
Oct-10	32238	87	Sep-11	38237	128	Sep-10	35403	86
Nov-10	36536	93	Oct-11	32706	122	Oct-10	32238	87
Dec-10	33730	67	Nov-11	50472	130	Nov-10	36536	93
Jan-11	33730	69	Dec-11	45648	130	Dec-10	33730	67
Feb-11	31104	70						
Mar-11	29134	70						
Apr-11	25193	59						
May-11	21164	70						
Jun-11	36537	74						
Jul-11	34626	78						
<b>Average of last 11 months</b>	<b>30,528</b>	<b>71</b>	<b>Average/ month</b>	<b>40,519</b>	<b>131</b>	<b>Average/ month</b>	<b>35,832</b>	<b>81</b>

From the above table, it is evident that the average consumption charged by FESCO to the respondent during the disputed period i.e. August 2011 to December 2011 is higher than the average consumption of corresponding undisputed





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period and the average consumption of last 11 months, which transpires that the electricity bills with enhanced MF=117.4 for the period August 2011 to December 2011 charged by FESCO are unjustified and liable to be cancelled.

iv. It would be judicious to charge the detection bill @ 35,832 units/81 kW MDI per month for the period i.e. August 2011 to December 2011 to the respondent as recorded during the same months of last year i.e. August 2010 to December 2010.

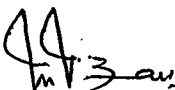
6. In view of above, it is concluded that:


i. The electricity bills charged with enhanced MF=117.6 for the period August 2011 to December 2011 due to 66% slowness of the meter are unjustified, therefore declared null and void as already decided by POI.

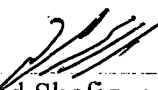
ii. The respondent should be charged the detection bill @ 35,832 units/81 kW MDI per month for the period August 2011 to December 2011.

iii. The consumer account of the respondent should be overhauled after making the adjustment of the payments (if any) already made against the bills of the disputed period.

7. The Impugned decision is modified in above terms.

  
Muhammad Qamar-uz-Zaman  
Member

  
Nadir Ali Khoso  
Convener

  
Muhammad Shafique  
Member

Dated: 24.11.2017

