



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

Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-138/POI-2016/1401-1405

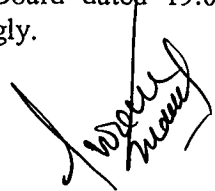
September 20, 2017

1. Muhammad Rafique,
S/o Abdul Rehman,
Prop: Power Looms,
R/o Chak No. 67/JB,
Saddar Jhang Road, Faisalabad
2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad
3. Mehar Shahid Mahmood,
Advocate Higt Court,
Office No. 25, Third Floor,
Ali Plaza, 3-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 Rafique Against the Decision Dated 30.06.2016 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the Decision of the Appellate Board dated 19.09.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above


(Ikram Shakeel)

No. NEPRA/AB/Appeal-138/POI-2016/1406

September 20, 2017

Forwarded for information please.

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-138/POI-2016

Faisalabad Electric Supply Company LimitedAppellant

Versus

Muhammad Rafique S/o Abdul Rehman, Prop: Power Looms,
R/o Chak No.67/JB, Saddar Jhang Road, FaisalabadRespondent

For the appellant:

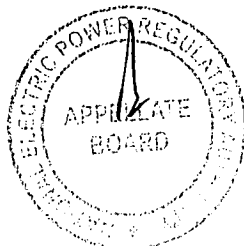
Mehar Shahid Mahmood Advocate
Mr. Muhammad Saeed SDO

For the respondent:

Nemo

DECISION

1. Brief facts give rising to the filing of instant appeal are that the respondent is an industrial consumer of Faisalabad Electric Supply Company Limited (hereinafter referred to as the FESCO) bearing Ref No. 24-13215-5501568 with a sanctioned load of 45.36 kW under B2-b tariff. The electricity Metering equipment of the respondent was checked by Metering and Testing (M&T) FESCO on 31.01.2015 and reportedly both the TOU billing and backup meters were found defective with 33% slowness, hence a detection bill of Rs.534,817/- for 38,453 units/85 kW MDI for the period June 2014 to January 2015 (8 months) was charged to the respondent by FESCO and added in the bill





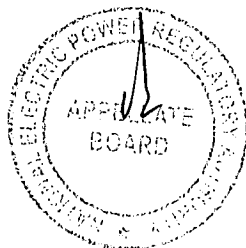
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for May 2015.

2. The respondent being dissatisfied with the aforesaid detection bill has filed a complaint before the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as POI) on 28.05.2015. A joint inspection was carried out by POI on 11.06.2015 and 33% slowness of the disputed meters was confirmed. The matter was disposed of by POI vide its decision dated 30.06.2016 with the following conclusion:

“Summing up all the observations/discussion and keeping in view all the aspects of the case this forum declares that the detection bill amounting to Rs.534817/- for 38543 units and 85 kW MDI for the period 06/2014 to 01/2015 separately issued in the bill for the month of 04/2015 and added as arrears in the billing month of 05/2015 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 consumer revised detection bill for the cost of 10868 units and 23 kW MDI for two billing cycles from 12/2014 and 01/2015 and overhaul the petitioner's account by adjusting all Credits, Debits, Deferred Amount & Payments already made by the consumer. However charging of bills on enhanced multiplying factor from the billing month of 02/2015 till replacement of meter is correct. Disposed of in above terms.”

3. The above referred decision has now been assailed by FESCO through this appeal with the contentions inter-alia that the impugned decision was given by the POI on 30.06.2016 after the prescribed limit of 90 days of receipt of the complaint which

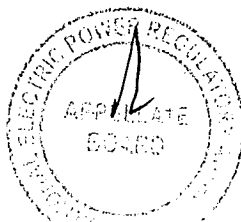




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became void ab-initio as per Section 26 (6) of Electricity Act 1910, and that 33% slowness was observed in the metering equipment of the respondent by M&T FESCO on 31.01.2015, therefore a detection bill of Rs.534,817/- for 38,453 units/85 kW MDI for the period June 2014 to January 2015 (8 months) was charged to the respondent by FESCO on the basis of 33% slowness, which is justified and the respondent is liable to pay the same.

4. Notice of the appeal was issued to the respondent for filing reply/parawise comments; which however were not filed.
5. After issuing notice, hearing of the appeal was conducted in the NEPRA regional office Lahore on 28.08.2017, in which Mehar Shahid Mahmood advocate along with Mr. Muhammad Saeed SDO represented the appellant FESCO but no one entered appearance for the respondent. Learned counsel for FESCO contended that 33% slowness of the meter was observed by M&T FESCO on 31.01.2015, which was also confirmed by POI during inspection dated 11.06.2015 in presence of both the parties. As per FESCO, the detection bill of Rs.534,817/- for 38,453 units/85 kW MDI for the period June 2014 to January 2015 (8 months) charged to the respondent by FESCO @ 33% slowness of the meter is justified and he is responsible for payment of the same.
6. We have heard arguments of FESCO, perused the record placed before us. Following are our observations:
 - i. FESCO raised the preliminary objection regarding the jurisdiction of POI for





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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 the officer in the capacity as POI under Section 38 of NEPRA Act 1997, which does not prescribe any time limit. Besides the objection was not pressed by FESCO during the arguments before us. Hence the objection of FESCO is over ruled.

- ii. As regards the merits of the case, 33 % slowness of the meter of the respondent was observed by M&T FESCO on 31.01.2015 and it was confirmed by POI on 11.06.2015. Hence there may be no dispute as to slowness of the meter but to ascertain the period of slowness.
- iii. According to clause 4.4 (e) of CSM, the respondent is liable to be charged maximum for two billing cycles on the basis of slowness. Whereas in the instant case, the detection bill of Rs.534,817/- for 38,453 units/85 kW MDI was charged for a period of 8 months i.e. June 2014 to January 2015, which is violative of provisions of CSM. POI has rightly determined in the impugned decision that the detection bill of Rs.534,817/- for 38,453 units/85 kW MDI for the period June 2014 to January 2015 is unjustified and declared as null and void.
- iv. It would be fair and appropriate to charge the detection bill for two months only i.e. December 2014 and January 2015 @ 33% slowness of the meter, computation in this regard is made below:





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Period: December 2014 and January 2015 (2 months)

- Total Units already charged = $9,460 + 12,720 = 22,180$ units
- Total Units to be charged @ 33% slowness = $22,180 \times 1.49 = 33,048$ units
- Total Net Units to be charged = $33,048$ units – $22,180$ units = **10,868 units**

Above calculation justifies the determination of POI, the respondent should be charged the revised detection bill for 10,868 units for two months only i.e. December 2014 and January 2015.

7. Forgoing in view, the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 19.09.2017

