



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

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No. NEPRA/AB/Appeal-157/POI-2016/ 1785-1790

November 29, 2017

1. Mst. Jantan Bibi,
W/o Ameer Khan,
Mouza Kalri, Tehsil Lalian,
District Chiniot
2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad
3. Mehar Shahid Mahmood,
Advocate High Court,
Office No. 25, Third Floor,
Ali Plaza, 3-Mozang Road,
Lahore
4. Ch. Muhammad Imran Bhatti,
Advocate High Court,
44-District Courts,
Faisalabad
5. Sub Divisional Officer (Operation),
FESCO Ltd,
Lalian Rural Sub Division,
District Chiniot
6. Electric Inspector
Energy Department,
Govt. of Punjab,
Opposite Commissioner Office,
D.C.G Road, Civil Lines,
Faisalabad Region, Faisalabad

Subject: **Appeal Titled Jantan Bibi Vs. FESCO Against the Decision Dated 12.08.2016 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad**

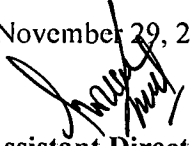
Please find enclosed herewith the Decision of the Appellate Board dated 24.11.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-157/POI-2016/ 1791
Forwarded for information please.

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-157/POI-2016

Mst. Jantian Bibi W/o Ameer Khan, R/o Mouza Kalri
Tehsil Lalian, District Chiniot

.....Appellant

Versus

Faisalabad Electric Supply Company Limited

.....Respondent

For the appellant:

Ch. Muhammad Imran Bhatti Advocate

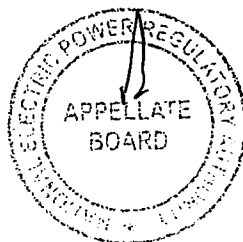
For the respondent:

Mehar Shahid Mehmood Advocate

Mr. Umar Hayat SDO

DECISION

1. Through this decision, an appeal filed against the decision dated 26.08.2016 of the Provincial Office of Inspection Faisalabad Region, Faisalabad (hereinafter referred to as POI) is being disposed of.
2. Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) is a licensee of National Electric Power Regulatory Authority (hereinafter referred to as NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the license and the appellant is an agricultural consumer of FESCO bearing Ref No.29-13172-3076700 with a sanctioned load of 11.19 kW under D-1b tariff.



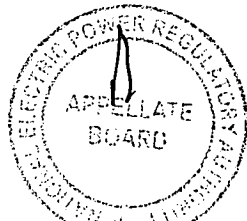


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3. As per fact of the case, premises of the appellant was inspected by FESCO Surveillance team on 27.11.2013 and reportedly electricity meter of the appellant was found dead stop and the running load of the appellant was noticed as 17 Horse Power. Defective meter of the appellant was replaced with a new meter by FESCO vide meter change order (MCO) dated 30.06.2014 and sent to the metering and testing (M&T) laboratory for the data retrieval. Electric supply of the appellant was disconnected by FESCO on 18.03.2015. Subsequently a detection bill of Rs.693,945/- for 66,384 units for the period May 2013 to April 2014 (14 months) was debited to the appellant by FESCO in April 2015 on the basis of retrieved data report dated 16.02.2015.
4. Being aggrieved with the action of FESCO, the appellant initially approached Wafaqi Mohtasib Secretariat Faisalabad vide the application dated 28.07.2015 and challenged the impugned detection bill of Rs.700,765/- along with late payment surcharges (LPS), which however was withdrawn by the appellant . Subsequently the appellant filed an application before POI on 12.11.2015 and challenged the aforesaid detection bill. The matter was disposed of by POI vide its decision dated 26.08.2016, the operative portion of which is reproduced below:

“Summing up the aforesaid discussion and keeping in view all the aspects of the case, this forum declares that the detection bill of Rs.693,945/- for the cost of 66,384 units charged in 04/2015 is justified and the consumer is liable to pay the same. The Respondents are directed recover the detection bill in 12 equal installments after waiving off the LPS if imposed and restore the supply of the consumer after payment of the 1st installment. Disposed off in above terms.”

5. The appellant was dissatisfied with the decision of POI dated 26.08.2016 (hereinafter referred to as the impugned decision), therefore filed the instant appeal before NEPRA under Section 38 (3) of the NEPRA Act 1997. In its appeal the appellant inter

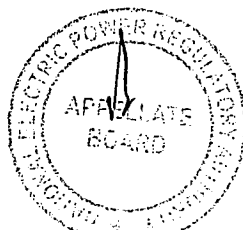




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alia, contended that her electricity meter was working within BSS limits and no discrepancy was pointed out by the meter reader during monthly readings till March 2015 and the electricity bills were charged by FESCO for the period December 2014 to March 2015 with remarks "Credit bill not to be paid". The appellant further contended that no prior notice was served by FESCO before the disconnection of supply on 18.03.2015, thereafter a detection bill of Rs.693,945/- for 66,384 units was debited by FESCO in April 2015, which was assailed before POI. The appellant asserted that POI failed to exercise the jurisdiction so vested in it and erroneously, improperly, with the material irregularity and illegality dismissed the petition of the appellant while ignoring the provisions of law and Consumer Service Manual (CSM). As per appellant, FESCO may charge the detection bill for maximum two billing cycles after establishing the defectiveness/slowness of the meter on DEF-EST code as laid down in the clause 4.4(e) of CSM, but FESCO imposed the detection bill for the period May 2013 to April 2014 (14 months) instead of two months. The appellant pleaded for setting aside the impugned decision.

6. Notice of the appeal was issued to FESCO for filing reply/parawise comments, which were filed on 29.11.2016. In its reply FESCO inter alia, contended that the premises of the appellant was checked by the Surveillance team FESCO on 27.11.2013 and the electricity meter of the appellant was found dead stop and the running load was observed as 17 HP, being much higher than the sanctioned load. As per FESCO, the defective meter was replaced with the new meter vide MCO dated 30.06.2014 and sent to M&T for the data retrieval, whereby it was revealed that the meter of the appellant was dead stop w.e.f May 2013 and onwards. According to FESCO, the detection bill of Rs.693,945/- for 66,384 units for the period May 2013 to April 2014 (14 months) charged to the appellant in April 2015 on the basis of data retrieval report is justified

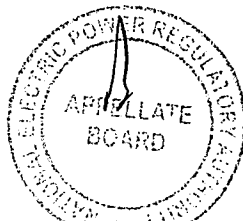




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and the appellant is liable to pay the same as determined in the impugned decision. FESCO submitted that an enquiry was conducted to probe the matter and the disciplinary action was initiated against the delinquent officials for being not vigilant pursuant to the enquiry report dated 31.07.2015. FESCO prayed for dismissal of the appeal with the cost.

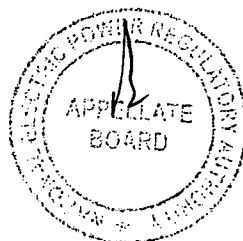
7. After issuing notice to both the parties, the hearing of the appeal was held at Lahore on 23.10.2017 wherein both the parties made appearance. Ch. Muhammad Imran Bhatti the learned counsel for the appellant repeated the same arguments as mentioned in memo of the appeal and averred that the detection bill of Rs.693,945/- for 66,384 units for the period May 2013 to April 2014 (14 months) was not justified and the appellant is not liable to pay the same. As per learned counsel for the appellant, neither the appellant was associated by FESCO during checking of the disputed meter in the laboratory, nor it was witnessed by POI, therefore data retrieval report was not credible. Learned counsel for the appellant prayed for cancellation of the aforesaid detection bill being inconsistent with the clause 4.4 (c) of CSM. On the other hand, the learned counsel for FESCO contended that meter of the appellant was found dead stop during FESCO checking dated 27.11.2013, which was sent to M&T laboratory, which revealed that the disputed meter remained defective during the period May 2013 to April 2014. As per learned counsel for FESCO, the appellant was charged the detection bill of Rs.693,945/- for 66,384 units for the period May 2013 to April 2014 as per M&T data retrieval report. Learned counsel for FESCO informed that the disciplinary action was taken against the officials involved in the fictitious readings. According to FESCO, POI has rightly analyzed that the appellant is liable to pay the aforesaid detection bill on the basis of data retrieval report, therefore the impugned decision regarding the detection bill of Rs.693,945/- for 66,384 units for the period May 2013 to April 2014 is justified and the amount is payable by the appellant.





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7. We have heard the arguments of both the parties and perused the record placed before us. It is observed as under:
- i. Detection bill amounting to Rs.693,945/- for 66,384 units for the period May 2013 to April 2014 was assailed by the appellant before POI vide the application dated 12.11.2015.
 - ii. Premises of the appellant was checked by the Surveillance team FESCO on 27.11.2013 and it was found dead stop. The defective meter was replaced vide MCO dated 30.06.2014 and sent to M&T FESCO laboratory for the data retrieval, wherein it was discovered that the meter of the appellant remained dead stop during the period May 2013 to April 2014. As per data retrieval report dated 16.02.2015, the last reading recorded by the meter was 245,135 kWh, whereas FESCO already charged 173,833 kWh up-to April 2014, therefore the difference of 66,384 units is recoverable from the appellant.
 - iii. 66,384 units were accumulated due to the fictitious readings taken by the FESCO officials during the period i.e. May 2013 to June 2014 and the disciplinary action was taken against the delinquent FESCO officials recording the fictitious readings and punishment awarded. FESCO also submitted the copy of the enquiry report dated 31.07.2015 and other documents in support of its contention.
 - iv. We are inclined to agree with the determination of POI to the extent that the detection bill for 66,384 units for the period May 2013 to April 2014 on the basis of the data retrieval report dated 16.02.2015 is recoverable from the appellant. It would be fair and appropriate to segregate the accumulated units into fourteen





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months and raise the revised bills accordingly in pursuance of clause 6.2(b) of CSM, which is reproduced below:

“In cases where accumulated readings are recorded, segregate bills shall be prepared keeping in view the number of months for which the readings have been accumulated to give relief to the consumer.”

The arrears may be recovered from the appellant in fourteen installments by including in the future monthly bills.

8. The appeal is disposed of in above terms.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 24.11.2017

