



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

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No. NEPRA/AB/Appeal-173/POI-2016/ 1979-1983

December 21, 2017

1. Muhammad Maqsood,  
S/o Sheikh Babu,  
Connection in the name of  
Muhammad Afzal, S/o Muhammad Rashid,  
Street No. 14, Bazar No. 1, Razabad,  
Faisalabad
2. Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullahpur,  
Faisalabad
3. Dr. Muhammad Irtiza Awan,  
Advocate High Court,  
Al-Majeed Centre, Link Farid Kot Road,  
1-Mozang Road, Lahore
4. Sub Divisional Officer (Operation),  
FESCO Ltd,  
Razabad 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 Maqsood Ahmed Against the Decision Dated 19.09.2016 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad**

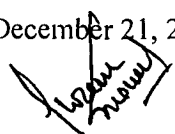
Please find enclosed herewith the Decision of the Appellate Board dated 20.12.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-173/POI-2016/ 1984.  
Forwarded for information please.

December 21, 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-173/POI-2016

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Maqsood, S/o Sheikh Babu Connection  
in the name of Muhammad Afzal S/o Muhammad Rashid  
Street No.14, Bazar No.1, Razabad, Faisalabad

.....Respondent

#### For the appellant:

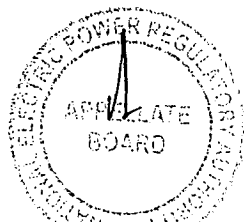
Dr. M. Irtaza Awan advocate  
Mr. Muhammad Amin

#### For the respondent:

Nemo

### DECISION

1. This decision shall dispose of an appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 19.09.2016 of Provincial Office of Inspection, Faisalabad region, Faisalabad (hereinafter referred to as POI) 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).
2. Brief facts of the case are that the respondent is consumer of FESCO having two connections bearing Ref No.20-13224-1276702 with a sanctioned load of 2kW





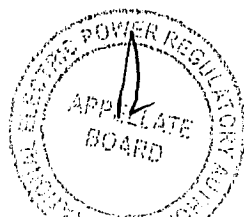
## National Electric Power Regulatory Authority

under A-2(a) tariff (commercial connection) and Ref No. 27-13224-6455110 with sanctioned load of 5.65 kW under B-1(b) tariff (industrial connection). Both connections of the respondent were checked by Metering & Testing (M&T) FESCO on 27.10.2015 and reportedly meter of the commercial connection was found defective with display washed out and no discrepancy noticed in the industrial connection. After issuing notice dated 27.10.2015 to the respondent, a detection bill of Rs.53,382/- for 1,971 units was charged by FESCO for October 2015 against the commercial connection and added in the bill for January 2016 on the plea that the respondent shifted the load of the industrial connection on the defective meter of the commercial connection.

3. Being aggrieved, the respondent filed an application before POI on 08.03.2016 and challenged the detection bill of Rs.53,382/- for 1,971 units charged by FESCO for October 2015, which was decided by POI vide its decision dated 19.09.2016 with the following conclusion:

*“Summing up all the above observations/discussion and keeping in view all the aspects of the case this forum declares that second detection bill amounting to Rs.53,382/- added as arrears in the billing month of 01/2016 for 1971 units for the period of 10/2015 to 10/2015 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 255 units and overhaul the petitioner’s account by adjusting all Debits, Credits, Deferred Amounts and payments already made by the consumer. Disposed of in above terms.”*

4. Being dissatisfied with the decision dated 19.09.2016 of POI (hereinafter referred to as the impugned decision), FESCO has filed the instant appeal under Section 38(3) of

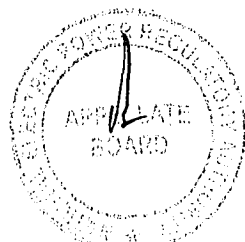




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NEPRA Act 1997. FESCO in its appeal inter alia, contended that the detection bill of Rs.53,382/- for 1,971 units was charged by FESCO for October 2015 on the basis of M&T checking report dated 27.10.2015, which is quite legal, valid and sustainable in the eye of law and payable by the respondent. As per FESCO, POI has not thrashed out the consisting reasons in the matter and passed the illegal decision, which is liable to be set aside.

5. Notice of the appeal was served to the respondent for filing reply/parawise comments, which however were not filed.
6. Hearing of the appeal was held in Lahore on 12.12.2017 in which Dr. M. Irtaza Awan learned counsel represented the appellant FESCO but no one appeared for the respondent. Learned counsel for FESCO repeated the same arguments as taken in memo of the appeal and contended that the meter of commercial connection of the respondent was found defective with display washed out during M&T FESCO checking dated 27.10.2015. Learned counsel for FESCO further contended that the respondent, malafidely shifted the load of his industrial connection to the defective meter of the commercial connection, therefore the detection bill of Rs.53,382/- for 1,971 units was debited by FESCO for October 2015 against the commercial connection of the respondent. As per FESCO, the aforesaid detection bill charged to the respondent is compatible with the consumption of last 11 months and payable by the respondent. Learned counsel for FESCO pleaded for setting aside the impugned decision.





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7. Arguments heard, the record perused. Following are our observations:

- i. A detection bill of Rs.53,382/- for 1,971 units was charged to the respondent by FESCO for October 2015 on the basis of connected load, which was assailed by the respondent before POI on 08.03.2016.
- ii. FESCO alleged that the respondent shifted the industrial load on the defective meter of the commercial connection due to which actual consumption was not recorded by the meter of industrial connection. To ascertain the version of FESCO, comparison between the consumption of the disputed and undisputed periods for the industrial connection is done below:

| Undisputed average consumption of last eleven months |              | Disputed consumption |              |
|------------------------------------------------------|--------------|----------------------|--------------|
| Month                                                | Units        | Month                | Units        |
| Nov-14                                               | 1690         |                      |              |
| Dec-14                                               | 2702         |                      |              |
| Jan-15                                               | 1555         |                      |              |
| Feb-15                                               | 1723         |                      |              |
| Mar-15                                               | 2949         |                      |              |
| Apr-15                                               | 2936         |                      |              |
| May-15                                               | 4045         |                      |              |
| Jun-15                                               | 4141         |                      |              |
| Jul-15                                               | 2070         |                      |              |
| Aug-15                                               | 4719         |                      |              |
| Sep-15                                               | 3950         |                      |              |
| <b>Total</b>                                         | <b>32480</b> |                      |              |
| <b>Average/month</b>                                 | <b>2,953</b> | <b>October 2015</b>  | <b>2,070</b> |

From the above table, it is emerged that the normal consumption charged by FESCO in October 2015 against the industrial connection is considerably lesser than the average consumption of last eleven months of the period before dispute, which confirms the reduction in consumption during October 2015. The





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respondent is liable to be charged the detection bill for October 2015 as per calculation made below:

- Detection units to be charged for October 2015 = 2,953
- Units already charged by FESCO = 2,070
- Net units to be charged = 883

As such there is no justification for charging the detection bill of Rs.53,382/- for 1,971 units to the respondent by FESCO for October 2015, therefore the same is liable to be withdrawn as already determined in the impugned decision.

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

- i. Detection bill of Rs.53,382/- for 1,971 units charged by FESCO for October 2015 against the respondent is unjustified, therefore cancelled as already determined in the impugned decision.
- ii. FESCO may charge the detection bill of 883 units to the respondent for the billing month of October 2015 and the consumer account of the respondent should be overhauled accordingly.

9. Impugned decision is modified in above terms.

Muhammad Qamar-uz-Zaman  
Member

Nadir Ali Khoso  
Convener

Muhammad Shafique  
Member

Dated: 20.12.2017

