



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

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No. NEPRA/AB/Appeal-96/POI-2016/ 311-315

March 07, 2017

1. Zafar Alam,
S/o Nabi Bukhsh,
(Through Muhammad Khalid),
R/o Chak No. 359/GB,
Tehsil & District Toba Tek Singh
2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad
3. Saeed Ahmed Bhatti,
Advocate High Court,
2nd Floor, Akram Mansion,
Neela Gumbad, Lahore
4. Sub Divisional Officer,
FESCO Ltd,
Rural Sub Division,
Toba Tek Singh
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. Zafar Alam Against the Decision Dated 22.04.2016 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad**

Please find enclosed herewith the Decision of the Appellate Board dated 07.03.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

No. NEPRA/AB/Appeal-096/POI-2016/ 316

Forwarded for information please.

(Ikram Shakeel)

March 07, 2017


Assistant Director
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Member (CA)



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Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-096/POI-2016

Faisalabad Electric Supply Company LimitedAppellant

Versus

Zafar Alam S/o Nabi Bukhsh through Muhammad Khalid
Real Son R/o Chak No.359/GB, Tehsil & District Toba Tek SinghRespondent

For the appellant:

Mr. Saeed Ahmed Bhatti Advocate
Mr. Sanaullah Soomro SDO

For the respondent:

Mr. Salik Javed

DECISION

1. Brief facts leading to this filing of this appeal are that the respondent is a domestic consumer of the appellant company vide Ref No.14-13322-1639300 with a sanctioned load of 1.5kW under A-1 tariff. The respondent disputed the electricity bill amounting to Rs.69,781/- for 3,325 units for September 2014 before FESCO on 15.10.2014 and demanded for installation of the check meter on his premises. FESCO installed a check meter in series with the billing meter of the respondent on 20.10.2014 and comparison





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of the consumption recorded by both the billing and check meters in October 2014 established that the billing meter was working within BSS limits. FESCO issued another bill amounting to Rs.14,938/- for 773 units to the respondent for October 2014, which was also disputed by the respondent.

2. Being aggrieved, the respondent challenged the aforesaid bills before the Civil Court, Toba Tek Singh and made a payment of Rs.5,000/- against both the impugned bills as directed by the honorable Civil Court. Later on the honorable Civil Court referred the matter to Provincial Office of Inspection (POI) for further adjudication. Subsequently, the respondent challenged the bills amounting to Rs.69,781/- for 3,325 units and Rs.14,938/- for 773 units for September 2014 and October 2014 respectively before POI vide his application dated 25.03.2015. POI disposed of the matter vide its decision dated 22.04.2016 with the following conclusion:

“Summing up all the observations/discussion and keeping in view all the aspects of the case this forum declares that 1) The bill for the month 09/2014 as null, void and without legal effect. Therefore the respondents are directed to withdraw the same and charge the revised bill for 09/2014 for the cost of 325 units. 2) The bill for the month of 10/2014 is justified and the consumer is liable to pay the same. The respondents are also directed to overhaul petitioner’s account by adjusting all Credits, Debits, Deferred Amount & Payments made by the consumer. Disposed of in above terms.”



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3. Now this appeal has been preferred against the decision of POI dated 22.04.2016 inter-alia on the grounds that 3,325 units were recorded by the meter of the respondent in September 2014 due to use of heavy street light load in the marriage ceremony of the respondent; that the bill for 3,325 units charged in September 2014 was legal, valid, justified and payable by the respondent and that the application filed by the respondent before POI on 25.03.2015 was decided on 22.04.2016 after the expiry of statutory period of 90 days was illegal and void as contemplated under Section 26(6) of Electricity Act 1910.

4. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which however were not submitted by the respondent. The hearing of the appeal was fixed for 10.02.2017 at Lahore for which due notices were also served. During the hearing, Mr. Saeed Ahmed Bhatti Advocate appeared for FESCO whereas Mr. Salak Javed the authorized representative appeared for the respondent. Mr. Saeed Ahmad Bhatti, learned Counsel for the appellant reiterated the same arguments as narrated in memo of the appeal and contended that the electricity bill for 3,325 units for September 2014 was charged to the respondent as per consumption registered by the meter due to heavy load during the marriage ceremony. Learned counsel for FESCO prayed for cancellation of the impugned decision to the extent of declaring the aforesaid bill for September 2014 as null and void. Conversely the representative for the respondent denied the contention of FESCO and averred that such high consumption was never recorded by the meter during the undisputed periods (prior/after), therefore charging of



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the bill for 3,325 units to the respondent has no justification and not payable by the respondent. The representative for the respondent pleaded for upholding the impugned decision.

5. We have heard arguments of both the parties and perused the record placed before us.

Following are our observations:

- i. FESCO raised the objection regarding the jurisdiction of POI for deciding the matter after prescribed time limit of 90 days as envisaged under Section 26(6) of Electricity Act 1910 but did not press the same due to the reason that such period is relevant for the Electric Inspectors under Electricity Act, 1910; whereas the appeal in hand is filed against the decision of Provincial Office of Inspection established under section 38 of the NEPRA Act, 1997 wherein no time limit for deciding a complaint within 90 days is provided.
- ii. FESCO charged the electricity bills amounting to Rs.69,781/- for 3,325 units and Rs.14,938/- for 773 units to the respondent for September 2014 and October 2014 respectively, which were assailed by the respondent before POI vide application dated 25.03.2015. Bill for October 2014 was declared justified by POI and not controverted before us. Justification for charging the bill for September 2014 only needs to be analyzed.





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iii. Consumption data as provided by FESCO is tabulated below :

Period before dispute		Disputed month		Period after dispute	
Months	Units	Months	Units	Months	Units
March 2014	39	September 2014	3,325	October 2014	773
April 2014	50			November 2014	48
May 2014	200			December 2014	50
June 2014	151			January 2015	70
July 2014	71			February 2015	66
August 2014	195			March 2015	80

From the above table, it is evident that 3,325 units recorded in September 2014 are much higher than the consumption recorded in normal mode during the undisputed periods (prior/after). We are inclined to agree with the determination of POI that the electricity bill for 3,325 units charged to the respondent in September 2014 is not justified and therefore declared null and void.

iv. Since 773 units were consumed by the respondent in October 2014 and the same are not disputed before us, it would be fair and just to charge 773 units to the respondent for September 2014 as well. Impugned decision to this extent is to be modified.

6. In view of discussion in preceding paragraphs, it is concluded that:

i. Electricity bill amounting to Rs.69,781/- for 3,325 units charged to the respondent in

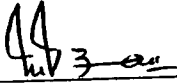


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September 2014 is declared null and void as already determined in the impugned decision. The respondent should be charged 773 units for September 2014.

ii. Electricity bill amounting to Rs.14,938/- for 773 units charged to the respondent for October 2014 is justified and payable by the respondent. Impugned decision is maintained to this extent.


7. The appeal is disposed of in above terms.



Muhammad Qamar-uz-Zaman
Member



Nadir Ali Khoso
Convener



Muhammad Shafique
Member

Dated: 07.03.2017