



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

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No. NEPRA/AB/Appeal/099/2017/ *1069-1073*

June 21, 2018

1. Muhammad Naeem Akhtar
S/o. Malik Muhammad Saleem Tahir,
Chak No. 217/RB, Behind Jawab Club,
Narwala Road, Faisalabad
2. The 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. Sub Divisional Officer (Opr),
FESCO Ltd,
Raza Abad Sub Division,
Faisalabad
5. Electric Inspector,
Faisalabad Region,
Energy Department, Govt. of Punjab,
Opposite Commissioner Office,
D.C.G Road, Civil Lines, Faisalabad

Subject: **Appeal Titled FESCO Vs. Muhammad Naeem Akhtar Against the Decision Dated 03.05.2017 the Provincial Office of Inspection to overnment of the Punjab Faisalabad Region, Faisalabad**

Please find enclosed herewith the decision of the Appellate Board dated 19.06.2018, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal/099/2017/ *1074*

Forwarded for information please.

June 21, 2018

(Signature)
Assistant Director
Appellate Board

(Signature) Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 099/ 2017

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Naeem Akhtar, S/o Malik Muhammad Saleem Tahir,
Chak No.217/B, Behind Jawab Club, Narwala Road, Faisalabad

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 03.05.2017 PASSED BY PROVINCIAL
OFFICE OF INSPECTION FAISALABAD REGION FAISALABAD**

For the appellant:

Mr. Mehar Shahid Mehmood Advocate

Mr. Imran Ali SDO

For the respondent:

Nemo

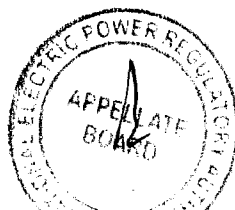
DECISION

1. As per fact of the case, the respondent is an industrial consumer of the appellant FESCO bearing Ref No.27-13224-6400310 with a sanctioned load of 34 kW under B-2b tariff. Meter of the respondent was found missing on 25.10.2015, hence a new meter was installed by FESCO on the premises of the respondent on 30.11.2015. Afterwards, the notice dated 31.12.2015 was served to the respondent and a detection bill of Rs.320,055/- for the cost of 19,377 units for the period August 2015 to 15th of October 2015 was charged to the respondent by FESCO on the basis of average consumption of June 2015 and July 2015. As per FESCO, FIR was registered against the unknown person with the Police for the stolen meter of the respondent.



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2. Being aggrieved, the respondent approached Provincial Office of Inspection (POI), Faisalabad Region, Faisalabad on 29.02.2016 and agitated the above mentioned detection bill. The complaint of the respondent was disposed of vide POI decision dated 03.05.2017, wherein the detection bill of 19,377 units was cancelled and FESCO was allowed to charge 8,560 units for the months August 2015 and September 2015.
3. Instant appeal has been filed against the above mentioned decision in which FESCO stated that the meter of the respondent was found missing on 25.10.2015, hence a detection bill for the cost of 19,377 units for two months and 15 days was charged to the respondent. FESCO further objected the sustainability of the impugned decision on the plea that the same was given by POI after the expiry of statutory period of 90 days as provided u/s 26(6) of Electricity Act 1910. The respondent was served notice for filing reply/parawise comments to the appeal, which however were not filed.
4. Hearing of the appeal was conducted in Lahore on 25.05.2018, wherein Mr. Mchar Shahid Mahmood advocate along with FESCO official appeared for the appellant FESCO and no one appeared for the respondent. Learned counsel for FESCO reiterated the same arguments as narrated in memo of the appeal and prayed for withdrawal of the impugned decision being devoid of merits.
5. Arguments heard and the record placed before us examined. As regards the preliminary objection of FESCO regarding failure of POI in deciding the matter within 90 days as envisaged in section 26(6) of Electricity Act, 1910, it may be noted that the said period is binding for an Electric Inspector functioning under the Electricity Act, 1910 and not





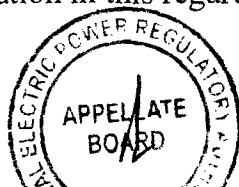
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relevant for the Provincial Offices of Inspection (POI) established under NEPRA Act, 1997. Reliance in this regard is placed on the Lahore High Court judgments cited as PLJ 2017-Lahore-627 and PLJ-2017-Lahore-309. Objection of FESCO in this regard is invalid, therefore rejected.

The respondent assailed the detection bill of Rs.320,055/- for 19,377 units for the period August 2015 to 15th of October 2015 before POI. To ascertain the justification of the aforesaid detection bill, the consumption of the respondent is analyzed as under:

Period	Normal Mode Average Units/Month	Detection Mode Average Units/Month
Period before dispute January 2015 to July 2015 (07 months)	9,740	-
Disputed period August 2015 to 15 th of October 2015 (2.5 months)	4,368	12,118

Perusal of above table reveals that the detection bill charged @ 12,118 units/month during the disputed period August 2015 to 15th of October 2015 is considerably higher than the normal average consumption of 9,740 units/month recorded during the period before the dispute i.e. January 2015 to July 2015. Hence POI has rightly declared the detection bill of Rs.320,055/- for 19,377 units for the period August 2015 to 15th of October 2015 as null and void. However the average consumption i.e. 4,368 units/month recorded during the disputed period is lesser than the normal average consumption of the period before the dispute, which established that the actual consumption was not recorded during the disputed period. It would be judicious to revise the billing for the disputed period on the basis of average consumption of the period before the dispute, calculation in this regard is done below:





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Period: August 2015 to 15th of October 2015 (2.5 months)

		<u>Units</u>
• Total Units to be charged	=avg. consumption/month of the period before dispute	24,350
	= 9,740 x 2.5	
• Total units already charged	= consumption of disputed months	(-) 10,919
	= 6,919 + 4,000 + 0	
• Net Units to be charged		13,431

The respondent is liable to be charged net 13,431 units for the period August 2015 to 15th of October 2015. Impugned decision to the extent of charging net 8,560 units is liable to be withdrawn.

6. In view of what has been stated in preceding paragraphs, the detection bill of Rs.320,055/- for 19,377 units for the period August 2015 to 15th of October 2015 charged by FESCO and impugned decision for charging 8,560 units for August 2015 and September 2015 are declared null and void. FESCO is allowed to recover net 13,431 units against the aforesaid disputed period.

7. The appeal is disposed of in above terms.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 19.06.2018

