



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

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No. NEPRA/AB/Appeal/063/2018/ 576-580

March 18, 2019

1. Abdul Hameed
S/o. Muhammad Din,
R/o. Mohallah Nawab Town Gali No. 1,
Near Afaaq School, Samundri
2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad
3. Dr. Muhammad Irtiza Awan
Advocate High Court,
Al-Majeed Centre, 1-Mozang Road,
38-Link Farid Kot Road, Lahore
4. Sub Divisional Officer (Opr),
FESCO Ltd,
Samundri City Sub Division,
Samundri
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. Abdul Hameed Against the Decision Dated 09.01.2018 the Provincial Office of Inspection to Government of the Punjab Faisalabad Region, Faisalabad**

Please find enclosed herewith the decision of the Appellate Board dated 18.03.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

No. NEPRA/AB/Appeal/063/2018/ 581

Forwarded for information please.

(Ikram Shakeel)

March 18, 2019


Assistant Director
Appellate Board

✓ 1. Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 063/2018

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Abdul Hameed S/o Muhammad Din R/o Mohallah Nawab Town,
Gali No.1, Near New Afaaq School, Samundari

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 09.01.2018 PASSED BY PROVINCIAL OFFICE
OF INSPECTION FAISALABAD REGION FAISALABAD**

For the appellant:

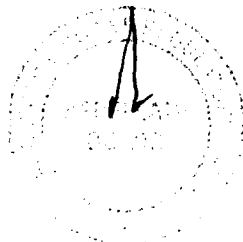
Mr. Muhammad Irtaza Awan Advocate
Mr. Muhammad Amjad XEN

For the respondent:

Nemo

DECISION

1. Through this appeal, challenge has been thrown to a decision dated 09.01.2018 passed by the Provincial Office of Inspection (POI), Faisalabad Region, Faisalabad. Facts, in brief, are that the respondent is a domestic consumer of FESCO having two connections bearing Ref No.01-13231-0044401 with a sanctioned load of 4.24 kW (the first connection) and No.18-13231-0304110 with a sanctioned load of 3 kW (the second connection) on the same premises. The premises of the respondent was inspected by task force FESCO on 09.04.2012 and allegedly, the body of the meter of first connection was found broken (tampered), actual consumption not being recorded and the connected load was noticed as 4.5 kW, which is higher than the sanctioned load.





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Electric supply of the respondent's first connection was immediately disconnected by FESCO, P-Disc code was allotted and the detection bill of 2,173 units for the period January 2012 to April 2012 (4 months) was charged against the first connection of the respondent. The above bill was agitated by the respondent before POI, who decided the matter vide decision dated 22.07.2014 and the detection bill of 2,173 units was declared null and void. Further, the respondent was directed to pay the demand notice for installation of anew meter and payment of the reconnection order (RCO) fee. As per FESCO, the matter was settled and the electric supply of the respondent's first connection was restored by FESCO as per POI order dated 22.07.2014 but the RCO for the first connection could not be issued due to non-pursuance of the respondent. Subsequently, the site of the respondent was checked on 07.06.2017 and reportedly 5,400 units were found pending against the respondent's first connection, which could not be billed as it was under P-Disc code. After issuing notice dated 09.06.2017, FESCO charged the detection bill of Rs.45,078/- for 5,400 units for the period May 2014 to May 2017 against the respondent's second connection and added in the bill for June 2017. The respondent filed an application before POI on 02.08.2017 and challenged the above detection bill, which was decided vide POI decision dated 09.01.2018 with the following conclusion:

"the detection bill of Rs.45,078/- for 5,400 units for the period May 2014 to May 2017 against the respondent's second connection and added in the bill for June 2017 is unjustified, illegal, unilateral and not recoverable from the respondent. He should be charged 540 units instead of 5,400 units on the pendency of readings."

2. Appeal in hand has been filed against the above-mentioned decision in which FESCO

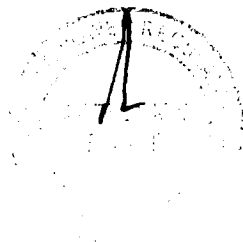




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contended that meter of the first connection of the respondent was found tampered (meter body broken) on 09.04.2012, hence electric supply was disconnected and the detection bill of 2,173 units for the period January 2012 to April 2012 (4 months) was charged against the first connection. FESCO explained that the dispute of the above bill challenged before POI was settled in the light of POI order dated 22.07.2014 and the electric supply of the first connection was restored by FESCO but the reconnection order (RCO) for the first connection was not issued despite repeated intimations to the respondent. As per FESCO, 5,400 units were found pending against the respondent's first connection during inspection dated 07.06.2017, which were charged against the respondent's second connection (since the first connection was under P-Disc). According to FESCO, POI has misused his powers and awarded undue favor to the respondent, the act of POI is illegal, unlawful and not sustainable in the eye of law, hence the impugned decision is liable to be set aside. Notice of the appeal was issued to the respondent for filing reply/para-wise comments to the appeal, which however were not filed.

3. Hearing of the appeal was conducted in Lahore on 11.02.2019, wherein Dr. M. Irtaza Awan advocate along with FESCO official appeared for the appellant FESCO but no one was in attendance for the respondent. Learned counsel for FESCO reiterated the same arguments as contained in the memo of the appeal and averred that pursuant to POI order dated 22.07.2014, the electric supply of the respondent's first connection was restored but RCO could not be issued even though repeatedly intimated to the





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respondent. Learned counsel for FESCO argued that the respondent was using electricity through the meter of the first connection but the electricity bills were not properly charged to him due to non-issuance of RCO, hence 5,400 units remained unbilled for the period May 2014 to May 2017 were debited against the second connection of the respondent. As per learned counsel for FESCO, the pending 5,400 units are justified and payable by the respondent. Learned counsel for FESCO opposed the impugned decision and prayed for setting aside the same.

4. Arguments heard and record perused. It is admitted by FESCO that the electricity of the respondent was restored without issuance of RCO, which is a violation of the Consumer Service Manual (CSM). This allegedly resulted in un-billing of 5,400 units against the first connection. Under these circumstances, the detection bill of Rs.45,078/- for 5,400 units for the period May 2014 to May 2017 (37 months) charged to the second connection of the respondent by FESCO on account of pending units of the first connection is unjustified and liable to be withdrawn as already determined in the impugned decision.

As the use of electricity through the meter of first connection was observed by FESCO on 07.06.2017, pursuant to chapter 9 of CSM, the respondent being a domestic consumer may be charged maximum for six months i.e. December 2016 to May 2017 for alleged misuse of electricity. In this regard, the quantum of electricity chargeable against the first connection of the respondent is calculated below as per Annex-VIII of CSM:





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Period for charging the detection bill= December 2016 to May 2017 (6 months)

Total units = Sanctioned Load x Load Factor x No. of Hours x No. of Months to be charged

$$= 4.24 \text{ kW} \times 0.1 \times 730 \times 6 = 1,857 \text{ units}$$

The respondent may be charged the detection bill of 1,857 units for the period December 2016 to May 2017. As per the impugned decision, POI has recommended charging 540 units but no justification has been given, therefore the impugned decision is incorrect and declared null and void to this extent.

5. Forgoing in consideration, the detection bill of Rs.45,078/- for 5,400 units for the period May 2014 to May 2017 (37 months) charged to the second connection of the respondent by FESCO on account of pending units of the first connection is declared null and void as already determined in the impugned decision. The respondent is obligated to pay bill for 1,857 units for the period of December 2016 to May 2017. FESCO may restore the electric supply of the first connection of the respondent after recovery of the above bill and completion of departmental formalities.
6. The impugned decision is modified in above terms.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 18.03.2019

