



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

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No. NEPRA/AB/Appeal/098/2018/ 1022-1026

May 10, 2019

1. Ali Imran  
S/o. Muhammad Ashraf,  
Prop: Power Looms Factory,  
Jarranwala Road, Qabrestan More,  
Faisalabad
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. Assistant Manager (Operation)  
FESCO Ltd,  
Peoples Colony 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. Ali Imran Against the Decision Dated 28.03.2018 of the Provincial Office of Inspection to Government of the Punjab Faisalabad Region, Faisalabad**

Please find enclosed herewith the decision of the Appellate Board dated 09.05.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

No. NEPRA/AB/Appeal/098/2018/ 1027

Forwarded for information please.

(Ikram Shakeel)

May 10, 2019

Assistant Director  
Appellate Board

✓  
Registrar



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. 098/2018

Faisalabad Electric Supply Company Limited .....Appellant

Versus

Ali Imran S/o Muhammad Ashraf Prop: Power Looms Factory,  
Jrannwala Road, Qabrestan More, Faisalabad .....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,  
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997  
AGAINST THE DECISION DATED 28.03.2018 PASSED BY THE PROVINCIAL  
OFFICE OF INSPECTION FAISALABAD REGION FAISALABAD**

For the appellant:

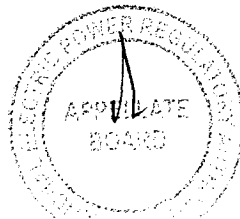
Dr. M. Irtaza Awan advocate  
Mr. Imran Aslam SDO

For the respondent:

Mr. Ali Imran

## DECISION

1. As per fact of the case, the respondent is an industrial consumer of Faisalabad Electric Supply Company Limited (FESCO) bearing Ref No. 24-13241-6100780 having a sanctioned load of 19 kW under the B-1b tariff. The electricity meter of the respondent was checked by Metering and Testing (M&T) FESCO on 30.08.2017 and reportedly it was found 33% slow due to red phase dead stop. Multiplication Factor (MF) of the respondent was raised from 1 to 1.49 by FESCO w.e.f October 2017 and onwards, a detection bill amounting to Rs.104,692/- for 5,700 units for the period June 2017 to August 2017 (3 months) was charged by FESCO to the respondent @ 33% slowness of the meter and added in the bill for November 2017. Subsequently, an adjustment bill of





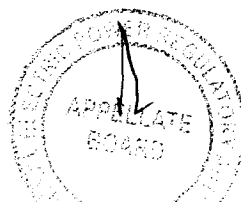
## National Electric Power Regulatory Authority

Rs.22,195/- for September 2017 was debited to the respondent in January 2018 due to 33% slowness of the meter.

2. Being aggrieved, the respondent filed an application before the Provincial Office of Inspection (POI) on 12.01.2018 and challenged the aforesaid bills. Meter of the respondent was checked by POI on 27.02.2018 in presence of both parties, wherein 33% slowness was verified in the meter. The matter was disposed of by POI vide its decision dated 28.03.2018 with the following conclusion:

*“Summing up all the above observations/discussion and keeping in view all the aspects of the case, this forum declares the detection bill of Rs.104,692/- for 5,700 units for the period 06/2017 to 08/2017. The billing adjustment of Rs.23,715/- in the bill of 11/2017 and the bill adjustment of Rs.22,195/- in the bill of 01/2018 as null, void and without legal effect and the petitioner is not liable to pay the same. The respondents are directed to charge 3,358 units @ 33% slowness for 08/2017 and 09/2017 as the meter slowness started from 08/2017 in the opinion of this forum. The respondents are further directed to replace the disputed meter with accurate one to avoid further complication in future billing and to overhaul the petitioners account by adjusting all Credits, Debits, Deferred Amount & Payments already made. The respondents further directed to waive of the LPS, if levied on the bills of 10/2017 to 12/2017.”*

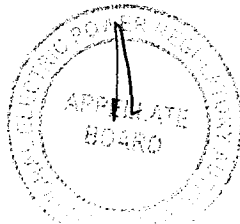
3. Through the instant appeal, FESCO has assailed the afore-referred decision inter-alia on the grounds that the meter of the respondent was found 33% slow on 30.08.2017, which was also confirmed by POI on 27.02.2018, hence the determination of POI to charge slowness from August 2017 to September 2017 instead of the detection period June 2017 to August 2017 is wrong; that the withdrawal of adjustment bills of Rs.23,715/- and Rs.22,195/- charged in November 2017 and January 2018 respectively is against the facts and that the impugned decision is not sustainable in the eyes of law.





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4. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which however were not filed.
5. Hearing of the appeal was conducted in NEPRA's Regional Office at Lahore on 08.04.2018 in which both the parties were present. Learned counsel for FESCO reiterated the same arguments as narrated in memo of the appeal and termed the detection bill of Rs.104,692/- for 5,700 units for the period June 2017 to August 2017, the adjustment bills of Rs.23,175/- for November 2017 and Rs.22,195/- for January 2018 charged @ 33% slowness of the meter as justified and payable by the respondent. On the other hand, the respondent prayed for maintainability of the impugned decision.
6. Arguments heard and record perused. It is observed as under:
  - i. 33% slowness of the meter was observed by M&T FESCO on 30.08.2017, hence MF was raised from 1 to 1.49 w.e.f October 2017 and onwards and a detection bill of Rs.104,692/- for 5,700 units for the period June 2017 to August 2017 (3 months) was charged to the respondent @ 33% slowness of the meter in the bill for November 2017. Subsequently, an adjustment bill amounting to Rs.22,195/- for September 2017 was debited to the respondent by FESCO in January 2018. The above bills were agitated by the respondent before the POI. 33% slowness in the meter of the respondent was established during the POI joint checking dated 27.02.2018.
  - ii. Clause 4.4 of the Consumer Service Manual (CSM) allows to charge slowness maximum for two months in case of a slow meter, whereas in the instant case, the respondent was charged the detection bill for the period June 2017 to August 2017





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(3 months) in violation of ibid clause of CSM. Hence the detection bill of Rs.104,692/- for 5,700 units for the period June 2017 to August 2017 (3 months) charged to the respondent @ 33% slowness of the meter is illegal. Since 33% slowness in the meter was found by FESCO on 30.08.2017, the respondent is liable to be charged 33% slowness for July 2017 to August 2017 (two months) only.

iii. The respondent is further obligated to pay the bills with enhanced MF=1.49 from September 2017 and onwards till the replacement of the meter in pursuance of clause 4.4(c) of CSM. Hence the adjustment bill of Rs.22,195/- for September 2017 debited in January 2018 charged with MF=1.49 is justified and payable by the respondent.

7. Upshot of the above discussion is that the detection bill of Rs.104,692/- for 5,700 units for the period June 2017 to August 2017 (3 months) charged @ 33% slowness of the meter is unjustified and declared null and void. The respondent should pay the detection bill for July 2017 to August 2017 due to 33% slowness of the meter and the bills with enhanced MF=1.49 from September 2017 and onwards till the replacement of the slow meter.

8. The appeal is disposed of in the above terms.

Muhammad Qamar-uz-Zaman  
Member

Nadir Ali Khoso  
Convener

Muhammad Shafique  
Member

Dated: 09.05.2019

