



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

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No. NEPRA/Appeal/133/POI/2019/ 1263

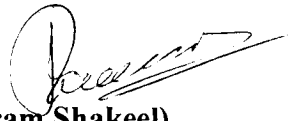
December 29, 2020

1. Hafiz Muhammad Suleman  
S/o. Muhammad Ashraf,  
Prop: Sweet Shop, Abdullahpur Chowk,  
Faisalabad
2. Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullahpur,  
Faisalabad
3. Muhammad Nawaz Waseer  
Advocate Supreme Court,  
Sargodha Khushab Law Chambers,  
9-Turner Road, Turner Tower,  
First Floor, Lahore
4. Sub Divisional Officer (Opr)  
FESCO Ltd,  
Mansoor Abad Sub Division,  
Faisalabad
5. Electric Inspector/POI,  
Energy Department, Govt. of Punjab,  
Opposite Commissioner Office,  
D.C.G Road, Civil Lines,  
Faisalabad Region, Faisalabad

Subject: **Appeal Titled FESCO Vs. Hafiz Muhammad Suleman Against the Decision Dated 10.12.2018 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 10.12.2020, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

  
(Ikram Shakeel)  
Deputy Director (M&E)/  
Appellate Board

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



# National Electric Power Regulatory Authority

## Before Appellate Board National Electric Power Regulatory Authority Islamabad

In the matter of

### Appeal No.133/POI-2019

Faisalabad Electric Supply Company Limited .....Appellant

Hafiz Muhammad Suleman s/o Muhammad Ashraf Sweet Shop,  
Abdullahpur Chowk, Faisalabad .....Respondent

### **APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 10.12.2018 PASSED BY PROVINCIAL OFFICE OF INSPECTION FAISALABAD REGION, FAISALABAD**

For the appellant:

Mr. Malik Asad advocate  
Mr. Sarmad Hussain SDO

For the respondent:

Mr. Usman

### **DECISION**

1. Briefly speaking, the respondent is a commercial consumer of Faisalabad Electric Supply Company Limited (FESCO) bearing Ref No.27-13132-62000915 having a sanctioned load of 25 kW and the applicable tariff is A-2C. The metering equipment of the respondent was checked by metering and testing (M&T) FESCO on 24.04.2018 and reportedly the billing meter was found 33% slow due to the dead red phase. After issuing notice dated 03.05.2018 to the respondent, a detection bill amounting to Rs.57,383/- for 3,110 units for February 2018 (one month) was charged to the respondent on the basis of consumption of February 2017.
2. Being aggrieved, the respondent agitated the above detection bill before the Provincial Office of Inspection (POI) on 17.08.2018. The complaint of the respondent was disposed



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of by POI vide decision dated 10.12.2018 in which the detection bill of Rs.57,383/- for 3,110 units for February 2018 was cancelled.

3. The appeal in hand has been filed by FESCO against the POI decision dated 18.12.2018 (hereinafter referred to as the impugned decision) before NEPRA wherein the impugned decision was opposed inter alia, on the grounds that the POI failed to appreciate the M&T FESCO report dated 24.04.2018 in which the red phase of the billing meter of the respondent was found dead stop; that notice dated 03.05.2018 was rightly issued to the respondent; that the POI illegally declared the detection bill of Rs.57,383/- for 3,110 units for February 2018 as null and void; that the POI did not apply his judicial mind while rendering the impugned decision and that the same is liable to be set aside.
4. Notice was sent to the respondent to submit reply/para-wise comments to the appeal, which were filed on 17.09.2019. In the reply, the respondent rebutted the version of FESCO and submitted that the billing meter was functioning correctly during FESCO checking dated 27.04.2018 as evident in the M&T FESCO notice dated 07.05.2018, hence there is no justification to charge any detection bill. The respondent supported the impugned decision and prayed for upholding the same.
5. After issuing notice, hearing of the appeal was conducted at NEPRA Regional Office Lahore on 27.11.2020 wherein both the parties were present. Learned counsel for FESCO reiterated the same arguments as given in memo of the appeal and contended that the billing meter of the respondent was found defective due to one dead phase during FESCO checking dated 24.04.2018. Learned counsel for FESCO further contended that load of the respondent on all three phases is not same, hence 33% slowness is not applicable in the



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instant case. Learned counsel for FESCO termed the detection bill of Rs.57,383/- for 3,110 units for February 2018 as justified on the plea that the consumption during the undisputed period is much higher as compared to the consumption of the disputed month. Conversely, the representative for the respondent argued that the billing meter was working ok as per the M&T laboratory report and the respondent is not liable to pay any detection bill illegally charged by FESCO. The representative for the respondent finally prayed for the maintainability of the impugned decision.

6. Having heard arguments and the record perused. Following are our observations:
  - i. The red phase of the billing meter of the respondent was found defective during FESCO checking dated 24.04.2018. Resultantly, FESCO charged a detection bill of Rs.57,383/- for 3,110 units for February 2018 (one month) was charged to the respondent based on the consumption of February 2017 on the plea that the load of the respondent is not uniform on three phases of the billing meter. However, FESCO neither installed the check meter in series with the disputed billing meter nor the same was produced before POI for the determination of the accuracy as per provisions of chapter 4 of the Consumer Service Manual (CSM). Besides FESCO failed to implement the method of charging the detection bill as per clause 4.4 of CSM in case of a defective meter. Hence, the detection bill of Rs.57,383/- for 3,110 units for February 2018 (one month) charged to the respondent based on the consumption of February 2017 is unjustified and liable to be declared null and void as already determined in the impugned decision.
  - ii. Since the billing meter was found 33% slow due to the red dead phase and recorded less consumption in the disputed month i.e. February 2018. As such the respondent may be charged 33% slowness for February 2018 as per the below calculation:



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(A) Units to be charged with 33% slowness	(B) Already charged units	(C)= (A)-(B) Net chargeable units
= <u>units already charged</u> = 4,001 = 5,971 (100%-33% slowness) (0.67)	4,001	1,970

The respondent is liable to be charged net of 1,970 units as a detection bill for February 2018. The impugned decision is liable to be modified to this extent.

7. Forgoing in preceding paragraphs, it is concluded that the impugned decision for cancellation of the detection bill of Rs.57,383/- for 3,110 units for February 2018 is correct and maintained to this extent. However, FESCO may debit 1,970 units as the detection bill for February 2018.
8. The impugned decision is modified in the above terms.

Muhammad Qamar-uz-Zaman  
Member/SA (Finance)

Muhammad Shafique  
Member/SA (Legal)

Nadir Ali Khoso  
Convener/DG (M&E)

Dated: 10.12.2020