



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

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No. NEPRA/Appeal/141/POI/2019/ *1266*

December 29, 2020

- | | |
|---|---|
| 1. Muhammad Adnan Ashraf
S/o. Muhammad Ashraf,
R/o. Chichawatni Road,
Kamalia | 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,
Sub Division, City,
Kamalia |
| 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. Muhammad Adnan Ashraf Against the Decision Dated 31.12.2018 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. 141/POI-2019

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Adnan Ashraf S/o Muhammad Ashraf
R/o, Chichawatni Road, Kamalia

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 31.12.2018 PASSED BY PROVINCIAL OFFICE OF INSPECTION FAISALABAD REGION FAISALABAD

For the appellant:

Dr. M. Irtiza Awan advocate
Mr. Fayyaz Ahmed SDO

For the respondent:

Nemo

DECISION

1. Through this decision, the appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 31.12.2018 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as POI) is being disposed of.
2. As per the fact of the case, the respondent is a commercial consumer of FESCO bearing Ref No. 20-13371-1961201 with a sanctioned load of 2 kW under A-2(a) tariff. The electricity meter of the respondent was checked by FESCO in March 2018 and reportedly it was found defective with the display washed. FESCO replaced the defective meter with



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a new meter in April 2018. Thereafter a detection bill amounting to Rs.55,347/- for 2,007 units for the period February 2018 and March 2018 (2 months) was charged by FESCO to the respondent based on the consumption of April 2018 and added in bill for June 2018.

3. Being aggrieved, the respondent filed an application before POI on 17.07.2018 and challenged the aforesaid detection bill. The matter was disposed of by POI vide its decision dated 31.12.2018, wherein the detection bill of Rs.55,347/- for 2,007 units for the period February 2018 and March 2018 (2 months) was declared as null and void.
4. Through the instant appeal, FESCO has assailed the afore-referred decision (hereinafter referred to as the impugned decision) before NEPRA. In its appeal, FESCO inter alia contended that the respondent illegally extended the connected load to 9 kW for which he was warned time and again. FESCO further contended that the display of the meter was found vanished during a routine checking in March 2018, hence it was replaced in April 2018. As per FESCO, the detection bill of Rs.55,347/- for 2,007 units for two months i.e. February 2018 and March 2018 was charged to the respondent, which corresponds to the healthy consumption recorded during the months i.e. April 2018 to June 2018. According to FESCO, the above detection bill is quite legal, valid, justified, and payable by the respondent, whereas POI has not adverted the real aspect of the case. FESCO prayed for setting aside the impugned decision. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which however were not filed.
5. Notice was issued and the appeal was heard in NEPRA regional office Lahore on 27.11.2020 in which learned counsel along with SDO FESCO represented the appellant



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and no one appeared for the respondent. Learned counsel for FESCO reiterated the same arguments as narrated in the memo of the appeal and argued that the meter of the respondent became defective (burnt) due to illegal extension of load and replaced by FESCO in April 2018. Learned counsel for FESCO termed the detection bill of Rs.55,347/- for 2,007 units for the period February 2018 and March 2018 (2 months) as justified and payable by the respondent.

6. Arguments heard and the record examined. The display of the billing meter of the respondent was found vanished during FESCO checking in March 2018, hence it was replaced with a new meter in April 2018. Subsequently, a detection bill of Rs.55,347/- for 2,007 units for two months i.e. February 2018 and March 2018 was charged by FESCO to the respondent on the basis of healthy consumption of April 2018, which was agitated before POI. It is observed that FESCO charged the detection bill for two months on the basis of future consumption due to a defective billing meter, which is a violation of clause 4.4 of the Consumer Service Manual. Besides, the disputed billing meter was not produced before POI for the checking. Since the meter became defective in March 2018, hence the consumption of the disputed months i.e. February 2018 to March 2018 may be compared with the consumption of the period before the dispute as tabulated below:

Period	Normal Mode Average Units/Month	Detection Mode Average Units/Month
Period before dispute: Sep-2017 to Jan-2018 (04 months)	1,553	-
Disputed period: Feb-2018 to Mar-2018 (02 months)	1,649	2,652

From the above data, it is revealed that the detection bill charged @ 2,652 units/ month
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to the respondent for the disputed months i.e. February 2018 and March 2018 is much higher than the normal average consumption recorded @ 1553 units/month during the period before the dispute i.e. September 2017 to January 2018. Besides the normal average consumption charged during the disputed period is even higher than the normal average consumption of the period before the dispute i.e. September 2017 to January 2018. This indicates that the respondent was already charged on the higher side during the disputed period, therefore there is no justification to charge any detection bill. Hence, we are inclined to agree with the determination of POI that the detection bill of Rs.55,347/- for 2,007 units for two months i.e. February 2018 and March 2018 charged by FESCO to the respondent on the basis of healthy consumption of April 2018 and added in the bill for June 2018 is unjustified and should be withdrawn.

7. In view of the above, the impugned decision is upheld and the appeal is dismissed.

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

Muhammad Shafique
Member/SA (Legal)

Nadir Ali Khoso
Convener/DG (M&E)

Dated: 10.12.2020