



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

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No. NEPRA/AB/Appeal/010/POI/2020/ 1059

December 28, 2021

- |   |   |
|---|---|
| 1. Muhammad Arfan<br>S/o. Murad Ali,<br>R/o. Street No. 13, Zeeshan Park,<br>Mansoorabad, Faisalabad                      | 2. Chief Executive Officer<br>FESCO Ltd,<br>West Canal Road, Abdullahpur,<br>Faisalabad   |
| 3. Dr. Muhammad Irtiza Awan<br>Advocate High Court,<br>Al-Majeed Centre, 1-Mozang Road,<br>38-Link Farid Kot Road, Lahore | 4. Mirza Muhammad Ijaz<br>Advocate High Court,<br>Chamber No. 8, Ground Floor,<br>Sufi Barkat Ali Law Chambers,<br>District Courts, Faisalabad                  |
| 5. Sub Divisional Officer (Opr),<br>FESCO Ltd,<br>Mansoorabad Sub Division,<br>Faisalabad                                 | 6. POI/Electric Inspector,<br>Energy Department, Govt. of Punjab,<br>Opposite Commissioner Office,<br>D.C.G Road, Civil Lines,<br>Faisalabad Region, Faisalabad |

Subject: **Appeal Titled FESCO Vs. Muhammad Arfan Against the Decision Dated 05.11.2019 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 30.11.2021, 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

In the matter of

## Appeal No. 010/POI-2020

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Arfan S/o Murad Ali, R/o Street No.13,  
Zeeshan Park, Mansoorabad, Faisalabad

.....Respondent

### **APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 05.11.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION FAISALABAD REGION, FAISALABAD**

#### For the Appellant:

Dr. M. Irtiza Awan Advocate  
Mr. Sarmad Hussain SDO  
Mr. Nadeem Tahir CC

#### For the Respondent:

Mirza M. Ijaz Advocate

## **DECISION**

1. Through this decision, an appeal filed by the Faisalabad Electric Supply Company Limited (hereinafter referred to as the FESCO) against the decision dated 05.11.2019 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the POI) is being disposed of.
2. Brief facts of the case are that Mr. Bashir Ahmed is a commercial consumer of the FESCO bearing Ref No.10-13132-0711600-U with a sanctioned load of 1 kW and the applicable tariff is A-2C and Mr. Muhammad Arfan is the occupant of the premises (hereinafter referred to as the Respondent). The premises of the Respondent was







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checked by the Task Force FESCO on 17.07.2016 and it is alleged that Muhammad Arshad (hereinafter referred to as the accused) was found stealing electricity through the tampered (reverse polarity) meter and the connected load was noticed as 25.5 Amp. Therefore, a detection bill of Rs.369,672/- for 14,471 units for the period August 2015 to July 2016 twelve (12) months was charged by the FESCO to the Respondent and added in the bill for September 2016. FIR No.235/2017 dated 03.03.2017 was filed by the FESCO against the accused with the Police Station Mansoor Abad Faisalabad, which was cancelled by Mr. Ghulam Murtaza Virk Magistrate Section 30, Faisalabad vide order dated 14.10.2017.

3. Being aggrieved with the actions of the FESCO, the Respondent initially challenged the above detection bill before the Civil Court Faisalabad and after the litigation in different courts, the Civil Suit from the Senior Civil Judge Faisalabad was withdrawn by the Respondent on 11.07.2018. The Respondent filed an application before the POI on 03.07.2019 and prayed for withdrawal of the above detection bill. POI pronounced its decision on 05.11.2019, wherein the detection bill of Rs.369,672/- for 14,471 units for the period August 2015 to July 2016 twelve (12) months was declared null and void and FESCO was directed to overhaul the billing account of the Respondent, accordingly.
4. Subject appeal has been filed against the POI decision dated 05.11.2019 (hereinafter referred to as the impugned decision) by the FESCO before the NEPRA. In its appeal, the FESCO raised the objections against the impugned decision, inter alia, on the following grounds; (1) the disputed meter was under the use of Mr. Muhammad Arshad (the accused) instead of the Respondent and the accused was using electricity through the reverse polarity and the running load observed was 25.5 Amp; (2) the





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detection bill of Rs.369,672/- for 14,471 units for the period August 2015 to July 2016 twelve (12) months was charged and FIR was registered against the accused; the above detection bill is quite legal, justified and liable to be paid by the Respondent; (4) the POI did not apply his independent and judicious mind while passing the impugned decision; (5) an illegal impugned decision was rendered by the POI without considering the reasons of the matter; (6) the POI committed the illegality while passing the impugned decision, which is liable to be set aside.

5. Notice was served to the Respondent for filing the reply/para-wise comments to the appeal, which were not filed.
6. Notice was issued to both the parties and the appeal was heard at the NEPRA Regional Office Lahore on 22.10.2021 in which learned counsel along with SDO FESCO represented the Appellant and a counsel appeared for the Respondent. Learned counsel for the FESCO repeated the same arguments as contained in memo of the appeal and contended that the billing meter of the Respondent was found tampered (polarity reversed) during the FESCO checking dated 17.07.2016. Learned counsel for the FESCO further contended that the FIR was lodged with the Police and a detection bill of Rs.369,672/- for 14,471 units for the period August 2015 to July 2016 twelve (12) months was debited to the Respondent. As per learned counsel for the FESCO, the consumption data and observation of the tampered meter (polarity reversed) proved that the Respondent was stealing the electricity. Learned counsel for the FESCO defended the charging of the above detection bill and prayed for setting aside the impugned decision. On the contrary, learned counsel appearing for the Respondent denied the allegation of the FESCO regarding the theft of electricity and averred that the FESCO lineman stated before the Civil Court that the Respondent was not







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involved in the theft of electricity. According to the learned counsel for the Respondent, the FESCO could not prove the allegation of theft, resultantly the Police declared the Respondent innocent in the theft case. As per learned counsel for the Respondent, the FESCO did not produce the meter under dispute before the POI and the Court for checking despite several reminders. Learned counsel for the Respondent submitted that the FESCO did not follow the procedure of theft of electricity as laid down in Chapter 9 of the Consumer Service Manual (CSM), hence the Respondent is not liable to pay the above-said detection bill. Learned counsel for the Respondent finally defended the impugned decision for cancellation of the above detection bill and prayed for its maintainability.

7. Having heard the arguments and the record perused, the following are our observations:
  - i. The premises of the Respondent was checked by the Task Force FESCO on 17.07.2016 and it was alleged that Muhammad Arshad (the accused) was stealing electricity through the tampered (reverse polarity) meter for some other premises and the connected load was noticed as 25.5 Amp. Resultantly, a detection bill of Rs.369,672/- for 14,471 units for the period August 2015 to July 2016 twelve (12) months was charged to the Respondent and added in the bill for September 2016. FIR No.235/2017 dated 03.03.2017 was filed against the accused with the Police Station Mansoor Abad Faisalabad, which was subsequently cancelled by Mr. Ghulam Murtaza Virk Magistrate Section 30, Faisalabad vide order dated 14.10.2017.
  - ii. This whole scenario indicates that the FESCO failed to prove the allegation of theft of electricity before the competent court of law and the accused was acquitted.





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Moreover, the FESCO did not produce the disputed meter before the POI for verification of the alleged tampering. It is further observed that the FESCO charged the detection bill for a period of twelve (12) months to the Respondent in case of theft of electricity, which is inconsistent with Clause 9.1c(3) of the CSM. Said Clause of the CSM restricts the FESCO to charge the detection bill maximum for three (3) months to the Respondent being a general supply consumer i.e. A-II in the absence of the approval of the Chief Executive Officer FESCO. Perusal of the consumption data as provided by the FESCO also does not support the version of FESCO for charging the above detection bill. Under these circumstances, the detection bill of Rs.369,672/- for 14,471 units for the period August 2015 to July 2016 twelve (12) months charged to the Respondent by the FESCO in September 2016 is unjustified and should be cancelled, which is also the determination of the POI.

iii. The billing account of the Respondent may be revised after adjusting units/payment made against the above detection bill.

8. Foregoing in view, the appeal is dismissed and the impugned decision is maintained.

Abid Hussain  
Member/Advisor (CAD)

Maria Rafique  
Member/ Legal Advisor

Nadir Ali Khoso  
Convener/Senior Advisor (CAD)

Date: 30.11.2021

