



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

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No. NEPRA/Appeal/149/POI/2019/ 062

February 03, 2021

1. Haji Saif-ur-Rehman  
S/o. Haji Fazal Din Ansari,  
Mohallah Tahlian Wala,  
18-Aabkari Road, Jhang Saddar
2. Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullahpur,  
Faisalabad
3. Saeed Ahmed Bhatti,  
Advocate High Court,  
66-Khyber Block, Allama Iqbal Town,  
Lahore
4. Sub Divisional Officer (Opr)  
FESCO Ltd,  
Maghiana Sub Division,  
Maghiana, Jhang
5. Electric Inspector/POI,  
Energy Department, Govt. of Punjab,  
Opposite Commissioner Office,  
D.C.G Road, Civil Lines,  
Faisalabad Region, Faisalabad

Subject: **Appeal Titled Haji Saif-ur-Rehman Vs. FESCO Against the Decision Dated 30.01.2019 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 20.01.2021, 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 National Electric Power Regulatory Authority Islamabad

In the matter of

### Appeal No.149/POI-2019

Haji Saif-ur-Rehman S/o Haji Fazal Din Ansari, Mohallah  
Tahlia Wala, 18-Aabkari Road, Jhang Saddar

.....Appellant

Vs

Faisalabad Electric Supply Company Limited

.....Respondent

### **APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 30.01.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION FAISALABAD REGION, FAISALABAD**

For the appellant:

Haji Saif-ur-Rehman

For the respondent:

Mr. Athar Rasul

### **DECISION**

1. Briefly speaking, the appellant is an industrial consumer of Faisalabad Electric Supply Company Limited (FESCO) bearing Ref No.27-13315-2883100 having a sanctioned load of 36 kW under the tariff B-2(b). The billing meter of the appellant became defective with washed display in September 2015, hence estimated billing was done by FESCO for the period November 2015 to January 2016. The discrepancy of the vanished display with dead stop meter was confirmed by metering and testing (M&T) FESCO vide letter dated 03.02.2016.
2. Being aggrieved, the appellant agitated the above billing before FESCO. During the pendency of the case, the electric supply of the appellant was disconnected by FESCO on 25.05.2016 due to nonpayment of arrears of Rs.54,675/- and the metering equipment along with transformer was removed from the premises. Subsequently, FESCO issued a  
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corrected bill of Rs.15,820/- to the appellant on 31.10.2017, which was paid by him on 01.11.2017. In response to the application of the appellant for reconnection of electric supply, FESCO issued a demand notice for reconnection order (RCO) fee and the cost of the material.

3. Being dissatisfied, the appellant filed an application before the Provincial Office of Inspection (POI) on 03.09.2018 and submitted that he assailed the excessive billing for November 2015 to January 2016 before FESCO, which was corrected in October 2017, hence he is not liable to pay any charges for the restoration of electric supply. The complaint of the respondent was disposed of by POI vide decision dated 30.01.2019 with the following conclusions:

*“Summing the above observations/discussion and keeping in view all the aspects of the case this forum finds no irregularity in issuing Demand Notice by respondents for reconnection and consumer/complainant is liable to pay the Demand Notice for reconnection of his power supply.”*

4. The appeal in hand has been filed by the appellant against the POI decision dated 30.01.2019 (hereinafter referred to as the impugned decision) before NEPRA wherein the impugned decision was opposed inter alia, on the grounds that POI did not appreciate the real aspects of the case that the display of the meter became unreadable in September 2015 for which he complained to SDO FESCO on 04.09.2015; that FESCO charged estimated billing during the period November 2015 to January 2016 on the basis of wrong reading; that during the litigation, FESCO disconnected the electric supply and removed the metering equipment with malafide intention due to nonpayment of unjustified bills; that FESCO issued the corrected bill on 31.10.2017, which was paid by him on 01.11.2017 and FESCO was approached for RCO; that FESCO asked to deposit the demand notice for



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reconnection of supply; that no prior notice was served by FESCO regarding the disconnection of supply; that he has not defaulted the regular monthly bill hence not responsible for payment of any reconnection charges; and that his connection along with metering equipment may be restored by FESCO without any cost.

5. Notice was sent to FESCO to submit reply/para-wise comments to the appeal, which however were not filed.
6. After issuing notice, hearing of the appeal was conducted at NEPRA Regional Office Lahore on 14.12.2020 wherein both the parties were present. The appellant reiterated the same arguments as given in memo of the appeal and contended that the billing became defective and excessive billing was done for the period November 2015 to January 2016. As per appellant, the irregular billing was assailed before FESCO, which was subsequently corrected in October 2017, hence he is not responsible for payment of the RCO fee and the cost of material as the complaint against excessive was under adjudication before FESCO. The appellant finally prayed for setting the aside impugned decision and for withdrawal of the reconnection charges and the cost of the material. On the contrary, SDO FESCO contended that the reconnection fee was demanded from the appellant as per NEPRA approved policy and he is obligated to pay the same. SDO FESCO supported the impugned decision and submitted that the POI has decided the complaint of the appellant in line with the provisions of the Consumer Service Manual (CSM).
7. Having heard arguments and the record perused. The billing meter of the appellant became defective in September 2015 and FESCO charged estimated billing for the period from November 2015 to January 2016 to the appellant, which was agitated by him before FESCO. Meanwhile, electric supply of the appellant was disconnected by FESCO on



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25.05.2016 due to nonpayment of arrears of Rs.54,675/- pertaining to the above bills and the metering equipment along with transformer was removed from the premises of the appellant. Subsequently FESCO issued a corrected bill of Rs.15,820/- to the appellant on 31.10.2017, which was paid by him on 01.11.2017. Therefore the entire actions taken i.e. charging of excessive bills and disconnection of electric supply by FESCO became ab-initio, void and consequently the appellant is not liable to pay any demand notice for RCO and the cost of material. POI has also overlooked this aspect of the case despite pointed out by the appellant in his application. We are convinced with the contentions of the appellant that the demand of FESCO for RCO fee and cost of material and the findings of POI for allowing the same are illegal, unjustified, and liable to be set aside. FESCO is directed to reconnect the electric supply of the appellant subject to the payment of the corrected bill and no RCO fee and cost of material is recoverable from the appellant.

8. In view of the above, the appeal is accepted and consequently, the impugned decision is set aside.

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

Muhammad Shafique  
Member/SA (Legal)

Nadir Ali Khoso  
Convener/DG (M&E)

Dated:20.01.2021