



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

NEPRA Office , Ata Turk Avenue (East), G5/1, Islamabad
Tel. No.+92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/Appeal/228/POI/2019/ 023


January 19, 2021

1. Mst. Razia Begum
W/o. Muhammad Sarwar Alvi,
R/o. P-128, Street No. 2/3,
Kehkshan Colony, Jarranwala,
Faisalabad
2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad
3. Malik Asad Akram Awan
Advocate High Court,
Sargodha Khushab Law Chambers,
Turner Tower, First Floor,
9-Turner Road, Lahore
4. Shafqat Abbas Tarar
Advocate High Court,
Chamber No. 54, Fatima Jinnah Block,
District Courts, F-8 Markaz,
Islamabad
5. Sub Divisional Officer (Opr)
FESCO Ltd,
Peoples Colony Sub Division,
Faisalabad
6. 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. Mst. Razia Begum Against the Decision Dated 29.03.2019 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 08.01.2021, 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. 228/POI-2019

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Mst. Razia Begum, W/o Muhammad Sarwar Alvi,
(Through Muhammad Asif Tarar) R/o House No.P-128,
Street No.2/3, Kehkashan Colony, Jaranwala Road, Faisalabad

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 29.03.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION FAISALABAD REGION FAISALABAD

For the appellant:

Mr. Malik Asad Advocate

Mr. Imtiaz Ahmed Addl. XEN

For the respondent:

Mr. Muhammad Asif

DECISION

1. Brief facts of the case are that the respondent is a domestic consumer of Faisalabad Electric Supply Company Limited (hereinafter referred to as the FESCO) bearing Ref No.01-13241-0062100 with a sanctioned load of 3 kW under A-1 tariff. The electricity meter (first meter) of the respondent was checked by FESCO in January 2016 and reportedly it was found defective, therefore a detection bill of 327 units for December 2015 was charged to the respondent by FESCO based on previous consumption. FESCO replaced the defective meter with a second meter (hereinafter referred to as the second



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meter) in February 2016. The respondent complained to FESCO that the second meter is recording more consumption as compared to the actual utilization of electricity, hence a check meter was installed in series with the second meter of the respondent by FESCO on 13.06.2016. Thereafter the respondent challenged the bills for the period April 2016 to October 2016 before the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as POI) on 31.10.2016. The matter was disposed of by POI vide its decision dated 18.04.2017 (hereinafter referred to as the first decision) with the following conclusion:

“As the check meter was installed on 13.06.2016 with initial reading 000002 of installed check meter and final readings taken on 21.07.2016 was 409. Difference of units=000002-409= 407 KWH. Chargeable units from 03/2016 to 07/2016=375 +616+1564+2913+2251=7719 KWH. Net refundable units = 7719-2035 =5684 KWH. Therefore the respondents are directed to refund 5684 KWH to the petitioner as they have heavily charged the petitioner. The respondents are directed to overhaul the accounts of the above findings and replace the defective meter without cost if already not replaced to avoid future litigation. An early action in this regard will be highly appreciated.”

2. FESCO filed appeal No.119/POI-2017 before NEPRA against the first decision of POI. NEPRA Appellate Board vide decision dated 11.05.2018 set aside the first decision of POI and the matter was remanded back to POI for deciding it afresh after providing the opportunity of hearing to both the parties in accordance with the law. Accordingly, the POI adjudicated the matter afresh and pronounced the decision dated 29.03.2019, the operative portion of which is reproduced below:

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“Summing up all the above observations/discussion and keeping in view all the aspects of the case this forum declares all the billing from 04/2016 to 10/2016 as null, void and without any legal effect, and the consumer is not liable to pay the same. FESCO is directed to withdraw the same and charge 86 units for 04/2016, 217 units for 05/2016, 405 units for 06/2016, 468 units for 07/2016, 592 units for 08/2016, 592 units for 09/2016 and 573 units for 10/2016. Billing account of the respondent was overhauled accordingly.”

3. Subject appeal has been filed by FESCO against the above decision of POI (hereinafter referred to as the impugned decision) inter-alia on the grounds that the first meter of the respondent was found defective by SDO task force in December 2015, hence it was replaced with the second meter in February 2016; that the respondent complained FESCO regarding the fastness of the second meter for which a check meter was installed in series with the second meter; that the respondent challenged the bills for the period April 2016 to October 2016 before POI, who illegally and unlawfully accepted the complaint of the respondent and declared the bills for the period April 2016 to October 2016 as null and void; that the impugned decision suffers from serious misreading; that the POI has not applied his judicious mind and passed the impugned decision without appreciating the available evidence on record and that the impugned decision is liable to be set aside.
3. Notice of the appeal was served upon the respondent for filing reply/para-wise comments, which were filed on 04.10.2019. In his reply, the respondent raised the preliminary objection regarding the limitation and contended that the appeal was filed with a delay of 10 days. The respondent contended that the excessive billing was done by FESCO on the second meter against which he complained before FESCO. As per the respondent, the



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second meter was running fast so the billing should be made on the basis of reading of the check meter installed in series with the second meter. According to the respondent, the POI has legally passed the impugned decision under the law and should be maintained and implemented in the large interest of justice.

4. After issuing notice, hearing of the appeal was held in NEPRA Regional Office Lahore on 30.12.2020 in which learned counsel along with SDO FESCO appeared for the appellant and the representative for the respondent was present. Learned counsel for FESCO repeated the same contentions as given in memo of the appeal and opposed the impugned decision on the plea that the determination of POI for revision of the bills for the period April 2016 to October 2016 is based on low load factor, which is unjustified and liable to be withdrawn. Learned counsel for FESCO contended that the check meter was installed on 13.06.2016, hence the onward billing be charged as per the reading of the check meter. Learned counsel for FESCO termed the bills for April 2016 to October as justified and prayed for setting aside the impugned decision. On the contrary, the representative for the respondent supported the impugned decision and prayed that the impugned decision is liable to be maintained.
5. Arguments heard and the record perused. Following are our observations:
 - i. Regarding the preliminary objection of the respondent for limitation, it is observed that the copy of the impugned decision dated 29.03.2019 was received by FESCO on 02.05.2019 and the appeal was filed before NEPRA on 20.05.2019 within 30 days as



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envisaged in Section 38 of NEPRA Act, 1997. The objection of the respondent in this regard carries no weight, hence rejected.

- ii. Reportedly the first meter of the respondent was replaced with the second meter by FESCO in February 2018. The respondent approached FESCO for excessive billing due to the fastness of the second meter. FESCO installed a check meter in series with the second meter on 13.06.2016 and subsequently check meter was declared as the billing meter by FESCO w.e.f October 2016 and onwards. Afterward, the respondent challenged the bills for the period April 2016 to October 2016 before POI on the plea that the second meter is running fast due to which excessive billing was done by FESCO.
- iii. Comparison of the readings of both the check and second meters on 21.07.2016 transpires that the second meter recorded 2,932 units as compared to 407 units recorded by the check meter during the period 13.06.2016 to 21.07.2017. This indicates that the second meter was running fast during the period from April 2016 to October 2016. Hence the bills for the period April 2016 to October 2016 charged based on the consumption of the second meter are unjustified and liable to be withdrawn as already decided by POI.
- iv. The bills for the period April 2016 to 13.06.2016 be charged as per calculation done by POI in the impugned decision i.e. [86 units for April 2016, 217 units for May 2016 and 125 units for 01.06.2016 to 13.06.2016]. Since the check meter was installed with an initial reading of 002 by FESCO on 13.06.2016, hence the billing



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for the period 13.06.2016 to October 2016 be charged as per consumption recorded by the check meter during the said period. The impugned decision is liable to be modified to this extent.

6. In view of what has been stated above, it is concluded that the impugned decision for cancellation of the bills for the period April 2016 to October 2016 is correct and maintained to this extent. FESCO may be directed to charge the revised bills as per the detail given below:

- The bills for April 2016 for the cost of 86 units, for May 2016 for 217 units, and 01.06.2016 to 13.06.2016 for the cost of 125 units.
- The bills for the period 13.06.2016 to October 2016 be charged as per consumption recorded by the check meter.

The billing account of the respondent may be overhauled accordingly.

7. 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: 08.01.2021