



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

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No. NEPRA/AB/Appeal/022/POI/2020/ 911


November 23, 2021

- | | |
|--|---|
| 1. Muhammad Sabir
S/o. Habib-ur-Rehman,
House No. 139/C, Block-E,
Unit No. 6, Latifabad, Hyderabad | 2. Chief Executive Officer,
HESCO Ltd.,
WAPDA Offices Complex,
Hussainabad, Hyderabad |
| 3. Sub Divisional Officer
HESCO Ltd,
Shaheed Umaid Ali Latifabad Sub Division,
Latifabad, Hyderabad | 4. POI/Electric Inspector
Hyderabad Region,
Government Building No. 48/B,
Civil Lines, Hyderabad |

Subject: Appeal Titled Muhammad Sabir Vs. HESCO Against the Decision Dated 26.06.2019 of the Provincial Office of Inspection to Government of the Sindh Hyderabad Region, Hyderabad

Please find enclosed herewith the decision of the Appellate Board dated 16.11.2021, 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. 022-2020

Muhammad Sabir S/o Habib-ur-Rehman, House No.139/C,
Block-E, Unit No.6, Latifabad, Hyderabad

.....Appellant

Versus

Hyderabad 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 26.06.2019 PASSED BY PROVINCIAL
OFFICE OF INSPECTION HYDERABAD REGION, HYDERABAD**

For the Appellant:

Mr. Muhammad Sabir

For the Respondent:

Mr. Zafar Ali Solangi XEN

Ms. Ambar Shah In-charge (TM&CM)

DECISION

1. Through this decision, an appeal filed by Mr. Muhammad Sabir (hereinafter referred to as the Appellant) against the decision dated 26.06.2019 of the Provincial Office of Inspection, Hyderabad Region, Hyderabad (hereinafter referred to as POI) is being disposed of.
2. HESCO is a licensee of the National Electric Power Regulatory Authority (hereinafter referred to as the NEPRA) for distribution of electricity in the territory





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specified as per terms and conditions of the license and the Appellant is its consumer having two (2) connections i.e. single phase connection bearing Ref. No.03-37154-0275300 with a sanctioned load of 2 kW under Tariff A-1 R (the first connection) and three phase connection bearing Ref No. 03-37154-0275200 with a sanctioned load of 6 kW under the Tariff A-1 R (the second connection). The Respondent filed an application before the POI and challenged the following bills charged by the HESCO:

- The bill of Rs.16,724/- for (842) units charged against the first connection in February 2018.
- The detection bill of Rs.10,262/- charged against the second connection in November 2017.

The POI disposed of the matter vide its decision dated 26.06.2019 with the following conclusion:

“An accumulated (842) units charged by HESCO on Account No. 03-37154-0275300 in the month of February 2018 should be rate bifurcated in 08 months and the detection bill charged by HESCO in the month of November 2017 on Account No.03-37154-0275200-U is unjustified and liable to be cancelled along with late payment surcharges (LPS) of above-mentioned account Numbers up-to-date. HESCO should restore both the abovementioned connections under intimation to this office.

3. The appeal in hand has been filed by the Appellant against the decision dated 26.06.2019 of the POI (hereinafter referred to as the impugned decision) before the NEPRA. In its appeal, the Appellant submitted that the HESCO restored the first connection with meter No.S-P227451 (the first meter) with reading of 28981 and issued a bill of January 2018 with a credit of Rs.138/-. The Appellant further submitted that the HESCO charged the bill of Rs.16,724/- for the cost of (842) units





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in February 2018 with the remarks as Meter Change Order (MCO) dated 25.01.2018 but neither the first meter was replaced in his presence nor any intimation in this regard was given by the HESCO. As per the Appellant, the premises was under construction and there was no occupancy in the premises, hence, there is no justification to charge the bill of (842) units in February 2018 for a period of twelve (12) days i.e. 25.01.2018 (the date of MCO) to 06.02.2018 (the meter reading date). According to the Appellant, the HESCO charged a detection bill of Rs.10,262/- against the second connection in November 2017 and subsequently disconnected the same due to nonpayment of the above-said disputed arrears. The Appellant prayed that the impugned decision with regard to the bifurcation of (842) units in eight (8) months is not based on merits and the same is liable to be set aside to this extent. The Appellant further pleaded for the restoration of the second connection and withdrawal of the above bills.

4. Notice of the appeal was issued to the Respondent for filing reply/para-wise comments, which however were not filed.
5. Hearing of the appeal was fixed for 08.10.2021 at the NEPRA Regional Office Hyderabad and notice thereof was served upon both the parties. On the date of hearing, the Appellant appeared in person and the HESCO officials represented the Respondent. The Appellant reiterated the same grounds as contained in memo of the appeal and pleaded that the first meter was replaced with a new meter by the HESCO vide the MCO dated 25.01.2018 without intimation. The Appellant stated that the bill of (842) units charged against the first connection in February 2018 for





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twelve (12) days is not justified as the premises remained vacant and under the construction during the said period. As per the Appellant, the HESCO charged a detection bill of Rs.10,262/- against the second connection in November 2017 and subsequently, disconnected the same due to non-payment of the above-said disputed arrears. The Appellant prayed for withdrawal of the above bills and reconnection of the second connection without any charges. On the contrary, the HESCO officials defended the charging of bill of Rs.16,724/- for the cost of (842) units in February 2018 on the plea that the MCO for the replacement of the first meter of the first connection of the Appellant was prepared on some date but it was implemented after the two (2) months of replacement of the first meter. As regards the second connection, the HESCO representatives agreed to restore the electric supply of this connection of the Appellant without the demand of any cost.

6. Arguments heard and the record placed before us was examined. The Respondent filed an application before the POI and challenged the following bills charged by the HESCO:

- Bill of Rs.16,724/- for (842) units charged against the first connection in February 2018.
- Detection bill of Rs.10,262/- charged against the second connection in November 2017.

Both the above disputed bills will be addressed separately for the sake of convenience.

First Connection: Bill of Rs.16,724/- for (842) units charged in February 2018:

The HESCO charged a bill of Rs.16,724/- for (842) units to the Appellant in February 2018 on account of accumulated units. Whereas, the Appellant was of the





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view that (842) units billed by the HESCO pertain to the period 25.01.2018 to 06.02.2020 twelve (12) days: To verify the contentions of both the parties, the billing statement of the Appellant is reproduced below:

Month	Meter No.	Reading date	Units charged	Amount (Rs.)	Remarks
Jul-2017	-	-	0	-261/-	Disconnected
Aug-2017	-	-	0	-261/-	Disconnected
Sep-2017	-	-	0	-261/-	Disconnected
Oct-2017	-	-	0	-261/-	Disconnected
Nov-2017	-	-	0	-261/-	Disconnected
Dec-2017	-	-	0	-261/-	Disconnected
Jan-2018	SP-1227451	05.01.2018	0	-138/-	RC-261217
Feb-2018	4329	06.02.2018	842	16,724/-	MCO dated 25.01.2018

Perusal of the above billing data reveals that the first connection of the Appellant remained disconnected till December 2017 and it was restored by the HESCO in January 2018. Later on, the HESCO charged (842) units to the Appellant in February 2018, which is not compatible with the sanctioned load of the Appellant. The HESCO did not produce any document to substantiate the justification of charging such high consumption in one (1) month. The HESCO even did not negate the version of the Appellant regarding the vacant and under construction premises. Therefore, we are of the firm view that the bill of Rs.16,724/- for the cost of (842) units charged by the HESCO to the Appellant in February 2018 is excessive, unjustified, and liable to be set aside.

The Appellant should be charged the revised bill of February 2018 by the HESCO as per the below calculation in accordance with Annex-VIII of CSM:





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Month: February 2018

Units to be charged = Sanctioned Load (kW) x LF x No. of Hrs./month

$$= 2 \times 0.2 \times 730 = 292 \text{ units}$$

Second Connection: Detection bill of Rs.10,262/- charged by the HESCO in November 2017

The Appellant agitated the above detection bill and pleaded for withdrawal of the same and restoration of the electricity supply of the second connection of the premises without any charges. During the hearing, the HESCO officials agreed to restore the second connection within two (2) days without recovery of reconnection charges from the Appellant. However, the fate of the above detection bill charged against the second connection needs to be determined for which billing history of the Appellant is tabulated below:

Month	Units charged	Amount (Rs.)	Payment (Rs.)	Remarks
Jul-2017	0	392/-	399/-	Same-to-Same
Aug-2017	0	129/-	0	Same-to-Same
Sep-2017	0	265/-	0	Same-to-Same
Oct-2017	0	401/-	0	Same-to-Same
Nov-2017	0	408/-	0	Disconnected
Dec-2017	0	10262/-	0	P-DISC
Jan-2018	0	10262/-	0	P-DISC
Feb-2018	0	10262/-	0	P-DISC
Mar-2018	0	10262/-	0	P-DISC
Apr-2018	0	10262/-	0	P-DISC

From the above table, it is evident that the HESCO charged bills with nil consumption till November 2017 against the second connection of the Appellant and he made payment of the bill of July 2017. Thereafter, the HESCO charged a detection bill of Rs.10,262/- to the Appellant and added in the bill for





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December 2017 but neither justified the charging of the above detection bill nor provided any document to substantiate its stance regarding charging the said detection bill. Hence, the Appellant is not liable to pay the detection bill of Rs.10,262/- added by the HESCO in December 2017 being unjustified, which is also the determination of POI.

7. Forgoing into consideration, we concluded that the bill of Rs.16,724/- for the cost of (842) units and the detection bill of Rs.;10,262/- charged by the HESCO to the Appellant against the first and second connections respectively are unjustified and should be withdrawn. The Appellant may be charged the revised bill of 292 units for February 2018 against the first connection and no detection bill is chargeable against the second connection. The HESCO may overhaul the billing accounts of both the connections and restore the second connection without the demand of any reconnection charges.

8. The appeal is disposed of in the above terms.

Abid Hussain
Member/Advisor (CAD)

Maria Rafique
Member/ Legal Advisor

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 16.11.2021

