



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

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No. NEPRA/Appeal/172/2018/ 1087/091

May 15, 2019

1. Muhammad Yousaf  
S/o. Atta-ur-Rehman Makki,  
Triange Area, Industrial Plot No. 314,  
Islamabad
2. Chief Executive Officer  
IESCO Ltd,  
Head Office, St. No. 40,  
Sector G-7/4, Islamabad
3. Additional Deputy Commercial Manager  
IESCO Ltd,  
Cantt Division, Rawalpindi
4. Sub Divisional Officer  
IESCO Ltd,  
Swan Sub Division,  
Rawalpindi
5. Electric Inspector/POI,  
Islamabad Region,  
XEN Office, Irrigation & Power Department,  
Rawal Dam Colony, Park Road,  
Islamabad

Subject: Appeal Titled IESCO Vs. Muhammad Yousaf Against the Decision Dated 27.08.2018 of the Provincial Office of Inspection to Government of the Punjab Islamabad Region, Islamabad

Please find enclosed herewith the decision of the Appellate Board dated 14.05.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/Appeal/172/2018/ 1092

Forwarded for information please.

(Ikram Shakeel)

May 15, 2019

Assistant Director  
Appellate Board

✓ Registrar



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

### Appeal No.172/2018

Islamabad Electric Supply Company Limited .....Appellant

Versus

Muhammad Yousaf S/o Atta-ur-Rehman Makki,  
Triangle Area, Industrial Plot No.314, Islamabad .....Respondent

## APPEAL U/S 38 OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

### For the appellant:

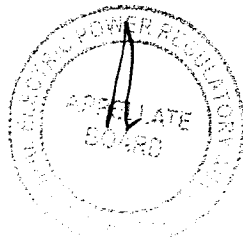
Mr. Shahzad Ahmed Jalil XEN  
Mr. Sher Khan SDO  
Mr. Saeed Irshad C.S.O

### For the respondent:

Mr. Muhammad Irshad Advocate

## DECISION

1. Through this decision, an appeal filed by Islamabad Electric Supply Company Limited (IESCO) against the decision dated 27.08.2018 of the Provincial Office of Inspection, Islamabad region, Islamabad (POI) is being disposed of.
2. As per facts of the case, the respondent is an industrial consumer of IESCO bearing Ref No.27-14336-6055100 with a sanctioned load of 480 kW and billed under the B-2(II) tariff. Meter of the respondent was found 33% slow during technical



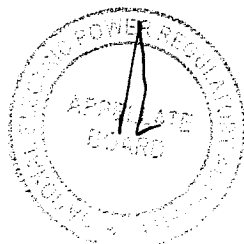


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committee IESCO checking on 28.03.2018, hence the detection bill of Rs.7,484,129/- for 405,850 units/979 kW MDI for the period November 2017 to March 2018 (5 months) was debited to the respondent by IESCO in March 2018. The respondent assailed the above detection bill before POI on 25.04.2018, which was disposed of by POI vide decision dated 27.08.2018 with the following conclusion:

*“Summing up all the above observations/discussion and keeping in view all the aspects of the case this forum declares the detection bill of Rs.7,484,129/- for the cost of 405,850 units and 979 kW MDI charged in a separate bill in the month of April 2018 for the period of 11/2017 to 03/2018 as null, void and without legal effect and the petitioner is not liable to pay the same. The Respondents are directed to withdraw the same and charge the petitioner revised detection bill for the cost of 144,608 units/330 kW MDI for two months from 02/2018 to 03/2018 and overhaul the petitioner’s account by adjusting all Credits, Debits, Deferred Amount & Payments already made by the consumer.”*

3. Through the instant appeal, afore referred decision dated 27.08.2018 of POI has been impugned by IESCO in which IESCO contended that the meter of the respondent was checked by technical committee on 28.03.2018 in presence of respondent’s representative and it was found 33% slow. As per IESCO, after issuing notice dated 02.04.2018 to the respondent, the detection bill of Rs.7,484,129/- was charged to the

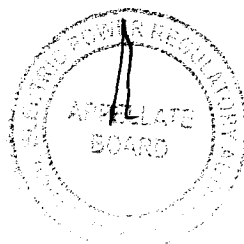




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respondent, which is justified. IESCO opposed the impugned decision and pleaded for setting the aside being based on assumptions and against the facts and law.

4. In response to the notice for filing reply/para-wise comments to the appeal, the respondent submitted the reply on 17.01.2019, wherein he opposed the charging of detection bill of Rs.7,484,129/- on the basis 33% slowness of the meter and stated that the said amount was not acceptable being based on presumptions. The respondent further averred that the payment of the aforesaid detection bill was done in order to avoid the disconnection of electricity. The respondent pointed out that the aforesaid detection bill was debited without adjustment of PM relief and fuel price adjustment (FPA). As per respondent, the impugned decision was based on clause 4.4 of CSM, which binds the DISCO to charge the detection bill for two billing cycles due to the slowness of the meter. According to the respondent, the impugned decision is quite legal and fulfills the requirement of CSM. The respondent finally prayed for dismissal of the appeal.
5. Hearing of the appeal was conducted in NEPRA Head Office, Islamabad on 04.04.2019, which was attended by both the parties. Representatives for IESCO reiterated the same version as contained in the memo of the appeal and contended that less consumption was recorded during the period November 2017 to March 2018 (5 months) due to the slowness of the billing meter as compared to the corresponding period consumption of the previous year. Representatives for IESCO termed the detection bill of Rs.7,484,129/- as justified and payable by the respondent. On the





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contrary, the learned counsel for the respondent termed the above bill as illegal, unjustified and submitted that the payment against the said bill was made under duress. The representative for the respondent supported the impugned decision and prayed for upholding the same.

6. Having heard the arguments and perusal of record, it is observed as under:-
- i. The electricity meter of the respondent was found 33% slow by IESCO on 28.03.2018. Resultantly, IESCO charged the detection bill of Rs.7,484,129/- for 405,850 units/979 kW MDI for the period November 2017 to March 2018 (5 months) to the respondent, which was assailed before POI on 25.04.2018.
  - ii. Charging the detection bill for a period of five months to the respondent by IESCO due to a slow meter is inconsistent with clause 4.4 of Consumer Service Manual (CSM), which allows charging the detection bill maximum for two months to the respondent. Even otherwise, MDI component recorded during the disputed period is compatible with the MDI recorded during the corresponding period of the preceding year, hence claim of IESCO that the meter remained 33% slow during the disputed period November 2017 to March 2018 is not substantiated. We are inclined to agree with the determination of POI that the detection bill of Rs.7,484,129/- for 405,850 units/979 kW MDI for the period November 2017 to March 2018 is unjustified, hence declared null and void to this extent.
  - iii. Since 33% slowness in the meter was observed by IESCO on 28.03.2018, so the respondent may be charged the detection bill for two months i.e. February 2018





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& March 2018 for the cost of 144,609 units/330 kW MDI in pursuance of clause 4.4 of CSM as already calculated by POI.

7. Forgoing in view, no illegality or irregularity in the impugned decision is pointed out which is upheld and resultantly the appeal is dismissed.

Muhammad Qamar-uz-Zaman  
Member

Nadir Ali Khoso  
Convener

Muhammad Shafique  
Member

Dated: 14.05.2019

