



**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](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/Appeal/244/POI/2019/1269

December 29, 2020

- |  |   |
|--|---|
| 1. Sardar Muhammad Aziz<br>S/o. Sardar Khan,<br>R/o. Plot No. 15, Sihallah Triangle,<br>Kahuta Road, Islamabad   | 2. Chief Executive Officer<br>IESCO Ltd,<br>Head Office, St. No. 40,<br>Sector G-7/4, Islamabad   |
| 3. Faisal Bin Khurshid,<br>Advocate Supreme Court,<br>Al Rushd Advocates,<br>32-Haroon-Ur-Rasheed Block,<br>Near Post Office, Johar Road,<br>F-8 Markaz, Islamabad | 4. Ch. Muhammad Imran Bhatti<br>Advocate High Court,<br>44-District Courts, Faisalabad  |
| 5. Deputy Manager (Operations)<br>IESCO Ltd,<br>Cantonment Division, Marri Hassan,<br>Rawalpindi   | 6. Electric Inspector/POI,<br>Islamabad Region,<br>XEN Office, Irrigation & Power<br>Department,<br>Rawal Dam Colony, Park Road,<br>Islamabad |

Subject: **Appeal Titled IESCO Vs. Sardar Muhammad Aziz Against the Decision Dated 21.06.2019 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 10.12.2020, 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.244/POI-2019

Islamabad Electric Supply Company Limited .....Appellant

Versus

Sardar Muhammad Aziz s/o Sardar Khan, R/o Plot No.15,  
Sihallah Triangle, Kahuta Road, Islamabad .....Respondent

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

For the appellant:

Mr. Faisal Bin Khurshid Advocate

Mr. Sher Khan SDO

For the respondent:

Ch. Imran Bhatti Advocate

### DECISION

1. Through this decision, an appeal filed by Islamabad Electric Supply Company Limited (IESCO) against the decision dated 21.06.2019 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.27-14336-6055500 with a sanctioned load of 497 kW and the applicable tariff is B-2(II). The billing meter of the respondent was found defective with erratic





## National Electric Power Regulatory Authority

behavior during IESCO checking dated 19.11.2018 and it was replaced with a new meter by IESCO vide meter change order (MCO) dated 15.12.2018. Notice dated 02.01.2019 was served to the respondent regarding the above discrepancy and the detection bill of Rs.4,660,200/- for 223,520 units/1,353 kW MDI for the period July 2018 to November 2018 (5 months) was charged by IESCO to the respondent based on average consumption of healthy meter recorded during the period December 2018 to February 2019 and added in the bill for March 2019.

3. Being aggrieved, the respondent assailed the above detection bill before the POI vide complaint dated 26.03.2019. The matter was disposed of by POI vide the decision dated 21.06.2019 wherein the detection bill of Rs.4,660,200/- for 223,520 units/1,353 kW MDI for the period July 2018 to November 2018 (5 months) was declared as null and void. As per the decision of POI, IESCO was directed to debit 44,760 units/398 kW MDI as a detection bill to the respondent.
4. Through the instant appeal, afore-referred decision dated 21.06.2019 of POI has been impugned by IESCO in which it is contended that the billing meter of the respondent was found defective with erratic behavior by IESCO on 19.11.2018, which was replaced with a new billing meter vide MCO dated 15.12.2018. IESCO averred that the detection bill of Rs.4,660,200/- for 223,520 units/1,353 kW MDI for the period July 2018 to November 2018 (5 months) was charged to the respondent. As per IESCO, the impugned decision suffers from technical, factual, and legal infirmities,



## National Electric Power Regulatory Authority

which is unlawful, malafide, arbitrary, and calls for interference by this Authority. According to IESCO, the defunct billing meter ceased to register energy whatsoever was consumed by the respondent legitimately. IESCO submitted that the opinion of POI is scanty, without valid basis and reflection of wheeling and dealing as it is passed without taking into account the expert opinion based on technical testing which shows the real aspects of the case. IESCO finally prayed for setting aside the impugned decision.

5. Notice for filing reply/para-wise comments to the appeal was issued to the respondent, which was submitted on 20.11.2020. In his reply, the respondent objected the maintainability of the appeal inter alia, on the grounds that the appeal was filed through XEN IESCO Cantonment division instead of Chief Executive Officer IESCO without any lawful authority; that the electricity meter was working within BSS limits and the meter reader did not notice any discrepancy during the monthly readings; that the consumption of electricity varies due to slump in the market and imposition of illegal, unscheduled load shedding; that IESCO charged the detection bill of Rs.4,660,200/- for 223,520 units/1,353 kW MDI for the period July 2018 to November 2018 on the plea that the billing meter was defective but the same was neither checked in presence of the respondent nor was produced before POI for checking; that 50% amount of the above detection bill was paid under protest on 29.03.2019; that the entire proceeding of IESCO were carried out in violation of the Consumer Service Manual (CSM) and



## National Electric Power Regulatory Authority

that the appeal is liable to be dismissed with cost.

6. Hearing of the appeal was conducted in NEPRA Head Office, Islamabad on 24.11.2020, which was attended by both the parties. Learned counsel for IESCO reiterated the same contentions as given in memo of the appeal and contended that the TOU billing meter of the respondent became defective on 19.11.2018, which was replaced with a new billing meter vide MCO dated 15.12.2018. Learned counsel for IESCO informed that notice dated 02.01.2019 was served to the respondent regarding the above discrepancy and a detection bill of Rs.4,660,200/- for 223,520 units/ 1,353 kW MDI for the period July 2018 to November 2018 (5 months) was charged because of a dip in consumption. Learned counsel for IESCO argued that the POI based its determination on the average consumption of the year 2016-17, which is incorrect and may be withdrawn. On the other hand, learned counsel for the respondent supported the impugned decision for revision of the above detection bill as per clause 4.4 of CSM and prayed for its maintainability.

7. Arguments heard and the record perused. Following are our observations:

- i. The respondent objected to the maintainability of the appeal on the plea that the same was filed through an unauthorized person. It is noticed that the instant appeal was filed by the XEN IESCO and the same official was contesting before POI as respondent No.02 but no such objection was raised. Therefore raising the objection at the belated stage is not sustainable in the eye of law and rejected.



## National Electric Power Regulatory Authority

- ii. The billing meter of the respondent was found defective with erratic behavior during IESCO checking dated 19.11.2018, which was replaced with a new meter vide MCO dated 15.12.2018. Subsequently, IESCO charged a detection bill of Rs.4,660,200/- for 223,520 units/1,353 kW MDI for the period July 2018 to November 2018 to the respondent on the basis of the average consumption of three months (December 2018 to February 2019) of new billing meter. The said detection bill was assailed by the respondent before POI.
- iii. According to clause 4.4 of CSM, the consumer may be charged the detection bill maximum for two months in case of a defective/slow billing meter whereas in the instant case, IESCO charged the detection bill for a consecutive period of five months i.e. July 2018 to November 2018, which is violative of foregoing clause of CSM. Besides, IESCO neither associated the respondent during the alleged checking dated 19.11.2018 nor involved POI being the competent forum for verification of the disputed billing meter accuracy. Moreover, the basis of the detection bill cannot be made on the future consumption in the case of defective billing meter as was done by IESCO in the instant case. In consideration of the above, we are of the view that the detection bill of Rs.4,660,200/- for 223,520 units/1,353 kW MDI for the period July 2018 to November 2018 (5 months) charged to the respondent by IESCO is invalid, illegal, unjustified, and may be declared null and void.
- iv. Since the billing meter of the respondent was found defective with erratic behavior



## National Electric Power Regulatory Authority

during IESCO checking in November 2018, as such the respondent may be debited the detection bill maximum for two months i.e. October 2018 and November 2018. As regards the quantum of energy to be charged for the said months, we are inclined to agree with the analysis of POI that the respondent may be charged the detection bill for the cost of 44,760 units/398 kW MDI for two months due to a defective meter. The billing account of the respondent may be revised accordingly.

8. Foregoing in view, we do not find any reason to interfere with the impugned decision, the same is upheld and the appeal is dismissed accordingly.

A handwritten signature in black ink, appearing to read 'M. Q. Zaman', is written above a horizontal line.

Muhammad Qamar-uz-Zaman  
Member/Senior Advisor (Finance)

A handwritten signature in black ink, appearing to read 'M. Shafique', is written above a horizontal line.

Muhammad Shafique  
Member/Senior Advisor (Legal)

A handwritten signature in black ink, appearing to read 'N. Ali Khoso', is written above a horizontal line.

Nadir Ali Khoso  
Convener/Director General (M&E)

Dated: 10.12.2020