



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

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No. NEPRA/Appeal/153/POI/2019/ 022

January 19, 2021

1. Rizwan Uppal
Through Muhammad Asif,
Assistant Manager (Admin),
Islamabad Diagnostic Centre,
F-8 Markaz, Islamabad
2. Chief Executive Officer
IESCO Ltd,
Head Office, St. No. 40,
Sector G-7/4, Islamabad
3. Faisal Bin Khurshid,
Advocate Supreme Court,
Al Rushd Advocates,
32-Haroon-Ur-Rasheed Block,
Near Post Office, Johar Road,
F-8 Markaz, Islamabad
4. Additional Managar
IESCO Ltd,
Operation Sub Division,
F-8, Street No. 6, Near Abbasi Market,
F-8/3, Islamabad
5. Electric Inspector/POI,
Islamabad Region,
XEN Office, Irrigation & Power Department,
Rawal Dam Colony, Park Road,
Islamabad

Subject: **Appeal Titled IESCO Vs. Islamabad Diagnostic Centre, Islamabad Against the Decision Dated 14.02.2019 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 15.01.2021, 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



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Before Appellate Board National Electric Power Regulatory Authority Islamabad

In the matter of

Appeal No.153/POI-2019

Islamabad Electric Supply Company LimitedAppellant

Versus

Rizwan Uppal, Through Muhammad Ashraf Assistant Manager,
Islamabad Diagnostic Centre, F-8 Markaz, IslamabadRespondent

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

For the appellant:

Mr. Faisal Bin Khursheed Advocate
Mr. Irshad Ali LS IESCO

For the respondent:

Mr. Atif Saeed Qureshi Advocate

DECISION

1. Through this decision, an appeal filed by Islamabad Electric Supply Company Limited (IESCO) against the decision dated 14.02.2019 of the Provincial Office of Inspection, Islamabad region, Islamabad (POI) is being disposed of.
2. As per the facts of the case, the respondent is a commercial consumer of IESCO bearing Ref No.28-14122-1529990 with a sanctioned load of 50 kW and billed under the A-2C tariff. TOU billing meter of the respondent was found 33% slow due to yellow dead phase during IESCO checking on 27.07.2018. After issuing notice dated 30.07.2018 to the respondent regarding the said slowness, multiplication factor (MF) was raised w.e.f July 2018 and onwards. Thereafter a detection bill of
Appeal No.153-2019



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Rs.1,170,280/- for 55,637 units (off peak=44,062, peak=11759)+139 kW MDI for the period January 2018 to June 2018 (6 months) along with an adjustment bill of Rs.669,753/- was debited to the respondent by IESCO in October 2018. The respondent assailed the above bills before POI. During joint checking dated 06.12.2018 of POI, the TOU billing meter of the respondent was found working within BSS limits. The matter was disposed of by POI vide decision dated 14.02.2019 in which the detection bill of Rs.1,170,280/- for 55,637 units (off peak=44,062, peak=11759)/139 kW MDI for the period January 2018 to June 2018, the adjustment bill of Rs.669,753/- and the onward bills with enhanced multiplication factor (MF) were declared as withdrawn.

3. Through the instant appeal, afore referred decision dated 14.02.2019 of POI has been impugned by IESCO before NEPRA in which it is contended that the TOU billing meter of the respondent was checked by technical committee IESCO on 27.07.2018 and it was found 33% slow due to yellow dead phase. As per IESCO, after issuing notice dated 30.07.2018 to the respondent, the detection bill of Rs.1,170,280/- was charged to the respondent along with a monthly bill of Rs.578,890/- for October 2018. According to IESCO, the TOU billing meter of the respondent was found 31.12% slow in comparison with the check meter on 15.01.2019. IESCO opposed the maintainability of the impugned decision on the grounds that POI did not consider the real aspects of the case; that POI flouted the legal, technical facts and impleaded the parties in violation

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of Order 1 Rule 10 of the CPC; that the impugned decision was pronounced in the absence of the appellants; that POI did not advert the provisions of NEPRA Act, 1997, Electricity Act, 1910, the CPC and passed the whimsical order; that the impugned decision is liable to be set aside being passed without lawful authority.

4. In response to the notice for filing reply/para-wise comments to the appeal, the respondent submitted the reply on 17.08.2019, wherein he opposed the maintainability of the appeal on the plea that the appeal was signed by an unauthorized person; that the cost of a new meter was paid on 17.12.2018 but IESCO did not shift the billing on the new meter; that the bills with enhanced MF are being charged by IESCO till date; that the disputed billing meter was found accurate during the joint checking of POI; that charging of the detection bill and the onwards bills with enhanced MF are unwarranted, excessive and liable to be adjusted along with the payment of Rs.450,000/- against the above bills and that the impugned decision is sustainable, communicable, justified and liable to be implemented in letter and spirit.
5. 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 version as contained in the memo of the appeal and contended that the disputed billing meter was found 33% slow during IESCO checking dated 27.07.2018. As per learned counsel for IESCO, a check meter was installed in series with the disputed billing meter by IESCO on 07.01.2019 and during the subsequent IESCO checking dated 15.01.2019, the disputed billing meter was found 31.12% slow as compared to the check meter.



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According to learned counsel for IESCO, the detection bill of Rs.1,170,280/- for 55,637 units (off peak=44,062, peak=11759)/139 kW MDI for the period January 2018 to June 2018 (6 months) was debited to the respondent @ 33% slowness of the disputed billing meter. Learned counsel for IESCO termed the above detection bill as justified and payable by the respondent. On the contrary, learned counsel for the respondent termed the above bill as illegal, unjustified, and averred that the partial payment against the said bill was made under duress. Learned counsel for the respondent supported the impugned decision and prayed for upholding the same.

6. Arguments heard, 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.
- ii. TOU billing meter of the respondent was found 33% slow due to yellow dead phase during IESCO checking dated 27.07.2018. MF of the respondent was raised due to 33% slowness of the disputed billing meter by IESCO w.e.f July 2018 and onwards. Subsequently, IESCO charged the detection bill of Rs.1,170,280/- for 55,637 units (off peak= 44,062, peak=11759)/139 kW MDI for the period January 2018 to June 2018 (6 months) to the respondent along with the bill of October 2018. The

respondent deposited a demand notice of Rs.41,896/- for the installation of a new



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meter on 17.12.2018 and a new meter was installed in series with the disputed billing meter of the respondent by IESCO on 07.01.2019. The disputed billing meter was found 31.12% slow in comparison with the check meter during IESCO subsequent checking dated 15.01.2019. It is noticeable that both the checkings dated 27.07.2018 and 15.01.2019 were carried out by IESCO unilaterally without the representation of the respondent. Besides, the same disputed billing meter was found working within BSS limits during the joint checking dated 06.12.2018 of POI, both the parties signed the report without raising any objection. IESCO even failed to shift the billing on the check meter since the date of its installation i.e. 07.01.2019 till date. Hence there is no justification to charge the detection bill of Rs.1,170,280/- for 55,637 units (off peak= 44,062, peak=11759)+139 kW MDI for the period January 2018 to June 2018 and the onward bills with enhanced MF to the respondent and POI has rightly cancelled the above bills. The billing account of the respondent may be overhauled accordingly.

7. Forgoing in view, the appeal is dismissed.

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

Nadir Ali Khoso
Convener/DG (M&E)

Muhammad Shafique
Member/SA (Legal)

Dated: 15.01.2021