



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

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No. NEPRA/Appeal/153/POI/2019/ 797

October 18, 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,
Office No. 3, First Floor,
National Arcade, 4-A,
F-8 Markaz, Islamabad
4. Atif Saeed Qureshi,
Advocate High Court,
Office No. 1, Saeed Arcade,
Block 79, Street No. 34,
I & T Centre, G-10/1, Islamabad
5. Additional Managar
IESCO Ltd,
Operation Sub Division,
F-8, Street No. 6, Near Abbasi Market,
F-8/3, Islamabad

Subject: **Decision of the Appellate Board Regarding Review Petition Filed By IESCO Against the Decision of the Appellate Board Dated 15.01.2021 In The Matter IESCO Vs. Islamabad Diagnostic Centre Islamabad**

Please find enclosed herewith the decision of the Appellate Board dated 06.10.2021, 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

Motion for leave for review filed by IESCO against the decision dated 15.01.2021 of NEPRA Appellate Board given in the Appeal-153/POI-2019 titled (IESCO Vs. Islamabad Diagnostic Center, Islamabad

For IESCO:

Mr. Faisal Bin Khursheed Advocate

Mr. Azmat Ali Shah SDO

For Consumer:

Mr. Atif Saeed Qureshi Advocate

DECISION

1. Through this decision, the review petition filed by Islamabad Electric Supply Company Limited (hereinafter referred to as IESCO) against the decision dated 15.01.2021 of National Electric Power Regulatory Authority (hereinafter referred to as NEPRA) Appellate Board is being disposed of.
2. As per facts of the case, Islamabad Diagnostic Centre, Islamabad (hereinafter referred to as the consumer) filed an application before the Provincial Office of Inspection, Islamabad Region, Islamabad (hereinafter referred to as POI) and assailed 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 charged by IESCO due to 33% slowness of the meter. During joint checking dated 06.12.2018 of POI, the TOU billing meter of the consumer was found working within BSS limits. The matter was disposed of by the 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,



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the adjustment bill of Rs.669,753/- and the onward bills with enhanced MF were declared as null and void.

3. Being dissatisfied with the above decision, IESCO filed the appeal before NEPRA under Section 38 (3) of the NEPRA Act, 1997, which was registered as appeal No.153/2019. The Appellate Board vide decision dated 15.01.2021 (hereinafter referred to as "impugned decision") dismissed the above said appeal of IESCO and consequently the POI decision dated 14.02.2019 was maintained.
4. IESCO being dissatisfied with the aforementioned impugned decision has filed the instant review petition before NEPRA. In the review petition, IESCO argued that the NEPRA Appellate Board did not consider the Surveillance team checking (s) dated 27.07.2018 and 15.01.2019, wherein the disputed meter of the consumer was found 33% slow and relied upon the impugned decision on a sole score of the POI joint checking dated 06.12.2018. IESCO prayed for setting aside the impugned decision.
5. After issuing notice, the review petition was heard in NEPRA Head Office Islamabad on 11.08.2021, wherein both the parties entered their attendance. Learned counsel appearing for IESCO repeated the same arguments, which have been given in the review petition and submitted that the disputed meter of the consumer is still running with 33% slowness as checked by IESCO, which may be verified. Learned counsel for IESCO prayed that the charging of the detection bill of Rs.1,170,280/- and onward bills with enhanced MF due to 33% slowness is justified and same may be allowed in the best interest of justice. On the contrary, learned counsel for the consumer repudiated the version of learned counsel for IESCO and averred that the grounds raised by IESCO regarding 33% slowness of the meter have already been discussed and considered by the Appellate Board and as such the review motion is not competent and liable to be rejected. Learned counsel for the consumer stated that the disputed meter was found working within British Standard Specifications (BSS)



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limits during POI joint checking dated 06.12.2018, hence the POI has rightly set aside the disputed bills charged @ 33% slowness of the meter. Learned counsel for the consumer prayed for upholding the impugned decision of the Appellate Board.

6. We have heard arguments of both the parties and considered the relevant documents placed before us. In terms of Regulation 3 (2) of NEPRA (Review Procedure) Regulations, 2009, a motion seeking review of any order of the Authority is competent only upon discovery of new and important matter of evidence or on account of some mistake or error apparent on the face of the record. The perusal of the decision dated 15.01.2021 sought to be reviewed clearly indicates that all material facts and representations made were examined in detail and there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible under law has been pleaded out. We are convinced with arguments of the learned counsel for the consumer that the review motion is not based on merit and is liable to be rejected.
7. In view of the above discussion, the review petition is dismissed.

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Abid Hussain
Member/Advisor (CAD)

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

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

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

Maria Rafique
Member/ Legal Advisor

Dated: 06.10.2021