



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

NEPRA Office , Ataturk Avenue (East), G5/1, Islamabad
Tel. No. +92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/Appeal/063/POI/2021/ 036


January 11, 2022

- | | |
|--|--|
| 1. Usman Mehboob Khan,
S/o. Mehboob Khan,
R/o. Dhoke Lakhani, Chari Road,
P. O. Saddar, Tehsil & Distt. Rawalpindi | 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 Mukhtar Raja,
Advocate High Court,
House No. 2568, Gulshan-e-Zaheer,
Tench Bhatta, Rawalpindi |
| 5. Sub Divisional Officer (Operation),
IESCO Ltd,
Quaid-i-Azam Colony Sub Division,
Biscuit Factory Chowk, Chakri Road,
Rawalpindi | 6. POI/Electric Inspector,
Islamabad Region,
XEN Office, Irrigation & Power Department,
Rawal Dam Colony, Park Road,
Islamabad |

Subject: **Appeal Titled Usman Mehboob Khan Vs. IESCO Against the Decision Dated 18.01.2021 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 03.12.2021, 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.063/POI-2021

Usman Mehboob Khan, S/o Mehboob Khan, R/o Dhoke Lakhan,
Chari Road, P.O.Saddar, Tehsil & District RawalpindiAppellant

Versus

Islamabad Electric Supply Company LimitedRespondent

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

For the Appellant:

Mr. Atif Mukhtar Raja Advocate

For the Respondent:

Mr. Faisal Bin Khurshid Advocate

DECISION

1. As per facts of the case, the Appellant is a commercial consumer (water supply) of IESCO bearing Ref No.15-14624-2378801 with a sanctioned load of 2 kW under the tariff A-2. As per the IESCO, old meter of the Appellant was replaced with a new meter bearing No.7886433 vide the Meter Change Order (MCO) dated 02.07.2019. Later on, the premises of the Appellant was visited by the IESCO on 30.10.2019 for recovery of outstanding dues of Rs.13046/- and reportedly, he was found using electricity through the meter No.7871928 (the bogus meter) having reading index as





National Electric Power Regulatory Authority

2,334. Electric supply of the Appellant was disconnected by the IESCO and the bogus meter with reading index 2334 was removed on 30.10.2019. Electric supply of the Appellant was subsequently restored by the IESCO vide the Reconnection Order (RCO) dated 26.11.2019 and the meter No.7871928 with 2334 reading was declared as the billing meter for the future billing. Subsequently, the notice dated 28.04.2020 was issued to the Appellant regarding the use of bogus meter and a detection bill of Rs.70,716/- for 2,468 units was debited to the Appellant by the IESCO due to balance units and added in the bill for August 2020.

2. The Appellant filed a complaint before the Provincial Office of Inspection, Islamabad Region, Islamabad (the POI) against the charging of the above detection bill, which was decided by POI vide the decision dated 18.01.2021 wherein the detection bill of Rs.70,716/- for 2,468 units charged by IESCO was declared as justified and payable by the Appellant.
3. Through the instant appeal, the afore-referred decision of POI (hereinafter referred to as the impugned decision) has been assailed by the Appellant before NEPRA. In its appeal, the Appellant opposed the impugned decision inter alia, on the grounds that the impugned decision is against the facts and law; that the impugned decision is a result of misreading and non-reading of record; that the POI failed to appreciate the documentary evidence including the meter number which was punched at bills and passed the order without judicious mind resulting into the impugned decision; that the IESCO has narrated false and baseless story regarding the meter No.7886433, since





National Electric Power Regulatory Authority

the Appellant has not used any bogus meter; and that the impugned decision is liable to be set aside and the to declare the detection bill of Rs.70,732/- as null and void.

4. Notice for filing reply/para-wise comments to the appeal was issued to IESCO, which however were not filed.
5. After issuing notice, hearing of the appeal was conducted at the NEPRA Head Office, Islamabad on 10.12.2021, which was attended by learned counsel for the Appellant and IESCO was represented by a counsel. Learned counsel for the Appellant repeated the same arguments as written in memo of the appeal and contended that notice dated 28.04.2020 was served by the IESCO regarding the use of the bogus meter and charged a detection bill of Rs.70,716/- for 2,468 units to the Appellant. Learned counsel for the Appellant denied the allegation of the IESCO with regard to the use of electricity through the bogus meter and argued that the disputed meter was installed by the IESCO vide the MCO dated 02.07.2019 and the electricity was used through the said meter. According to the Appellant, the above detection bill charged by the IESCO is illegal, unjustified and liable to be withdrawn. Conversely, learned counsel for IESCO rebutted the stance of learned counsel for the Appellant and argued that the meter No.788643 was installed on the premises of the Appellant in June 2019 but the Appellant was found using electricity through the bogus meter having No.7871928 which was actually issued to another consumer. Learned counsel for the IESCO submitted that the 2,378 units were found pending on the bogus meter, therefore the detection bill of Rs.70,716/- for 2,468 units was debited to the Appellant to recover the





National Electric Power Regulatory Authority

loss sustained by the IESCO due to use of the bogus meter. Learned counsel for IESCO defended the impugned decision for declaring the above detection bill as justified and prayed for its maintainability.

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

- i. Reportedly, the old billing meter of the Appellant was replaced with a new meter bearing No.7886433 by the IESCO vide the MCO dated 02.07.2019. Later on, the Appellant was found using electricity through the meter No.7871928 instead of Meter No.7886433 during the IESCO checking dated 30.10.2019. Electric supply of the Appellant was disconnected by the IESCO and the meter No.7871928 with reading as 2334 was removed. Electric supply of the Appellant was subsequently restored by the IESCO vide the RCO dated 26.11.2019 and the meter No.7871928 with 2334 reading was declared as the billing meter for the future billing. Subsequently, the notice dated 28.04.2020 was issued to the Appellant regarding the use of bogus meter and a detection bill of Rs.70,716/- for 2,468 units was debited to the Appellant by the IESCO due to balance units and added in the bill for August 2020, which was agitated by him before POI.
- ii. It is noticeable that the Appellant was using the meter No.7871928 for the electricity purpose since the MCO dated 02.07.2019 till its removal with reading 2334 on 30.10.2019 (4 months) but no such discrepancy was pointed out by the meter reader during this period. It is an important aspect to verify whether the IESCO charged 2,334 units as recorded by the said meter through monthly bills,





National Electric Power Regulatory Authority

following calculation of the units already charged is done:

Month	Reading		Units
	(A) Previous	(B) Present	(C)= (B)-(A) Difference
Jun-19	0	37	37
Jul-19	37	1001	964
Aug-19	1001	1574	573
Sep-19	1574	2212	638
Oct-19	2212	2334	122
Total			2334

Above table clearly indicates that the Appellant had already been charged 2334 units as per the meter No.7871928 reading, hence there is no justification to further burden the Appellant by charging a separate detection bill for the already charged units. It is further observed that the detection bill of Rs.70,716/- for 2,468 units was charged in September 2020 i.e. after eleven months of the IESCO checking dated 30.10.2019. Hence, we are of the view that the detection bill of Rs.70,716/- for 2,468 units charged by the IESCO to the Appellant is unjustified, illegal and the same is cancelled. The impugned decision therefore is liable to be set aside.

7. Foregoing in view, the appeal is accepted and consequently, the impugned decision is set aside.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 03.01.2022

