



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

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No. NEPRA/Appeal/285/POI/2019/ 1068

January 03, 2022

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|---|--|
| 1. Capital Development Authority,
Through its Director Parks,
Lok Vera, Shakar Parian,
Islamabad | 2. Al-Hamd-O-Lillah Foods,
Through Anayat Mustafa,
Manager, 1969 Restaurant,
Lok Vera, Shakar Parian,
Islamabad |
| 3. Chief Executive Officer
IESCO Ltd,
Head Office, St. No. 40,
Sector G-7/4, Islamabad | 4. Faisal Bin Khurshid,
Advocate Supreme Court,
Office No. 3, First Floor,
National Arcade, 4-A,
F-8 Markaz, Islamabad |
| 5. Sub Divisional Officer,
IESCO Ltd,
G-6 Sub Division,
Street No. 40, G-6-1/3,
Islamabad | 6. POI/Electric Inspector,
Islamabad Region,
XEN Office, Irrigation & Power Department,
Rawal Dam Colony, Park Road,
Islamabad |

Subject: **Appeal Titled IESCO Vs. Capital Development Authority & Al-Hamd-O-Lillah Foods Against the Decision Dated 02.09.2019 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 16.12.2021, 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.285/POI-2019

Islamabad Electric Supply Company Limited

.....Appellant

Versus

Al-Hamd-O-Lillah Foods, Through Anayat Mustafa, Manager,
1969 Restaurant, Lok Versa, Shakar Parian, Islamabad

&

CDA through its Director Parks. Lok Versa,
Shakar Parian, 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

For the Respondent:

Mr. Anayat Mustafa, Manager,

DECISION

1. Through this decision, an appeal filed by the Islamabad Electric Supply Company Limited (IESCO) against the decision dated 19.12.2019 of the Provincial Office of Inspection, Islamabad region, Islamabad (the POI) is being disposed of.
2. As per facts of the case, the Respondent is a commercial consumer of IESCO bearing





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Ref No.26-14111-0110600 with a sanctioned load of 52 kW and the applicable Tariff is A-2C. The billing meter of the Respondent was found 33% slow during the Surveillance team IESCO checking dated 26.03.2019. Notice dated 05.04.2019 was served to the Respondent regarding 33% slowness of the meter and a detection bill of Rs.965,053/- for 39,541 units for the period October 2018 to March 2019 six (6) months was charged by the IESCO to the Respondent at the rate of 33% slowness of the billing meter and added in the bill for May 2019.

3. Being aggrieved, the Respondent assailed the above detection bill before the POI. The complaint of the Respondent was disposed of by the POI vide the decision dated 02.09.2019, wherein the detection bill of Rs.965,053/- for 39,541 units for the period October 2018 to March 2019 six (6) months charged to the Respondent was declared as null and void. However, the IESCO was directed to charge 10,241 units for two (2) months February 2019 and March 2019 to the Respondent due to the 33% slowness of the meter.
4. Through the instant appeal, afore-referred decision dated 02.09.2019 of POI has been impugned by the IESCO in which it was contended that the billing meter of the Respondent was found 33% slow by the IESCO on 26.03.2019, for which notice dated 05.04.2019 was issued to the Respondent. The IESCO further contended that the detection bill of Rs.965,053/- for 39,541 units for the period October 2018 to





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March 2019 six (6) months was charged to the Respondent at the rate of 33% slowness of the billing meter. As per the IESCO, the impugned decision suffers from technical, factual, and legal infirmities, which is unlawful, malafide, arbitrary, and calls for interference by this Authority. According to the IESCO, the defunct billing meter ceased to register energy whatsoever was consumed by the Respondent legitimately. The 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. The 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 however were not submitted.
6. Hearing of the appeal was conducted in the NEPRA Head Office, Islamabad on 10.12.2021, which was attended by the learned counsel for the Appellant IESCO and a representative was present for the Respondent. Learned counsel for the IESCO reiterated the same version as contained in the memo of the appeal and contended that 33% slowness was reported in the billing meter of the Respondent by the IESCO on 26.03.2019, hence the detection bill of Rs.965,053/- for 39,541 units for the period October 2018 to March 2019 six (6) months was charged to the Respondent at the rate of 33% slowness of the billing meter. Learned counsel for the IESCO averred that the





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dip in consumption data during the disputed period confirms 33% slowness in the billing meter and termed the above detection bill as justified and payable by the Respondent. Learned counsel for the IESCO submitted that the POI cancelled the above detection bill and allowed the IESCO to charge 33% slowness for two months only. Learned counsel for the IESCO prayed that the impugned decision is unjustified and liable to be struck down. On the contrary, the representative appearing for the Respondent rebutted the stance of IESCO and argued that the billing meter was functioning correctly in the past period and such discrepancy of 33% slowness was not reported by the IESCO meter reader before charging the above detection bill. The representative for the Respondent supported the determination of the POI and prayed for its maintainability.

7. Arguments heard and the record perused. Following are our observations:
 - i. The billing meter was found 33% slow during the IESCO checking dated 26.03.2019, resultantly, a detection bill of Rs.965,053/- for 39,541 units for the period October 2018 to March 2019 six (6) months was debited to the Respondent at the rate of 33% slowness of the billing meter. The Respondent assailed the abovementioned detection bill before the POI.
 - ii. 33% slowness in the billing meter of the Respondent is admitted only the period of slowness needs to be determined. Pursuant to Clause 4.4 of the Consumer Service





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Manual (CSM), a consumer may charge the detection bill maximum for two (2) months in case of a slow meter, whereas in the instant case, IESCO charged the detection bill for a period of six (6) months, which is violative of ibid Clause of the CSM. Therefore, the POI has rightly cancelled the detection bill of Rs.965,053/- for 39,541 units for the period October 2018 to March 2019 six (6) months charged by the IESCO at the rate of 33% slowness of the billing meter.

iii. 33% slowness of the billing meter of the Respondent was noticed on 26.03.2019, hence, the POI has rightly allowed the IESCO to recover 10,241 units for two (2) months i.e. February 2019 and March 2019 due to 33% slowness of the meter. The billing account of the Respondent is overhauled, accordingly.

8. In view of the above, the instant appeal is dismissed in the above terms.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 16.12.2021

