



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

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No. NEPRA/Appeal/125/2022/ 1034

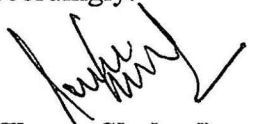
December 10, 2024

- |                                                                                                                                                                                     |                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Muhanunad Rizwan Hamid,<br>S/o. Muhammad Hamid Akhtar,<br>Bismillah Ice Factory, Mohallah Ashraf Town,<br>Pindi Road, Dhudial, Chakwal<br>Cell No. 0333-5825125,<br>0300-5783183 | 2. Chief Executive Officer,<br>IESCO Ltd,<br>Head Office, St. No. 40,<br>Sector G-7/4, Islamabad                                              |
| 3. Barrister Ahsan Hameed Dogar,<br>Advocate Supreme Court of Pakistan,<br>House No. 53, Street No. 26,<br>F-6/2, Islamabad<br>Cell No. 0305-5555777                                | 4. Additional Superintending Engineering (E),<br>IESCO Ltd,<br>Dhudial Division,<br>Dhudial, District Chakwal<br>Phone No. 0543-590275        |
| 5. Sub Divisional Officer,<br>IESCO Ltd,<br>Dhudial Sub Division,<br>Dhudial, District Chakwal<br>Cell No. 0319-5990561                                                             | 6. POI/Electric Inspector,<br>Islamabad Region,<br>XEN Office, Irrigation & Power<br>Department,<br>Rawal Dam Colony, Park Road,<br>Islamabad |

Subject: **Decision of the Appellate Board Regarding Cross Review Petitions Filed by Muhammad Rizwan Hamid and IESCO Against the Decision Dated 20.11.2023 of the Appellate Board**

Please find enclosed herewith the decision of the Appellate Board dated 10.12.2024 (05 pages), regarding the subject matter, for information and necessary action, accordingly.

Encl: **As Above**

  
**(Ikram Shakeel)**  
**Deputy Director**  
**Appellate Board**

Forwarded for information please.

1. Director (IT) –for uploading the decision of the Appellate Board on the NEPRA website



# National Electric Power Regulatory Authority

## Before The Appellate Board

In the matter of

**CROSS REVIEW PETITIONS FILED BY MUHAMMAD RIZWAN AND IESCO  
UNDER THE NEPRA REVIEW (PROCEDURE) REGULATIONS, 2009 AGAINST THE  
DECISION DATED 20.11.2023 OF NEPRA IN THE APPEAL NO.125/POI-2022**

Muhammad Rizwan Hamid S/o. Muhammad Hamid Akhtar,  
Bismillah Ice Factory, Mohallah Ashraf Town, Pindi Road,  
Dhudial Chakwal

.....Petitioner

Versus

Islamabad Electric Supply Company Limited

.....Respondent

&

Islamabad Electric Supply Company Limited

.....Petitioner

Versus

Muhammad Rizwan Hamid S/o. Muhammad Hamid Akhtar,  
Bismillah Ice Factory, Mohallah Ashraf Town, Pindi Road,  
Dhudial Chakwal

.....Petitioner

For the Consumer:

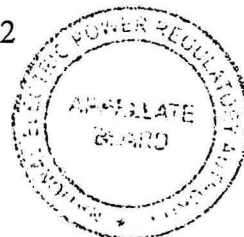
Mr. Muhammad Rizwan Hamid through Zoom

For IESCO:

Barrister Ahsan Hameed Advocate  
Mr. Allah Yar Khan SDO

## DECISION

1. Through this decision, the review petitions filed by Islamabad Electric Supply Company Limited and Rizwan Hamid against the decision dated 20.11.2023 of the National Electric Power Regulatory Authority (hereinafter referred to as the "NEPRA") in Appeal No.125/POI-2022 titled "Rizwan Hamid Vs. IESCO" is being disposed of.
2. As per the facts of the case, Rizwan Hamid is a commercial consumer (hereinafter referred to as the "Consumer") of Islamabad Electric Supply Company Limited (hereinafter referred to as the "IESCO") bearing Ref No.28-14561-9740900 with a sanctioned load of 65 kW and the applicable tariff category is A-2(c). Reportedly, 33% slowness in the impugned billing meter



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of the Consumer was observed due to the blue dead phase during checking dated 28.06.2021 of IESCO, therefore, a detection bill (the "first detection bill") for 17,481 units for the period from May 2021 to August 2021 (04 months) was debited to the Consumer @ 33% slowness of the meter.

3. Being aggrieved with the above actions of the IESCO, the Consumer filed a complaint before the Provincial Office of Inspection, Islamabad Region, Islamabad (hereinafter referred to as "the POI") and challenged the first detection bill. The complaint of the Consumer was disposed of by the POI vide decision dated 31.03.2022 (hereinafter referred to as the "first decision"), wherein the IESCO was directed to revise the first detection bill for two months i.e. April 2021 and May 2021 @ 33% slowness of the meter.
4. Subsequently, the Consumer received a bill of April 2022, which included the adjustment bill of Rs.75,203/- and another detection bill (the "second detection bill") of Rs.168,143/- against 20,726 units for the period from June 2021 and onwards till MCO dated 17.08.2021, which were challenged before the POI vide the another application. The POI vide decision dated 09.09.2022 (hereinafter referred to as the "second decision") disposed of the second complaint of the Consumer, the operative portion of which is reproduced below:

*"Both the parties were afforded full opportunity of being heard. Both the parties attended the forum and advanced arguments. Mr. Salf Ullah Khan Afridi Executive Engineer and Mr. Muhammad Asif SDO along with Mr. Altaf Hayyat Khan Langrah Advocate on behalf of the IESCOs attended this forum and advanced arguments. The case was discussed in detail with both the parties. All the record available in the file has been minutely perused. I have thoroughly examined the consumption pattern and reply of the IESCOs & and I am of the opinion that the plea of the IESCOs is justified and as per law and charging of billing charged by the IESCO is correct and justified. The IESCOs are directed to overhaul the accounts by making all debits and credits. Also, the petitioner is directed to clear all liabilities to avoid future litigation."*

5. Being dissatisfied, the Consumer filed instant appeal before the NEPRA against the second decision dated 09.09.2022 of the POI. NEPRA Appellate Board vide decision dated 20.11.2023 disposed of the appeal with the following conclusion:

*"8. Summing up the foregoing discussion, it is concluded that:  
8.1 first detection bill of 17,481 units for the period May 2021 to August 2021 (04 months) and the second detection bill of Rs.168,143/- against 20,726 units for the period from June 2021 and onwards till 17.08.2021 charged by the IESCO to the Consumer @ 33% slowness of the impugned billing meter are unjustified being violative of Clause 4.3.3(c) of the CSM-2021, contrary to the facts of the case and the same are cancelled.*

*8.2 The Consumer is liable to be charged the revised bills as per the below detail:*



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- *Detection bill for two previous months i.e. April 2021 and May 2021 debited @ 33% slowness of the impugned meter as per Clause 4.3.3c(ii) of the CSM-2021.*
- *The bills with enhanced MF w.e.f June 2021 and onwards till replacement of the impugned meter as per Clause 4.3.3c(i) of the CSM-2021.*

*8.3 The billing account of the Consumer be overhauled after adjusting payments made against the above detection bills.*

*9. The impugned decision is modified in the above terms.”*

6. Being dissatisfied with the decision dated 20.11.2023 of the NEPRA Appellate Board (the “impugned decision”) both the Consumer and IESCO filed review petitions before the NEPRA. As the matter of subject review petitions is the same, hence both are clubbed and disposed of through a single consolidated decision.
7. In his review petition, the Consumer opposed the impugned decision, *inter alia*, mainly on the main grounds; (1) IESCO failed to follow the procedure as laid down in Clause 4.3.3 of the CSM-2021 and the M&T team declared the impugned meter 33% slow by the bare eye, which arose serious concern about the authenticity of the M&T report; (2) MDI segment was not taken into consideration while analyzing the consumption data; (3) the impugned decision for allowing 33% slowness for previous months may be withdrawn after correct perusal of consumption data. In the review petition, IESCO contended that the Consumer has been charged based on established slowness determined through the installation of a check meter in August 2021. IESCO further contended that the detection bill of 20,726 units was charged for the period from June 2021 to 17.08.2021 to the Consumer @ 33% slowness of the meter. IESCO finally prayed to review the findings passed by this forum.
8. Hearing in the matter of the subject review petition was scheduled for 21.10.2024 at NEPRA Head Office Islamabad for which notices dated 11.10.2024 were issued to both parties (Respondent). Learned counsel for IESCO repeated the same contention as contained in memo of the review petition and pleaded to modify the impugned decision based on facts and applicable law of the case. On the other hand, the Consumer rebutted the version of IESCO, opposed the impugned decision, and prayed for its modification after perusal of consumption data.
9. Arguments were heard and the record was examined. Following are our observations:
  - 9.1 The Consumer filed appeal No.125/POI-2022 before the NEPRA against the second decision dated 09.09.2022 of the POI. NEPRA Appellate Board vide decision dated 20.11.2023 disposed of the said appeal, wherein both the first detection bill of 17,481 units and second detection bill of 20,726 units were cancelled and IESCO was directed

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to charge the revised detection bill for two months i.e. April 2021 and May 2021 and the bills with enhanced MF w.e.f June 2021 and onwards till the replacement of the slow meter. Both IESCO and the Consumer filed review petitions against the impugned decision dated 20.11.2023 of the NEPRA Appellate Board.

9.2 In the review petition, IESCO pleaded to allow the second detection bill for 20,726 units for the period from June 2021 to 17.08.2021. In this regard, it is clarified that the plea of IESCO has already been duly considered and addressed in the NEPRA vide impugned decision, wherein IESCO was directed to debit the revised bills w.e.f June 2021 and onwards till MCO by raising MF due to 33% slowness. Hence, the review petition of IESCO is rejected being devoid of force.

9.3 In his review petition, the Consumer prayed for modification of the impugned decision to the extent of charging the detection bill for the previous two months i.e. April 2021 and May 2021. He pleaded to review the impugned decision by considering the consumption pattern. In this regard, it is elucidated that Clause 4.3.3c(ii) of the CSM-2021 restricts DISCOs to debit the detection bill maximum of two months, which was accordingly allowed vide the impugned decision. To further verify the contention of the Consumer, consumption data of the disputed months is analyzed in the below table:

| A               |             | B                    |              | C                       |
|-----------------|-------------|----------------------|--------------|-------------------------|
| Disputed period |             | Period after dispute |              | % Slowness= (B-A)x100/B |
| Month           | Units       | Month                | Units        |                         |
| Apr-21          | 360         | Apr-22               | 480          | 25%                     |
| May-21          | 6680        | May-22               | 15720        | 58%                     |
| <b>Total</b>    | <b>7040</b> | <b>Total</b>         | <b>16200</b> | <b>57%</b>              |

In view of the above, it is evident that the consumption of the Consumer during the disputed period i.e. April 2021 to May 2021 is much lesser than the total consumption of the corresponding months of the succeeding year, this indicates that the impugned meter remained slow during the disputed period. Hence, the impugned decision for charging the detection bill for two months i.e. April 2021 and May 2021 due to 33% slowness of the meter is consistent with Clause 4.3.3c(ii) of the CSM-2021 and the same is liable to be maintained.

9.4 In terms of Regulation 3(2) of NEPRA (Review Procedure) Regulations, 2009, a motion



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seeking review of any order of the Authority is competent only upon discovery of a mistake or error apparent on the face of the record or a new and important matter of evidence. In the instant review motion, no mistake or error apparent on the face of the record has been highlighted by the Petitioner. Further, the Petitioner has not come up with any new and important matter of evidence which was not considered by the Appellate Board while making its decision dated 20.11.2023. Therefore, there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law.

10. In view of the above, both the review petitions of IESCO as well as the Consumer are dismissed being devoid of merits, and the decision dated 20.11.2023 of the Appellate Board is upheld.

Abid Hussain  
Member/Advisor (CAD)

Naweed Illahi Sheikh  
Convener/DG (CAD)

Muhammad Irfan-ul-Haq  
Member/ALA (Lic.)

Dated: 10-12-2024

