



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

NEPRA Office, Atta Turk 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/AB/Appeal-090/POI-2017/ 1619-1623

November 03, 2017

1. Malik Ghulam Raza,
Coal Mine, Fore Pothi,
Tehsil Sohawa, Distt. Jhelum
2. Chief Executive Officer,
IESCO Ltd,
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. Shafqat Saleem Khokhar,
Advocate High Court,
House No. 6, Railway Scheme No. 3,
Near Chaklala Scheme No. 1,
Rawalpindi
5. Electric Inspector/POI,
Islamabad Region,
XEN Office, Irrigation & Power Department,
Rawal Dam Colony, Park Road,
Islamabad

Subject: Appeal Titled IESCO Vs. Malik Ghulam Raza Against the Decision Dated 17.01.2017 of the Electric Inspector/POI to Government of the Punjab Islamabad Region, Islamabad

Please find enclosed herewith the decision of the Appellate Board dated 02.11.2017, regarding the subject matter, for information and necessary action accordingly.


Encl: As Above


(Ikram Shakeel)

November 03, 2017

No. NEPRA/AB/Appeal-090/POI-2017/ 1624

Forwarded for information please.


Assistant Director
Appellate Board

✓ Registrar

CC:

1. Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-090/POI-2017

Islamabad Electric Supply Company Limited

.....Appellant

Versus

Malik Ghulam Raza, Coal Mine, Fore Pothi,
Tehsil Sohawa, District Jhelum

.....Respondent

For the appellant:

Mr. Faisal Bin Khurshid Advocate

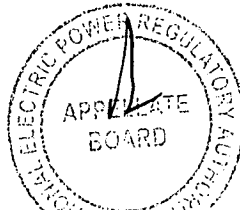
Mr. Jawad Hussain SDO

For the respondent:

Mr. Shafqat Saleem Khokhar Advocate

DECISION

1. This decision shall dispose of an appeal filed by Islamabad Electric Supply Company Limited (hereinafter referred to as IESCO) against the decision dated 17.01.2017 of the Provincial Office of Inspection Islamabad Region, Islamabad (hereinafter referred to as POI) under Section 38(3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as NEPRA Act 1997).
2. Brief facts giving rise the instant appeal are that the respondent is an industrial consumer of IESCO with sanctioned load of 38 kW under B-2 tariff. Meter of the respondent was checked by Metering and Testing (M&T) IESCO on 04.05.2015 and found dead stop and LD display washed. The defective meter was replaced on 28.05.2015. A detection bill of Rs. 505,434/- for 28,574 units was charged to the



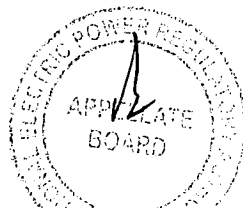


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respondent in October 2016. The respondent being aggrieved with the above bill filed an application before POI which was decided by POI vide its decision dated 17.01.2017 with the following conclusion:

"I have thoroughly scrutinized the case and reached the factual position that the plea of the respondents is Unjustified and illegal because from the data maintained by the audit team was not convincing. They adopted two methods and repeated the procedures according to their own wish. The competent authority disagreed with the audit party and partially agreed with the audit observation for 28574 units instead of 51992 units vide his letter No. 1680-81 dated 30.9.2016. The audit note was debited with Rs. 505438/- in the bill of consumer in 10/2016. When we scrutinized the record then reached to factual position that meter display washed due to LCD washed and meter replaced with vide MCO No. 8/286 Dated 28.05.2015, the respondents are directed to charge 7340 KWH units as a whole both peak and off peak for a periods from 03/2015 to 06/2015 as the rest of charging is illegal and unjustified because it is well law be superior court of Pakistan that audit Para is matter in between the respondents and department and consumer has no concerned. Reliance is based upon the judgment 1988-CLC-501. Hence the respondents are directed to charge above mentioned from 03/2015 to 06/2015 and petitioner is to pay the liabilities of respondents in smooth manner to avoid the future litigation. The rest of plea of the petitioner is set aside can declared null and void."

3. LESCO has challenged the POI decision dated 17.01.2017 (hereinafter referred to as the impugned decision) through the instant appeal. Notice of the appeal was served to the respondent for filing reply/parawise comments, the respondent however did not file the same. Hearing of the appeal was held in NEPRA Office Islamabad on 01.11.2017, in which both the parties entered their appearance.





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4. During the course of the arguments by both the parties, it transpired that the impugned decision for charging 7,340 units for the period March 2015 to June 2015 was rendered by POI without providing any basis or justification. Both the parties observed that the decision was not speaking and may be sent back to POI. It is observed that the impugned decision is deficient, liable to be set aside and be remanded back to POI for hearing afresh.
5. In view of above without going in to merit of the case, the impugned decision dated 17.01.2017 is set aside and the matter is remanded back to POI for deciding the matter afresh and issuing speaking decision after providing opportunity of hearing to both the parties in accordance with law.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 02.11.2017

