



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

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No. NEPRA/Appeal/025/2025/ 577

June 24, 2025

1. Jalil Khan,
C/o. Nawar Khan,
M/s. Marble Factory,
Warsak Road, Peshawar
2. Chief Executive Officer,
PESCO Ltd,
WAPDA House, Sakhi Chashma,
Shami Road, Peshawar
3. Saeed Khan Akhunzada,
Advocate High Court,
Chamber No. 19, Muslim Block,
District Courts, F-8 Markaz,
Islamabad
Cell No. 0300-8597974
4. Executive Engineer (Operation),
PESCO Ltd,
City Rural Division,
Peshawar
5. Sub Divisional Officer (Operation),
PESCO Ltd,
Warsak-I Sub Division,
Peshawar
Cell No. 0370-1340161
6. POI/Electric Inspector,
Peshawar Region,
Benevolent Fund Building,
3rd Floor, Near Jans Bakers,
Peshawar Cantt,
Phone No. 091-9211343

Subject: **Appeal No.025/2025 (PESCO vs. Jalil Khan) Against the Decision Dated 10.09.2024 of the Provincial Office of Inspection to Government of the Khyber Pakhtunkhwa Peshawar Region, Peshawar**

Please find enclosed herewith the decision of the Appellate Board dated 24.06.2025 (04 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

Appeal No.025/POI-2025

Peshawar Electric Supply Company Limited

.....Appellant

Versus

Jalil Khan C/o. Nawar Khan, M/s. Marble Factory,
Warsak Road, Peshawar

.....Respondent

APPEAL UNDER SECTION 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mr. Saeed Khan Akhunzada Advocate
Mr. M. Waqar SDO

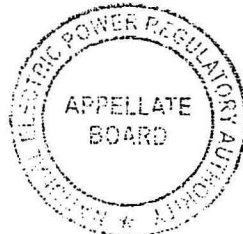
For the Respondent:

Mr. Jalil Khan

DECISION

1. Brief facts of the case are that Jalil Khan (hereinafter referred to as the “Respondent”) is an industrial consumer of Peshawar Electric Supply Company Limited (hereinafter referred to as the “Appellant”) bearing Ref No.30-26161-0936125 having sanctioned load of 145 kW and the applicable tariff category is B-2(b). The metering equipment of the Respondent was checked by the M&T team of the Appellant on 04.12.2023 and reportedly, the billing meter was found 33% slow due to one phase being dead. Resultantly, a detection bill of Rs.1,845,032/- against 33,442 (OP=32,778 + P=664) units for the period from 18.04.2023 to 02.12.2023 was debited to the Respondent @ 33% slowness of the meter and added to the bill for August 2024.
2. Being aggrieved with the abovementioned actions of the Appellant, the Respondent approached the Provincial Office of Inspection, Peshawar Region, Khyber Pakhtunkhwa (the “POI”) on 19.08.2024 and challenged the above detection bill. The matter was decided by POI vide decision dated 10.09.2024, wherein the detection bill of 33,442 (OP=32,778 + P=664) units for the period from 18.04.2023 to 02.12.2023 was set aside and the Appellant was allowed to debit the revised bill of net 8,677 (OP=7,202 + P=1475) units for the period from October 2023 to December 2023 @ 33% slowness of the meter.

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3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 10.09.2024 of the POI (hereinafter referred to as the “impugned decision”). In its appeal, the Appellant opposed the maintainability of the impugned decision, *inter-alia*, on the following grounds that the impugned detection bill of Rs.1,845,032/- against 33,442 (OP=32,778 + P=664) units for the period from 18.04.2023 to 02.12.2023 was debited to the Respondent on account of 33% slowness of the meter as observed on 04.12.2023; that the POI has not applied his judicial mind to the facts that the POI has not addressed the issue that AMR meter is computerized equipment which continuously sends the data to its server and stores the same permanently; that the CSM 2021 has not answered the question of burnt/damaged CTs of AMR meter as the CTs are fixed outside the metering equipment; that the POI has ignored the fact that subject assessment was vetted by the said forum prior communication to the Respondent and passed the impugned decision arbitrarily; and that the impugned decision is liable to be set aside.

4. Notice dated 18.02.2025 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed.

5. Hearing

5.1 Hearing of the appeal was conducted at NEPRA Regional Office Peshawar on 04.03.2025, wherein both parties tendered appearance. Learned counsel for the Appellant contended that the impugned meter of the Respondent was found 33% slow due to one dead phase during checking dated 04.12.2023, which may be verified through AMR data. Learned counsel for the Appellant further contended that the impugned meter of the Respondent remained 33% slow from 18.04.2023 to 02.12.2023, therefore a detection bill of 33,442 units for the period from 18.04.2023 to 02.12.2023 was debited to the Respondent to account for revenue loss sustained by the Appellant. As per learned counsel for the Appellant, the POI did not consider the real aspects of the case and erroneously declared the above detection bill as null and void and allowed the Appellant to recover 33% slowness of the impugned meter for 8,677 units for October 2023 to December 2023. Learned counsel for the Appellant finally prayed that the impugned decision is unjustified and liable to be struck down.

5.2 On the contrary, the Respondent rebutted the version of the Appellant and averred that the impugned meter was functioning correctly before checking dated 04.12.2023 and no discrepancy whatsoever was pointed out by the Appellant during the monthly readings, hence there is no justification to debit detection bill on account of alleged 33% slowness of the



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impugned meter. According to the Respondent, the Appellant even did not debit the impugned detection bill as per Chapter 4 of the CSM-2021. The Respondent opposed the charging of the impugned detection bill of Rs.1,845,032/- against 33,442 (OP=32,778 + P=664) units for the period from 18.04.2023 to 02.12.2023 and defended the impugned decision for cancellation of the same. He finally pleaded for dismissal of the appeal.

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

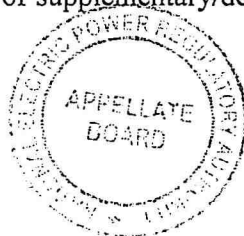
6.1 Detection bill of Rs.1,845,032/- for 33,442 units for the period from 18.04.2023 to 02.12.2023:

In the instant case, the Appellant claimed that M&T on 04.12.2023 detected that the impugned meter was found 33% slow and debited a detection bill of Rs.1,845,032/- against 33,442 (OP=32,778 + P=664) units for the period from 18.04.2023 to 02.12.2023 to the Respondent @ 33% slowness of the impugned meter, which is under dispute.

6.2 It is observed that the Appellant debited the impugned detection bill for more than seven (07) months, which is contrary to Clause 4.3.3c(ii) of the CSM-2021. The said clause of the CSM-2021 restricts the Appellant to debit the slowness maximum for two months to the Respondent. To further verify the contention of the Appellant, the consumption data of the Respondent is reproduced below:

Year	2022	2023	2024
Month	Units	Units	Units
January	7085	6688	12110
February	6783	10049	14101
March	5969	8579	3157
April	8180	11002	10610
May	7279	6728	9817
June	5871	9388	11894
July	8988	7556	10590
August	7644	8075	11055
September	9181	10060	12718
October	7846	11928	17651
November	8377	5689	21427
December	7230	9866	11729
Average	7536	8801	12,238

6.3 As evident from the above table, the consumption of the Respondent during the disputed period is considerably lesser than the consumption of corresponding months of the succeeding year. However, this does not tantamount the Appellant to debit the detection bill beyond two billing cycles in case of a slow meter. Even-otherwise, the NEPRA Authority vide order dated 13.06.2024 retained the period of supplementary/detection bill for two billing cycles in case





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of the slowness of the metering equipment/defective CTs as mentioned in Clause 4.4(e) of CSM- 2010 (existing Clause 4.3.3 of CSM-2021).

6.4 In view of the ibid order of the Authority, the POI has rightly cancelled the detection bill of Rs.1,845,032/- against 33,442 (OP=32,778 + P=664) units for the period from 18.04.2023 to 02.12.2023 being contrary to the ibid clause of the CSM-2021 as well as in violation of the order dated 13.06.2024 of the Authority. The Respondent may be charge the detection bill for two months prior to checking dated 04.12.2023 as per Clause 4.3.3c(ii) of the CSM-2021 and the bills with enhanced MF w.e.f checking dated 04.12.2023 and onwards till the replacement of the impugned meter, pursuant to Clause 4.3.3c(i) of the CSM-2021.

7. Impugned decision is modified in the above terms.

Abid Hussain
Member/Advisor (CAD)

Dated: 24-06-2025

Naweed Illahi Sheikh
Convener/DG (CAD)

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

