



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

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No. NEPRA/Appeal/036/2024/ 628


June 30, 2025

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| 1. Mst. Hussain Arra & Ayyaz,
Through Zulfiqar Orakzai,
S/o. Abdul Raziq,
R/o. Zulfiqar Town, Gulberg,
Peshawar Cantt
Cell No. 0333-9108376 | 2. Chief Executive Officer,
PESCO Ltd,
WAPDA House, Sakhi Chashma,
Shami Road, Peshawar |
| 3. Waheed Ullah,
Advocate High Court,
Flat No. 45-C, Cantonment Plaza,
Peshawar Cantt
Cell No. 0321-9069915 | 4. Sub Divisional Officer (Operation),
PESCO Ltd,
Gulberg Sub Division,
Peshawar
Cell No. 0370-1340132 |
| 5. POI/Electric Inspector,
Peshawar Region,
Benevolent Fund Building,
3rd Floor, Near Jans Bakers,
Peshawar Cantt,
Phone No. 091-9211343 | |

Subject: Appeal No.036/2024 (Mst. Hussain Arra & Ayyaz vs. PESCO) Against the Decision Dated 01.04.2024 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 30.06.2025 (03 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.036/POI-2024

Mst. Hussain Arra & Ayaz through Zulfiqar Orakzai,
R/o. Zulfiqar Town Gulberg, Peshawar

.....Appellant

Versus

Peshawar Electric Supply Company Limited

.....Respondent

APPEAL U/S 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mr. Zulfiqar Orakzai Advocate

For the Respondent:

Nemo

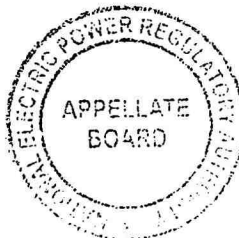
DECISION

1. Through this decision, the appeal filed by Mst. Azra Hussain Arra & Ayaz (hereinafter referred to as the "Appellant") against the decision dated 01.04.2024 of the Provincial Office of Inspection, Peshawar Region, Khyber Pakhtunkhwa (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that the Appellant is a general supply consumer of Peshawar Electric Supply Company Limited (hereinafter referred to as the "Respondent") bearing Ref No.13-26132-0732207 U with a sanctioned load of 1 kW and the applicable tariff category is A-3. The Respondent debited a detection bill of Rs.112,724/- against 2,190 units for three months for the period from August 2023 to October 2023 to the Appellant on account of direct theft of electricity and added to the bill for December 2023.
3. Being aggrieved, the Appellant filed a complaint before the POI on 29.02.2024 and challenged the above detection bill. The matter was disposed of by the POI vide decision dated 01.04.2024, the operative portion of which is reproduced below:

"In view of the above facts, the respondents did not follow the SOP as mentioned in Chapter 9.1.1 and 9.1.2 of the Consumer Service Manual (CSM), before the court during the trial to provide FIR copy, picture, and video recording of the direct connection, therefore the forum has to decide the assessment made against the petitioner shall be revised on 04 KW or 03 months 20% load factor with credit

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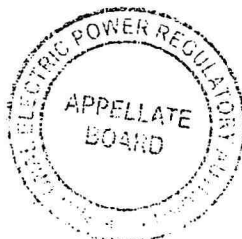




National Electric Power Regulatory Authority

of paid units and the revised bill be prepared & deliver to consumer for payment.

4. Being aggrieved, the Appellant filed the instant appeal before the NEPRA against the above-referred impugned decision of POI. In its appeal, the Appellant *inter alia* opposed the impugned decision on the main grounds that the impugned decision is against the law and facts thus untenable; that the impugned decision is based on self-assumption and own interpretation; that neither FIR was registered nor such evidence of direct theft brought on record; that the impugned decision gives a clear impression of an offhand and hasty decision; that the impugned decision is illegal, nonspeaking and that the same is liable to be set aside. Notice dated 29.04.2024 was issued to the Respondent for filing reply/parawise comments to the appeal within ten (10) days, which, however, were not filed.
5. Hearing was conducted at NEPRA Regional Office Peshawar on 03.03.2025, which was attended by the counsel for the Appellant, whereas no one represented the Respondent. Learned counsel for the Appellant contended that the POI vide impugned decision directed the Respondent to recover the impugned detection bill based on 04 kW load, which is neither consistent with the facts of the case nor in accordance with the law. Learned counsel for the Appellant opposed the impugned decision and argued that the same is liable to be set aside as the Respondent neither brought on record the material evidence for direct theft of electricity nor filed and debited the impugned detection bill. He finally prayed that the detection bill of Rs. 112,724/- against 2,190 units for three months for the period from August 2023 to October 2023 be cancelled in the best interest of justice.
6. Arguments were heard and the record was perused. Following are our observations:
 - 6.1 The Respondent debited a detection bill of Rs. 112,724/- against 2,190 units for three months for the period from August 2023 to October 2023 to the Appellant on account of direct theft of electricity and added to the bill for December 2023. However, the Respondent neither followed the procedure to establish direct theft of electricity as laid down in Chapter 9 of the CSM-2021 nor could bring material evidence before the POI to substantiate their stance with regard to charging the impugned detection bill. At the Appellate Stage, the Respondent even did not file reply/para-wise comments to the Appeal. Despite repeated notices by this forum, the authorized representative of the Respondent did not attend the hearings, this shows lack of interest on the part of the Respondent to defend their case for charging the impugned detection bill.



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6.2 To further verify the contention of the Appellant, the consumption data is analyzed in the below table:


Month	Units	Month	Units	Month	Units
Dec-22	316	Dec-23	322	Dec-24	0
Jan-23	337	Jan-24	351	Jan-25	0
Feb-23	374	Feb-24	340	Feb-25	0
Mar-23	320	Mar-24	308	Mar-25	0
Apr-23	362	Apr-24	437	Apr-25	0
May-23	403	May-24	313		
Jun-23	370	Jun-24	322		
Jul-23	350	Jul-24	31		
Aug-23	346	Aug-24	10		
Sep-23	389	Sep-24	0		
Oct-23	412	Oct-24	364		
Nov-23	420	Nov-24	0		

As evident from the normal consumption charged during the disputed period is compatible with the normal consumption recorded during the periods before and after the dispute. This indicates that the impugned meter recorded healthy consumption during the disputed period. The Respondent did not provide any document i.e. detection proforma, checking report, copy of FIR, etc. to substantiate their version in the instant case.


6.3 In view of the foregoing discussion, the detection bill of Rs.112,724/- against 2,190 units for three months for the period from August 2023 to October 2023 charged to the Appellant is unjustified and the same is cancelled as already determined by the POI.

6.4 Similarly, the impugned decision for revision of the impugned detection based on 20% load factor of the connected load i.e.04 kW is inconsistent with the facts of the case, and the same is withdrawn to this extent.

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

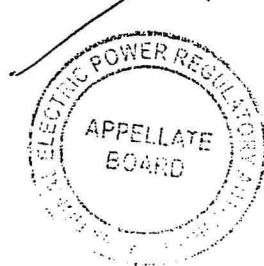

Abid Hussain
Member/Advisor (CAD-Khi)


Naweed Illahi-Sheikh
Convener/DG (CAD)


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

Dated: 30-06-2025

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