



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

NEPRA Office , Ataturk Avenue (East), G5/1, Islamabad  
Tel. No.+92 051 2013200 Fax No. +92 051 2600030  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [ikramshakeel@nepra.org.pk](mailto:ikramshakeel@nepra.org.pk)

No. NEPRA/Appeal/080/2024/ 387

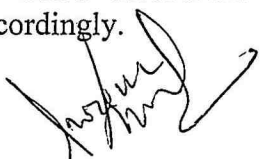
May 02, 2025

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|--|--|
| 1. Gul Dawood,<br>S/o. Rozi Khan,<br>R/o. Mohallah Loharabad,<br>Village Bibyawer, Upper Dir<br>Cell No. 0311-9267947                              | 2. Chief Executive Officer,<br>PESCO Ltd,<br>WAPDA House, Sakhi Chashma,<br>Shami Road, Peshawar       |
| 3. Executive Engineer (Operation),<br>PESCO Ltd,<br>Dir Division, Dir  | 4. Sub Divisional Officer (Operation),<br>PESCO Ltd,<br>Dir Sub Division, Dir<br>Cell No. 0330-1340551 |
| 5. POI/Electric Inspector,<br>Swat Regional Office,<br>Shahi Mohallah, Saidu Sharif,<br>Near Saidu Sharif Science College<br>Phone No. 0946-722443 |  |

**Subject: Appeal No.080/2024 (Gul Dawood Vs. PESCO) Against the Decision Dated 02.07.2024 of the Provincial Office of Inspection to Government of the Khyber Pakhtunkhwa Swat Region, Swat**

Please find enclosed herewith the decision of the Appellate Board dated 02.05.2025 (06 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. 080/POI-2024

Gul Dawood S/o. Rozi Khan,  
R/o. Mohallah Loharabad, Village Bibyawer, Upper Dir

.....Appellant

Versus

Peshawar Electric Supply Company Limited

.....Respondent

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

For the Appellant:

Mr. Gul Dawood

For the Respondent:

Mr. Abdul Wahid Meter Reader

Mr. Rahat Ali Assistant Lineman

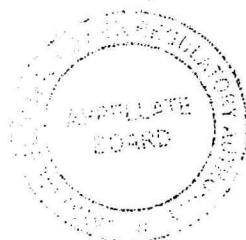
## DECISION

1. Briefly speaking, Gul Dawood (hereinafter referred to as the "Appellant") is a commercial consumer of Peshawar Electric Supply Company Limited (hereinafter referred to as the "Respondent") bearing Ref No.05-26551-0121002-R having a sanctioned load of 1 kW under the A-2(a) tariff category. Display of the impugned meter of the Appellant became defective, hence the Respondent allotted DEF-EST code w.e.f May 2022 and onwards. Subsequently, the impugned meter of the Appellant was replaced with a new meter by the Respondent vide MCO dated 07.06.2022 and sent to M&T lab for data retrieval. As per the M&T report dated 16.08.2022 of the Respondent, 32,485 units were found uncharged in the impugned meter of the Appellant. Thereafter, the Appellant received a detection bill of Rs.1,253,336/- for 32,485 units for the period January 2018 to June 2022 (54 months) in February 2023, which was challenged by him before the Provincial Office of Inspection, Swat Region, Khyber Pakhtunkhwa (hereinafter referred to as the "POI") on 03.05.2023. The complaint of the Appellant was decided by the POI vide decision dated 02.07.2024, the operative portion of which is reproduced below:

*"The disputed meter was installed in January 2018. Hence to provide maximum*

Appeal No.080/POI-2024

Page 1 of 6



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## National Electric Power Regulatory Authority

*relief to the petitioner, slab and tariff benefits while charging the retrieved 32485 units may be given to the petitioner for the entire period January 2018 up-to June 2022 (from the date of installation till replacement of meter) with tariff applicable to each slab during the period back upto January 2018. Respondents shall, therefore, grant slab benefits from January 2018 up-to June 2022, as per tariff applicable in that period to each slab and the amount may be recovered in easy installments as per mutual agreement. Supply of power may be restored after payment of 50% of the disputed amount."*

2. Being dissatisfied, the Appellant filed the instant appeal before the NEPRA against the POI decision dated 02.07.2024 (hereinafter referred to as the "impugned decision"). In its appeal, the Appellant opposed the impugned decision *inter alia*, on the following grounds that the impugned meter became defective in May 2022 and it was replaced with a new meter by the Respondent in July 2022; that the detection bill of Rs.1,253,336/- for 32,485 units charged to him even though the impugned meter remained defective for two months only; that the impugned decision is against the law, facts, and record; that the average consumption of the premises recorded @ 80 units per month; that the assessment bill, retrieval report, and other documentary proceedings are not in time; that the POI put whole responsibility upon the Appellant and given green signal to the Respondent; that the impugned decision be set aside and electricity of the premises be restored in the interest of justice.
3. Upon the filing of the instant appeal, a Notice dated 15.08.2024 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.
4. Hearing in the subject matter was again fixed at Islamabad on 06.11.2024 and notices dated 24.10.2024 thereof were served to both parties. On the given date of the hearing, both parties were in attendance. During the hearing, the Appellant reiterated the same arguments as given in memo of the appeal and argued that the impugned meter was installed in the year 2018, which subsequently became defective in May 2022 for which the Respondent was approached. The Appellant contended that the impugned meter was replaced with a new meter by the Respondent on 07.06.2022 and 32,485 units were charged based on the alleged data retrieval report, which is unjustified. The Appellant further contended that the average consumption of the premises remained 80 units per month, hence there is no justification charge for the detection bill of Rs.1,253,336/-. According to the Appellant, the impugned decision for allowing the Respondent for recovery of the impugned bill is not based on merits and the same is liable to be struck down. The representatives for the Respondent rebutted the

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## National Electric Power Regulatory Authority

version of the Appellant and informed that 32,485 units were found uncharged due to vanished display, therefore, a detection bill of Rs.1,253,336/- for 32,485 units was served to the Appellant in February 2023. The Representatives for the Respondent defended the charging of the above detection bill and prayed to allow the entire detection bill being justified and payable by the Appellant.

5. Arguments were heard and the record was examined. Following are our observations:

5.1 The record presented before us shows that the impugned meter was installed by the Respondent in January 2018, which became defective in May 2022. The Respondent replaced the impugned meter of the Appellant with a new meter in July 2022 and debited a detection bill of Rs.1,253,336/- for 32,485 units for the period January 2018 to June 2022 (54 months) on the basis of data retrieval report dated 16.08.2022, which was challenged before the POI. The POI vide impugned decision allowed the recovery of 32,485 units after affording relief of slab benefits to the Appellant. Against the above-referred decision of POI, the Appellant filed the instant appeal before the NEPRA under Section 38(3) of the NEPRA Act.

5.2 The matter, therefore, needs to be examined in light of the applicable law to decide the fate of the detection bill of the Respondent. The services provided by the DISCOs to their Consumers are administered under the Consumer Service Manual 2021 (the "CSM-2021") approved by the NEPRA. Clause 4.3.2 of the CSM-2021 prescribes the following procedure in case of a vanished display of the meter.

*4.3.2 If the defectiveness of the meter is due to display wash then the DISCO shall:*

*(a) Replace the metering installation immediately or within two billing cycles, if meters are not available.*

*(b) DISCO may charge bills on average basis i.e. 100% of the consumption recorded in the same months of previous year or average of the last eleven months whichever is higher for a maximum period of two months.*

*(c) Data of the impugned meter shall be retrieved and actual consumption as per retrieved data shall be charged to the consumer after issuing a notice to the consumer and already charged bills issued on average basis shall be adjusted.*

*(d) The consumer's account shall not be liable to any adjustment if the data is not retrieved within three months of display wash. However, if data retrieval is not possible within DISCO and the meter is sent to the manufacturer/company for data retrieval, and if its data is retrieved within six (6) months, then the consumer will be charged retrieved units after issuance of notice. In case, data is not retrieved within six (6) months the consumer's account shall not be liable to any adjustment.*

5.3 The Respondent replaced the impugned meter within two billing cycles and retrieved the data of the impugned meter within three months as per Clause 4.3.2(b) of the CSM-2021. However such





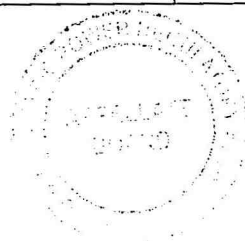
## National Electric Power Regulatory Authority

high consumption of 32,485 units is not compatible with the units assessed as per the sanctioned load of the Appellant. As per the impugned decision, these pending units pertain to the period from January 2018 to June 2022 (54 months), why the Respondent did not point out any discrepancy of vanished display in the impugned meter of the Appellant during this long span? This shows extreme negligence and carelessness on the part of the concerned officials of the Respondent.

5.4 The Respondent is required to be vigilant and careful to ensure full recovery against the consumed energy. Such negligence warrants immediate inquiries for fixing responsibility and taking strict disciplinary action against responsible officials of Respondent.

5.5 To further check the authenticity of the impugned detection bill, the consumption data of the Appellant is analyzed in the below table:

Period before dispute		Disputed period		Period after dispute	
Nov-16	42	Jan-18	59	Jul-22	9
Dec-16	40	Feb-18	42	Aug-22	40
Jan-17	36	Mar-18	45	Sep-22	500
Feb-17	30	Apr-18	45	Oct-22	500
Mar-17	90	May-18	45	Nov-22	200
Apr-17	50	Jun-18	40	Dec-22	200
May-17	50	Jul-18	40	Jan-23	150
Jun-17	50	Aug-18	40	Feb-23	170
Jul-17	40	Sep-18	40	Mar-23	50
Aug-17	35	Oct-18	45	Apr-23	30
Sep-17	50	Nov-18	46		
Oct-17	47	Dec-18	46		
Nov-17	47	Jan-19	45		
Dec-17	48	Feb-19	46		
		Mar-19	45		
		Apr-19	45		
		May-19	45		
		Jun-19	46		
		Jul-19	45		
		Aug-19	46		
		Sep-19	46		
		Oct-19	46		
		Nov-19	47		
		Dec-19	47		
		Jan-20	47		
		Feb-20	20		
		Mar-20	100		





## National Electric Power Regulatory Authority

	Apr-20	100			
	May-20	200			
	Jun-20	50			
	Jul-20	200			
	Aug-20	0			
	Sep-20	96			
	Oct-20	120			
	Nov-20	23			
	Dec-20	40			
	Jan-21	20			
	Feb-21	25			
	Mar-21	30			
	Apr-21	20			
	May-21	25			
	Jun-21	70			
	Jul-21	31			
	Aug-21	60			
	Sep-21	80			
	Oct-21	80			
	Nov-21	80			
	Dec-21	80			
	Jan-22	80			
	Feb-22	81			
	Mar-22	80			
	Apr-22	85			
	May-22	73			
	Jun-22	74			
Average	47	Average	58	Average	185
Detection bill charged @ 601 units/month					

The above comparison of consumption data shows that the consumption of the Appellant during the disputed period is considerably less than the average consumption of the period after the dispute. This shows that the actual consumption could not be charged by the Respondent due to the vanished display of the impugned meter. However, this does not tantamount the Appellant to charge the detection bill @ 601 units/month for the disputed period to the Respondent, which has never been recorded in the billing history of the Respondent even before and after the dispute.

5.6 In view of all the above facts and the applicable provisions of CSM, the detection bill of Rs.1,253,336/- for 32,485 units charged to the Appellant in February 2023 is unjustified and illegal and the same is declared null and void.







## National Electric Power Regulatory Authority

- 5.7 It is an admitted fact that actual consumption could not be charged by the Respondent due to the vanished display of the impugned meter. It would be fair and appropriate to charge the revised bill @ 185 units/month for the disputed period i.e. January 2018 to June 2022 (54 months) to the Appellant as recorded during the period after the dispute i.e. July 2022 to April 2023. The impugned decision is modified to this extent.
6. In view of what has been stated above, it is concluded that:
- 6.1 Detection bill of Rs.1,253,336/- for 32,485 units charged by the Respondent in February 2023 is unjustified and the same is cancelled.
- 6.2 The Appellant may be charged the revised bills @ 185 units/month for the disputed period from January 2018 to June 2022 (54 months) as per the average consumption of the period after the dispute.
- 6.3 The Billing account of the Appellant may be overhauled, accordingly.
7. The impugned decision is modified in the above terms.

On leave  
Abid Hussain  
Member/Advisor (CAD)

  
Naweed Illahi Sheikh  
Convener/DG (CAD)

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

Dated: 02-05-2025

