



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

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No. NEPRA/Appeal/096/2024/ 645

July 02, 2025

- | | |
|--|---|
| 1. M/s. Pure CNG,
Through its Managing Director,
Mr. Naseer Khan, S/o. Niamat Khan,
Situating at Pahari Pura, Ring Road,
Peshawar | 2. Chief Executive Officer,
PESCO Ltd,
WAPDA House, Sakhi Chashma,
Shami Road, Peshawar |
| 3. Abdullah Shah,
Advocate High Court,
Abdullah Shah Associates,
Office No. 633, 6 th Floor,
Pak Medical Centre, Suikarno Chowk,
Peshawar
Cell No. 0331-9206687 | 4. Executive Engineer (Operation),
PESCO Ltd,
City Rural Division,
Peshawar |
| 5. Sub Divisional Officer (Operation),
PESCO Ltd,
Sethi Town Sub Division,
Peshawar
Cell No. 0311-9000911 | 6. POI/Electric Inspector,
Peshawar Region,
Benevolent Fund Building,
3rd Floor, Near Jans Bakers,
Peshawar Cantt,
Phone No. 091-9211343 |

Subject: Appeal No.096/2024 (M/s. Pure CNG vs. PESCO) Against the Decision Dated 21.08.2024 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 02.07.2025 (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.096/POI-2024

M/s. Pure CNG through Managing Director,
Mr. Nasreen Khan S/o. Naimat Khan situated
at Pahari Pura Ring Road, 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. Abdullah Shah Advocate

For the Respondent:
Mr. Qiaser Shah SDO

DECISION

1. Through this decision, the appeal filed by M/s. Pure CNG (hereinafter referred to as the "Appellant") against the decision dated 21.08.2024 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 commercial consumer of Peshawar Electric Supply Company Limited (hereinafter referred to as the "Respondent") bearing Ref No. 30-26117-0092275 with a sanctioned load of 221 kW and the applicable tariff category is A-2(c). The billing meter of the Appellant was checked by the M&T team of the Respondent on 18.12.2023 and reportedly it was found 33% slow due to one phase being dead. The Appellant rectified the fault on the same date. Thereafter, a detection bill of OP=30,479+P=9,099 units+99 kW MDI for three months i.e. from September 2023 to November 2023 was charged to the Appellant @ 33% slowness of the meter, which was challenged by him before the POI on 24.06.2024. The matter was disposed of by the POI

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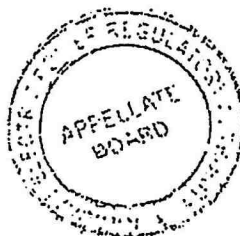
National Electric Power Regulatory Authority

vide decision dated 21.08.2024, the operative portion of which is reproduced below:

"In view of the above facts, this forum has, therefore, decided that the consumer assessment is sustained and the Respondents are directed to recover remaining 50% dues from the consumer in easy installments, accordingly.

3. 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 illegal, nonspeaking; that the POI ignored that the law provides a procedure for a thing done in a particular manner that has to be done in that particular manner the Respondents while charging the Appellant with the excessive amount in the consumption bill did not follow the procedure provided by law and that the impugned decision is liable to be set aside.
4. Notice dated 30.09.2024 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 both parties. Learned counsel for the Appellant contended that the POI vide impugned decision directed the Respondent to recover the impugned detection bill in easy installments, 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 impugned meter recorded healthy consumption during the disputed period. He further prayed that the detection bill of OP=30,479+P=9,099 units+99 kW MDI for the period from September 2023 to November 2023 be cancelled in the best interest of justice. On the contrary, the representative for the Respondent opposed the contention of the Appellant and argued that the impugned meter of the Appellant did not record actual consumption due to one phase being dead during the disputed period, hence the above detection bill was debited to the Appellant @ 33% slowness to recover the revenue loss sustained by the Respondent. To confirm the veracity of the assertion of the Respondent regarding the impugned detection bill, the official of the Respondent was directed to submit the checking report, detection proforma, etc. within ten working days, which were submitted by the Respondent.
6. Arguments were heard and the record was perused. Following are our observations:

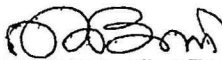
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- 6.1 The impugned meter of the Appellant was found 33% slow due to one dead phase during the M&T checking dated 18.12.2023, therefore, the Respondent debited a detection bill of $OP=30,479+P=9,099$ units+99 kW MDI for the period from September 2023 to November 2023 to the Appellant @ 33% slowness of the impugned meter, which is under dispute.
- 6.2 In such cases, Clause 4.3.3c(ii) of the CSM-2021 is relevant, which states that DISCO may charge the detection bill maximum for two billing cycles retrospectively in case of a slow meter. 33% slowness in the meter was detected by the Respondent on 18.12.2023, however, the Appellant charged the above detection bill for three months, which is violative of the ibid clause of the CSM-2021. Therefore, the detection bill of $OP=30,479+P=9,099$ units+99 kW MDI for the period from September 2023 to November 2023 charged to the Respondent is unjustified and the same is liable to be cancelled.
- 6.3 The Appellant is liable to be charged the revised detection bill for two billing cycles before checking dated 18.12.2023, pursuant to Clause 4.3.3c(ii) of the CSM-2021. The impugned decision is liable to be modified to this extent.
7. In view of what has been stated above, it is concluded that the detection bill of $OP=30,479+P=9,099$ units+99 kW MDI for the period from September 2023 to November 2023 charged to the Appellant is inconsistent with Clause 4.3.3c(ii) of the CSM-2021 and the same is cancelled. The Appellant may be charged the detection bill maximum for two billing cycles before the checking dated 18.12.2023 of the Respondent @ 33% slowness of the meter and the bills with enhanced MF w.e.f checking dated 18.12.2023 and onwards till the replacement of 33% slow meter as per Clause 4.3.3c of the CSM-2021. The billing account of the Respondent may be overhauled accordingly.
8. The impugned decision is modified in the above terms.

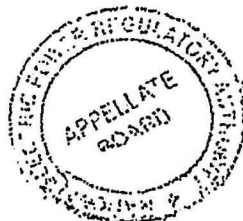

Abid Hussain
Member/Advisor (CAD-Khi)


Naweed Illahi Sheikh
Convener/DG (CAD)


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

Dated: 02-07-2025

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