



National Electric Power Regulatory Authority

ISLAMIC REPUBLIC OF PAKISTAN

NEPRA Head Office

Ataturk Avenue (East) Sector G-5/1, Islamabad.

Ph:051-2013200, Fax: 051-2600021

**Consumer Affairs
Department**

TCD 01/ 3163 -2023
August 16, 2023

Chief Executive Officer, PESCO,
WAPDA House, Sakhi Chashma Shami Road,
Peshawar.

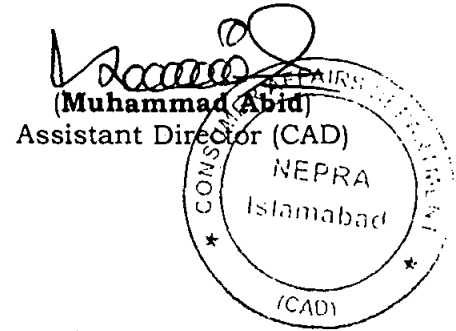
Subject: **DECISION IN THE MATTER OF COMPLAINT FILED BY MR. JANAB ALI
S/O CHAMAN ROZ KHAN, UNDER SECTION 39 OF THE REGULATION OF
GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER
ACT, 1997 AGAINST PESCO REGARDING CORRECTION OF BILL (A/C# 30
26221 0000310).**
PESCO-NHQ-13964-07-22

Please find enclosed herewith the decision of NEPRA Consumer
Complaints Tribunal dated August 11, 2023 regarding the subject matter for
necessary action.

Encl: **As above.**

Copy:-

- 1) Chief Commercial Officer,
PESCO Head Quarters,
Peshawar Electric Supply Company (PESCO),
WAPDA House, Sakhi Chashma Shami Road,
Peshawar.
- 2) Incharge Complaint Cell,
Peshawar Electric Supply Company (PESCO),
WAPDA House, Sakhi Chashma Shami Road,
Peshawar.
- 3) Mr. Imtiaz Khan (Deputy Director),
NEPRA Regional Office, 6th Saddar Road,
2nd Floor, Tasneem Plaza, Peshawar Cantt.
- 4) Mr. Janab Ali S/o Chaman Roz Khan,
Rahat Ice Factory, Adjacent to Ghazi Public School,
Main G.T. Road, Pabbi, District Nowshera.
0332-5751861





BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No. PESCO-NHQ-13964-07-2022

Mr. Janab Ali,
Rahat Ice Factory, PashtoonGhar, GT Road
Pabbi, Nowshera, Peshawar.

.....Complainant

VERSUS

Peshawar Electric Supply Company (PESCO)
WAPDA House, SakhiChashma, Shami Road
Peshawar.

.....Respondent

Date of Hearing:

July 24, 2023

On behalf of

Complainant:

1. Mr. Janab Ali
2. Mr. Umer Saeed Advocate

Respondent:

1. Mr. Khursid Ali (SDO Pabbi-I), PESCO
2. Mr. Fakhr-e-Alam (Revenue Officer), PESCO
3. Mr. Saeed Khan Akhunzada (Counsel), PESCO

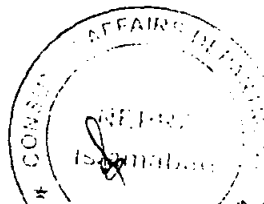
Subject:- DECISION IN THE MATTER OF COMPLAINT FILED BY MR. JANAB ALI
UNDER SECTION 39 OF THE REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST PESCO REGARDING CORRECTION OF BILL (A/C NO. 30
26221 0000310)

DECISION

This decision shall dispose of the appeal filed by Mr. Janab Ali before The Appellate Tribunal (NEPRA) against the decision of NEPRA Consumer Complaints Tribunal dated June 05, 2023 in the case of Mr. Janab Ali (hereinafter referred to as "the Complainant") vs Peshawar Electric Supply Company (hereinafter referred to as the "Respondent" or "PESCO").

2. Brief facts of the case are that the Complainant apprised that he owns an ice factory in the name of Rahat Ice Factory and business is carried out during summer season only as it is not in use during winter season due to low demand of ice. The complainant also submitted that he pays his bills regularly and there were no arrears against him. The Complainant informed that during April 2022, PESCO charged him with excessive bill of 74158 units amounting to Rs. 1,732,937/- on the pretext of the meter being dead stop. The same meter was also removed from the premises by PESCO on the above noted reason during March, 2022. Despite the very low consumption during the corresponding month of previous years and during April, 2022, the Complainant was charged with excessive bill on the assumption of high electricity consumption during winter season with mala-fide intention. The electricity meter bearing No. 3431 was replaced in March 2022 due to display wash. During the month of April 2022 PESCO charged 74158 units despite the fact that the factory was closed. The Complainant

Page 1 of 4



agitated that the act of charging the exorbitant bill by PESCO is based on wrongful intent and has caused irreparable financial loss being a seasonal electricity consumer. Therefore the Complainant requested to direct PESCO to withdraw the disputed bill.

3. The matter was taken up with PESCO. In response, PESCO submitted that the Complainant was billed for actual consumed units i.e. 74158 in the month of April 2022 as per AMR data i.e. Cosmos Galaxy and no over and assessed bill was charged by PESCO. The report of PESCO was sent to the Complainant for comments. In response the Complainant, submitted a rejoinder wherein he retained his earlier version. Thereafter, hearing was held on February 16, 2023 at NEPRA Head Office, Islamabad whereby both the parties advanced their respective arguments. After detailed deliberation, PESCO was directed to provide additional information for further scrutiny of the case. PESCO was also directed for restoration of Complainant's electricity connection after payment of provisional bill amounting to Rs. 500,000/- by the Complainant. In response, PESCO vide letter dated March 01, 2023 requested NEPRA to review the above directions on the plea that the dues/charges imposed by PESCO in the instant case were actual and legitimate. In order to reach at an informed decision, another hearing was held on March 13, 2023 at NEPRA Head Office, Islamabad wherein the matter was again discussed in detail.

4. After the hearing, PESCO vide letter dated March 16, 2023 submitted a detail report wherein it was informed that the disputed AMR TOU meter bearing No. 3431 was installed at the Complainant's premises on August 16, 2021 and the said meter recorded and duly communicated 103224 units until it became defective/mute. However, the Complainant was only billed 29040 units due to the connivance of the concerned PESCO officials and the less units i.e. (74158) were consequently charged to the Complainant during the month April, 2022. The defective meter was replaced with new AMR TOU meter No. 3557 on March 28, 2022 which also became defective/mute due to illegal abstraction, therefore a detection bill of 35770 units has been charged to the Complainant. In the meanwhile, the Complainant approached Peshawar High Court vide Writ Petition No. 1662-P/2022 with IRCMs No. 363-P/2023 and No. 63-P/2023 whereby the Court vide order dated April 19, 2023 directed NEPRA to decide the complaint in accordance with law within a period of one month after receipt of the complaint. The Complainant provided orders of the Court on May 08, 2023.

5. The case was examined in detail in light of the record made so available by parties, arguments advanced during the hearing and applicable law. After detailed deliberations it was concluded that the bill charged by PESCO for 74158 units in the month of April 2022 is justified. However, being aggrieved from the decision of NEPRA Consumer Complaints Tribunal dated June 05, 2023 the Complainant filed an appeal before Appellate Tribunal (NEPRA). The Appellate Tribunal (NEPRA) vide decision dated July 20, 2023 set-aside the decision of NEPRA Consumer Complaints Tribunal dated June 05, 2023 and directed for decision a fresh after hearing both the parties.

6. In pursuance of above directions of the Appellate Tribunal (NEPRA), a hearing was held on July 24, 2023 which was attended by both the parties (PESCO & the Complainant) wherein the case was discussed in detail. The case has been examined in detail and following is concluded:

- (i) The Complainant is a consumer of PESCO under Tariff B-2. According to Complainant his connection is seasonal (F Tariff) whereas the applied tariff is of normal industry i.e. B-2. An AMR meter bearing No. 3431 was installed at premises of the Complainant on August 16, 2021. The said meter became defective and was sent to M&T for data retrieval on March 29, 2022 and another meter bearing No. 3557 was installed at site. According to M&T report dated May 19, 2022, the data of the impugned meter could not be retrieved due to EEPROM error.
- (ii) The AMR data provided by PESCO reveals that the meter communicated consumption upto 1089.179 (off peak) and 201.131 (Peak) consumption



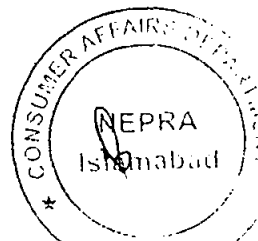
totaling 1290.31 index and after applying multiplying factor of 80, the total consumption upto February 15, 2022 was 103224 units. PESCO charged bills to the Complainant upto 308 (off peak) and 55 (Peak) totaling 363 index and after applying multiplying factor of 80, the total units charged to the Complainant were 29040 units. PESCO apprised that subsequent to meter reading, the Complainant was involved in issuance of bogus letters to Computer Centre, PESCO on behalf of Revenue Officer for less charging of units, therefore, consumed units were not charged to the Complainant and accumulated in account. Forensic reports w.r.t. signatures/stamps of revenue officer confirmed the stance of PESCO regarding bogus signatures of revenue officer. Moreover, diary number and letter number of letters were also did not match with PESCO record. PESCO also conducted an inquiry in the said issue wherein the allegations were proved against the Complainant and revenue officer was found innocent. It has also been revealed that the complainant also illegally made instalments of electricity bills without approval of PESCO by affixing bogus stamps of PESCO.

- (iii) The Complainant is of the view that charging of bill to the tune of 74158 units in the month of April 2022 is not justified. In order to arrive at a prudent decision, billing history of the Complainant provided by PESCO was examined. The billing history for last 4 years is as under:

Month	2019	2020	2021	2022
January	240	0	0	0
February	0	0	0	0
March	80	0	0	0
April	0	0	0	74158
May	52560	160	14320	51607
June	39840	23360	47680	38993
July	49360	35520	33680	41680
August	49280	52080	19920	32204
September	49200	47040	0	35480
October	39840	32160	18520	23659
November	5680	10880	20000	4798
December	0	0	0	169
Average (May to November)	40823	28743	22017	32632


The above billing data shows average consumption of 40823 units and 28743 units for the years 2019 and 2020 respectively. The bills were not charged to the Complainant as per actual consumption during 2021 and the consumer was charged less units which is evident from the above table i.e. 22017 units on average in the year 2021. The average consumption for the period from May 2021 to November 2021 and April 2022 to November 2022 is 30447 which includes 74158 units pending to be charged by PESCO. This consumption commensurate to the earlier healthy consumption charged in the years 2019 and 2020.

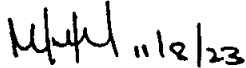
- (iv) Clause-6.3 of Consumer Service Manual (CSM) provides that a separate batch has been created for the connections where AMR system are installed. Billing of such consumers is carried out as per schedule made by DISCO. Meter reading of all consumers is to be carried out on a routine basis each month to record the consumption of energy consumed by a consumer during a given period. In the instant case the actual consumed units could not be charged to the Complainant due to criminal practices of the



Complainant and a total of 74158 units remained unchanged, which are payable by the Complainant.

6. Foregoing in view, PESCO is directed to charge all pending units against the Complainant alongwith late payment surcharge (LPS), fuel price adjustment (FPA) and other applicable taxes. Moreover, necessary directions be issued to the PECSCO Computer Centre for verification of letters in future received from Revenue Offices w.r.t. installments and less charging of units on any ground prior to feeding any change in already sent data. Moreover, PESCO can also initiate necessary action in relevant court of law regarding issuance of bogus/fake letters to Computer Centre of PESCO by the Complainant and using fake stamps/signature for making installments. Further proceedings in the matter are being closed by this office.


(Lashkar Khan Qambrani)
Director (CAD)
(Member Consumer Complaints Tribunal)


(Moqem Ul Hassan)
Assistant Legal Advisor
(Member Consumer Complaints Tribunal)


(Naweed Illahi Shaikh)
Director General (CAD)
(Convener Consumer Complaints Tribunal)

Islamabad, August 11, 2023

