



**National Electric Power Regulatory Authority**  
Islamic Republic of Pakistan

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**Registrar**

No. TCD 01/ 4842-44

May 29, 2012

Chief Executive Officer  
Peshawar Electric Supply Company (PESCO)  
WAPDA House  
Sakhi Chashma Shami Road  
Peshawar

Subject: **DECISION OF THE AUTHORITY IN THE MATTER OF A REVIEW PETITION FILED BY PESHAWAR ELECTRIC SUPPLY COMPANY (PESCO) AGAINST THE DECISION OF CONSUMER AFFAIRS DIVISION REGARDING COMPLAINT FILED BY MR. AZIZULLAH V/S PESCO**  
Complaint # PESCO-91/2011

Enclosed please find herewith decision of the Authority along with Dissenting Note of Mr. Shaukat Ali Kundi, Member NEPRA in the subject matter for compliance within 30 days of the receipt of this letter.

Encl: As above

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( Syed Safer Hussain )

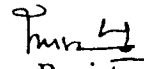
Copy:-

1. C.E/Customer Services Director  
Peshawar Electric Supply Company (PESCO)  
WAPDA House  
Sakhi Chashma Shami Road  
Peshawar
2. Mr Aziz Ullah  
202 Shaheed-E-Milat Block  
F-8 Markaz, District Courts,  
Islamabad

No. TCD 01/ 4845

May 29, 2012

Forwarded for information, please.

  
Registrar

Senior Advisor (CAD) [w.r.t. Dy. No. 530 dated 28.05.2012]

CC:

1. Acting Chairman - Member (CA)
2. Member (Licensing)
3. Member (M&E)



**BEFORE THE**  
**NATIONAL ELECTRIC POWER REGULATORY AUTHORITY**  
**(NEPRA)**

**Complaint No: PESCO-91-2011**

**Peshawar Electric Supply Company** .....

**Petitioner**

**Versus**

**Mr. Azizullah** .....

**Complainant**

**Date of Hearing:** February 14, 2012

**Date of Decision:** April 10, 2012

**Before :**

1. Mr. Ghiasuddin Ahmed (Acting Chairman)
2. Mr. Shaukat Ali Kundi (Member)
3. Mr. Habibullah Khilji (Member)

**On behalf of Petitioner:**

- 1) Mr. Fida Ahmed Khan, Chief Engineer/CSD.
- 2) Mr. Nadeem Anwar, Manager Operation, Bannu.
- 3) Mr. M. Zubair Khan, Deputy Manager (Operation), City, DI Khan.
- 4) Mr. Ishfaq Ali, Deputy Manager (Operation) Tank
- 5) Mr. Arif Mehmood Sadozai, Deputy Manager (Operation) Rural DI Khan

**On behalf of the Complainant:** Nil

**DECISION OF THE AUTHORITY IN THE MATTER OF A REVIEW PETITION FILED BY PESHAWAR ELECTRIC SUPPLY COMPANY (PESCO) AGAINST THE DECISION OF THE AUTHORITY ON COMPLAINT FILED BY MR AZIZULLAH**

**DECISION**

1. This decision shall dispose of a review petition filed by Peshawar Electric Supply Company (PESCO) (hereinafter referred as "petitioner") against the decision of Consumer Affairs Division in the matter of Mr. Azizullah
2. The review petition was filed by the petitioner against the decisions of Consumer Affairs Division in four cases. The petitioner has raised the following contentions in the review petition:
  - i) "The complainant has taken direct connection from LT Line of PESCO and assessments Charges leveled upon the complainant. The case of FIR was properly reported by the PESCO field formation staff to concerned Police Station but the police authorities are not

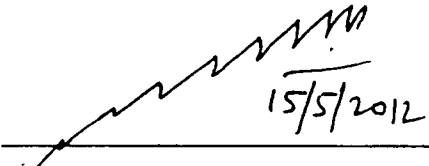
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registering proper FIR against the complainant due to some other facts on the grounds. Moreover there are huge numbers of such like cases which are also difficult for police authorities to register FIRs and maintain it.

- ii) As per CSM Clause 9.1(III), PESCO shall be authorized to recover its loss by raising detection bills as per its own procedure, hence the detections bills has been made accordingly.
  - iii) The report of field formation to concerned police station may be considered as FIR, as in the said decision PESCO will sustain not only revenue loss but it will also open a Pandora Box for the PESCO as numerous cases exist who are approaching to NEPRA for their unjustified relief on the same grounds”
3. A hearing into the matter was conducted on 14.02.2012 wherein the representatives of the petitioner were present. However Mr. Azizullah did not attend the hearing.
4. The representatives on behalf of the petitioner in the hearing submitted that electricity supply of Mr. Azizullah was disconnected due to non payment and ERO was implemented on January 22, 2007. At the time of ERO an amount of Rs. 41786/ was outstanding against him. The complainant is involved in theft of electricity therefore to recover the loss sustained by the petitioner, various detection bills were charged however no payment has been made by the complainant. Matter of theft was reported to police several times vide letters dated April 21, 2008, June 17, 2011, January 23, 2012 and February 08, 2012 but police has not registered any FIR. Copies of letters written to police have been provided to CAD at start of hearing.
5. Petitioner (PESCO) further submitted that the complainant is involved in theft of electricity by using direct hook. There are so many such like cases where theft is taking place but police is reluctant to lodge FIR despite best efforts by PESCO officials.
6. Having gone through the respective submissions of the petitioner, the Authority has observed that registration of FIRs is though difficult as the police is not cooperating with the DISCOs but it is mandatory as per the provision of Consumer Service Manual and the petitioner should try their best to lodge FIRs against the consumers involved in theft of electricity. The Authority is also of the view that PESCO is equally responsible for taking lenient approach towards lodging of FIRs.
7. The Authority has further observed that in this case, connection was permanently disconnected, Equipment Removal Order (ERO) implemented and P-Disc code allotted as such the complainant is no more consumer of the petitioner. PESCO has charged detection bills after the ERO taking the plea that the complainant was involved in theft of electricity. In addition to that, no solid proof has been given by PESCO that the complainant was involved in theft of electricity.
8. The Authority has further observed that detection bills charged to the complainant are on higher side and do not correspond to billing history and sanctioned load of complainant. PESCO is not justified to raise such high value detection bills even if the complainant was using electricity directly. From the scrutiny of the record provided by PESCO it reveals that average consumption of Mr. Azizullah was 421 units per month whereas PESCO has charged after permanent disconnection, an average of 1087 units per month as detection bill which is not justified.
9. By taking lenient view and keeping into consideration the ground difficulties being faced by PESCO in registration of FIRs, the Authority has decided to consider the letters (written by PESCO to police for registration of FIRs) as evidence against the complainants for theft of electricity.
10. In view of the foregoing, the Authority has decided to modify the impugned decision as under:

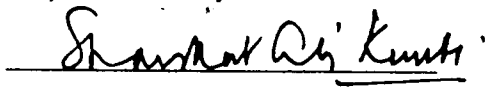
The complainant is liable to pay the amount of Rs.41786/ which was outstanding against him at the time of ERO on January 22, 2007. In addition to this amount i.e. Rs.41786/-, detection bill @ 421

units per month be charged to the complainant from the date of ERO till the date of receipt of complaint by NEPRA i.e. June 01, 2011. Revised bill accordingly be issued to the complainant for payment. The complainant be provided electricity connection as per the policy after recovering the arrears in case the complainant is interested for seeking reconnection/new connection.

  
15/5/2012  

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**(Habibullah Khilji)**  
Member

My dissenting note attached -  
  

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**(Shaukat Ali Kundi)** 25.05.12  
Member

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**(Ghiasuddin Ahmed)**  
Acting Chairman

**DISSENTING NOTE OF MEMBER LICENSING REGARDING DECISION OF THE AUTHORITY ON THE REVIEW REQUEST FILED BY PESCO AGAINST THE DECISION OF CONSUMER AFFAIRS DIVISION IN THE MATTER OF MR. AZIZ ULLAH V/S PESCO**

I dissent to the majority decision on the review petition filed by PESCO in the matter of Mr. Aziz Ullah Vs PESCO for the following reasons:

- i) Once the Equipment Removal Order (ERO) is issued, and the equipment removed and P-Disc code allotted to the complainant, he ceases to be the consumer of PESCO. PESCO persistently issued bills to him for several months which is neither tenable nor prudent.
- ii) The complainant has been issued detection bills twenty (20) times for a total period of twenty (20) months. This testifies that the PESCO staff was not vigilant to prevent/control of theft, if any.
- iii) PESCO has failed to produce any ample evidence to substantiate that the complainant was in fact stealing energy incessantly.
- iv) The mandatory provisions of registration of FIR as provided in Consumer Service Manual have not been adhered to by PESCO.

Under these circumstances I am unable to hold that PESCO is justified in charging detection bill to the complainant for illegal abstraction of electricity and therefore uphold the previous decision of Consumer Affairs Division Nepa which has been impugned by PESCO.

*Shaukat Ali Kundi*  
(Shaukat Ali Kundi) 25.05.1.

Member (Licensing)