



National Electric Power Regulatory Authority  
(NEPRA)  
Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-132/POI-2015/398-403

April 08, 2016

1. Ahmad Naseer Cheema  
Corp: Brother Roller & General Mills,  
Alipur Road, Kalaskey,  
Tehsil Wazirabad, Distt. Gujranwala
2. The Chief Executive Officer  
GEPCO Ltd,  
Head Office, 565-A,  
Model Town, G.T. Road,  
Gujranwala
3. Muhammad Azam Khokhar  
Advocate High Court,  
10-Fatima Jinnah Chambers,  
Session Courts, Gujranwala
4. Saeed Ahmed Bhatti  
Advocate High Court,  
2<sup>nd</sup> Floor, Akram Mansion,  
Neela Gumbad, Lahore
5. Sub Divisional Officer,  
GEPCO Ltd,  
Ahmad Nagar Sub Division,  
Ahmad Nagar, Tehsil Wazirabad,  
Distt. Gujranwala
6. Electric Inspector  
Gujranwala Region,  
Munir Chowk, Near Kachehri Road,  
Gujranwala

Registrar
By No. 3674
Dated 11-04-16

Subject: Appeal Titled Brothers Roller Flour & General Mills Vs. GEPCO Against the Decision Dated 26.11.2015 of the Electric Inspector/POI to Government of the Punjab Gujranwala Region, Gujranwala

Please find enclosed herewith the decision of the Appellate Board dated 07.04.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-132/POI-2015/404

April 08, 2016


Forwarded for information please.

  
Assistant Director  
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Member (CA)

  
11.04.16

DRP-II/AR/MF



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

### Appeal No. NEPRA/Appeal-132/POI-2015

Brothers Roller Flour & General Mills

.....Appellant

Versus

Gujranwala Electric Power Company Limited

.....Respondent

For the appellant:

Mr. Muhammad Azam Khokar Advocate

For the respondent:

Mr. Saeed Ahmed Bhatti Advocate

Mr. Muhammad Iqbal Cheema SDO

## DECISION

1. This decision shall dispose of an appeal filed by Brothers Roller Flour and General Mills against the decision dated 26.11.2015 of the Provincial Office of Inspection/ Electric Inspector Gujranwala Region, Gujranwala (hereinafter referred to as POI) under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electricity Power Act 1997 (hereinafter referred to as the Act).
2. Brief facts of the case are that the appellant is an industrial consumer of GEPCO bearing consumer Ref. No. 28-12234-0655202 with a sanctioned load of 482 kW and governed under tariff B-2(b). Electricity meter of the appellant was checked by Metering and Testing Department (M&T) GEPCO on 30.02.2015 and discovered to be 66.66% slow due to yellow



## National Electric Power Regulatory Authority

and red phases being dead. After issuing notice dated 17.02.2015, detection bill of Rs. 1,056,929/- was charged to the appellant in February 2015 with multiplication factor (MF) enhanced from 160 to 480 due to 66.66% slowness of the meter. The detection bill was challenged before POI by the appellant vide its application dated 20.03.2015. The appellant again received a detection bill of Rs. 1,040,148/- added to in the bill of March 2015 which was challenged before POI vide application dated 22.04.2015. During pendency of both the applications, the appellant received another detection bill of Rs. 2,714,021/- @ 33.33% slowness for the period September 2014 to December 2014 and @ 66.66% slowness for the month April 2015 which was also challenged by the appellant vide application dated 14.05.2015. The impugned meter was checked by POI on 16.04.2015 in presence of both the parties and found to be 66.66% slow due to red and yellow phases being dead. On the direction of POI, a check meter was installed in series with the defective impugned meter on 14.05.2015 and billing was shifted on the check meter w.e.f 22.05.2015.

3. All the three above mentioned applications of the appellant were disposed of by POI vide its single decision dated 26.11.2015 with the following conclusion:

*"Summing up the aforesaid discussion, it is held that the impugned meter was correct till month August 2014 and it became 33.33% slow with effect from September 2014 to December 2014 and 66.66% slow with effect from January 2015 to onward till shifting of billing on the check meter installed on 22.05.2015; therefore, the impugned slowness and the detection bill charged by the respondent are correct, justified and legal and the petitioner is liable to pay the same. The check meter is declared as billing meter since its installation."*

4. Being aggrieved with the decision dated 26.11.2015 of POI (hereinafter referred to as the impugned decision, the appellant has filed the instant appeal. The appellant in its appeal inter alia, contended that the detection bill for 13,083 units/671 kW @ 33.33% slowness for the retrospective period of September 2014 to December 2014 was not justified and the



## National Electric Power Regulatory Authority

appellant is not liable to pay the same. The appellant prayed that the impugned decision may be set aside and the appeal may be accepted.

5. In response to the notice of above appeal GEPCO the respondent, filed its reply/parawise comments on 28.03.2016. GEPCO stated that meter of the appellant was confirmed to be 66.66 % slow w.e.f January 2015 and 33.33 % slowness during the period September 2014 to December 2014 was established from the consumption data of the appellant. According to GEPCO, the detection bills charged @ 33.33 % slowness from September 2014 to December 2014 and @ 66.66 % slowness (with MF enhanced from 160 to 480) from January 2015 till shifting of the billing on check meter on 22.05.2015 were justified and the appellant is liable to pay the same. GEPCO averred that the impugned decision is quite legal, valid, justified and liable to be maintained.
6. After issuing notice to both the parties, hearing of the appeal was conducted at Lahore on 28.03.2016 in which representatives of both the parties participated. Mr. Muhammad Azam Khokar Advocate, the counsel for the appellant repeated the same arguments as given in the appeal and contended that the detection bills for January 2015, February 2015 and March 2015 was charged with MF raised from 160 to 480 (due to 66.66% slowness) and the detection bill charged from September 2014 to December 2014 charged due to 33.33% slowness were challenged by the appellant before POI. According to the learned counsel for the appellant, no retrospective bills could be charged pursuant to clause 4.4(e) of Consumer Service Manual (CSM) and therefore detection bills charged for the period September 2014 to December 2015 were not justified and liable to be cancelled. In this regard reliance was placed on the NEPRA Appellate Board order dated 08.02.2015 issued in NEPRA/Appeal-086/POI-2014. Mr. Saeed Ahmed Bhatti Advocate learned counsel for the respondent GEPCO rebutted the arguments of the appellant and averred that facts were actually different from those stated by the appellant. According to the learned counsel for GEPCO, on checking dated 03.02.2015, 66.66% slowness of the meter was observed and notice for this discrepancy was issued to the appellant. Learned counsel for GEPCO pleaded



## National Electric Power Regulatory Authority

that on request of the appellant, the consumption data of the meter was downloaded in the presence of appellant on 17.02.2015 which displayed that the meter remained 33.33% slow from September 2014 till December 2014. A copy of the downloaded data was submitted by GEPCO in support of its contention. GEPCO clarified that the failure of two phases could not be detected earlier in the routine monthly meter reading as there was no phase indication in the defective meter. Defending the impugned decision, learned counsel for GEPCO contended that as per section 26(6) of Electricity Act 1910, Electric Inspector is empowered to assess quantum and period of slowness of the meter, therefore the detection bill charged due to 33.33% slowness of the meter for the period September 2014 to December 2014 is justified and the appellant is liable to pay the same. In this regard the Appellate Board order dated 13.10.2014 rendered in the NEPRA/Appeal-040/POI-2013 was cited.

7. We have heard the arguments of both the parties and examined the record placed before us. Following are the observations:
  - i. Detection bill due to 33.33% slowness of impugned electricity meter charged to the appellant by GEPCO for the period September 2014 to December 2014 has been challenged in the instant appeal.
  - ii. Pursuant to clause 4.4(e) of CSM, maximum period for billing is limited to two billing cycles for a slow/defective meter. Since the meter was checked and found defective in February 2015, the appellant is liable to be charged the detection bill for the months of December 2014 and January 2015. Therefore the impugned decision for charging detection bill @ 33.33% slowness from September 2014 to December 2014 is not justified and liable to be struck down.
8. In view of above discussions it is concluded that:
  - i. Detection bill charged due to 33.33% slowness of the meter from September 2014 to December 2014 is not justified and the respondent is not liable to pay the same. The appellant is liable to pay a detection bill @ 33.33% slowness for the month December 2014. The impugned decision is modified to this extent.



## National Electric Power Regulatory Authority

- ii. The appellant is liable to pay @ 66.66% slowness w.e.f January 2015 and onwards till shifting of billing on the check meter on 22.05.2015. The impugned decision to this extent is upheld.
9. The appeal is disposed of in the above terms.

Muhammad Qamar-uz-Zaman  
Member

Nadir Ali Khoso  
Convener

Muhammad Shafique  
Member

Date: 06.04.2016