



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

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No. NEPRA/AB/Appcal-045/POI-2016/ 1422 - 1426 November 11, 2016

1. Amir Razzaq,  
S/o Muhammad Razzaq,  
Near Disposal, Behari Colony,  
Kacha Eminabad, Gujranwala
2. Chief Executive Officer  
GEPCO Ltd,  
Head Office, 565-A,  
Model Town, G.T. Road,  
Gujranwala
3. Saeed Ahmed Bhatti,  
Advocate High Court,  
2<sup>nd</sup> Floor, Akram Mansion,  
Neela Gumbad, Lahore
4. Sub Divisional Officer,  
GEPCO Ltd,  
Wahdat Colony Sub Division,  
G.T. Road, Gujranwala
5. Electric Inspector,  
Gujranwala Region,  
Govt. of Punjab,  
Munir Chowk, Near Kachheri Road,  
Gujranwala

Subject: **Appeal Titled GEPCO Vs. Amir Razzaq Against the Decision Dated 27.01.2016 of the Electric Inspector/POI to Government of the Punjab Gujranwala Region, Gujranwala**

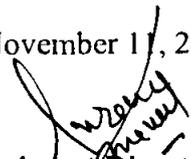
Please find enclosed herewith the Decision of the Appellate Board dated 10.11.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

No. NEPRA/AB/Appcal-045/POI-2016/ 1427  
Forwarded for information please.

(Ikram Shakeel)

November 11, 2016

  
Assistant Director  
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Member (CA)



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-045/POI-2016

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Amir Razzaq S/o Muhammad Razzaq, Near Disposal,  
Behari Colony, Kacha Eminabad, Gujranwala

.....Respondent

For the appellant:

Mr. Saced Ahmed Bhatti Advocate  
Mian Abdul Qayyum SDO

For the respondent:

Nemo

## DECISION

1. Through this decision, an appeal filed by Gujranwala Electric Power Company Limited (hereinafter referred to as GEPCO) against the decision dated 27.01.2016 of 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 Electric Power Act 1997 (hereinafter referred to as the NEPRA Act 1997) is being disposed of. As per facts of the case, the respondent is an industrial consumer of GEPCO bearing Ref No. 27-12124-0190700 with a sanctioned load of 8 kW under B-1b tariff. The electricity meter of the respondent was checked by Metering and Testing (M&T) GEPCO on 14.11.2014 and reportedly the meter was found 33.33% slow due to one (red) phase dead. Defective meter of the respondent was replaced by GEPCO vide MCO dated 11.12.2014 and a detection bill of Rs. 138,280/- for 7,769 units for the months October 2014 and November 2014 was debited to the respondent in December 2014 to account for the loss of energy due to 33.33% slowness of the meter. Said action of GEPCO was challenged by the consumer before the POI with the





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contentions that his meter was functioning correctly and as such detection bill charged for October 2014 and November 2014 due to alleged 33.33% slowness was not justified and he is not liable to pay the same. The complaint so filed was decided by POI while holding that the impugned meter was correct and the impugned detection bill of Rs. 138,280/- charged by respondents in the bill of 12/2014 for the month of 10/2014 and 11/2014 is void, unjustified and of no legal effect. Hence this appeal filed by GEPCO.

2. As per the memorandum of appeal, GEPCO contended that the meter of the respondent was found 33% slow with one phase dead during M&T checking dated 14.11.2014. According to GEPCO, the detection bill amounting to Rs. 138,280/- for 7,769 units for the period October 2014 to November 2014 (2 months) charged to the respondent in December 2014 on the basis of 33.33% slowness of the meter was legal, valid, justified and the same is payable by the respondent. GEPCO further submitted that the determination of POI in the impugned decision is unlawful, illegal, void, without jurisdiction and liable to be set aside. As per GEPCO, the application was moved by the respondent on 02.01.2015 which was decided by POI on 27.01.2016 much after expiry of the statutory period of 90 days as envisaged under section 26(6) of the Electricity Act 1910, which has rendered the decision as null, void.
3. Notice of the appeal was issued to the respondent for filing reply/parawise comments which however were not filed. After issuing notice to both the parties, hearing of the appeal was held at the NEPRA's Regional Office at Lahore on 07.10.2016 in which Mr. Saeed Ahmed Bhatti Advocate along with Mian Abdul Qayyum SDO appeared on behalf of the appellant GEPCO, however, no one entered appearance on behalf of respondent. Learned counsel for GEPCO reiterated the same arguments as given in memo of the appeal and contended that the metering equipment of the respondent was checked by M&T GEPCO on 14.11.2014 and found 33.33% slow. As per learned counsel for GEPCO, the respondent was charged a detection bill of Rs.138,280/- for 7,769 units for the months October 2014 and November 2014 (2 months) in December 2014 in order to recover the revenue loss sustained by GEPCO due to 33.33% slowness of the meter.
4. Arguments heard and record perused. There may be no denial of the fact that the respondent's electricity meter was checked by M&T GEPCO on 14.11.2014 and reportedly 33.33% slowness of the meter was noticed with one phase (red) dead stop. A detection bill of Rs.



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138,280/- for 7,769 units for the period October 2014 to November 2014 (2 months) charged to the respondent in December 2014 on the basis of 33.33% slowness of the meter was assailed by the respondent before POI vide his application dated 31.12.2014. A Comparison of the consumption between disputed and undisputed periods as per data provided by GEPCO is tabulated below:

Period	Normal Mode Average Units/Month	Detection Mode Average Units/Month
<b>Corresponding months of previous year</b> October 2013 to November 2013 (2 months)	2,779	-
<b>Disputed period</b> October 2014 to November 2014 (2 months)	7,771	11,655
<b>Corresponding months of subsequent year</b> October 2015 to November 2015 (2 months)	5,334	-

From the above table, it is analyzed that the detection units charged @ 11,655/month during the disputed period i.e. October 2014 to November 2014 are considerably higher than the consumption of 2,779 units/month and 5,334 units/month recorded during the undisputed periods before and after the dispute respectively. Moreover the consumption of electricity @ 7,771 units/month recorded in normal mode during the dispute period is even higher than the consumption of 2,779 units/month and 5,334 units/month recorded in normal mode during the relevant undisputed periods before and after dispute respectively, which established that the meter was working correctly and the respondent was charged by GEPCO as per actual meter reading. Moreover GEPCO failed to provide any document to substantiate their stance that the meter became defective with 33% slowness in November 2014. Under these circumstances, charging of the detection bill amounting to Rs.138,280/- for 7,769 units for the period October 2014 to November 2014 (2 months) to the respondent in December 2014 on 33.33% slowness basis has no justification and hence liable to be declared null and void as determined in the impugned decision.

i. Admittedly the application moved by the respondent was disposed of by POI vide the impugned decision dated 27.01.2016 much after the expiry of 90 days as pointed out by GEPCO, but it is relevant to mention that the matter was adjudicated by POI under section 38 of the NEPRA Act 1997 (not as Electric Inspector under section 26(6) of Electricity Act 1910)





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which does not impose any restriction of time upon POI for deciding the matter. There is no force in the objection of GEPCO, hence their plea in this regard is dismissed.

5. For the foregoing reasons, the appeal is dismissed.

Muhammad Qamar-uz-Zaman  
Member

Nadir Ali Khoso  
Convener

Muhammad Shafique  
Member

Date: 10.11.2016

