



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

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No. NEPRA/AB/Appeal-049/POI-2016/ 1520-1524

November 25, 2016

1. Waseem Yousaf,  
S/o Muhammad Afzal,  
R/o Aminpur Kalan,  
P.O. Aminpur khurd,  
Tehsil Wazirabad, District Gujranwala  
(Connection at Rakh Kikranwali,  
Tehsil & District Gujranwala)
2. Chief Executive Officer  
GEPSCO 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,  
GEPSCO Ltd,  
Chaman Shah Sub Division,  
Gujranwala
5. Electric Inspector,  
Gujranwala Region,  
Govt. of Punjab,  
Munir Chowk, Near Kacheri Road,  
Gujranwala

Subject: Appeal Titled GEPSCO Vs. Waseem Yousaf 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 24.11.2016, regarding the subject matter, for information and necessary action accordingly.

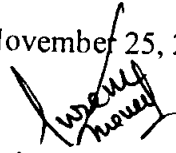
Encl: As Above

No. NEPRA/AB/Appeal-049/POI-2016/ 1525

Forwarded for information please.

(Ikram Shakeel)

November 25, 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-049/POI-2016

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Waseem Yousaf s/o Muhammad Afzal, R/o Aminpur Kalan,  
P.O. Aminpur Khurd, Tehsil Wazirabad, District Gujranwala (Connection  
at Rakh Kikranwali, Tehsil & Gujranwala

.....Respondent

For the appellant:

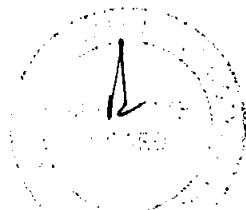
Mr. Saeed Ahmed Bhatti Advocate  
Mr. Qaiser Farooq SDO

For the respondent:

Nemo

## DECISION

1. This decision shall dispose of 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).
2. As per facts of the case, the respondent is an industrial consumer of GEPCO bearing Ref No. 27-12126-1176902U with a sanctioned load of 7kW under B-1b tariff. Electricity meter of the respondent was checked by Metering and Testing (M&T) GEPCO on 06.06.2013 and reportedly the meter was found defective with display error. Defective meter (first meter) was sent to M&T, whereby it was declared dead stop with display error for the period 30.03.2013 to 06.06.2013 vide M&T report dated 10.06.2013. First meter was removed from the premises of the respondent on 22.06.2013 and new healthy meter (second meter) was installed by GEPCO on





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25.06.2013, which was also removed from site of the respondent on 02.07.2013 due to non-payment of bills. Bill of Rs. 64,160/- for 5,489 units was charged to the respondent by GEPCO for June 2013 as per consumption /reading of the second meter.

3. Being aggrieved with the aforesaid bill, the respondent filed first petition dated 08.07.2013 before POI and challenged the bill amounting to Rs. 64,160/- for 5,489 units charged by GEPCO for June 2013. During the pendency of case before POI, a detection bill of Rs. 67,674/- for 5,475 units was also charged by GEPCO to the respondent for April 2013 on the basis of 30% load factor. The respondent also assailed the detection bill of Rs. 67,674/- for April 2013 before POI vide second petition dated 30.09.2013. POI disposed of the matter vide its decision dated 27.01.2016, the operative portion of which is reproduced below:

*"For the reasons what has been discussed above, it is held that the impugned detection bill for 5475 units charged for 04/2013 amounting to Rs.67,476/- and impugned consumption of 5489 units charged for 06/2013 for Rs.64,160/- are void, unjustified and of no legal effect, therefore the petitioner is not liable to pay the same. The respondents are directed to withdraw the impugned detection bill for 04/2013 and the impugned bill for 06/2013 and charge revised bill for the said months on the basis of 710 units per month being recorded as healthy consumption in the month of 12/2013. The respondents are directed to overhaul the account of the petitioner and any excess arrears recovered be refunded to the petitioner."*

4. Being dissatisfied with the decision dated 27.01.2016 of POI (hereinafter referred as the impugned decision), GEPCO has filed the instant appeal. In its appeal, GEPCO contended that first meter was found defective with display error during M&T checking dated 06.06.2013 and it was declared dead with display error vide M&T report dated 10.06.2013. According to GEPCO, the detection bill amounting to Rs. 67,674/- for 5,475 units charged to the respondent for April 2013 on the basis of 30% load factor was legal, valid, justified and the same is payable by the respondent. GEPCO further submitted that the bill of Rs. 64,160/- for 5,489 units was charged to the respondent for June 2013 as per consumption of second meter. GEPCO pointed out that the petitions were moved by the respondent on 08.07.2013 and 30.09.2013, which were 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, hence the impugned decision is liable to be set aside being void ab-initio, without lawful authority and without jurisdiction.





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5. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which however were not submitted.
6. After issuing notice to both the parties, hearing of the appeal was held at Lahore on 07.11.2016 in which Mr. Saeed Ahmed Bhatti Advocate along with Mr. Qaiser Farooq SDO represented the appellant GEPCO and no one appeared for the respondent. Learned counsel for GEPCO reiterated the same arguments as given in memo of the appeal and contended that first meter of the respondent was checked by M&T GEPCO on 06.06.2013 and its display was found erroneous. As per learned counsel for GEPCO, defective meter was sent to M&T, whereby it was declared dead stop with display error for the period 30.03.2013 to 06.06.2013 vide M&T report dated 10.06.2013. According to learned counsel, new healthy meter (second meter) installed at site on 25.06.2013 was also removed on 02.07.2013 and a bill of Rs. 64,160/- for 5,489 units was charged to the respondent for June 2013 as per consumption recorded by the second meter. Subsequently a detection bill of Rs. 67,674/- for 5,475 units for April 2013 was also charged to the respondent on the basis of 30% load factor in order to recover the revenue loss sustained by GEPCO due to the defective first meter. Learned counsel submitted that both the bills are justified and the respondent is liable to pay the same. According to GEPCO, the impugned decision for cancellation of the aforesaid bills is not based on facts and law and therefore liable to be set aside.
7. Arguments of GEPCO heard and perused the record. It has been observed that:
  - i. Preliminary objection has been raised by GEPCO regarding the illegality of the impugned decision dated 27.01.2016 pronounced by POI after a period of 90 days after its filing. It is clarified that the decision was rendered by the officer as POI under section 38 of the NEPRA Act 1997, which does not impose any restriction of time limit. Objection of GEPCO in this regard is liable to be rejected.
  - ii. Display error was noticed in the first meter by GEPCO during M&T checking dated 06.06.2013, which was later on declared dead stop with display error for the period 30.03.2013 to 06.06.2013 vide M&T report dated 10.06.2013. POI could not check the defective first meter as it was removed by GEPCO on 22.06.2013 and second meter installed on 25.06.2013 was also removed on 02.07.2013. The detection bill of Rs. 67,674/- for 5,475 units for April 2013 and the bill of Rs. 64,160/- for 5,489 units for June 2013 were challenged by the respondent before POI vide applications dated 08.07.2013 and 30.09.2013



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respectively. Consumption data as provided by GEPCO is tabulated below:

Month	Units charged during Year 2012	Units charged during Year 2013	Remarks
April	934	0	Disputed
May	999	65	-
June	4,396	5,489	Disputed
July	4,396	0	-
August	2,554	709	-
September	4,766	0	-
October	4,766	0	-
November	387	0	-
December	756	710	-

Perusal of the above table has revealed that the detection bill of 5,475 units charged for April 2013 due to first meter being defective but such high consumption was not recorded during the corresponding month of previous year i.e. April 2012 and even during the period before dispute i.e. April 2012 to December 2012. Therefore there is no justification for charging the detection bill of Rs. 67,674/- for 5,475 units for April 2013 on the basis of 30% load factor and the respondent is not liable to pay the same as determined in the impugned decision. However the respondent is liable to be charged 934 units for April 2013 as recorded in normal mode during the corresponding month of previous year i.e. April 2012. Impugned decision to this extent is liable to be modified.

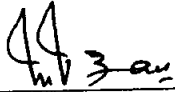
- iii. As regard the bill amounting to Rs. 64,160/- for 5,489 units charged for June 2013 on the basis of consumption of the second meter, we are inclined to agree with the version of the respondent that second meter remained installed at the premises from 25.06.2013 to 02.07.2013 (8 days) and the consumption of 5,489 units shown as recorded by the second meter during 25.06.2013 to 02.07.2013 (8 days) is quite high and never recorded even in a month during the periods before and after dispute, This established that the bill of Rs. 64,160/- for 5,489 units charged to the respondent for June 2013 is illegal, unjustified and therefore liable to be cancelled as determined in the impugned decision. It would be appropriate to charge 4,396 units for June 2013 as recorded in the undisputed corresponding month of last year i.e. June 2012 in normal mode. Impugned decision to this extent is liable to be modified.


8. In view of discussion in preceding paragraphs, we have reached to conclusion that:

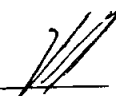


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- i. The objection of GEPCO for pronouncement of impugned decision after 90 days has no force and therefore rejected.
  - ii. Detection bill of Rs. 67,674/- for 5,475 units for April 2013 and the bill of Rs.64,160/- for 5,489 units for June 2013 charged to the respondent are declared null, void and the respondent is not liable to pay the same as determined in the impugned decision.
  - iii. The respondent should be charged 934 units for April 2013 and 4,396 units for June 2013. Impugned decision to this extent stands modified.
9. The appeal is disposed of in above terms.

  
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Muhammad Qamar-uz-Zaman  
Member

  
\_\_\_\_\_  
Nadir Ali Khoso  
Convener

  
\_\_\_\_\_  
Muhammad Shafique  
Member

Date: 24.11.2016

