

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

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No. NEPRA/AB/Appeal-093/POI-2016/ *394-399*

March 21, 2017

- |  |  |
|--|--|
| 1. Amanullah,<br>S/o Muhammad Sabir,<br>R/o Sabir Furniture,<br>Sialkot Road, Gujranwala                                   | 2. The Chief Executive Officer<br>GEPCO Ltd,<br>Head Office, 565-A,<br>Model Town, G.T. Road,<br>Gujranwala    |
| 3. MuhammadKaleem Akber,<br>Advocate High Court,<br>Kalim Law Chambers,<br>Chamber No. 130, District Courts,<br>Gujranwala | 4. Saeed Ahmed Bhatti<br>Advocate High Court,<br>2 <sup>nd</sup> Floor, Akram Mansion,<br>Neela Gumbad, Lahore |
| 5. Sub Divisional Officer,<br>GEPCO Ltd,<br>Civil Lines Sub Division,<br>Gujranwala  | Electric Inspector,<br>Gujranwala Region,<br>Govt. of Punjab,<br>Munir Chowk, Near Kacheri Road,<br>Gujranwala |

Subject: **Appeal Titled Amanullah Vs. GEPCO Against the Decision Dated 24.02.2016 of the Electric Inspector/POI to Government of the Punjab Gujranwala Region, Gujranwala**

Please find enclosed herewith the Decision of the Appellate Board dated 17.03.2017, regarding the subject matter, for information and necessary action accordingly.

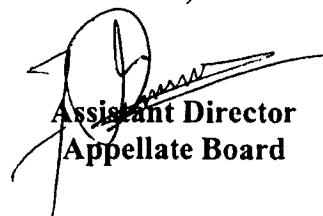
**Encl: As Above**

(Ikram Shakeel)

No. NEPRA/AB/Appeal-093/POI-2016/ *400*

March 21, 2017

Forwarded for information please.

  
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-093/POI-2016

Amanullah S/o Muhammad Sabir  
R/o Sabir Furniture, Sialkot Road, Gujranwala

.....Appellant

Versus

Gujranwala Electric Power Company Limited

.....Respondent

### For the appellant:

Mr. Muhammad Kaleem Akbar Advocate

### For the respondent:

Mr. Saeed Ahmed Bhatti advocate  
Mr. Muhammad Shahbaz LS-II

## DECISION

1. This decision shall dispose of an appeal against the decision dated 24.02.2016 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 appellant is a commercial consumer of GEPCO bearing Ref No. 22-12121-1710400 with a sanctioned load of 11kW under A-2c tariff. Electricity meter of the appellant was checked by Metering and Testing (M&T) GEPCO on 16.06.2015 and reportedly it was found 66.66% slow due to two phases



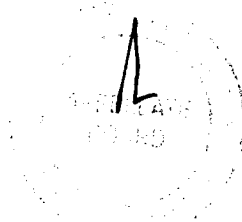


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being dead. A notice dated 18.06.2015 was issued to the appellant by GEPCO regarding the above discrepancy and a detection bill of Rs.46,583/-for 2,828 units for the period January 2015 to June 2015(6 months) was charged to the appellant in July 2015 due to 66.66% slowness of the meter. First check meter was installed and multiplication factor (MF) was also enhanced by GEPCO w.e.f. July 2015 and onwards for future billing.

3. Being aggrieved, the appellant filed first application dated 01.07.2015 before POI and challenged the results of M&T checking dated 16.06.2015. Subsequently the appellant filed second application dated 22.07.2015 before POI and assailed the detection bill of Rs.46,583/- for 2,828 units for the period January 2015 to June 2015 charged in July 2015 due to 66.66% slowness of the meter. POI checked the defective meter in presence of both the parties on 08.12.2015 and 68.66% slowness of the disputed billing meter was observed and the first check meter was also found defective. GEPCO installed the second check meter on 30.12.2015 for future billing. The matter was disposed of by POI vide its decision dated 24.02.2016, the operative portion of which is reproduced below:

*"For the reasons what has been discussed above, it is held that impugned meter was correct till 04/2015 and it became 66.66% slow in the month of 05/2015 onward till the installation of the second check meter on 30.12.2015; therefore the impugned detection bill of 2,818 units charged for 12/2014 to 05/2015 is void, unjustified and of no legal effect and the petitioner is not liable to pay the same. The*



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*respondents are directed to withdraw the impugned detection and charge revised detection on the basis of 66.66% slowness for the period from 05/2015 to 06/2015. For the onward period from 07/2015 to 12/2015 i.e. till the installation of 2<sup>nd</sup> check meter. Multiplying factor has already been increased according to the slowness. Respondents are also directed to shift billing to the installed healthy meter with effect from 30.12.2015 to onward. The respondents are directed to overhaul the account of the petitioner accordingly."*

4. Being dissatisfied with the decision of POI dated 24.02.2016 (hereinafter referred to as the impugned decision), the appellant filed instant appeal with the contentions that the second check meter was installed by GEPCO on 30.12.2015 and it was found 0.39% slow as compared to the disputed billing meter by POI on 18.01.2016 and POI failed to consider this fact and decided the matter on the basis of conjectures, surmises and presumption, which is liable to be set aside. Notice of the appeal was issued to GEPCO for filing the reply/parawise comments, which however were not filed.
5. After issuing notice to both the parties, hearing of the appeal was held at Lahore on 10.02.2017 in which Mr. Muhammad Kalim Akbar Advocate represented the appellant and Mr. Saeed Ahmed Bhatti Advocate appeared for GEPCO. Learned counsel for the appellant contended that checking of the meter dated 16.06.2015 by M&T GEPCO was without participation of the appellant, therefore 66.66% slowness is not reliable. As regards the checking carried out by POI on 18.12.2015, where the meter was declared 68.609% slow, learned counsel for the appellant contended that the same is not



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authentic as POI during subsequent checking dated 18.01.2016 found the same meter accurate. According to the learned counsel for the appellant, the detection bill of Rs.46,583/- for 2,828 units for the period January 2015 to June 2015 charged in July 2015 due to 66.66% slowness of the meter has no justification and the appellant is not liable to pay the same. Conversely, learned counsel for GEPCO rebutted the arguments of the learned counsel for the appellant and contended that 66.66% slowness of the meter observed by M&T GEPCO was also confirmed by POI, therefore the detection bill of Rs.46,583/- for 2,828 units for the period January 2015 to June 2015 (6 months) charged to the appellant is payable by the appellant.

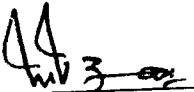
6. We have heard the argument and examined the record placed before us. It has been observed as under:
  - i. The detection bill of Rs.46,583/- for 2,828 units for the period January 2015 to June 2015 charged to the appellant in July 2015 @66.66% slowness of the meter was assailed by the appellant before POI vide his application dated 22.07.2015.
  - ii. 66.66% slowness of the disputed billing meter was observed during M&T checking dated 16.06.2015, which was also confirmed by the POI during the inspection dated 08.12.2015 in presence of both the parties. The appellant did not produce any document in support of its contention that the disputed meter was found accurate in the POI checking dated 18.01.2016 because no such checking is discussed in the impugned decision. It is established that the meter was 66.66% slow and only the period of the detection bill needs to be ascertained.

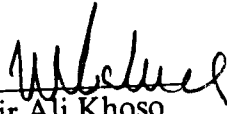



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iii. We are convinced with the findings of POI that the impugned meter was correct till April 2015 and became slow from May 2015 and onwards. Therefore the impugned decision (i) for cancellation of the detection bill of Rs.46,583/- for 2,828 units for the period January 2015 to June 2015 charged to the appellant @ 66.66% slowness and (ii) charging of detection bill @ 66.66 % slowness for the period May 2015 and June 2015 is justified and should be maintained.

7. In view of forgoing reasons, the appeal is dismissed.

  
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Muhammad Qamar-uz-Zaman  
Member

  
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Nadir Ali Khoso  
Convener

  
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Muhammad Shafique  
Member

Dated: 17.03.2017