



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

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No. NEPRA/AB/Appeal-131/POI-2016/1407-1411

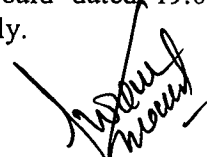
September 20, 2017

1. Muhammad Saleem,  
S/o Muhammad Yameen,  
Opposite Al-Qamar Flour Mills,  
Samanabad, Gujranwala
2. The 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,  
Shaheen Abad Sub Division,  
Gujranwala
5. Electric Inspector,  
Gujranwala Region,  
Govt. of Punjab,  
Munir Chowk, Near Kacheri Road,  
Gujranwala

Subject: Appeal Titled GEPCO Vs. Muhammad Saleem Against the Decision Dated 29.04.2016 of the Electric Inspector/POI to Government of the Punjab Gujranwala Region, Gujranwala

Please find enclosed herewith the Decision of the Appellate Board dated 19.09.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

  
(Ikram Shakeel)

No. NEPRA/AB/Appeal-131/POI-2016/1412

September 20, 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-131/POI-2016

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Muhammad Saleem S/o Muhammad Yameen,  
Opposite Al-Qamar Flour Mills, Samanabad, Gujranwala

.....Respondent

#### For the appellant:

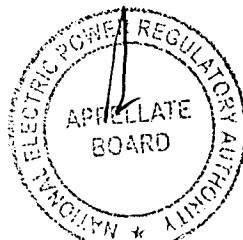
Mr. Saeed Ahmed Bhatti Advocate  
Mr. Waqar Ali Najmi SDO

#### 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 29.04.2016 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.28-12214-1686602 with a sanctioned load of 80 Kw under B-2b tariff. Electricity meter of the respondent was checked by Metering and Testing (M&T) GEPCO



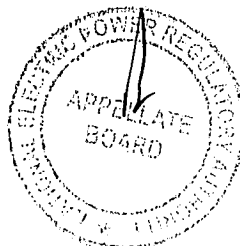


## National Electric Power Regulatory Authority

on 12.05.2014 and reportedly it was found 66.66% slow due to yellow & blue phases being dead. Above discrepancy was communicated to the respondent by GEPCO on 23.05.2014 and the multiplication factor (MF) of the respondent was enhanced from 20 to 60 w.e.f. May 2014 and onwards till the replacement of the defective meter. Later on a detection bill amounting to Rs.989,141/- for (off peak=40,392& peak=7,502) 47,894 units/310.593 kW MDI for the period September 2013 to April 2014 (8 months) was charged to the respondent in September 2014 due to 33.33% slowness of the meter against which Rs.200,000/- were paid by the respondent as down payment and remaining amount of Rs.789,141/- was paid in four equal installments. Defective meter of the respondent was replaced with a new meter by GEPCO in November 2015.

3. The respondent filed an application before POI on 09.04.2015 and challenged the detection bill of Rs.989,141/- and the bills w.e.f. May 2014 and onwards with enhanced MF=60 due to 66.66% slowness of the meter. Metering equipment of the respondent was checked by POI on 29.10.2015 in presence of both the parties and 66.66 % slowness of the disputed meter was confirmed. POI disposed of the matter vide its decision dated 29.04.2016, the operative portion of which is reproduced below:

*"For the reasons what has been discussed above, it is held that the impugned meter was correct till 03/2014 and it became 33.33% slow in the month of 04/2014 and 66.66% slow with effect form 05/2014 and onwards till its replacement in 11/2015 whereas the impugned detection bill of Rs.989,141/- charged for 47894 units/310.53 kW MDI for the period from 09/2013 to 05/2014 is void, unjustified and of no legal*

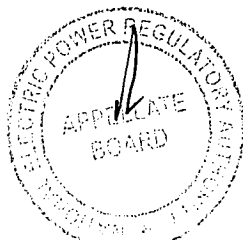




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*effect; therefore the petitioner is not liable to pay the same. The respondents are directed to withdraw the impugned detection bill for the months of 09/2013 to 03/2014 and onward the respondents had recovered 33.33% slowness for 04/2014 and 66.66% slowness with effect from 05/2014 to onwards till replacement of the impugned meter. The respondents are further directed to overhaul the account of the petitioner accordingly."*

4. Being dissatisfied with the decision dated 29.04.2016 of POI (hereinafter referred to as the impugned decision), GEPCO has filed the instant appeal before NEPRA on 14.07.2016. In its appeal, GEPCO raised the preliminary objection regarding the jurisdiction of POI and contended that the application was filed by the respondent on 09.04.2015, whereas the same was decided by POI on 29.04.2016 after the expiry of statutory period of 90 days as stipulated under Section 26(6) of Electricity Act 1910, hence the impugned decision became void and without jurisdiction. GEPCO further contended that electricity meter of the respondent was found 66.66 % slow due to two phases being dead by M&T GEPCO on 12.05.2014, hence MF was raised from 20 to 60 by GEPCO w.e.f May 2014 and onwards. GEPCO submitted that 33.33 % slowness of the defective meter was proved during the period September 2013 to April 2014 as per data retrieval report, therefore a detection bill of Rs.989,141/- for (off peak=40,392 & peak=7,502) 47,894 units/310.593 kW MDI was accordingly charged to the respondent in September 2014@ 33.33% slowness, which is justified and payable by the respondent. GEPCO averred that the respondent made payment of the aforesaid detection bill in installments without raising any dispute. GEPCO pleaded that the





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impugned decision is illegal, unlawful, without jurisdiction and therefore liable to be set aside.

5. Notice of the appeal was issued to the respondent for filing the reply/parawise comments, which however were not filed.
6. After issuing notice to both parties, hearing of the appeal was conducted at NEPRA regional office Lahore on 28.08.2017 in which Mr. Saeed Ahmed Bhatti advocate along with Mr. Waqar Mahmood Najmi SDO represented the appellant GEPCO and no one entered appearance for the respondent. Learned counsel for GEPCO repeated the same arguments as contained memo of the appeal and contended that the meter of the respondent was checked by M&T GEPCO on 12.05.2014 and it was found 66.66 % slow. Learned counsel for GEPCO submitted that the disputed meter of the respondent remained 33.33 % slow for the period September 2013 to April 2014 (8 months) as per data retrieval report, therefore a detection bill of Rs.989,141/- for (off peak=40,392 & peak=7,502) 47,894 units/310.593 kW MDI was charged to the respondent in September 2014 in order to recover the revenue loss sustained by GEPCO due to 33.33% slowness of the meter. Learned counsel for GEPCO stated that the respondent agreed for the payment and accordingly the whole amount of the detection bill was paid in installments without raising any objection.
7. Arguments heard and record perused. The preliminary objection raised by GEPCO regarding the illegality of the impugned decision dated 29.04.2016 pronounced by POI after a period of 90 days after its filing is not tenable as the decision was rendered by the





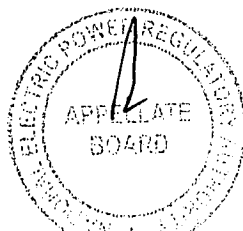
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officer in his capacity as POI under Section 38 of the NEPRA Act 1997, which does not impose any restriction of time limit. The respondent challenged the detection bill of Rs.989,141/- for (off peak=40,392 & peak=7,502) 47,894 units/310.593 kW MDI for the period September 2013 to April 2014 (8 months) charged in September 2014 @ 33.33% slowness and the bills with enhanced MF=60 due to 66.66% slowness of the meter w.e.f. May 2014 and onwards before POI vide an application on 09.04.2015.

8. In order to ascertain the 33.33% slowness of the meter, comparison of the consumption of undisputed and disputed period is made below:

Disputed period			Undisputed period		
Month	Units	MDI	Month	Units	MDI
Sep-2013	6140	80	Sep-2012	12660	109
Oct-2013	10700	81	Oct-2012	12160	123
Nov-2013	13440	76	Nov-2012	19220	122
Dec-2013	10640	74	Dec-2012	15520	116
Jan-2014	10700	79	Jan-2013	17880	119
Feb-2014	12480	76	Feb-2013	11520	118
Mar-2014	20400	79	Mar-2013	13820	119
Apr-2014	11260	80	Apr-2013	11360	119

It is evident from the above table that highest consumption was recorded by the meter in March 2014, which proves that actual consumption was recorded by the meter up-to March 2014. However it declines in April 2014, which confirms 33.33% slowness of the meter in April 2014. Moreover the representative of GEPCO could not explain the retrieved data to establish 33.33% slowness of the meter from September 2013 to April 2014. Therefore we are inclined to agree with the determination of POI that the





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detection bill of Rs.989,141/- for September 2013 to April 2014 (8 months) charged to the respondent by GEPCO due to 33.33% slowness of the meter is unjustified and should be cancelled to this extent. However the respondent should be charged @ 33.33% slowness of the meter for April 2014 only as already determined in the impugned decision.

9. As regards the claim of respondent regarding excessive billing due to enhance of MF = 60 w.e.f May 2014 and onward, it is observed that the meter of the respondent was found 66.66% slow due to two phases dead by GEPCO on 12.05.2014, which was also confirmed by POI during its checking on 29.10.2015. Therefore the bills charged with enhanced MF=60 due to 66.66% slowness of the meter for the period May 2014 and onwards till the replacement of the defective meter are justified and the respondent is liable to pay the same as decided by POI.
10. From what has been discussed above, there are no merits in the appeal which is accordingly dismissed.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Dated: 19.09.2017

