



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

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No. NEPRA/AB/Appeal/096/2018/ 1015-1020

May 10, 2019

1. M/s. Gondal Medical Complex
Through Muhammad Wajid Younas,
S/o. Muhammad Younas,
Its Administrator, Near Munir Chowk,
Civil Lines, Gujranwala
2. Chief Executive Officer
GEPCO Ltd,
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,
Akram Mansion, Neela Gumbad,
Lahore
5. Assistant Manager (Opr),
GEPCO Ltd,
Civil Lines Sub Division,
Gujranwala
6. Electric Inspector,
Gujranwala Region,
Govt. of Punjab,
Munir Chowk, Near Kacheri Road,
Gujranwala

Subject: **Appeal Titled GEPCO Vs. M/s. Gondal Medical Complex Against the Decision Dated 24.01.2018 of the Provincial Office of Inspection to Government of the Punjab Gujranwala Region, Gujranwala**

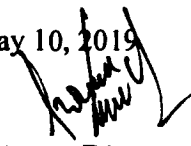
Please find enclosed herewith the decision of the Appellate Board dated 09.05.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

No. NEPRA/AB/Appeal/096/2018/ 1021
Forwarded for information please.

(Ikram Shakeel)

May 10, 2019


Assistant Director
Appellate Board

1. Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 096/2018

Gujranwala Electric Power Company Limited

.....Appellant

Versus

M/s. Gondal Medical Complex, Through Muhammad Wajid Younas
its Administrator, Near Munir Chowk, Civil Lines, Gujranwala

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 24.01.2018 PASSED BY PROVINCIAL
OFFICE OF INSPECTION GUJRANWALA REGION, GUJRANWALA**

For the appellant:

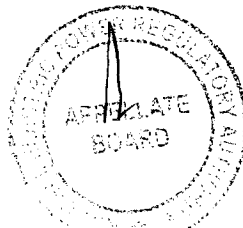
Mr. Mashkoor Haider Kazmi Advocate
Mr. Tariq Mehmood SDO

For the respondent:

Mr. Muhammad Azam Khokhar Advocate

DECISION

1. As per facts of the case, the respondent is a commercial consumer (hospital) of the appellant GEPCO bearing Ref No.28-12121-1839400 with a sanctioned load of 160 kW under A-2c tariff. The electricity meter of the respondent was found 33% slow by metering and testing (M&T) GEPCO on 06.02.2017 due to red phase dead stop. After issuing notice dated 03.03.2017 to the respondent, a detection bill amounting to Rs.560,496/- for 27,048 units/161 kW MDI for the period November 2016 to

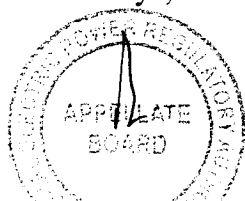




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January 2017 (3 months) was debited to the respondent by GEPCO @ 33% slowness of the meter. Multiplication factor (MF) of the respondent was raised from 80 to 120 due to 33% slowness of the meter by GEPCO w.e.f February 2017 and onwards till the replacement of the slow meter in March 2017.

2. Being aggrieved with the alleged irregular billing, the respondent approached the Provincial Office of Inspection (POI) on 21.06.2017 and challenged the above detection bill and the bill with enhanced MF=120 for February 2017. POI disposed of the matter vide its decision dated 24.01.2018, wherein the detection bill of Rs.560,496/- for 27,048 units/161 kW MDI for the period November 2016 to January 2017 was declared void and GEPCO was allowed to charge 33% slowness of the meter for January 2017 only, whereas the onwards bills with enhanced MF=120 already recovered by GEPCO were declared justified.
3. Being dissatisfied with the decision dated 24.01.2018 of POI (hereinafter referred as the impugned decision), GEPCO has filed the instant appeal, wherein it is contended that the meter of the respondent was found 33% slow on 06.02.2017 and a notice dated 03.03.2017 was issued to the respondent regarding the above discrepancy. According to GEPCO, the detection bill of Rs.560,496/- for 27,048 units/161 kW MDI for the period November 2016 to January 2017, the bills with enhanced MF=120 w.e.f February 2017 and onwards were charged to the respondent to recover the loss sustained due to 33% slowness of the meter. GEPCO termed the above billing as legal, valid, justified and as per Consumer Service Manual (CSM). GEPCO raised the objection for the jurisdiction of POI and stated that the application filed by the respondent on 21.06.2017 was decided by POI on 24.01.2018 much after expiry of the statutory period of 90 days, hence the impugned decision is liable to be

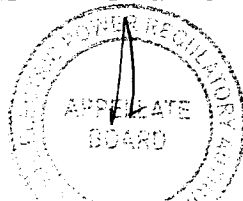




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set aside being void ab-initio, without jurisdiction as envisaged under section 26(6) of the Electricity Act 1910. GEPCO submitted that POI did not consider the facts of the case and declared the detection bill of Rs.560,496/- for 27,048 units/161 kW MDI for the period November 2016 to January 2017 as void and unjustified, hence the impugned decision is liable to be set aside.

4. Notice of the appeal was sent to the respondent for filing reply/para-wise comments, which were filed on 05.04.2019. In his reply, the respondent rebutted the stance of GEPCO and contended that GEPCO is not authorized to charge any detection bill with retrospective effect due to the checking dated 06.02.2017, which is also violative of provisions of CSM. As per respondent, the consumption data proved that the meter was functioning correctly during the disputed period, hence POI had rightly declared the detection bill of Rs.560,496/- for 27,048 units/161 kW MDI for the period November 2016 to January 2017 as unjustified and void.
5. Hearing of the appeal was held at Lahore on 19.04.2019 in which learned counsel along with other officials represented the appellant GEPCO and the respondent was represented by his counsel. Learned counsel for GEPCO reiterated the same arguments as given in memo of the appeal and contended that 33% slowness was observed in the meter by GEPCO on 06.02.2017 and the detection bill of Rs.560,496/- for 27,048 units/161 kW MDI for the period November 2016 to January 2017 was charged as per dip observed in the consumption data of the respondent. As per learned counsel for GEPCO, the above detection bill is justified and payable by the respondent. Conversely, learned counsel for the respondent pleaded that the analysis of POI was correct and the impugned decision is liable





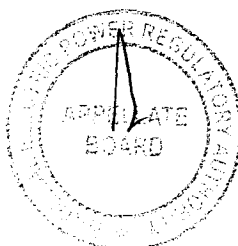
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to be maintained.

6. Arguments heard and the record perused. As regards the preliminary objection of GEPCO regarding the failure of POI in deciding the matter within 90 days u/s 26(6) of Electricity Act, 1910, it may be noted that the said restriction of the time limit is inapplicable for the POI established under Section 38 of NEPRA Act, 1997. Reliance in this regard is placed on the Lahore High Court judgments cited as PLJ 2017-Lahore-627 and PLJ-2017-Lahore-309. As such the objection of GEPCO in this regard carries no weight, hence rejected.

The respondent assailed before POI (i) the detection bill of Rs.560,496/- for 27,048 units/161 kW MDI for the period November 2016 to January 2017 and (ii) the bills with enhanced MF=120w.e.f February 2017 and onwards till replacement of the meter. Pursuant to clause 4.4(e) of CSM, in case of a slow meter, the consumer is liable to be charged the detection bill maximum for two months, whereas in the instant case, the respondent was charged the detection bill for three months in violation of ibid clause of CSM. Hence charging the detection bill of Rs.560,496/- for 27,048 units/161 kW MDI for the period November 2016 to January 2017 by GEPCO is unjustified and POI has rightly declared the same as null and void.

Since 33% slowness of the meter was observed by GEPCO on 06.02.2017, hence the detection bill for December 2016 to January 2017 is chargeable, if justified. Consumption data in this regard is placed below:





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Undisputed		Disputed	
Month	Units	Month	Units
Dec-15	12,640	Dec-16	20,400
Jan-16	13,520	Jan-17	12,800

Above table indicates that the consumption recorded during the disputed month December 2016 is higher as compared to the consumption of December 2015, however, it declined considerably in January 2017 and is also lower than January 2016, which proves that the meter became 33% slow in January 2017. Hence, determination of POI for revision of the detection bill for January 2017 @ 33% slowness of the meter is correct.

Pursuant to clause 4.4(c) of CSM, in case of slow meter, the consumer may be charged the electricity bill with enhanced MF till the replacement of slow meter, hence the respondent is obligated to pay the electricity bills with enhanced MF=120 due to 33% slowness of the meter w.e.f February 2017 and onwards till MCO as already decided by POI.

7. In view of what has been stated above, the impugned decision of POI is upheld and the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Dated: 09.05.2019

