



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

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No. NEPRA/AB/Appeal/107/2018/ 1156-1161

May 27, 2019

1. Muhammad Arshad Ahmed
S/o. Khushal Ahmed,
R/o. Gali No. 1, Gulistan Colony,
Nowshera Road, 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. Sub Divisional Officer (Opr),
GEPCO Ltd,
G. T. Road Sub Division,
Gujranwala
6. Electric Inspector,
Gujranwala Region,
Govt. of Punjab,
Munir Chowk, Near Kacheri Road,
Gujranwala

Subject: Appeal Titled GEPCO Vs. Muhammad Arshad Ahmed Against the Decision Dated 28.02.2018 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 16.05.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal/107/2018/ 1162

Forwarded for information please.

(Ikram Shakeel)

May 27, 2019

Assistant Director
Appellate Board

✓ 1. Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 107/2018

Gujranwala Electric Power Company LimitedAppellant

Versus

Muhammad Arshad Ahmed S/o Khushal Ahmed R/o Gali No.1,
Gulistan Colony, Nowshera Road, GujranwalaRespondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 28.02.2018 PASSED BY PROVINCIAL OFFICE OF INSPECTION GUJRANWALA REGION, GUJRANWALA

For the appellant:

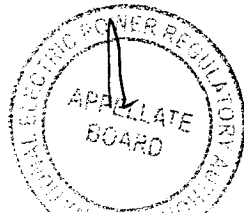
Mr. Saeed Ahmed Bhatti Advocate
Mr. Muazzam Ali SDO

For the respondent:

In person

DECISION

1. As per facts of the case, the respondent is an industrial consumer of Gujranwala Electric Power Company (GEPCO) bearing Ref No.24-12125-2013400 with a sanctioned load of 7 kW under B-2b (09) tariff. The electricity meter of the respondent was replaced being defective with a new meter by GEPCO vide meter change order (MCO) dated 30.11.2016. Subsequently, the removed meter was declared 50% slow vide metering and testing (M&T) GEPCO report dated 30.12.2016 and consequently detection bill amounting to Rs.497,933/- for 28,906 units for the period February 2016 to

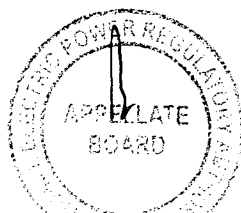




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November 2016 (10 months) was debited to the respondent by GEPCO @ 50% slowness of the removed meter and added in the bill for February 2017.

2. Being aggrieved with the above-mentioned detection bill, the respondent initially filed a civil suit before the Civil Court Gujranwala, which was dismissed as withdrawn. Later on, the respondent approached the Provincial Office of Inspection (POI) on 28.02.2017 and challenged the detection bill of Rs.497,933/-. On the direction of POI, the respondent deposited an amount of Rs.165,978/- being 1/3rd of the disputed detection bill. POI disposed of the matter vide its decision dated 28.02.2018, wherein the detection bill of Rs.497,933/- for 28,906 units for the period February 2016 to November 2016 was declared null and void and GEPCO was allowed to charge net 8,584 units for the disputed period February 2016 to November 2016 on the basis of corresponding consumption of the year 2015.
3. Being dissatisfied with the decision dated 28.02.2018 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 50% slow on 30.12.2016 and a notice dated 02.01.2017 was issued to the respondent regarding the said discrepancy. According to GEPCO, the detection bill of Rs.497,933/- for 28,906 units for the period February 2016 to November 2016 (10 months) was charged to the respondent to recover the loss sustained due to 50% slowness of the meter. GEPCO termed the impugned billing as legal, valid, justified and as per Consumer Service Manual (CSM). An objection as to non-decision of the complaint by the POI within 90 days was also raised by GEPCO. It

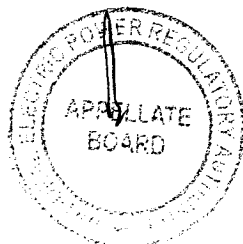




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was further submitted that POI did not consider the facts of the case and declared the detection bill of Rs.497,933/- for 28,906 units for the period February 2016 to November 2016 as void and unjustified, hence the impugned decision is liable to be set aside.

4. Notice of the appeal was sent to the respondent for filing reply/para-wise comments, which however were not filed.
5. Hearing of the appeal was held at Lahore on 03.05.2019 in which learned counsel along with other officials represented the appellant GEPCO and the respondent appeared in person. Learned counsel for GEPCO reiterated the same arguments as given in memo of the appeal and contended that 50% slowness was observed in the removed meter by M&T GEPCO on 30.12.2016 and the detection bill of Rs.497,933/- for 28,906 units for the period February 2016 to November 2016 was charged to the respondent. As per learned counsel for GEPCO, the above detection bill is justified and payable by the respondent. Conversely, the respondent informed that GEPCO failed to point slowness in the meter prior to the alleged checking, hence the above detection bill is unjustified. The respondent supported the impugned decision and prayed for upholding the same.
6. Arguments heard and record perused. 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 is without any legal basis for the reasons that restriction of the timelimit is inapplicable for the POI established under Section 38 of NEPRA Act, 1997. Reliance in





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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. As regards merits of the case, a detection bill of Rs.497,933/- for 28,906 units for the period, February 2016 to November 2016 charged @ 50% slowness of the removed meter which was observed in the removed meter by M&T GEPCO on 30.12.2016 but neither the respondent was associated during meter checking nor the removed meter was produced before POI to ascertain the quantum of slowness. GEPCO even failed to install the check meter in series with the disputed meter to ascertain its accuracy as per provisions of the Consumer Service Manual (CSM). In addition, GEPCO did not point out any discrepancy in the removed meter during monthly readings. Under these circumstances, we are inclined to agree with the determination of POI that the detection bill of Rs.497,933/- for 28,906 units for the period February 2016 to November 2016 (10 months) charged @ 50% slowness of the meter is unjustified and should be cancelled. The respondent is obligated to pay 8,584 units for the period February 2016 to November 2016 as already calculated by POI.

7. For the foregoing reasons, the appeal is without any merits and is dismissed.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 16.05.2019

