



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

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No. NEPRA/AB/Appeal/094/2019/ 974 - 978

October 28, 2020

1. Zeeshan Ahmed
S/o. Muhammad Ajmal Khan,
R/o. People's Colony, Gujranwala,
(Connection at Nabi Pura, Katcha Emanabad
Road, Gujranwala)
2. Chief Executive Officer
GEPCO Ltd,
565-A, Model Town,
G. T. Road, Gujranwala
3. Saeed Ahmed Bhatti
Advocate High Court,
66-Khyber Block, Allama Iqbal Town,
Lahore
4. Sub Divisional Officer (Opr).
GEPCO Ltd,
Peoples Colony Sub Division,
Gujranwala
5. Electric Inspector,
Gujranwala Region,
Govt. of Punjab,
Munir Chowk, Near Kacheri Road,
Gujranwala

Subject: Appeal Titled GEPCO Vs. Zeeshan Ahmed Against the Decision Dated 26.12.2018 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 27.10.2020, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakel)
Assistant Director
Appellate Board

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 094/2019

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Zeeshan Ahmed S/o Muhammad Amjad Khan R/o People's Colony,
Gujranwala, Connection at Nabi Pura, Katcha Emanabad Road,
Gujranwala

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 26.12.2018 PASSED BY PROVINCIAL
OFFICE OF INSPECTION GUJRANWALA REGION, GUJRANWALA**

For the appellant:

Mr. Saeed Ahmed Bhatti Advocate
Mr. Muazzam Ali SDO

For the respondent:

Nemo

DECISION

1. As per facts of the case, the respondent is an industrial consumer of Gujranwala Electric Power Company Limited (GEPCO) bearing RefNo.214-12124-0595300 with a sanctioned load of 19 kW under the B-1(b) tariff. Defective meter of the respondent was replaced with a new meter by GEPCO vide meter change order (MCO) dated 09.11.2017 and sent to the metering and testing (M&T) GEPCO laboratory, wherein 66.66% slowness was observed due to the two dead phases. Resultantly, a detection bill of Rs.203,655/- for 11,127 units for the period July 2016 to October 2017 (16 months) was debited to the respondent by GEPCO @ 66.66% slowness of the meter and added in the bill for January 2018.



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2. Being aggrieved, the respondent approached the Provincial Office of Inspection (POI) on 31.01.2018 and challenged the above detection bill. POI disposed of the matter vide its decision dated 26.12.2018, wherein the detection bill of Rs.203,655/- for 11,127 units for the period July 2016 to October 2017 was declared as void and GEPCO was allowed to recover 66.66% slowness of the meter from the respondent w.e.f July 2017 and onwards till November 2017 i.e. replacement of the defective meter.
3. Being dissatisfied with the decision dated 26.12.2018 of POI (hereinafter referred to as the impugned decision), GEPCO has filed the instant appeal, wherein it is contended that the meter of the respondent was found 66.66% slow during M&T GEPCO checking, hence the detection bill of Rs.203,655/- for 11,127 units for the period July 2016 to October 2017 was charged to the respondent to recover the loss sustained due to 66.66% slowness of the meter. GEPCO termed the above detection bill as legal, valid and justified and payable by the respondent. GEPCO objected to the jurisdiction of POI and stated that the application filed by the respondent on 31.01.2018 was decided by POI on 26.12.2018 much after the expiry of the statutory period of 90 days, hence the impugned decision is liable to be 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.203,655/- for 11,127 units for the period July 2016 to October 2017 as void, 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.



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which though were not filed on 21.10.2019.

5. Hearing of the appeal was held at NEPRA Regional Office Lahore on 02.10.2020 in which learned counsel along with GEPCO official represented the appellant but no one made an appearance for the respondent. Learned counsel for GEPCO reiterated the same arguments as given in memo of the appeal and contended that 66.66% slowness was observed in the meter during M&T GEPCO checking and the detection bill of Rs.203,655/- for 11,127 units for the period July 2016 to October 2017 was charged to the respondent @ 66.66% slowness of the meter. As per learned counsel for GEPCO, the above detection bill is justified and payable by the respondent as per dip observed in the consumption data of the respondent.
6. Arguments were heard and the record was perused. It is observed as under:
 - i. As regards the preliminary objection of GEPCO regarding the failure of POI in deciding the matter within 90 days u/s 26(6) of the 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.
 - ii. The respondent assailed before POI the detection bill of Rs.203,655/- for 11,127 units for the period July 2016 to October 2017 (16 months) charged by GEPCO @ 66.66% slowness of the meter. However, GEPCO neither associated the



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respondent during M&T checking nor produced the disputed billing meter before POI to determine the quantum of slowness. Hence the only remedy remains with this forum is the examination of the consumption data as tabulated below:

Consumption data

Period before dispute		Disputed period		Period after dispute	
Month	Units	Month	Units	Months	Units
Jul-15	1989	Jul-16	164	Nov-17	879
Aug-15	2332	Aug-16	503	Dec-17	1145
Sep-15	201	Sep-16	418	Jan-18	1197
Oct-15	865	Oct-16	333	Feb-18	925
Nov-15	1517	Nov-16	311	Mar-18	831
Dec-15	957	Dec-16	224		
Jan-16	1310	Jan-17	233		
Feb-16	2134	Feb-17	362		
Mar-16	1222	Mar-17	306		
Apr-16	1900	Apr-17	337		
May-16	612	May-17	182		
Jun-16	1572	Jun-17	846		
		Jul-17	97		
		Aug-17	417		
		Sep-17	359		
		Oct-17	471		
Average	1384	Average	348	Average	995

The above comparison of consumption data manifests that the disputed meter of the respondent recorded less consumption during the period July 2016 to October 2017 as compared to the consumption of the periods before and after the dispute. However, GEPCO is not authorized to penalize the respondent by imposing a detection bill for sixteen months in case of a slow meter. GEPCO even did not provide any evidence that the discrepancy of slowness was observed in the meter during the monthly readings prior to the checking dated 16.10.2017. Under these circumstances, the detection bill of Rs.203,655/- for 11,127 units for the period



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July 2016 to October 2017 charged by GEPCO to the respondent is declared as null and void as already determined in the impugned decision.

iii. It is observed that the billing meter recorded healthy consumption i.e. 846 units in the month of June 2017 and an enormous dip noticed in the consumption during the month of July 2017, which indicates that the meter became slow w.e.f July 2017 and onwards. Hence, we are of the view that the respondent may be charged 66.66% slowness w.e.f July 2017 and onwards till the replacement of the defective meter in November 2017, which is also the determination of POI.

7. In view of the above, the impugned decision is maintained and consequently, the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 27.10.2020

