



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

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No. NEPRA/AB/Appeal/095/2019/ 979-984

October 28, 2020

1. Muhammad Tufail
S/o. Inayat Muhammad,
R/o. Dera Baryaran,
Bashumala Daharanwala,
Tehsil & District Hafizabad
2. Chief Executive Officer
GEPCO Ltd,
565-A, Model Town,
G. T. Road, Gujranwala
3. Mashkoo Haider Kazmi
Advocate High Court,
Juris Mension, Second Floor,
Opposite Family Hospital,
4-Mozang Road, Lahore
4. Muhammad Azam Khokhar
Advocate High Court,
10-Fatima Jinnah Chambers,
Session Courts, Gujranwala
5. Sub Divisional Officer (Opr),
GEPCO Ltd,
Sub Division No. 1,
Hafizabad
6. Electric Inspector,
Gujranwala Region,
Govt. of Punjab,
Munir Chowk. Near Kacheri Road,
Gujranwala

Subject: Appeal Titled GEPCO Vs. Muhammad Tufail Against the Decision Dated 16.01.219 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 Shakeel)
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, National Electric Power Regulatory Authority Islamabad

In the matter of

Appeal No. 095/2019

Gujranwala Electric Power Company LimitedAppellant

Versus

Muhammad Tufail s/o Inayat Muhammad, R/o Dera Baryaran,
Bashmula Daharanwala, Tehsil & District HafizabadRespondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 16.01.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION GUJRANWALA REGION, GUJRANWALA

For the appellant:

Mr. Mashkoor Haider Kazmi Advocate

For the respondent:

Mr. Muhammad Azam Khokhar Advocate

DECISION

1. Briefly speaking, the respondent is an industrial consumer of Gujranwala Electric Power Company Limited (GEPCO) bearing Ref No.24-12241-1580301 with a sanctioned load of 16 kW under the B-1(b) tariff. The billing meter of the respondent was found 25% slow due to the red defective phase by metering and testing (M&T) GEPCO on 15.01.2018. Notice dated 17.01.2018 was served to the respondent regarding the said slowness and a detection bill of Rs.124,002/- for 6,775 units for the period July 2017 to December 2017 (6 months) was debited to the respondent by GEPCO on the basis of consumption of previous year. Multiplication Factor (MF) of the respondent was raised from 1 to 1.33 w.e.f January 2018 and onwards due to the slow meter.



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2. Being aggrieved, the respondent approached the Provincial Office of Inspection (POI) on 19.06.2018 and challenged the above detection bill. Defective meter of the respondent was replaced with a new meter by GEPCO on 03.07.2018. POI disposed of the matter vide its decision dated 16.01.2019, wherein the detection bill of Rs.124,002/- for 6,775 units for the period July 2017 to December 2017 was declared as void and GEPCO was allowed to recover 25% slowness from the respondent w.e.f January 2018 and onwards till the replacement of the defective meter.
3. Being dissatisfied with the decision dated 16.01.2019 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 25% slow during M&T GEPCO checking dated 15.01.2018, hence the detection bill of Rs.124,002/- for 6,775 units for the period July 2017 to December 2017 (6 months) was charged to the respondent to recover the loss sustained due to the said slowness. GEPCO submitted that POI did not consider the facts of the case and declared the detection bill of Rs.124,002/- for 6,775 units for the period July 2017 to December 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, which were filed on 02.10.2019. In the reply, the respondent submitted that the electric supply from one phase of the billing meter was suspended due to the occurrence of flash, which however was rectified by GEPCO in time and the billing was continued on the same meter till December 2017 without any objection on the accuracy of the meter. The respondent further submitted that the M&T GEPCO checked the billing



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meter unilaterally on 15.01.2018 and alleged 25% slowness in the billing meter but no report was provided. As per respondent, the billing meter was functioning correctly till December 2017, hence the detection bill of Rs.124,002/- for 6,775 units for the period July 2017 to December 2017 charged by GEPCO is unjustified and rightly declared so by POI. The respondent supported the impugned decision and prayed for dismissal of the appeal.

5. Hearing of the appeal was held at NEPRA Regional Office Lahore on 02.10.2020 in which both the parties were in attendance. Learned counsel for GEPCO reiterated the same arguments as given in memo of the appeal and termed the detection bill of Rs.124,002/- for 6,775 units for the period July 2017 to December 2017 as justified and payable by the respondent. Conversely, learned counsel for the respondent rebutted the version of GEPCO regarding the charging of above detection bill, defended the impugned decision and prayed for upholding the same.
6. Arguments were heard and the record was perused. The respondent assailed before POI the detection bill of Rs.124,002/- for 6,775 units for the period July 2017 to December 2017 (6 months) charged by GEPCO. However, GEPCO neither associated the respondent during M&T checking dated 15.01.2018 nor produced the disputed billing meter before POI to determine the quantum of slowness. Hence the only option available with this forum is the analysis of the consumption data as tabulated below:



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| Consumption Data | | | | | |
|-----------------------|--------------|-----------------|--------------|----------------------|--------------|
| Period before dispute | | Disputed period | | Period after dispute | |
| Month | Units | Month | Units | Month | Units |
| Jul-16 | 2877 | Jul-17 | 2752 | Jul-18 | 1125 |
| Aug-16 | 3264 | Aug-17 | 4790 | Aug-18 | 4284 |
| Sep-16 | 2700 | Sep-17 | 3333 | Sep-18 | 2540 |
| Oct-16 | 2777 | Oct-17 | 3490 | Oct-18 | 2925 |
| Nov-16 | 3300 | Nov-17 | 2787 | Nov-18 | 2889 |
| Dec-16 | 3668 | Dec-17 | 3174 | Dec-18 | 5835 |
| Total | 18586 | Total | 20326 | Total | 19598 |

As evident from the above table, the consumption recorded during the disputed period July 2017 to December 2017 is higher than the consumption of the corresponding periods of the preceding and succeeding years, which establishes that the billing meter was functioning correctly till December 2017 and it became slow in January 2018. Hence we are inclined to agree with the decision of POI that the detection bill of Rs.124,002/- for 6,775 units for the period July 2017 to December 2017 is void and GEPCO may recover 25% slowness from the respondent w.e.f January 2018 and onwards till the replacement of the defective meter.

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