



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

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No. NEPRA/Appeal/039/POI/2018/ 909


November 22, 2021

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|--|--|
| 1. Mirza Waseem Baig<br>S/o. Mirza Abdul Rauf,<br>R/o. House No. 158, Mohallah Street No. 02,<br>Defence Officer Housing Scheme No. 1,<br>Gujranwala Cantt | 2. Chief Executive Officer<br>GEPCO Ltd,<br>565-A, Model Town,<br>G. T. Road, Gujranwala                     |
| 3. Saeed Ahmed Bhatti<br>Advocate High Court,<br>66-Khyber Block, Allama Iqbal Town,<br>Lahore   | 4. Muhammad Azam Khokhar<br>Advocate High Court,<br>10-Fatima Jinnah Chambers,<br>Session Courts, Gujranwala |
| 5. Sub Divisional Officer (Operation)<br>GEPCO Ltd,<br>Model Town Sub Division,<br>Gujranwala  |  |

Subject: **Decision of the Appellate Board Regarding Review Petition Filed By GEPCO Against the Decision of the Appellate Board Dated 09.01.2019 In The Matter GEPCO Vs. Mirza Waseem Baig**

Please find enclosed herewith the decision of the Appellate Board dated 12.11.2021, regarding the subject matter, for information and necessary action accordingly.

**Encl: As Above**

  
**(Ikram Shakeel)**  
**Deputy Director (M&E)**  
**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

**Review petition filed by GEPCO under the NEPRA Review (Procedure) Regulations, 2009  
against the decision dated 09.01.2019 of NEPRA in the Appeal No.039/POI-2018**

Gujranwala Electric Power Company Limited

..... Petitioner

Versus

Mirza Waseem Baig, S/o Abdul Rauf,  
R/o House No. 158, Mohallah street No. 2,  
Defence officer Housing Scheme No.1 Gujranwala Cantt.

..... Respondent

For the Petitioner:

Mr. Saeed Ahmed Bhatti Advocate  
Ch. Imtiaz Ali XEN  
Mr. M. Asim Assitant

For the Respondent:

Mr. Muhammad Azam Khokhar Advocate

### **DECISION**

1. Through this decision, the review petition filed by the Gujranwala Electric Power Company Limited (hereinafter referred to as the Petitioner) against the decision dated 09.01.2019 of the National Electric Power Regulatory Authority (hereinafter referred to as the NEPRA) is being disposed of.
2. Brief facts of the case are that the billing meter of Mirza Wasim Baig (hereinafter referred to as the Respondent) was checked by the Petitioner on 15.04.2016 and reportedly it was found 33% slow due to the blue phase being dead. Consequently, a detection bill of Rs.1,263,243/- for 76,189 units+388 kW MDI for the period January 2016 to March 2016 three (3) months







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was issued by the Petitioner to the Respondent along with the bill of April 2016 with enhanced Multiplication Factor (MF)=240.

3. Being aggrieved with the above billing of the Petitioner, the Respondent filed an application before the Provincial Office of Inspection Gujranwala Region Gujranwala (hereinafter referred to as the POI) on 06.06.2017, which was disposed of by the POI vide decision dated 20.12.2017.
4. Being dissatisfied with the above-mentioned decision of the POI, the Petitioner filed an appeal before the NEPRA under Section 38 (3) of the NEPRA Act, 1997, which was registered as the Appeal No.039/2018. The Appellate Board vide the decision dated 09.01.2019 disposed of the matter with the following conclusion:

*“From the above discussion, it is concluded as under:*

- a. *Detection bill of Rs. 1,263,243/- for 76,189 units/388 kW for the period January 2016 to March 2016 is set aside. The Respondent may be charged 16,132 units as a detection bill.*
  - b. *The current bill with enhanced MF for April 2016 is justified and the Respondent is responsible to pay the same.*
  - c. *The billing account of the Respondent be revised after making the adjustments amount paid/units charged already during the disputed period. The appeal is disposed of in the above terms.”*
5. The Petitioner filed the Writ Petition No.40420/2019 before the Honorable Lahore High Court Lahore against the NEPRA Appellate Board decision dated 09.01.2019 (hereinafter referred to as the impugned decision), which was disposed of by the Honorable Lahore High Court vide order dated 20.01.2021, the relevant excerpt of the judgement is reproduced below:

*“In the view of matter, this writ petition is disposed of by directing the Petitioner to file an appropriate application with NEPRA for rectification of the calculation error occurring in order dated 09.01.2019.”*







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6. In pursuance of the direction of the Honorable Lahore High Court Lahore, the Petitioner filed a review petition before the NEPRA on 16.03.2021. In the review petition, the Petitioner pointed out that 33% slowness in the metering equipment of the Respondent was admitted by both the POI and NEPRA, however, the NEPRA Appellate Board erred in the determination of the period of 33% slowness of the billing meter of the Respondent. The Petitioner finally prayed for modification of the impugned decision to the extent of revision of the detection bill @ 33% slowness for two (2) months for February 2016 and March 2016.
7. In response to the above review petition, the Respondent filed reply/para-wise comments wherein, the version of the Petitioner was repudiated with the plea that question of mathematical error does not arise as the NEPRA directed the Petitioner to charge 16,132 units for the period February 2016 and March 2016 based on the consumption of January 2015 to March 2015; (1) the POI in its decision dated 20.12.2017 categorically held that the meter under dispute was functioning correctly till March 2016 and it became slow in April 2016; (2) the meter under dispute could not be checked by the POI and NEPRA; (3) the SDO of the Petitioner is under obligation to take monthly readings of the industrial connection having B-2 tariff but he never pointed any discrepancy in the metering equipment prior alleged checking dated 15.04.2016; (4) the NEPRA vide impugned decision already allowed the revision of bills @ 8,066 units/month for the period February 2016 and March 2016, hence the Petitioner is not entitled to any further demand and that the review petition may be dismissed.
8. After issuing notice, the review petition was heard in the NEPRA Regional Office Lahore on 24.09.2021, wherein both the parties were present. Learned counsel for the Petitioner repeated the same contentions as given in the review petition and stated that the impugned decision to the extent of revision of the detection bill for the period February 2016 and March 2016 on the







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basis of the average consumption of January 2015 to March 2015 is not correct. Learned counsel for the Petitioner prayed for revision of the detection bill for the period February 2016 and March 2016 @ 33% slowness of the billing meter of the Respondent. On the contrary, learned counsel for the Respondent opposed the contentions of learned counsel for the Petitioner and argued that the impugned decision is correct, based on merits and the same is liable to be maintained.

9. We have heard the argument of both the parties and examined the record placed before us. Our observations are as under:
- The Petitioner challenged the impugned decision to the extent of revision of the detection bill @ 8,066 units/month for the period February 2016 to March 2016 on the basis of consumption of January 2015 to March 2015 and prayed for modification of the bills for February 2016 and March 2016 @ 33% slowness of the billing meter of the Respondent.
  - Since the billing meter of the Respondent was found defective on 15.04.2016, as such the Respondent is liable to be charged the detection bill maximum for two (2) months as per Clause 4.4 of the Consumer Service Manual (CSM). For analysis, comparison of the consumption of the disputed period with corresponding consumption of the previous year is done below:

Corresponding undisputed months		Disputed months	
A	B	C	D
Month	Units	Month	Units
Jan-15	31,022	Jan-16	59,440
Feb-15	65264	Feb-16	45904
Mar-15	80312	Mar-16	47056

From the above, it is evident that the billing meter of the Respondent recorded actual consumption till January 2016 and became defective w.e.f February 2016 and onwards.







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Therefore, we agree with the contention of the Petitioner that the detection bill is recoverable from the Respondent @ 33% slowness of the billing meter for two (2) months i.e. February 2016 and March 2016. Quantum of the detection bill in this regard is worked out below:

Period: February 2016 and March 2016 (2 months)				
S#	Consumption	Units		kW MDI
A	Total chargeable with 33% slowness	= $\frac{\text{Total already charged}}{(1-0.33)}$	$\frac{92,960}{0.67} = 138,746$	= $\frac{\text{Total already charged}}{(1-0.33)}$ = 528 = 788
B	Total already charged	= 45904+47056	= 92,960	= 275+253 = 528
C	Net chargeable	= A-B = 138,746-92,960	= 45,786	= A-B = 788-528 = 260

10. For the reasons given above, the Petitioner may charge net 45,786 units + 260 kW MDI for the period February 2016 and March 2016 as a detection bill to the Respondent on account of 33% slowness of the billing meter. The billing account of the Respondent may be overhauled accordingly.

11. As a result of the review, the impugned decision stands modified to the above extent.

Abid Hussain  
Member/Advisor (CAD)

Maria Rafique  
Member/ Legal Advisor

Nadir Ali Khoso  
Convener/Senior Advisor (CAD)

Dated: 11.11.2021

