



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

NEPRA Office , Ataturk Avenue (East), G5/1, Islamabad
Tel. No. +92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/AB/Appeal/017/2022/ 436

August 10, 2023

- | | |
|---|---|
| Muhammad Jameel,
S/o. Muhammad Shafi,
Mohallah Siraj Gunj,
Tehsil & District Hafizabad | 2. Chief Executive Officer,
GEPCO Ltd,
Head Office, 565-A, Model Town,
G. T. Road, Gujranwala |
| 3. Zafar Iqbal Assad,
Advocate High Court,
Chamber No. 32-A, Judicial
Complex, Jinnah Block, Hafizabad | 4. Saeed Ahmed Bhatti,
Advocate High Court,
66-Khyber Block, Allama Iqbal Town,
Lahore |
| 5. Sub Divisional Officer,
GEPCO Ltd,
Sub Division No. 2,
Hafizabad | 6. POI/Electric Inspector,
Gujranwala Region, Energy Department,
Govt. of Punjab, Munir Chowk,
Near Kacheri Road, Gujranwala |

Subject: **Appeal Titled Muhammad Jameel Vs. GEPCO Against the Decision Dated 31.08.2021 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 10.08.2023, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

(Ikram Shakeel)
Deputy Director (AB)

Forwarded for information please.

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



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.017/POI-2022

Muhammad Jameel S/o Muhammad Shafi, Mohallah Siraj,
Gunj, Tehsil, and District Hafizabad

.....Appellant

Versus

Gujranwala Electric Power Company Limited

.....Respondent

APPEAL U/S 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mr. Zafar Iqbal Advocate

For the Appellant:

Nemo

DECISION

1. Through this decision, the appeal filed by Mr. Muhammad Jameel (hereinafter referred to as the "Appellant") against the decision dated 31.08.2021 of the Provincial Office of Inspection, Gujranwala Region, Gujranwala (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that the Appellant is an industrial consumer of Gujranwala Electric Power Company Limited (hereinafter referred to as the "Respondent") bearing Ref No.27-12245-0794401 with a sanctioned load of 38 kW and the applicable Tariff category is B-2(b). Reportedly, the billing meter of the Appellant was found defective with the vanished display during the M&T checking on 16.11.2018. Notice dated 16.11.2018 was served to the Appellant regarding the

Appeal No.017/POI-2022



Page 1 of 5

M. Iqbal



National Electric Power Regulatory Authority

above discrepancy and a detection bill of Rs.158,318/- for the cost of 8,712 units for two months i.e. August 2018 and September 2018 was debited to the Appellant by the Respondent.

3. Being aggrieved with the above-mentioned actions of the Respondent, the Appellant initially approached the Civil Court against the above detection bill, which was subsequently dismissed by the honorable civil court due to lack of jurisdiction. Thereafter, the Appellant filed a complaint before the POI on 06.03.2020 and challenged the above detection bill. The matter was disposed of by the POI vide the decision dated 31.08.2021, wherein the detection bill of Rs.158,318/- for the cost of 8,712 units for two months i.e. August 2018 and September 2018 was declared as justified and payable by the Appellant.
4. Through the instant appeal, the afore-referred decision dated 31.08.2021 of the POI has been impugned by the Appellant before the NEPRA. In its appeal, the Appellant objected to the maintainability of the impugned decision, *inter alia*, on the main grounds, (1) the billing meter remained accurate prior the notice dated 16.11.2018, hence the Respondent cannot charge the detection bill prior declaring the metering equipment defective as per Clause 4.3.1 of the CSM-2021, however, the Respondent debited the unjustified detection bill of Rs.158,318/- for the cost of 8,712 units for two months i.e. August 2018 and September 2018 contrary to the snapshot readings by declared the accurate meter as defective with malafide intentions; (2) the POI erroneously declared the impugned meter as defective by analyzing the consumption data and allowed the recovery of the above detection bill; (3) Respondent did not produce the M&T checking report before the POI, who overlooked such valuable piece of evidence and did not apply his judicious mind while passing the impugned





National Electric Power Regulatory Authority

decision; (4) the impugned decision is based on surmises and conjectures, and the same is liable to be set aside.

5. Proceedings by the Appellate Board

Upon filing of the instant appeal, a notice dated 09.02.2022 was sent to the Appellant for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.

6. Hearing

6.1 Hearings of the appeals were conducted at Lahore on 13.10.2022 and 25.11.2022, which however were adjourned on the request of either the Appellant or the Respondent. Finally, hearing of the appeal was conducted at NEPRA Regional Office Lahore on 03.06.2023, which was attended by counsel for the Appellant, whereas again no one entered appearance for the Respondent. Learned counsel for the Appellant reiterated the same version as contained in the memo of the appeal and contended that the Respondent with malafide intentions charged the detection bill of Rs.158,318/- for the cost of 8,712 units for two months i.e. August 2018 and September 2018 on the basis of alleged unilateral checking dated 16.11.2018. Learned counsel for the Appellant opposed the charging of the above detection bill with the plea that the impugned meter was functioning correctly during the disputed months, hence the Appellant cannot be held responsible for payment of any detection bill based on the recommendation of the M&T team of the Respondent. As per the Appellant, the impugned decision for declaring the above detection bill is not correct and the same is liable to be set aside.





National Electric Power Regulatory Authority

7. Arguments heard and the record perused. Following are our observations:

7.1 The Appellant challenged before the POI the detection bill of Rs.158,318/- for the cost of 8,712 units for two months i.e. August 2018 and September 2018, which was declared as justified by the said forum vide impugned decision dated 31.08.2021 against which the Appellant filed the instant appeal before the NEPRA.

7.2 Since the impugned meter of the Appellant was not produced by the Respondent before the POI for verification of alleged defectiveness, the fate of the above detection bill for August 2018 and September 2018 can be determined through analysis of the consumption pattern in the below table:

average of the last eleven undisputed months		disputed period		corresponding undisputed period	
Month	Units	Month	Units	Month	Units
Sep-17	5400	Aug-18	1191	Aug-17	5318
Oct-17	0	Sep-18	815	Sep-17	5400
Nov-17	8818				
Dec-17	3262				
Jan-18	5417				
Feb-18	2896				
Mar-18	6513				
Apr-18	7799				
May-18	8359				
Jun-18	8515				
Jul-18	6424				
Average	5,764				

The above table shows that the consumption recorded during the disputed months i.e. August 2018 and September 2018 is much lesser than the consumption of corresponding months of the previous year as well as the average consumption of the last eleven months. This indicates that the impugned meter of the Appellant remained defective during the disputed period i.e. August 2018 and September 2018. Hence the Appellant is liable to be charged the detection bill for two months i.e. August 2018 and September 2018 as per corresponding consumption of the previous

M. Sa





National Electric Power Regulatory Authority

year 2017 being higher, according to Clause 4.4(e) of the CSM-2010. Thus the Respondent has rightly charged the detection bill of net 8,712 units for two months i.e. August 2018 and September 2018 and the Appellant should pay the same being justified and in accordance with Clause 4.4(e) of the CSM-2010.

8. Foregoing in view, the impugned decision is maintained and consequently, the appeal is dismissed.

Abid Hussain
Member

Muhammad Irfan-ul-Haq
Member

Naweed Illahi Sheikh
Convener

Dated: 10-08-2023

