



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

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No. NEPRA/Appeal/054/2025/ & 069/2025/790

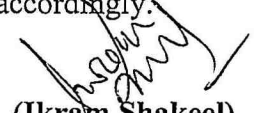
August 29, 2025

- | | |
|---|---|
| 1. Muhammad Nawaz,
S/o. Abdul Hameed,
Prop: Hassan Steel Foundry,
Deewan Road, Eimanabad,
Gujranwala
Cell No. 0300-6437978 | 2. Chief Executive Officer,
GEPCO Ltd, 565-A,
Model Town, G. T. Road,
Gujranwala |
| 3. Muhammad Siddique Malik,
Advocate High Court,
Room No. 6, 2 nd Floor, Imtiaz Plaza,
85-The Mall, Lahore
Cell No. 0300-6450979 | 4. Malik Asad,
Advocate High Court,
Sargodha Khushab Law Chambers,
9-Turner Road, Turner Tower,
First Floor, Lahore
Cell No. 0333-6666123 |
| 5. Executive Engineer,
GEPCO Ltd,
Division No. 3,
Near Alam Chowk By-Pass,
Gujranwala
Cell No. 0318-3992130 | 6. Sub Divisional Officer (Operation),
GEPCO Ltd,
Chan Da Qila Sub Division,
WAPDA Town, Gujranwala
Cell No. 0343-3344559 |
| 7. Revenue Officer,
GEPCO Ltd,
Division No. 3,
Near Alam Chowk By-Pass,
Gujranwala | 8. POI/Electric Inspector,
Gujranwala Region,
Energy Department, Govt. of Punjab,
29A, 272 Gondlanwala Road,
Block-A, Model Town, Gujranwala
Phone No. 055-9330548 |

Subject: **Appeal No.054/2025 (GEPCO vs. Muhammad Nawaz) and Appeal No.069/2025 (Muhammad Nawaz) Against the Decision Dated 17.03.2025 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 29.08.2025 (12 pages), regarding the subject matter, for information and necessary action, accordingly.

Encl: As Above


(Ikram Shakeel)
Deputy Director
Appellate Board

Forwarded for information please.

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



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.054/POI-2025

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Muhammad Nawaz S/o. Abdul Hameed,
Prop: Hassan Steel Foundry Deewan Road,
Eimanadabad, Gujranwala

.....Respondent

&

Appeal No.069/POI-2025

Muhammad Nawaz S/o. Abdul Hameed,
Prop: Hassan Steel Foundry Deewan Road,
Eimanadabad, Gujranwala

.....Appellant

Versus

Gujranwala Electric Power Company Limited

.....Respondent

APPEAL UNDER SECTION 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For GEPCO:

Mr. Muhammad Siddique Malik Advocate
Mr. Unser Mahmood CLO
Mr. Waqas Arshad Rana Manager M&T
Mian Imtiaz Ahmed Deputy Manager
Mr. Muhammad Saleh Kalhoro SDO

For the Consumer:

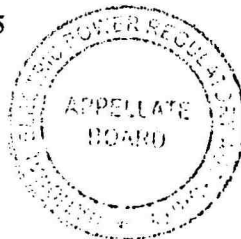
Malik Asad Advocate
Mr. Ehsanullah Manj Advocate
Rana Qasim Khan Advocate
Mr. Abdul Haq Khokhar Advocate
Mr. Muhammad Nawaz

DECISION

1. As per the facts of the case, Muhammad Nawaz (hereinafter referred to as the "Consumer") is an industrial consumer of Gujranwala Electric Power Company Limited (hereinafter referred to as the "GEPCO") bearing Ref No.30-12136-0375102 with a sanctioned load of 490 kW and the applicable tariff category is B-2(b) and running minifurnace. The billing meter bearing No.013034 (the "impugned meter") of the Consumer was initially being found 33.33% slow during checking dated 08.03.2024 by GEPCO, therefore MF was raised from 160 to 240 w.e.f March 2024 and onwards. Later on, the impugned meter of the Consumer was again checked by the M&T team of GEPCO on 23.10.2024, and reportedly, it was found tampered for theft of electricity. Therefore, FIR No.1845/2024 dated 24.10.2024 was registered against the

Appeal No.054-2025 & 069-2025

Page 1 of 12



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National Electric Power Regulatory Authority

Consumer due to theft of electricity. Thereafter, a detection bill of Rs.166,752,525/- against 3,658,877 units for the period from May 2023 to 23.10.2024 (17 months and 22 days) was charged by GEPCO to the Consumer @ 60% load factor of the sanctioned load, i.e., 490 kW, and added to the bill of October 2024.

2. Being aggrieved with the above actions of GEPCO, the Consumer initially filed a civil suit before the Civil Judge 1st Class, Gujranwala on 18.11.2024 and challenged the above detection bill. Meanwhile, the Consumer approached the Provincial Office of Inspection, Gujranwala Region, Gujranwala (the "POI") vide application dated 18.12.2024 and challenged the above detection bill. Thereafter, the Consumer filed an application for withdrawal of civil suit before the honorable Civil Judge 1st Class, Gujranwala, who vide order dated 17.12.2024 dismissed the suit, the operative portion of which is reproduced below:

"ORDER

In view of the statement of learned counsel for the plaintiff, the instant suit is hereby dismissed as withdrawn. Signatures of learned counsel for the plaintiff obtained on the margin of order sheet in this regard. The plaintiff may institute fresh suit subject to legal character, limitation, and in accordance with law, File may be consigned to the record room after its due completion."

3. The complaint of the Consumer was disposed of by the POI vide decision dated 17.03.2025, the operative portion of which is reproduced below:

"Summing up the aforementioned discussions, it is held that the impugned detection bill amounting to Rs. 16,67,52,525/- charged for 3658877 units for the period from May 2023 to 23rd October 2024 and the impugned bill of 10/2024 amounting to Rs.1,53,31,335/- are void, unjustified and of no legal consequence therefore, the petitioner is not liable to pay the same; it is further held that the alleged theft of electricity is not established rather the impugned meter became defective (dead stop) as respondents mentioned in their report dated: 23/10/2024 and the respondents are directed to charge the revised detection bill on the basis of defectiveness of the meter against the months of 10/2024 and two previous billing cycles i.e. 08/2024 & 09/2024 on the basis of 78,720 units per month as recorded in the month of 08/2022 (after excluding already billed units of above chargeable months) being healthier than the eleven preceding months of above defective period as provided in the Clause 4.3.1.(b) of CSM 2021 and accordingly, the petitioner is liable to pay the same. The respondents are further directed to restore the connection of the petitioner immediately without RCO fee and any other charges."

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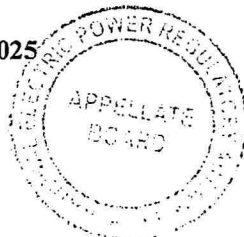


National Electric Power Regulatory Authority

10. The said petition stands disposed of in the above terms as already mentioned in the short decision of the date 14/03/2025.

4. Being dissatisfied with the afore-referred decision of the POI (hereinafter referred to as the "impugned decision"), both GEPCO and the Consumer filed cross appeals before NEPRA. As the facts and subject matter of the appeals are same, both Appeals i.e. Appeal No.054/POI-2025 and Appeal No.069/POI-2025, have been clubbed and are being disposed of through a single/consolidated decision.
5. In its appeal No.054/POI-2025, GEPCO contended that the Consumer was stealing electricity through tampering with the meter (modus operandi of make and break system); however, during initial checking in March 2024, the Consumer switched on the system, due to which tampering with the impugned meter could not be traced out. GEPCO further contended that during another checking dated 23.10.2024, the impugned meter of the Consumer was found tampered (make and break system installed) for theft of electricity, to verify theft, consumption data of the Consumer was checked, which transpired that the impugned meter remained operational for 3-4 hours in 24 hours during the period from May 2023 to 23.10.2024. As per GEPCO, electricity of the premises was disconnected and FIR dated 24.10.2024 was registered against the Consumer. Thereafter, a detection bill of Rs.166,752,525/- against 3,658,877 units for the period from May 2023 to 23.10.2024 (17 months and 22 days) was debited to the Consumer. According to GEPCO, the Consumer initially approached the Civil Court and, after litigation in different courts, agitated the above detection bill before the POI. GEPCO submitted that the POI illegally assumed the powers of an investigation officer, while declaring that the theft of electricity is not established, under judgment reported as *PLD 2025 SC 254*. GEPCO further submitted that theft of electricity is proved from 5 years of consumption data and major dip appeared in May 2023 and consumption from May 2023 to 23.10.2024 was found very low. GEPCO stated that if charge of theft of electricity levelled through bypassing the meter, then such matter would not fall within the ambit of the powers of POI as per judgments reported as *PLD 1995 Lahore 56* and *2004 SCMR 1679*. GEPCO further stated that the provisions of CSM-2021 are in violation of Section 26(6) of the Electricity Act 1910, wherein no period of detection bill is provided. GEPCO added that the POI failed to consider the material evidence in the theft case. GEPCO finally prayed for setting aside the impugned decision.
6. In its appeal No.069/POI-2025, the Consumer opposed the impugned decision *inter alia* on the main grounds that the declaration of the POI for revision of the detection bill @ 78,720

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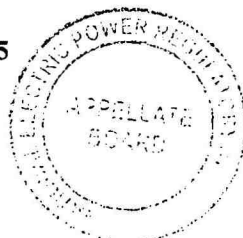




National Electric Power Regulatory Authority

units/month for the period from August 2024 to October 2024 is illegal, void, without jurisdiction and against the facts and law of the case; that GEPCO itself declared the impugned meter 33% slow and initial charged the detection bill of Rs.915,873/- for previous three months and the bills with enhanced MF=240 w.e.f March 2024 and onwards; that the notice dated 25.10.2024 was issued by GEPCO but no discrepancy was mentioned in the said notice; that the POI did not apply judicious mind while passing the impugned decision and the detection bill should be for one month only in which the meter was found defective; that the consumption charged prior October 2024 be declared as justified as theft of electricity was not established before the lower forum; and that the impugned decision to the extent of revision of the detection bill for three months be set aside and GEPCO be allowed to charge 12,960 units for October 2024 as per consumption of corresponding month of previous year.

7. Notices dated 17.04.2025 and 02.05.2025 were sent to the Consumer and GEPCO, respectively, for filing reply/para-wise comments to the cross-appeals within ten (10) days. However, GEPCO filed reply/para-wise comments against the appeal No.069/POI-2025 before NEPRA on 05.05.2025.
8. Hearing in the matter of the subject Appeals was fixed for 13.05.2025 at NEPRA Head Office, Islamabad and accordingly, the notices dated 05.05.2025 were sent to the parties (i.e., GEPCO and the Consumer) to attend the hearing. During the hearing, both GEPCO and the Consumer, along with their counsels, were present. Learned counsel for GEPCO repeated the same contentions as given in memo of the Appeal No.054/2025 and argued that the impugned billing meter of the Consumer was initially checked by GEPCO on 08.03.2024 and it was found 33% slow, therefore MF was enhanced w.e.f March 2024 and onwards. Learned counsel for GEPCO further contended that during another checking in October 2024, the Consumer was found stealing electricity through bypassing the impugned meter, notice thereof was issued to the Consumer and a detection bill of Rs.166,752,525/- against 3,658,877 units for the period from May 2023 to 23.10.2024 (17 months and 22 days) was debited to the Consumer. Learned counsel for the GEPCO averred that the data of the impugned meter of the Consumer confirmed that the Consumer is involved in illegal abstraction of electricity for a long time, which resulted in huge financial loss to GEPCO. In support of their contention, GEPCO officials submitted video recording and, consumption data of the Consumer. Learned counsel for GEPCO opposed the jurisdiction of the POI with the ground that in case of bypassing the meter, the POI is not authorized to determine the billing dispute and the matter exclusively



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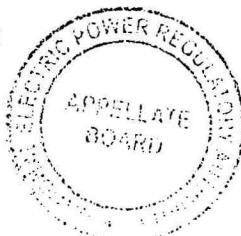
National Electric Power Regulatory Authority

falls in the ambit of civil court, reliance in this regard is placed on the judgment of honorable Supreme Court of Pakistan reported as *PLD 2012 SC 371*. GEPCO officials finally pleaded to allow the whole detection bill for recovery, otherwise GEPCO will face huge financial loss. Learned counsel for the Consumer rebutted the version of GEPCO and averred that the impugned billing meter was previously found 33% slow in March 2024 for which a detection bill was already issued by GEPCO for three months and the onward bills were charged with enhanced MF. As per learned counsel for the Consumer, if presumed that the impugned meter was bypassed as to why GEPCO did not point out the said discrepancy during the monthly readings prior to the alleged checking. Learned counsel for the Consumer submitted that the impugned decision for recovery of the detection bill for three months is not based on merits, as theft of electricity was not established before the POI. Learned counsel for the Consumer that the SDO is not entitled to file an appeal being unauthorized. As per learned counsel for the Consumer, the name of the director legal was mentioned in the affidavit of appeal No.054-2025, whereas the same was signed by SDO. Reliance in this regard is placed on the judgments reported as *2015 CLD 1754 (Peshawar DB)*, *2007 MLD 1270* and *PLD 1971 SC 550*. Learned counsel for the Consumer submitted that neither any checking was carried out in the presence of the Consumer nor any report of alleged checking was produced before the POI for verification of the bypassing of the meter. As per learned counsel for the Consumer, the provisions of CSM-2021 restrain GEPCO to replace the slow/defective meters within two months; however, GEPCO failed to follow the procedure as laid down in CSM-2021 and charged the illegal, excessive bills. Learned counsel for the Consumer opposed the impugned decision and stated that the GEPCO failed to replace the impugned billing meter within two months, hence the Consumer cannot be held responsible for payment of any detection bill due to negligence of GEPCO, as such the impugned decision for allowing GEPCO to recover detection bill for three months is illegal, unjustified and the same is liable to be set aside to this extent in the best interest of justice.

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

Preliminary objection of GEPCO regarding jurisdiction of the POI:

- i At first, the preliminary objection of the Appellant regarding the jurisdiction of the POI needs to be addressed. In the instant appeal, the learned counsel for the appellant (GEPCO) challenged the jurisdiction of the Provincial Office of Inspection to adjudicate the complaint of the Respondent (Consumer) under Section 38 of the NEPRA Act regarding dishonest abstraction of energy. The Appellant contends that in the cases of detection bills, the Electric





National Electric Power Regulatory Authority

Inspector of the Government of Punjab, Gujranwala Region, Gujranwala, is the competent forum to deal with such cases u/s 26(6) of the Electricity Act, 1910.

- ii To come up with an opinion on the above-said proposition of law, it is necessary to analyze the relevant laws. Section 26(6) of the Electricity Act, 1910, deals with the disputes between consumers and a licensee over electricity meters and grants power to the Electric Inspector to resolve the same. The said provision reads as under:

“(6) Where any difference or dispute arises between a licensee and a consumer as to whether any meter, maximum demand indicator or other measuring apparatus is or is not correct the matter shall be decided, upon the application of either party, by an Electric Inspector, within a period of ninety days from the date of receipt of such application, after affording the parties an opportunity of being heard, and where the meter, maximum demand indicator or other measuring apparatus has, in the opinion of an Electric Inspector, ceased to be correct, the Electric Inspector shall estimate the amount of energy supplied to the consumer or the electrical quantity contained in the supply, during such time as the meter, indicator or apparatus has not, in the opinion of the Electric Inspector, been correct; and where the Electric Inspector, fails to decide the matter of difference or dispute within the said period or where either the licensee or the consumer decline to accept the decision of the Electric Inspector, the matter shall be referred to the Provincial Government whose decision shall be final:

Provided that, before either a licensee or a consumer applies to the Electric Inspector under this subsection, he shall give to the other party not less than seven days' notice of his intention so to do.”

- iii Section 3 (2) (a) of the Punjab (Establishment and Powers of Office of Inspection) Order, 2005, empowers the POI to deal with the complaints in respect of metering, billing, and collection of tariff and other connected matters and pass necessary orders. According to Section 10 of the above-said order:

“An aggrieved person may file an appeal against the final order made by the Office of Inspection before the Government or if the Government by general or special order, so directs, to the advisory board constituted under section 35 of the Electricity Act, 1910, within 30 days, and the decision of the Government or the advisory board, as the case may be, shall be final in this regard.”

- iv Section 38 of the NEPRA Act also provides a mechanism for the determination of disputes between the consumers and the distribution licensee. The said provision reads as under:

“38. Provincial offices of inspection.-(1) Each Provincial Government shall-
(a) Establish offices of inspection that shall be empowered to

(i) Enforce compliance with distribution companies' instructions respecting metering, billing, electricity consumption charges and decisions of cases of theft of energy; and

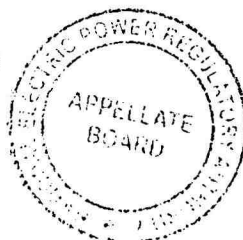


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National Electric Power Regulatory Authority

- (ii) make determination in respect of disputes over metering, billing and collection of tariff and such powers may be conferred on the Electric Inspectors appointed by the Provincial Government under section 36 of the Electricity Act, 1910 (Act IX of 1910), exercisable, in addition to their duties under the said Act.*
- (b) Establish procedures whereby distribution companies and consumers may bring violations of the instructions in respect of metering, billing, and collection of tariff and other connected matters before the office of inspection; and*
- (c) Enforce penalties determined by the Provincial Government for any such violation.*
- (2) The Provincial Governments may, upon request by the Authority, submit to the Authority—*
- (a) (b) ...*
- (3) Any person aggrieved by any decision or order of the Provincial Office of Inspection may, within thirty days of the receipt of the order, prefer an appeal to the Authority in the prescribed manner, and the Authority shall decide such appeal within sixty days.”*
- v Here question arises whether disputes related to Section 26(6) of the Electricity Act, 1910 can be heard and decided by the POI, and thereafter appeal lies before the Advisory Board or NEPRA. Both enactments are special laws and provide a mechanism for the determination of disputes between consumers and licensees. Under section 38(1)(a)(ii) of the NEPRA Act, the Provincial Office of Inspection (POI) is empowered to determine in respect of disputes over metering, billing, and collection of tariff and such powers are conferred on the Electric Inspectors appointed by the Provincial Government under section 36 of the Electricity Act, 1910 (IX of 1910), exercisable, in addition to their duties under the said Act. Through the Regulation of Generation, Transmission and Distribution of Electric Power (Amendment) Act, 2011 (XVIII of 2011), subsection (3) to section 38 of the NEPRA Act was inserted on 29.09.2011, whereby an appeal before NEPRA against the decision of POI regarding metering, billing, and collection of the tariff was provided. It is observed that the Provincial Office of Inspection is no different person rather Electric Inspector conferred with the powers of the Provincial Office of Inspection for deciding disputes between the consumers and the licensees over metering, billing, and collection of tariffs.
- vi In this regard, we take strength from Section 45 of the NEPRA Act, which describes the relationship of the NEPRA Act with other laws. It provides that the provisions of the Act, rules, and regulations made and licenses issued thereunder shall have the effect notwithstanding anything to the contrary contained and any other law. Rules and regulations for the time being in force shall, to the extent of any inconsistency, cease to have effect from the date this Act comes into force.



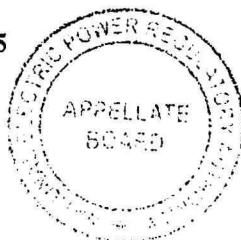


National Electric Power Regulatory Authority

vii Furthermore, the CSM was made pursuant to Section 21 of the NEPRA Act, meaning thereby it has the statutory backing, and since the NEPRA Act was promulgated later in time, therefore, the provisions of the NEPRA Act shall prevail over the provisions of the Electricity Act, 1910. The honorable Lahore High Court, in its reported Judgement *2018 PLD 399* decided that an appeal against the decision of the Provincial Office of Inspection (POI)/Electric Inspector lies with the Authority. Salient points of the judgment are as under:

- a) Section 26(6) of the Electricity Act, 1910 the ambit and scope of dispute is confined only to the electricity meters/other measuring apparatuses, while the scope of Section 38 of the NEPRA Act is much wider in comparison. Section 38 of the NEPRA Act empowers the Provincial Office of Inspection not only to enforce compliance with the instructions of the distribution companies regarding metering, billing, electricity consumption charges, and decisions in cases of theft of energy but also requires it to make determinations in respect of disputes over metering, billing, and the collection of tariff.
- b) The reading of the NEPRA Act quite clearly demonstrates that the dispute resolution mechanism provided in the Electricity Act, 1910, has now been replaced by the NEPRA Act, which is later and is also much wider in its scope as it encompasses disputes over metering, billing, and collection of tariff.
- c) Electricity being the Federal subject exclusively, any dispute in regard thereto between distribution companies and their consumers will necessarily have to be adjudicated upon by the Provincial Office of Inspection as per the dictates of the NEPRA Act.
- d) Prior to the passing of the Eighteenth Amendment to the Constitution, electricity was placed in the concurrent list. With the introduction of the Eighteenth Amendment through the Constitution (Eighteenth Amendment) Act, 2010 the concurrent list was abolished, and electricity was placed at Entry 4 of Part II of the Fourth Schedule where after it became exclusively a Federal subject.
- e) The two enactments, i.e. Electricity Act of 1910 and the NEPRA Act, continue to exist side by side, providing two different appellate fora to hear appeals against the orders of the Electric Inspector and the Provincial Office of Inspection. Both enactments are special laws. In a similar situation, the honorable High Court, while rendering judgment in Writ Petition No. 6940 of 2013 titled "S.M. Food Makers and others v. Sui Northern Gas Pipelines, etc," held as follows:

"It is now well settled that the general rule to be followed in case of conflict between two statutes is that the later abrogates the earlier one".





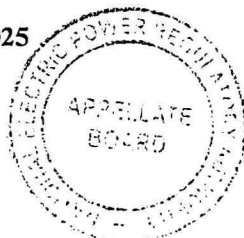
National Electric Power Regulatory Authority

- f) The honorable Lahore High Court, in the above circumstances, declared that the decision rendered on a complaint filed before the Electric Inspectors shall be treated to have been given by the Provincial Office of Inspection and that the appeal against the decision of the Electric Inspector / Provincial Office of Inspection after the enactment of subsection (3) of Section 38 of the NEPRA Act shall lie before the Authority as defined in NEPRA Act.
- viii Further, the observations of the honorable Lahore High Court were also endorsed by the honorable Supreme Court of Pakistan vide its Judgement dated 08-03-2022 in Civil Petition 1244 of 2018 titled "GEPCO etc. v/s PTV & another" whereby it was held that "*a comparative reading of section 10 of Punjab (Establishment and Powers of Office of Inspection) Order, 2005 as well as section 38(3) of the NEPRA Act makes it abundantly clear that provisions of section 10 of the 2005 Order and section 38(3) are clearly in conflict. In view of the fact that the Ordinance is a Federal statute and admittedly the subject of electricity falls within the Federal Legislative List, it would prevail over the 2005 Order*".
- ix In view of the above-quoted provisions of laws and Judgments, we are of the considered view that the disputes under section 26(6) of the Electricity Act and 38(1)(a)(ii) are to be adjudicated by the Provincial Office of Inspection and NEPRA is the competent forum to decide the appeals. In view of the foregoing, the objection of the Appellant is devoid of force and dismissed.
- x **Objection of the Consumer regarding authorization of SDO:**
- Learned counsel for the Consumer raised an objection regarding the authorization of SDO and submitted that the power of attorney was signed by the Chief Law Officer of GEPCO in favour of Mr. Muhammad Siddique Malik, Advocate, whereas the Appeal was signed by Mr. Muhammad Saleh Kalhoro, SDO Chan Da Qila Subdivision, Gujranwala. It is clarified that the CEO GEPCO vide letter No.47849-964 dated 17.08.2006 delegated the powers to all Directors/Managers/XENs/Deputy Managers/SDOs/AMOs/ROs under the jurisdiction of GEPCO to sign all types of pleadings in respect of their domain on behalf of GEPCO as and when required in prior consultation with concerned GEPCO counsels. Further reliance is placed on the 100th meeting of BOD dated 26.06.2019 of GEPCO, the relevant portion of which is reproduced below:

Resolutions:

100th BOD-R 12. RESOLVED THAT, approval be and hereby is accorded for the delegation of powers for issuance of Power of Attorney / to institute and defend Court Cases as per following manners;

i) Addl. DG (Legal) GEPCO be and is hereby authorized up to the matters related to Civil Courts / NIRC / Banking Courts/ NEPRA/ PLAT/Labour Court.



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National Electric Power Regulatory Authority

ii) DG (HR & Admn) be and is hereby authorized up to the matters related to Session/ Addl. Session Courts.

iii) Chief Executive Officer, GEPCO Gujranwala, for the matters before High Courts / Supreme Court.

Even otherwise, SDO Chan da Qila Sub Division WAPDA Town Gujranwala was contesting as Respondent No.04 before POI and no objection was raised by the Consumer at the lower forum. As such, raising the objection regarding the authorization of SDO at belated stage has no force and the same is rejected.

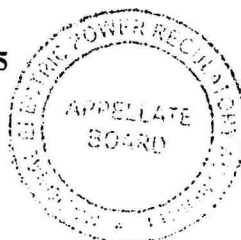
xi Detection bill of Rs.166,752,525/- for 3,658,877 units for the period from May 2023 to 23.10.2024 (17 months and 22 days):

The impugned meter of Consumer was initially found 33.33% slow during checking dated 08.03.2024 of GEPCO, therefore MF was raised from 160 to 240 w.e.f March 2024 and onwards. Later on, the impugned meter of the Consumer was again checked by the M&T team of GEPCO on 23.10.2024 and it was found tampered for theft of electricity. Therefore, FIR dated 24.10.2024 was registered against the Consumer due to theft of electricity. Thereafter, a detection bill of Rs.166,752,525/- against 3,658,877 units for the period from May 2023 to 23.10.2024 (17 months and 22 days) was charged by GEPCO to the Consumer @ 60% load factor of the sanctioned load i.e. 490 kW and added to the bill of October 2024, which is under dispute.

xii . It is observed that the impugned meter was initially found 33% slow in March 2024, for which MF was raised w.e.f March 2024 and onwards. GEPCO was required to replace the impugned meter of the Consumer immediately or within two billing cycles as per Clause 4.3.3(c) of the CSM-2021; however, in the instant case, GEPCO failed to replace the same within the prescribed time, which is inconsistent with ibid clause of the CSM-2021. GEPCO did not even point out any discrepancy during monthly readings prior alleged checking dated 23.10.2024, which is violation of Clause 6.1.4 of the CSM-2021. The said clause is reproduced below:

“Meter Readers shall also check the irregularities/discrepancies in the metering system at the time of reading meters / taking snapshots and report the same in the reading book/ discrepancy book or through any other appropriate method as per the practice. The concerned officer/official will take corrective action to rectify these discrepancies.”

xiii GEPCO neither adhered to the procedure to establish theft of electricity as laid down in Chapter 9 of the CSM 2021 nor the impugned meter checked by the POI for verification of alleged tampering.



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National Electric Power Regulatory Authority

- xiv To further check the authenticity of the impugned detection bill, the consumption data of the Consumer as provided by GEPCO is compared below with the consumption of the period before the dispute:

Month	Units	Month	Units	Month	Units
Jan-22	131680	Jan-23	0	Jan-24	5178
Feb-22	120800	Feb-23	52480	Feb-24	8262
Mar-22	132480	Mar-23	70720	Mar-24	9218
Apr-22	150880	Apr-23	63360	Apr-24	7171
May-22	133440	May-23	8480	May-24	6643
Jun-22	58560	Jun-23	8640	Jun-24	5839
Jul-22	71360	Jul-23	10080	Jul-24	8338
Aug-22	78720	Aug-23	5120	Aug-24	7426
Sep-22	0	Sep-23	0	Sep-24	7356
Oct-22	0	Oct-23	12960	Oct-24	5044
Nov-22	65920	Nov-23	7488	Nov-24	0
Dec-22	0	Dec-23	7226	Dec-24	0
Total	943840	Total	246554	Total	70477

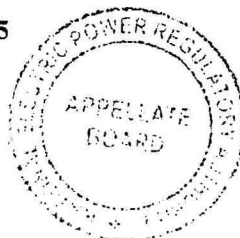
33.33% slowness

DCO/ERO

DCO/ERO

The above table shows that the normal consumption charged during the disputed period is much less than the normal consumption of the period before the dispute. This indicates that the actual consumption was not recorded by the impugned meter during the disputed period. However, this does not entitle GEPCO to debit the detection bill for more than seventeen months on account of theft of electricity. As per Clause 9.2.3c(ii) of the CSM-2021, the consumer having an industrial connection may be charged the detection bill maximum for six months as per order of priority, i.e., i. past consumption, ii. future consumption, iii. on the basis of connected load or sanctioned load, whichever is higher.

- xv In view of the foregoing discussion, we are of the considered view that the detection bill of Rs.166,752,525/- against 3,658,877 units for the period from May 2023 to 23.10.2024 (17 months and 22 days) is unjustified, and the same is cancelled as already decided by POI.
- xvi It is an admitted fact that actual consumption could not be charged to the Consumer in past and electricity remained disconnected in future period, therefore, the Consumer may be charged the detection bill maximum for six months i.e. May 2024 to October 2024 and the basis of said detection bill made on the basis of 50% load factor of the sanctioned load i.e. 490 kW as per Annex-V of the CSM-2021 in the below table:



11/60



National Electric Power Regulatory Authority

Period of detection bill: May 2024 to October 2024

A. Units to be charged = S/L (kW) x LF x No. of Hrs.

$$= 490 \times 0.5 \times 730 \times 6 = 1,073,100 \text{ units}$$

B. Units already charged = (6643+5839+8338+7426+7356+5044)= 40739 units

C. Net units to be charged A - B = **1,032,361 units**

xvii In view of the above, the Consumer is liable to be charged the revised detection bill for net 1,032,361 units as calculated in the above table. The impugned decision is modified to this extent.

10. Foregoing in view, it is concluded that:

- i The detection bill of Rs.166,752,525/- against 3,658,877 units for the period from May 2023 to 23.10.2024 (17 months and 22 days) charged to the Consumer is unjustified being inconsistent with Clause 9.2.3c(ii) of the CSM-2021 and the same is modified for six months, i.e., May 2024 to October 2024 against 1,032,361 units as calculated in above para.
- ii The billing account of the Consumer may be overhauled after making adjustments of payments against the impugned detection bill.

11. The impugned decision is modified in the above terms.

Abid Hussain
Member/Advisor (CAD)

Muhammad Irfan-ul-Haq
Member/ALA (Lic.)

Naweed Illahi Sheikh
Convener/DG (CAD)

Dated: 29-08-2025

