



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

NEPRA Office, Atta Turk Avenue (East), G5/1, Islamabad  
Tel. No. +92 051 2013200 Fax No. +92 051 2600028  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/AB/Appeal-016/POI-2015/ 677-680

July 28, 2015

1. Muhammad Ismail  
S/o Muhammad Iqbal,  
Prop: Haji Ice Factory,  
Chak No. 12-Gajjani, Tensil Chistian,  
District Balwalnagar
2. The Chief Executive Officer  
MEPCO Ltd,  
Khanewal Road,  
Multan
3. Mrs. Salma Imran Goreja,  
Advocate High Court,  
Rafiq Goreja House,  
21-Shadman Colony,  
Opposite High Court,  
Multan
4. Sub Divisional Officer (OP)  
MEPCO Ltd,  
Satellite Town Sub division,  
Chistian

Subject: Appeal Titled MEPCO Vs. Muhammad Ismail Against the Decision Dated 12.01.2015 of the Electric Inspector/POI to Government of the Punjab Multan Region, Multan

Please find enclosed herewith the decision of the Appellate Board dated 28.07.2015, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-016/POI-2015/ 681

July 28, 2015

Forwarded for information please.


  
Member Appellate Board

1. Registrar
2. Director (CAD)
3. Electric Inspector/POI, Multan Region
4. Master File

CC:

1. Chairman
2. Vice Chairman/Member (CA)
3. Member (Tariff)
4. Member (M&E)
5. Member (Licensing)

- D/Rg-4  
- M/F

  
31/07/15

Registrar	8/88
DV No.	31-27-15



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-016/POI-2015

Multan Electric Power Company Limited

.....Appellant

Versus

Muhammad Ismial S/o Muhammad Iqbal, Prop: Haji Ice Factory, Chak No. 12-Gajjani, Tehsil  
Chishtian District Bhawalnagar.

.....Respondent

Date of Hearing:

08/07/2015

For the appellant:

Uma Salma Advocate  
Sohail Sattar SDO

For the respondent:

Nemo

## DECISION

1. This decision shall dispose of appeal filed by Multan Electric Power Company Limited (hereinafter referred to as MEPCO) against the decision dated 12.01.2015 of the Provincial Office of Inspection/Electric Inspector Multan Region, Multan (hereinafter referred to as

1



## National Electric Power Regulatory Authority

POI) under Section 38(3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as "the Act").

2. Brief facts giving rise to the instant appeal are that MEPCO is a licensee of National Electric Power Regulatory Authority (hereinafter referred to as NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the license. The respondent is an industrial consumer of MEPCO bearing Ref No.27-15831-1306808 with a sanctioned load of 80 kW under B-2b tariff.
3. As per facts of the case the meter of the respondent was checked by M&T MEPCO on 21.04.2014 and found 33% slow. The date and time of the TOU meter were found upset. The Multiplication Factor (hereinafter referred to as "MF") was raised from 40 to 59.7 to account for 33% slowness of the meter for the purpose of billing from the month of May 2014 and onwards. The current bills for May 2014, June 2014 and July 2014 were issued with enhanced MF. For the month of June 2014, a detection bill of Rs.404,068/- was manually added with the current bill of Rs.483, 280/- total bill amounting to Rs.887,348/-. A check meter was installed by MEPCO on 04.05.2014. A comparison of disputed TOU billing meter and check meter readings was made for the period 04.05.2014 to 05.06.2014 which showed that kWh and MDI components of the TOU billing meter were 32.25% slow. A report dated 16.06.2014 was issued to this effect. The respondent being aggrieved with the bill of Rs.887, 348/- (which contained detection bill of Rs.404, 068/- for the period June 2013 to September 2013 and the current bill of Rs.483, 280/- for the period June 2013 to September 2013) filed a petition dated 18.07.2014 before POI and challenged the aforementioned detection bill. Joint checking of the meter was arranged by POI on 19.09.2014 and the TOU meter was found 32.25% slow with date and time disturbed. The checking report was signed by both the parties without any objection.
4. In response to the above petition MEPCO contested the case before POI and pleaded that the detection bill amounting to Rs.404,068/- for the period from June 2013 to September 2013 was debited to the respondent to recover the revenue loss due to 33% slowness of the

12



## National Electric Power Regulatory Authority

meter. According to the version of MEPCO, the respondent was liable to pay the bill and MEPCO further stated that there was no substance in the petition of the respondent which may be dismissed.

5. After affording full opportunity of hearing to both the parties and perusal of the record/documents POI announced his decision on 12.01.2015. The operative portion of the decision is reproduced below:

*"Keeping in view the above aspects of the case and summing up all the above narrated observations/conclusions, this forum declared the charging of detection bill for the cost of KWH Off-Peak=21197-units & Peak=4186-units and MDI Off-Peak=108-KW & Peak=20-KW for the period from 06/2013 to 09/2013 as Null, Void & of no legal effect. However, all the bills charged on the basis of MF=59.70 (32.25% slowness) from 05/2014 to 07/2014 are correct & justified. The Respondents are directed to withdraw the above imposed detection and charge revised detection bill for the cost of Off-Peak=7345 & Peak=1375 KWH units and 25-KW MDI for 21-days of 08/2013 and 09/2013. The respondents are also directed to overhaul petitioner's amount accordingly by adjusting all debits, credits, deferred amount and already made payments."*

6. Being aggrieved with the above decision dated 12.01.2015 of POI, MEPCO has filed the instant appeal through Sub Division Officer OP MEPCO S/Town S/Division CTN before NEPRA under section 38 (3) of the Act. MEPCO stated that the meter of the respondent was checked on 21.04.2014 and found 33% slow. According to MEPCO a detection bill of Rs.404,068/- along with current bill of Rs.483, 280/- total amounting to Rs.887,348/- was debited to the respondent after issuing notice dated 26.05.2014 which was however challenged by the respondent before POI. MEPCO averred that after subsequent checking of the meter by POI on 19.09.2014 it was found 33% slow with date and time being wrong. MEPCO contented that the impugned decision of POI was based on MDI readings instead of KWH readings which was not sustainable. MEPCO averred that the impugned decision



## National Electric Power Regulatory Authority

was contrary to rule, law and policy of the department which was unjustified and the same will cause colossal financial loss to MEPCO. Finally MEPCO prayed as under:

*"In the light of presence of afore mentioned facts/grounds. It is humbly prayed that the order of Electric Inspector Multan dated 12.01.2015 in the present case may kindly be set-aside being unjustified which is issued on the basis of MDI without facts."*

7. The respondent was issued a notice for filing reply/parawise comments which were submitted on 04.05.2015. In his reply/comments the respondent contradicted the stance of MEPCO and submitted that the appellant failed to comply with the provisions of chapter 4.4e of the Consumer Service Manual (hereinafter referred to as "CSM") which prohibits any previous charging due to slowness of the meter and stated that the detection bill for June 2013 to September 2013 was against the provisions of CSM. The respondent contented that the impugned decision of POI be amended and previous charging of detection bill for August 2013 and September 2013 may be declared illegal, unlawful and violated of CSM and the appeal of MEPCO be dismissed. In the end the respondent prayed as under:

*"In view of the above, it is respectfully prayed that the decision announced by the Electric Inspector, Multan in the capacity of Provincial Office of Inspection (POI) dated 12.01.2015 may very kindly be appended keeping in view NEPRA approved Consumer Service Manual and appellants may be directed to overhail respondent's account accordingly without any further delay as the appellants have tried to mold the material facts of the case. Any other remedy which this honorable forum deems legally fit, is also sought."*

8. Notices were issued to both the parties and hearing of the appeal was held in Multan on 08.07.2015 in which Mr. Sohail Sattar SDO and Ms. Uma Salma Advocate appeared for MEPCO but no one entered appearance for the respondent. Ms. Uma Salma, learned counsel for the appellant, repeated the same arguments which are part of the main appeal. The learned counsel for MEPCO pleaded that detection bill of Rs.404,068/- was charged to account for the 33% slowness of the meter which has been established during the checking

1



## National Electric Power Regulatory Authority

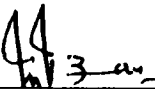
by M&T MEPCO as well as joint checking conducted by POI. The learned counsel informed that pursuant to the order of POI the 50% of the disputed bill has already been deposited by the respondent. It was argued by learned counsel of MEPCO that the POI based impugned decision on MDI reading and ignored kWh readings which was not correct. According to the learned counsel for MEPCO, kWh consumption of the respondent established that 33% slowness of the meter had occurred during the period June 2013 to September 2013 and therefore, the detection bill charged to the respondent was correct, justified and the respondent was liable to pay the same. The learned counsel for MEPCO prayed for setting aside the impugned decision dated 12.01.2015 and acceptance of the appeal.


9. We have heard arguments of MEPCO and examined the record placed before us. Following are the observations:
- i. Meter of the respondent was found 33% slow during the checking by M&T MEPCO on 21.04.2014. The checking report dated 30.04.2014 was signed by the consumer.
  - ii. Check meter was installed on 14.05.2014 and comparison of consumption recorded by disputed TOU meter during the period 14.05.2014 and 05.06.2014 proved that the TOU meter was 32.25% slow. The same slowness was also observed during the joint checking arranged by POI on 19.09.2014. Therefore, about 33% slowness of the meter has been proved and issue regarding period of slowness need to be resolved.
  - iii. Earlier TOU meter of the respondent was checked by M&T MEPCO on 13.05.2013 and was found okay, which proves that the meter worked correctly upto May 2013.
  - iv. Detection bill amounting to Rs.404, 068/- along with the current bill of Rs.483, 280/- total bill amounting to Rs.887, 348/- was charged to the respondent in June 2014 for the period from June 2013 to September 2013.



## National Electric Power Regulatory Authority

- v. POI after analysis of the consumption data of the respondent determined that the TOU meter became slow from 11.08.2013 and the respondent was liable to be charged detection bill at the rate of 32.25% slowness partially for August 2013 and completely for the month of September 2013. Being an ice factory there was no consumption during the period November 2013 to April 2014 (except light load). The respondent has been charged with enhanced MF of 59.7 from May 2014 onwards. The analysis of POI regarding detection bill is appropriate and based on facts.
- vi. There is force in the submissions of the respondent that the CSM was violated while charging the detection bill. As per 4.4e of CSM the detection bill could be charged for maximum two billing cycles which in the instant case are August 2013 and September 2013. The determination of POI is also justified pursuant to provisions of CSM.
10. In view of the forgoing discussion it is concluded that the impugned decision dated 12.01.2015 of POI is based on facts and law and there is no reason to intervene in it. Therefore, the decision of POI is upheld and the appeal is dismissed accordingly.

  
\_\_\_\_\_  
Muhammad Qamar-uz-Zaman  
Member

  
\_\_\_\_\_  
Nadir Ali Khoso  
Convener

  
\_\_\_\_\_  
Muhammad Shafique  
Member

Date: 28.07.2015