



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

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No. NEPRA/AB/Appeal-037/POI-2015/ *855-858* September 08, 2015

- | | |
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| 1. Muhammad Tahir,
S/o Allah Bux,
(Through Malik Muhammad Tariq),
Real Brother & Occupier Consumer,
R/o Main Road, Walayatabad No. 1,
Multan | 2. The Chief Executive Officer
MEPCO Ltd,
Khanewal Road,
Multan |
| 3. Rao Muhammad Iqbal,
Advocate Supreme Court of Pakistan,
20-Zakariya Block, District Courts,
Multan | 4. Rana Abdul Razzaq,
Sub Divisional Officer,
MEPCO Ltd,
Wallayatabad Sub Division,
Multan |

Subject: Appeal Titled MEPCO Vs. Muhammad Tahir Against the Decision Dated 13.04.2015 of the Electric Inspector/POI to Government of the Punjab Multan Region, Multan

Please find enclosed herewith the decision of the Appellate Board dated 08.09.2015, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-037/POI-2015/ *859* September 08, 2015

Forwarded for information please.

M. Q. Zaman
 Member Appellate Board

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

M/Q
11/09/15

CC:

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

Registrar	9652
DY No.....
Dated 11-9-15



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-037/POI-2015

Multan Electric Power Company Limited

.....Appellant

Versus

Muhammad Tahir S/O Allah Bux(Through Malik Muhammad Tariq, Real Brother & Occupier
Consumer) R/O Main Road Walayatbad No.1, Multan.

.....Respondent

For the appellant:

Rao Muhammad Iqbal Advocate
Rana Abdul Razzaq SDO

For the respondent:

Muhammad Tahir

DECISION

1. Brief facts giving rise to the instant appeal are that Multan Electric Power Company Limited (hereinafter referred to as 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 domestic consumer of MEPCO bearing Ref No.14-15132-2050501 with a sanctioned load of 2 kW under A-1 tariff.



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2. As per facts of the case, meter of the respondent was checked by MEPCO and found dead stop. A notice to this effect was issued by MEPCO to the respondent on 28.07.2014. DEF-EST code was fed to the computer in June 2014 and detection bill of Rs.86,243/- of 3,879 units for the period May 2014 to September 2014 was debited to the respondent by MEPCO as average billing on 30% load factor basis in November 2014. Being aggrieved with the aforementioned detection/estimated bill the respondent filed a petition before Provincial Office of Inspection/Electric Inspector Multan Region, Multan (hereinafter referred to as POI) and challenged the detection bill. The meter was replaced on 24.11.2014 vide meter change order dated 03.10.2014. The POI announced its decision on 13.04.2015 and the operative portion of the decision is reproduced below:

"Summing up all the above observations and keeping in view the aspects of the case in the light of NEPRA approved Consumer Service Manual, this forum declares the charging of detection bill of Rs.86,243/- for the cost of 3879-units for the period 05/2014 to 09/2014 including estimated billing period from 06/2014 to 09/2014 as Null, Void and without any legal effect. The Credits, Debits, Deferred Amount & Payments already made by the consumer."

3. MEPCO being aggrieved with the POI decision date 13.04.2015 has filed the instant appeal through Rao Muhammad Iqbal Advocate. MEPCO stated that the meter of the respondent on checking was found dead stop where upon detection bill was imposed after completion of all codal formalities as laid down in law as well as Consumer Service Manual (hereinafter referred to as CSM). According to MEPCO as the controversy involved could be resolved through the evidences oral as well as documentary and as such matter exclusively fell within the domain of Civil Court therefore Electric Inspector had no lawful jurisdiction to decide the matter and the impugned order was therefore void as the same was passed without lawful authority and jurisdiction. MEPCO further submitted that the respondent had already filed a suit for declaration before the learned Civil Court Multan which was pending for its adjudication wherein stay was also granted vide the Honorable Court order dated 08.08.2014 . According to MEPCO the matter was sub judice before the Civil Court and could not be entertained by the Electric Inspector and was therefore liable to be dismissed. MEPCO contended that the Electric





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Inspector passed the impugned order without application of judicial mind, without going into merits of the case and without applying conscientious mind which was not sustainable in the eyes of law. Finally the appellant prayed that the appeal may be graced with acceptance and the impugned order dated 13.04.2015 passed by Electric Inspector be set aside.

4. The respondent was issued a notice for filing reply/parawise comments which were not submitted.
5. After issuing notice to both the parties the appeal was heard in Multan on 08.07.2015. Mr. Rao Muhammad Iqbal Advocate and Rana Abdul Razaq SDO appeared for MEPCO and Mr. Muhammad Tahir the respondent appeared in person. The learned counsel for the appellant repeated the same version as already given in the memorandum of the appeal. The learned counsel for MEPCO pleaded that the detection bill for May 2014 to September 2014 was estimated on load factor basis and was not based on the previous year consumption as the respondent extended his load without authorization from 2 to 5 kW. He submitted that the detection bill of Rs.86,243/- for 3,879 units for the period May 2014 to September 2014 was legal, valid and justified and the respondent was responsible to pay the same. The respondent rebutted the arguments of learned counsel for MEPCO and contended that detection bill was raised by MEPCO in violation of the rules which need to be set aside. However the respondent agreed to pay the detection bill as per defective code and in accordance with the CSM.
6. We have heard arguments of both the parties and considered the record placed before us. The objection raised by the learned counsel for MEPCO regarding the jurisdiction is not sustainable as the dispute between the parties is regarding metering and billing for which POI is competent forum for adjudication in accordance with the provision of the section 38 of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997. After finding the meter defective, DEF-EST was fed in June 2014 and billing for May 2014 to September 2014 was justified on the basis same months of the previous year which is in line with the provisions of CSM. Moreover MEPCO could not provide any evidence that the respondent had extended the load without authorization during the said period as no notice or action regarding this irregularity was initiated by MEPCO against the respondent. We are in agreement with the

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determination of POI that the detection bill of Rs.86,243/- of 3879 units for the period May 2014 to September 2014 is null, void and without any legal effect as billing on load factor basis was not justified after feeding EST-DEF code. The respondent is however to be billed as per DEF-EST code for May 2014 to September 2014 which is in accordance with CSM and the respondent has also agreed for the same.

7. In the view of forgoing discussion it is concluded that the detection bill of Rs.86,243/- of 3,879 units for the period May 2014 to September 2014 charged in November 2014 is null and void and same must be withdrawn. MEPCO is directed to recover the bill on the basis of DEF-EST code for the period May 2014 to September 2014 and revise bill of the respondent accordingly after making the adjustment of already paid amounts. The impugned decision of POI is modified accordingly.

The appeal is disposed of in above terms.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Date: 08.09.2015

