



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

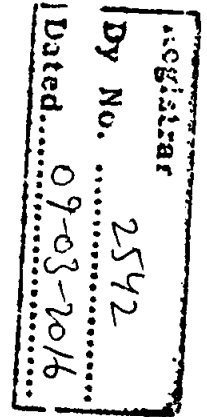
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No. NEPRA/AB/Appeal-105/POI-2015/ 293-297

March 09, 2016

1. Muhammad Iqbal  
S/o Ghulam Farid,  
Present Owner/Occuper Consumer,  
Electrical Connection in the name of,  
Muhammad Khan,  
S/o Noor Muhammad,  
Prop: Tube Well, Mouza Masoo,  
Taunsa Sharif,  
District Dera Ghazi Khan

2. The Chief Executive Officer  
MEPCO Ltd,  
Khanewal Road, Multan



3. Malik Anwarul Haq  
Advocate High Court,  
Chamber No. 1-A,  
Ansar Block, District Courts,  
Multan

4. Sub Divisional Officer (Op),  
MEPCO Ltd,  
Sub Division Shadan Lund

5. Electric Inspector  
Multan Region,  
249-G, Shah Ruken-e-Alam Colony,  
Phase II, Multan

Subject: Appeal Titled MEPCO Vs. Muhammad Iqbal Against the Decision Dated 20.10.2014 of the Electric Inspector/POI to Government of the Punjab Multan Region, Multan

Please find enclosed herewith the Order of the Appellate Board dated 08.03.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-105/POI-2015/ 298

March 09, 2016

Forwarded for information please.

Assistant Director  
Appellate Board

1. Registrar  
2. Director (CAD)

07.03.16

CC:

-I

1. Vice Chairman/Member (CA)



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

### Appeal No. NEPRA/Appeal-105/POI-2015

Multan Electric Power Company Limited .....Appellant

Versus

Muhammad Iqbal S/o Ghulam Farid, present Consumer, Electrical Connection  
in the name of Muhammad Khan S/o Noor Muhammad, Mouza Masoo,  
Tuansa Sharif, district Dera Ghazi Khan .....Respondent

#### For the appellant:

Malik Anwarul Haq Advocate

#### For the respondent:

Mr. Muhammad Iqbal

### DECISION

1. Through this decision, an appeal filed by Multan Electric Power Limited (hereinafter referred to as MEPCO) against the decision dated 20.10.2014 of Provincial Office of Inspection/Electric Inspector, Multan Region, Multan (hereinafter referred to as POI) is being disposed of.
2. 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 and the respondent is its agricultural consumer bearing Ref No. 29-15264-1485101 R/D with a sanctioned load of 32 kW under D-1b tariff.
3. As per fact of the case, the electricity meter of the respondent was checked by Metering and Testing (M&T) MEPCO on 28.02.2013 and the display was found washed out. Notice dated 04.03.2013 was issued to the respondent and a detection bill of Rs. 431,712/- for 41,319 units for the period December 2012 to February 2013 (03 months), on the basis of the consumption of the corresponding months of the previous year, was charged in the electricity bill for May 2013.



## National Electric Power Regulatory Authority

A check meter was installed by MEPCO on 14.05.2013. On the request of respondent dated 27.05.2013, both the billing meter and the check meter were checked by the inspection officer of POI in presence of both the parties on 06.06.2013. During the said checking, both the meters were found working with in British Standard Specification (BSS) limits.

4. Being dissatisfied with the detection bill of Rs. 431,712/- for 41,319 units for the period December 2012 to February 2013 (03 months) charged in May 2013, the respondent filed a petition before POI 14.03.2014. The petition was disposed of by POI vide it's decision dated 20.10.2014 with the following conclusion:

*"Keeping in view all the aspects of the case and summing up all the above observations/conclusions, this forum concludes that the meter was working accurately and allegations of wash out were false and baseless and were leveled just to charge baseless detection bill and to camouflage huge excessive billing. Therefore, this forum declares the charging of detection bill of Rs.431,721/- for the cost of 41,319 units for the period 12/2012 to 02/2013 on the basis of corresponding previous consumption due to display of the meter being washed out as null, void & of no legal effect. The respondents are thus directed to withdraw the above mentioned detection bill amounting to Rs. 431,712/- and overhaul petitioner's account accordingly by adjusting all Debits, Credits & Payments made."*

5. Being dissatisfied with the decision of POI dated 20.10.2014 (hereinafter referred to as the impugned decision), MEPCO has filed the instant appeal under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as the Act).
6. The respondent was issued a notice for filing reply/parawise comments, which were filed on 27.01.2016. In his reply, the respondent raised the preliminary objection regarding limitation. The respondent contended that the impugned decision was announced on 20.10.2014 and the appeal was filed before NEPRA after expiry of 08 months and as such, it was liable to be dismissed being badly time barred.



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7. Hearing of the appeal was fixed for 26.02.2016 at Multan in which both the parties were present. Malik Anwarul Haq Advocate appeared on behalf of MEPCO and Mr. Muhammad Iqbal, the respondent, appeared in person. In the outset of the hearing, the respondent reiterated preliminary objection regarding limitation and contended that the appeal being time barred was liable to be dismissed on this ground alone. Malik Anwarul Haq Advocate the learned counsel for MEPCO argued that the impugned decision was illegal and as such there was no time limit for filing the appeal against an illegal decision. Further the learned counsel for MEPCO submitted that the delay was not intentional as the time for filing the appeal was consumed due to approval in the departmental process. Learned counsel for MEPCO pleaded that if the delay was not condoned, MEPCO would suffer irreparable loss.
8. Arguments of both the parties were heard and the record placed before us was examined. It was observed that the impugned decision was announced by POI on 20.10.2014 and a certified copy thereof was obtained by the appellant MEPCO on 19.06.2015. However the appeal was filed before NEPRA on 27.08.2015 which is obviously after the time limit as prescribed in the law. We are not inclined to agree with the reasoning of the learned counsel for MEPCO that delay occurred due to departmental process. According to section 38 (3) of the Act, an appeal has to be filed within 30 days but the instant appeal was filed after 311 days of its announcement and after 68 days of its receipt. Evidently the appeal was filed after the time limit as prescribed in the law. There is no force in the stance of MEPCO that delay occurred due to departmental process. MEPCO has failed to explain/justify the delay in filing the appeal and it is concluded that the appeal is barred by time and therefore dismissed accordingly.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Date: 08.03.2016