



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

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No. NEPRA/AB/Appeal-106/POI-2015/100-104

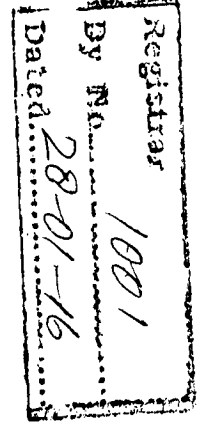
January 26, 2016

1. Mst. Madhet Shehla
W/o Syed Shuaa Zaidi,
Through Muhamma Yamin,
S/o Ghulam Sarwar,
Accountant, M/s J&B Madha,
Plot No. 12, Industrial Estate,
Multan

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,
Industrial Estate Sub Division,
Multan



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

Subject: Appeal Titled MEPCO Vs. Mst. Madhet Shehla 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 22.01.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-106/POI-2015/105

January 26, 2016

Forwarded for information please.

1. Registrar
2. Director (CAD)

28.01.16

Member Appellate Board

CC:

D/S-1/MF

1. Vice Chairman/Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-106/POI-2015

MEPCO

.....Appellant

Versus

Mst. Madhet Shehla, W/o Syed Shuaa Zaidi,
J&B Madha, Plot No. 12, Industrial Estate, Multan

.....Respondent

For the appellant:

Nemo

For the respondent:

Muhammad Yamin Accountant

DECISION

1. This decision shall dispose of an appeal filed by Multan Electric Power Company Limited (hereinafter referred to as MEPCO) against the decision dated 13.04.2015 of the Provincial Office of Inspection (POI) is being disposed of.
2. Brief facts giving rise to the instant appeal are that the appellant (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 it's industrial consumer bearing Ref No. 27-15118-0013800 with a sanctioned load of 248 kW under tariff B-2b. As per facts of the case, the meter of the respondent's connection was checked by Metering and Testing (M&T) MEPCO on 23.06.2014 and reportedly found 33.28 % slow. A detection bill of Rs. 917,660/- for 34,115

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kWh units/623 kW MDI for the period November 2013 to August 2014 (10 months) was added in the bill of August 2014 @ 33.28 % slowness of the meter.

3. The respondent being aggrieved with the aforementioned detection bill filed a petition before POI. The joint inspection of the meter was arranged by POI on 18.09.2014 and the meter was found 33 % slow and the date and time components of the meter were also disturbed/upset. Check meter was installed on 14.01.2015 and joint checking of the disputed meter and check meter was arranged by POI on 03.03.2015 in which check meter was found accurate but the disputed meter was found 33.28 % slow. MEPCO could not participate in the said checking due to labour strike in the department, however, Multiplication Factor was raised from 80 to 119.9 for the bills from September 2014 till 14.01.2015 when a new meter was installed.
4. The petition of the respondent was disposed of by POI vide its decision dated 13.04.2015 (hereinafter referred to as the impugned decision). According to the impugned decision, the detection bill of Rs. Rs. 917,660/- for 34,115 Kwh units/623 kW MDI for the period November 2013 to August 2014 (10 months) on the basis of 33.28 % slowness was declared null, void and of no legal effect and MEPCO was directed to charge the detection bill for May 2014 and June 2014 pursuant to clause 4.4 (e) of Consumer Service Manual.
5. Being dissatisfied with the impugned decision dated 13.04.2015, MEPCO has filed the instant appeal before NEPRA on 27.08.2015 under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as the Act).
5. Notice of appeal was issued to the respondent for filing reply/parawise comments which were filed on 09.10.2015. The respondent in his reply/parawise comments raised preliminary objection of limitation and stated that the appeal against decision dated 13.04.2015 was filed by MEPCO before NEPRA on 08.08.2015 after expiry of 115 days. According to the respondent, the appeal was badly time barred. The respondent prayed that the impugned decision be maintained and appeal of MEPCO be dismissed being badly time barred.

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7. After issuing notices to the parties, hearing of the appeal was conducted in Multan on 28.12.2015. On the date of hearing, no one entered appearance for the appellant, however Muhammad Yamin Accountant appeared for the respondent. The respondent in his arguments reiterated the point of limitation and contended that appeal being badly time barred be dismissed on this ground.

8. It is a matter of record that impugned decision dated 13.04.2015 was received by MEPCO on 15.04.2015 but the appeal was filed before NEPRA on 27.08.2015 after lapse of 135 days. An application for condonation of delay has been filed but no valid ground justifying the delay has been given by MEPCO. As regards, the question of limitation, it would be relevant to quote the provisions of law on the subject as under:-

- **Section 38(3) of the Act.**

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

- **Regulation 3 of NEPA (Procedure for filing appeals) regulations, 2012:**

3. Filing of appeal.- (1) *Any person aggrieved by any decision or order of the single Member of the Authority or Tribunal constituted under section 11 of the Act or from a decision given by the Provincial office of Inspection may, within 30 days of the order or decision file an appeal before the Authority.*

- **Punjab (Establishment and powers of office of Inspection) Order, 2005.**

10. Appeal.- *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 constitute under Section 35 of the Electricity Act 1910, within 30 days, and the decision of the Government or advisory board, as the case may be, shall be final in this regard.*

9. From the above referred provisions it is obvious that the appeal against the decision of POI was to be filed within 30 days of its announcement but it is observed that impugned decision was announced by POI on 13.04.2015 and the appeal was filed before NEPRA on





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27.08.2015 after expiry of 135 days from the date of decision of the POI. It is therefore established without any doubt that the appeal filed by MEPCO is barred by time and liable to be dismissed on this ground alone. As a matter of fact MEPCO is required to explain and justify each day of delay in filing of appeal after decision was announced on 13.04.2015 but MEPCO failed to provide sufficient cause for not filing it within specified period. In view of such position it is concluded that the appeal is time barred and the same is dismissed accordingly.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Date: 22.01.2016