



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

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No. NEPRA/AB/Appeal-137/POI-2016/ 155-159

January 31, 2017

1. Muhammad Athar,  
S/o Sharif Ahmed,  
Through Muhammad Akhtar Hussain,  
Finance Manager,  
M/s Hygiene Industries,  
21-A, Industrial Area, Multan
2. Chief Executive Officer,  
MEPCO Ltd,  
MEPCO Complex, Khanewal Road,  
Multan
3. Sardar Mazhar Abbas Mahar,  
Advocate High Court,  
45-Zikriya Block,  
District Courts, Multan
4. Sub Divisional Officer,  
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. Muhammad Athar Against the Decision Dated 03.07.2014 of the Electric Inspector/POI to Government of the Punjab Multan Region, Multan

Please find enclosed herewith the decision of the Appellate Board dated 27.01.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-137/POI-2016/ 160

January 31, 2017

Forwarded for information please.

Assistant Director  
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Member (CA)



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-137/POI-2016

Multan Electric Power Company Limited

.....Appellant

Versus

Muhammad Athar S/o Sharif Ahmed, Through Muhammad Akhtar Hussain,  
Finance Manager, M/s. Hygiene Industries, 21-A, industrial Area, Multan

.....Respondent

For the appellant:

Sardar Mazhar Abbas Advocate

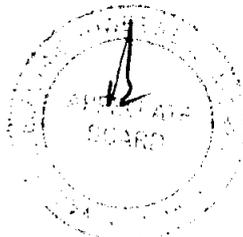
For the respondent:

Mr. Khursheed Ahmed Solgy Advocate  
Mr. Muhammad Athar Finance Manager

## DECISION

1. Through this decision, an appeal filed by Multan Electric Power Company Limited (hereinafter referred to as MEPCO) against the decision dated 03.07.2014 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 industrial consumer bearing Ref No.27-15118-0002600 U with a sanctioned load of 300 kW under B-2(b) tariff.
3. As per fact of the case, TOU billing meter of the respondent was checked by Metering & Testing (M&T) MEPCO which reportedly found erratic behavior with damaged Current Transformer (CT). A check meter was installed by MEPCO on 26.09.2013 in series with the TOU billing

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meter of the respondent and billing was shifted to check meter since October 2013. Both TOU billing meter and check meter of the respondent were again checked by M&T MEPCO on 04.11.2013 and reportedly the TOU billing meter was found 48.91 % slow in comparison with the check meter. After issuing notice dated 21.11.2013, a detection bill amounting to Rs.2,689,224/- for 166,848 kWh/373 kW MDI for the period June 2013 to 26.09.2013 was charged by MEPCO to the respondent in December 2013 @48.91 % slowness basis.

4. Being aggrieved, the respondent challenged the aforesaid detection bill before POI vide application dated 20.12.2013. Both the TOU billing meter and check meter were checked by POI on 15.05.2014 in presence of both the parties in which the TOU billing meter was found 23.67 % slow and the check meter was found working within BSS limits. POI disposed of the matter vide its decision dated 03.07.2014, operative portion of the same is reproduced below:

*"Keeping in view all above observations and calculation, this forum declares the charging of detection bill for the total cost of 166848 KWH units and 373 KW MDI for the period 06/2013 to 26.09.2013 on the basis of 48.9 % slowness as null, void and of no legal effect and concludes that the billing from 06/2013 to 09/2013 and 21 days of 10/2013 on the disputed meter No.00550 may be revised on the basis of 23.67 % slowness as expressed in column "To be Charged" of the above table. The respondents are directed to withdraw the above said detection and charge revised detection of 55049 units and 268 KW MDI as mentioned in the summarized table. They are further directed to withdraw the LPS imposed for the disputed billing period for December 2013 and January 2014 because 50 % of the disputed amount was not deferred and consumer has to get his bill manually revised for payment of current bills. The account of the petitioner may be overhauled by adjusting all debits, credits, Deferred amount and payment already made."*

5. Being dissatisfied with the decision of POI dated 03.07.2014 (hereinafter referred to as the impugned decision), MEPCO filed the appeal before NEPRA on 10.08.2016 under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (NEPRA Act 1997). In its appeal, MEPCO contended that the TOU billing meter was found 48.91% slow during M&T checking dated 04.11.2013, therefore a detection bill of 166,848





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kWh/373 kW MDI for the period June 2013 to 26.09.2013 charged to the respondent on the basis of above slowness was justified and payable by the respondent.

6. Notice of the appeal was issued to the respondent for filing reply/parawise comments which were filed by the respondent on 27.09.2016. In his reply, the respondent inter alia reiterated that the appeal against the impugned decision announced on 03.07.2014 was filed before NEPRA after a period of more than 2 years and as such it was time barred and liable to be dismissed on this ground.
7. Hearing of the appeal was fixed for 20.01.2017 at Multan and notice thereof was served upon both the parties. In the hearing held on 20.01.2017, Sardar Mazhar Abbas Advocate appeared on behalf of MEPCO and Mr. Khurshid Ahmed Solgy Advocate represented the respondent. Learned counsel for the respondent raised the preliminary objection regarding limitation and contended that the appeal was time barred and liable to be dismissed on this ground alone. In response, learned counsel for MEPCO pleaded that the delay caused in filing the appeal was not intentional and deliberate but it was due to insurmountable circumstances, which may be condoned. As regards the merits, learned counsel for MEPCO contended that it was established that the TOU billing meter of the respondent was slow and not recording the actual consumption of electricity, therefore the detection bill of 166,848 kWh /373 kW MDI for the period June 2013 to 26.09.2013 charged to the respondent due to 48.91 % slowness of the meter is justified and the respondent is liable to pay the same. However learned counsel for the respondent rebutted the arguments of MEPCO and pleaded that the impugned decision was based as per facts and law and liable to be upheld.
8. We have heard the argument and examined the record placed before us. Following are our observations:
  - i. The impugned decision was announced by POI on 03.07.2014, copy of the same was initially received by MEPCO on 11.11.2014 and a second copy was obtained on 17.02.2016, whereas the appeal against the same was filed before the NEPRA on 10.08.2016. If it is presumed that the copy of the impugned decision was received on 17.02.2016, even then the appeal filed by MEPCO after lapse of 163 days is time barred under Section 38 (3) of



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NEPRA Act 1997. No sufficient reasons have been given by MEPCO to justify condonation of the delay. It is concluded that the appeal filed before NEPRA is time barred and liable to be dismissed on this ground.

ii. Regarding merits of the case, it is noted that the meter was admittedly 23.67% slow. POI has therefore rightly determined that the detection bill of 166,848 kWh/373 kW MDI for the period June 2013 to 26.09.2013 and 21 days of October 2013 calculated @ 48.91 % slowness is not justified and the respondent is not liable to pay the same.

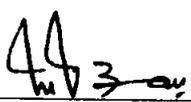
iii. POI has correctly worked out the detection bill as tabulated below:

Month	Already charged		To be charged		Remarks
	MDI	KWH	MDI	KWH	
06/2013	223	41160	292	53926	23.67% slowness be charged
07/2013	163	30840	214	40404	23.67% slowness be charged
08/2013	261	41280	342	54084	23.67% slowness be charged
09/2013	216	39600	283	51880	23.67% slowness be charged
10/2013	186	24620	186	32255	23.67% slowness for KWH only be charged
<b>Total</b>	<b>1,049</b>	<b>177,500</b>	<b>1,317</b>	<b>232,549</b>	<b>Net chargeable = 55,049 KWh/268 kW</b>

The respondent is liable to be billed the detection bill due to 23.67% slowness for 55,049 kWh/ 268 kW MDI for the period June 2013 to October 2013 as determined in the impugned decision.

iv. LPS imposed due to non-payment of disputed bills are not recoverable and liable to be withdrawn as already decided by POI.

9. Forgoing in consideration, the appeal is dismissed.

  
Muhammad Qamar-uz-Zaman  
Member

  
Muhammad Shafique  
Member

  
Nadir Ali Khoso  
Convener

Dated: 27.01.2017