



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

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No. NEPRA/AB/Appeal-045/POI-2017/1716-1720

November 29, 2017

1. Nazar Hussain,
R/o House No. 889,
Rukanabad Colony, Quetta Road,
Near Laghari Flour Mills,
Dera Ghazi Khan
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,
2nd Sub Division,
Dera Ghazi Khan
5. Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: Appeal Titled MEPCO Vs. Nazar Hussain Against the Decision Dated 15.12.2016 of the Electric Inspector/POI to Government of the Punjab Multan Region, Multan

Please find enclosed herewith the Decision of the Appellate Board dated 24.11.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-045/POI-2017/1721

November 29, 2017

Forwarded for information please.

For information & info 17.
20 12 17
Assistant Director
Appellate Board

1. Registrar

CC:

1. Member (CA)

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National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-045/POI-2017

Multan Electric Power Company LimitedAppellant

Versus

Nazar Hussain R/o House No.889, Rukanabad Colony,
Quetta Road, Near Leghari Flour Mills, Dera Ghazi KhanRespondent

For the appellant:

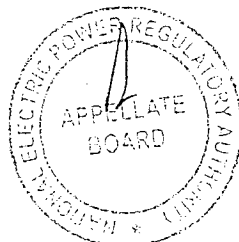
Sardar Mazhar Abbas Advocate
Mr. Zulfiqar Ali Abbas LMI

For the respondent:

Nemo

DECISION

1. Through this decision, an appeal filed by Multan Electric Power Company Limited (hereinafter referred to as MEPCO) against the decision dated 15.12.2016 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 (Ice-cream factory) bearing Ref No. 28-15224-0393800 with a sanctioned load of



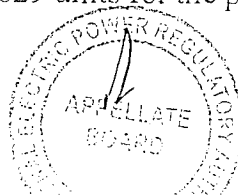


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11 kW under B-2(b) tariff. As per fact of the case, electricity meter of the respondent was checked by Metering & Testing (M&T) MEPCO on 27.05.2014 and reportedly it was found defective with the display washed out. Defective meter of the respondent was replaced with the new healthy meter by MEPCO vide meter change order (MCO) dated 01.07.2014. As per MEPCO, the respondent was charged the average bills for the period May 2014 to August 2014 due to defective meter.

3. The respondent was dissatisfied with the irregular billing, therefore filed an application before POI and challenged the arrears of Rs.250,152/- accumulated up-to August 2014. The respondent alleged that MEPCO charged the electricity bills for the period June 2014 to August 2014. Subsequently MCO of the respondent was fed by MEPCO in September 2014 and the electricity bill for 585 units was charged to the respondent in September 2014. POI disposed of the matter vide its decision dated 15.12.2016, wherein it was held that the electricity bills along with late payment surcharges (LPS) and fuel price adjustment (FPA) for the period May 2014 to September 2014 were void and to be revised @ 293 units/month.

4. Being dissatisfied with the decision of POI dated 15.12.2016 (hereinafter referred to as the impugned decision), MEPCO filed the appeal before NEPRA on 09.03.2017 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 electricity meter was found defective with display washed out during M&T checking dated 27.05.2014 and intimated vide checking report dated 28.05.2014, therefore the average bills for 14,829 units for the period May 2014 to September 2014

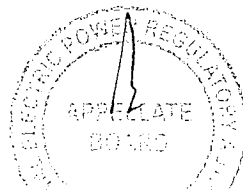




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were charged to the respondent by MEPCO. As per MEPCO, the Electric Inspector failed to decide the case in its letter and spirit and as per provisions of Consumer Service Manual (CSM). MEPCO pointed out that the Electric Inspector has no lawful jurisdiction to decide the instant matter and the impugned decision may be termed as void. MEPCO submitted an application for the condonation of delay along with this appeal and contended that the impugned decision was announced by POI on 15.12.2016 and the copy of the same was obtained by MEPCO on 17.02.2016, hence the appeal filed is within the period of 30 days as envisaged under Section 38(3) of NEPRA Act 1997. MEPCO also pleaded for the condonation of the delay in filing the instant appeal to avoid irreparable loss.

5. Notice of the appeal was issued to the respondent for filing reply/parawise comments which were filed by the respondent on 04.05.2017. In his reply, the respondent rebutted the arguments of MEPCO and contended that his meter was correct till August 2014 and became defective with the display washed out on 25.08.2014. As per respondent, MEPCO has wrongly charged the electricity bills for total 14,829 units for the period May 2014 to September 2014, which is violative of clause 4.4(c) of CSM. The respondent also countered the stance of MEPCO regarding the jurisdiction of POI and averred that the Electric Inspector is empowered to adjudicate the matter as contemplated in PLD 2012 SC 371.
6. Hearing of the appeal was fixed for 20.10.2017 at Multan and notice thereof was served upon both the parties. In the hearing held on 20.10.2017, Sardar Mazhar Abbas Advocate appeared on behalf of MEPCO but no one entered appearance for the





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respondent. Learned counsel for MEPCO reiterated the same stance as contained in memo of the appeal and pleaded for setting aside the impugned decision being devoid of merits.

7. 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 15.12.2016, copy of the same was received by MEPCO on 17.01.2017, whereas the appeal against the same was filed before the NEPRA on 09.03.2017 by MEPCO after lapse of 51 days, which is time barred under Section 38 (3) of 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 should be dismissed on this ground.
- ii. Regarding merits of the case, electricity meter of the respondent was found defective with the display washed out by MEPCO on 27.05.2014, therefore the electricity bills for the cost of 14,829 units for the period May 2014 to September 2014 were charged to the respondent by MEPCO, which were assailed before POI.
- iii. Consumption data as provided by MEPCO is tabulated below:

Disputed Consumption		
Month	Units	Remarks
May-2014	208	Same to same
June-2014	4,289	Same to same
July-2014	5,212	-
August-2014	4,535	Replaced
September-2014	585	-





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From the above table, it is evident that the billing for the period May 2014 to July 2014 was charged to the respondent on average consumption but neither any calculation nor any justification was produced by MEPCO. Furthermore MCO shows that the defective meter was replaced with the new healthy meter on 01.07.2014 and but the billing for August 2014 was also done on average basis, whereas the bill for September 2014 was charged as per consumption shown by the new healthy meter. We are in agreement with the findings of POI that the electricity bills for the period May 2014 to August 2014 are unjustified and the bill of 585 units charged in September 2014 also covers the consumption of August 2014. The determination of POI for cancellation of the bills for the period May 2014 to September 2014 and charging the same period @ 293 units/month is justified and the same is therefore maintained.

9. Forgoing in consideration, the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 24.11.2017

