



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

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No. NEPRA/AB/Appeal-102/POI-2017/1208 - 1212

August 17, 2017

1. Muhammad Shafique,
S/o Ghulam Sawar,
Prop: Tube Well,
R/o Basti Khoran, Mouza Garwan,
Tehsil Ahmed Pur East,
Distt. Bahawalpur
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,
Khanqah Sub Division,
Khanqah Sharif,
Tehsil & District Bahawalpur
5. Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: **Appeal Titled MEPCO Vs. Muhammad Shafique Against the Decision Dated 04.01.2017 of the Electric Inspector/POI to Government of the Punjab Multan Region, Multan**

Please find enclosed herewith the Decision of the Appellate Board dated 16.08.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

No. NEPRA/AB/Appeal-102/POI-2017/1213

Forwarded for information please.

(Ikram Shakeel)

August 17, 2017


Assistant Director
Appellate Board

✓ 1. Registrar

CC:

1. Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-102/POI-2017

Multan Electric Power Company LimitedAppellant

Versus

Muhammad Shafique, S/o Ghulam Sarwar, Prop: Tube Well,
R/o Basti Khoran, Mouza Garwan, Tehsil Ahmed Pur East,
District BhawalpurRespondent

For the appellant:

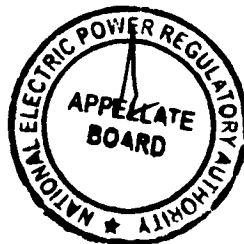
Sardar Mazhar Abbas Mahar Advocate
Javid Akhtar Line Superintendent

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 04.01.2017 of Provincial Office of Inspection, 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. 29-15442-1048002 with a sanctioned load of 18.65 kW under D-1b tariff.

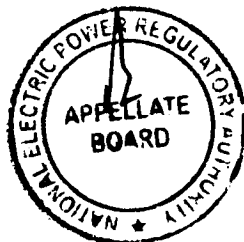




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3. As per fact of the case, the meter of the respondent was burnt in September 2014 but could not be replaced till December 2015. During this period i.e. September 2014 to December 2015 the supply was utilized by the respondent directly. However the supply was disconnected by MEPCO on 29.12.2015 and transformer was also removed due to default in payment. Bill on average basis was charged to the respondent from September 2014 to December 2015. The respondent filed an application before POI on 19.04.2016 and challenged the above mentioned average bills. POI disposed of the of the matter vide its decision dated 04.01.2017 and concluded as under:

“Keeping in view all the aspects of the case and summing up all the above observations & conclusions, this forum declares the charging of current bills from 10/2012 to 02/2014 and average bills from 03/2014 to 12/2015 including detection bill for the period 03/2014 to 05/2014 along with LPS/FPA as Null, Void and of no legal effect. The Respondents are directed to withdraw the same and charge revised consumption bills by segregating the same into 16 % for Peak & 84 % for Off-Peak Hours Tariff up-to reading index Peak = 46197.46 & Off-Peak = 45921.75 (dead stop) totaling to 92119.21 kWh units. The Respondents are also directed to overhaul petitioner’s account accordingly by adjusting all Debits, Credits, pending payable amount, LPS/FPA & payments already made by the consumer/petitioner. The supply of the consumer’s connection may be restored within 30-days through healthy meter without

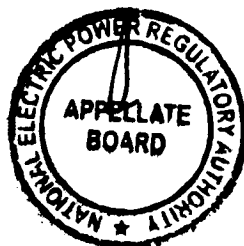




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charging any cost of material & difference of security deposit etc. after payment of 1st installment of 25 % and remaining 75 % may be recovered in 10-equal installments. The Respondents are advised, if they still believe that theft of electricity had been committed, they may initiate proper legal proceedings against the culprit involved in the theft of electricity through direct supply under the latest applicable law to recover the loss sustained by them."

4. MEPCO being aggrieved with the decision of POI dated 04.01.2017 (hereinafter referred to as the impugned decision) has filed the instant appeal before NEPRA under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as NEPRA Act 1997). A notice of the appeal was issued to the respondent for filing reply/parawise comments which were however not filed.
5. Notice was issued to both the parties and hearing of the appeal was fixed for 31.07.2017 in Multan, in which no one represented the respondent and Sardar Mazhar Abbas Mahar advocate appeared along with Mr. Jawaid Akhtar Line Superintendent appeared for MEPCO. At the outset of the hearing, the learned counsel for MEPCO was advised to argue on the question of limitation. Learned counsel pleaded that impugned decision was announced on 04.01.2017, received by MEPCO on 09.02.2017 and the appeal was filed before NEPRA on 06.06.2017. As per learned counsel, the delay occurred due to departmental





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process and as such be condoned. He prayed for deciding the matter on merits. In this regard he relied upon the grounds contained in memo of the appeal.

6. We have heard the arguments of MEPCO and examined the record placed before us. It is observed that the impugned decision was announced on 04.01.2017, copy of the same was received by MEPCO on 09.02.2017 and the appeal was filed before NEPRA on 06.06.2017 after a lapse of 116 days. Pursuant to section 38 (3) of NEPRA Act, an appeal against the impugned decision of POI should be filed within 30 days of its receipt. Obviously the instant appeal is time barred by 86 days. Moreover MEPCO has not filed any application for condonation of the delay and no cogent reason for the delay was advanced by MEPCO during the arguments.
7. The appeal is time barred therefore dismissed.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Date: 16.08.2017

