



Before the Appellate Board  
National Electric Power Regulatory Authority  
(NEPRA)

Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-117/POI-2017/1722 +726

November 29, 2017

1. Khalil Ahmad Ansari,  
S/o Muhammad Hanif,  
(Through Hanan Ahmad),  
S/o Munir Ahmad,  
Prop: Khalil Ice Factory,  
Chak No. 123/TDA, Karor Road,  
Layyah
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,  
1<sup>st</sup> Sub Division,  
Layyah
5. Electric Inspector  
Multan Region,  
249-G, Shah Ruken-e-Alam Colony,  
Phase II, Multan

Subject: Appeal Titled MEPCO Vs. Khalil Ahmad Ansari Against the Decision Dated 24.05.2017 of the Electric Inspector/POI to Government of the Punjab Multan Region, Multan

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

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-117/POI-2017/1727

Forwarded for information please.

November 29, 2017

Assistant Director  
Appellate Board

1. Registrar

CC:

1. Member (CA)

For n/a [Signature]  
— DD (IT) [Signature]  
Copr. D. 20 12 17  
— Dir (CAO)  
— DRD/DF-II /MF



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-117/POI-2017

Multan Electric Power Company Limited .....Appellant

Versus

Khalil Ahmed Ansari S/o Muhammad Hanif,  
(Through Hanan Ahmed) S/o Munir Ahmed Prop: Khalil Ice Factory,  
Chak No.123/TDA, Karor Road, Layyah .....Respondent

For the appellant:

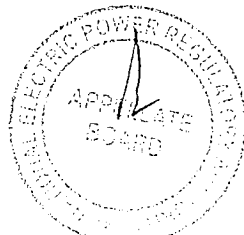
Sardar Mazhar Abbas Advocate  
Mr. Ibrahim Zarq

For the respondent:

Mr. Hanan Ahmed

## DECISION

1. Brief facts leading to the filing of instant appeal are that the respondent is an industrial consumer of Multan Electric Power Company Limited (hereinafter referred to as the MEPCO) bearing Ref No. 27-15731-0005207-U with a sanctioned load of 38kW under B-2(b) tariff. Both the billing and AMR meters of the respondent were checked by metering and testing (M&T) MEPCO on 12.05.2016 and reportedly both the meters were found 66% slow. As per MEPCO, metering equipment of the respondent remained 33% slow for the period 12.07.2015 to 15.08.2015 and it became 66% slow w.e.f 16.08.2015 and onwards. After issuing notice to the respondent, a detection bill of Rs.1,246,928/- for 64,426 units/234 kW MDI for the period (i) 12.07.2015 to 15.08.2015 @ 33% slowness of the meters and (ii) 16.08.2015 to August 2016 @ 66%





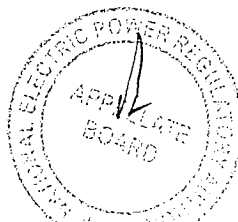
## National Electric Power Regulatory Authority

slowness of the meters was charged by MEPCO to the respondent in two installments. First installment of Rs.975,496/- was added in the bill for August 2016 and second installment of Rs.271,432/- was included in the bill for September 2016. In addition multiplication factor (MF) of the respondent was also enhanced from 20 to 58.9 due to 66% slowness of the meter by MEPCO w.e.f August 2016 and onwards.

2. The respondent was aggrieved with the actions of MEPCO, therefore filed a complaint before Provincial Office of Inspection, Multan region, Multan (hereinafter referred to as POI) and challenged the aforesaid detection bill. A joint inspection was carried out by POI in presence of both the parties on 01.09.2016, wherein 66% slowness of the disputed meters of the respondent was confirmed. The matter was decided by POI vide its decision dated 24.05.2017, the operative portion of which is reproduced below:

*“Summing up all the above narrated observations and conclusions, it is held that:-*  
*(i) The kWh part of the disputed meter became 66% w.e.f. 09/2015 and MDI part became defective w.e.f. 09/2015. (ii). The respondents are directed to:- a. Charged and revise the detection bill @ 66% slowness w.e.f. 09/2015 till MCO. b. Charge MDI @ 41 kW from 09/2015 to 09/2016. c. Proceed for replacement of defective/slow meter in compliance of Clause 4.4(e) of NEPRA approved Consumer Service Manual, 2010 and the account of the consumer be overhauled accordingly.”*

3. The above referred decision has now been assailed through the instant appeal whereby the appellant contended that the metering equipment of the respondent was checked by M&T MEPCO on 12.05.2016 and both the meters were found 66% slow. According to MEPCO, a detection bill amounting to Rs.1,246,928/- for 64,426 units/234 kW MDI for the period (i) 12.07.2015 to 15.08.2015 @ 33% slowness of the meters and (ii) 16.08.2015 to August 2016 @ 66% slowness of the meters was debited to the

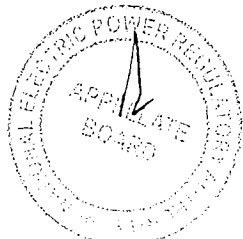




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respondent by MEPCO in accordance with the provisions of Consumer Service Manual (CSM) and the respondent is responsible for payment of the same. MEPCO objected the jurisdiction of Electric Inspector and stated that the Electric Inspector has no lawful authority to decide this matter and further pleaded for setting aside the impugned decision.

4. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which however were not filed.
5. After issuing notices; the hearing of the appeal was held in Multan on 20.10.2017 in which Sardar Mazhar Abbas advocate along with Mr. Ibrahim represented the appellant MEPCO and Mr. Hanan Ahmed appeared for the respondent. Learned counsel for MEPCO reiterated the same arguments as given in memo of the appeal and contended that both the TOU and AMR meters were found 66% slow during M&T checking on 12.05.2016, therefore the detection bill of Rs.1,246,928/- for 64,426 units/234 kW MIDI for the periods (i) 12.07.2015 to 15.08.2015 @ 33% slowness and (ii) 16.08.2015 to August 2016 @ 66% slowness of the meters charged to the respondent is justified and payable. On the contrary, the representative for the respondent denied the claim of MEPCO, defended the impugned decision and prayed for upholding the same.
6. We have heard arguments of both the parties and perused the record placed before us. It has been observed that:
  - i. The objection of MEPCO regarding the jurisdiction of POI has no force as the instant matter is a metering and billing dispute and POI is authorized to entertain the application of the respondent under Section 38 of NEPRA Act, 1997.





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ii. 66% slowness of both the meters of the respondent is established as it was observed by M&T MEPCO on 12.05.2016 and confirmed by POI during the joint checking dated 01.09.2016.

iii. Detail of the detection bill charged by MEPCO is as under:

| S# | Period                    | Slowness | Units/MDI            | Amount (Rs.) |
|----|---------------------------|----------|----------------------|--------------|
| 01 | 12.07.2015 to 15.08.2015  | 33%      | 64,426 units/ 234 kW | 1,246,928/-  |
| 02 | 16.08.2015 to August 2016 | 66%      |                      |              |

iv. There is no determination by POI for of the first period of the aforesaid detection bill i.e. 12.07.2015 to 15.08.2015. MEPCO did not provide any justification for charging the detection bill for the said period @ 33% slowness. Therefore the detection bill for the period 12.07.2015 to 15.08.2015 charged to the respondent @ 33% slowness of the meters is unjustified and the respondent is not liable to pay the same.

v. As regards the detection bill for the second period i.e. 16.08.2015 to August 2016, POI has allowed the kWh units@ 66% slowness and MDI @ 41 kWMDI/month from September 2015 to September 2016. The respondent did not agitate the same, therefore we are of inclined to agree with the determination of POI for charging the kWh units@ 66% slowness and MDI @ 41 kW MDI/month for the period September 2015 to September 2016 and the respondent is responsible for payment of the same.

7. In view of forgoing discussion, we have reached to the conclusion that:

i. The detection bill for the period 12.07.2015 to 15.08.2015 charged to the respondent by MEPCO @ 33% slowness is unjustified, therefore declared null and void.

ii. The respondent should pay the detection bill for the period September 2015 to





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September 2016 in terms of kWh units @ 66% slowness and MDI @ 41 kW per month as already determined by POI.

iii. The billing account of the respondent should be revised accordingly after making the adjustment of payments made (if any) during the above period.

8. The appeal is disposed of in above terms.

Muhammad Qamar-uz-Zaman  
Member

Nadir Ali Khoso  
Convener

Muhammad Shafique  
Member

Dated: 24.11.2017

