



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

NEPRA Office , Atta Turk Avenue (East), G5/1, Islamabad
Tel. No. +92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/AB/Appeal-161/POI-2016/ *198-201*

February 06, 2017

1. Qazi Abdul Aziz,
S/o Mian Ahmad Deen,
Prop: Tube Well, Chak No. 112/7-R,
Old Chichawatni, District Sahiwal
2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan
3. Sub Divisional Officer (Op),
MEPCO Ltd,
Rural Sub Division,
Chichawatni
4. Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: Appeal Titled Qazi Abdul Aziz Vs. MEPCO Against the Decision Dated 01.09.2016 of the Electric Inspector/POI to Government of the Punjab Multan Region, Multan

Please find enclosed herewith the decision of the Appellate Board dated 03.02.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-161/POI-2016/ *202*
Forwarded for information please.

(Ikram Shakeel)

February 06, 2017

Ikram Shakeel
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-161/POI-2016

Qazi Abdul Aziz S/o Mian Ahmed Deen Jutt, Tube well,
Chak No. 112/7-R, Tehsil Chichawatni, District Sahiwal

.....Appellant

Versus

Multan Electric Power Company Limited

.....Respondent

For the appellant:

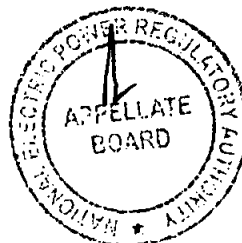
Mr. Qazi Abdul Aziz

For the respondent:

Mr. Masab Ali Saleemi SDO
Mr. Ghulam Shabir

DECISION

1. Brief facts give rising to the instant appeal are that the appellant is an agricultural consumer of Multan Electric Power Company Limited (hereinafter referred to as MEPCO) bearing Ref No.29-15542-0738100 with a sanctioned load of 15k W under D-I tariff. The electricity meter of the appellant was checked by metering and testing (M&T) MEPCO on 10.08.1996 and reportedly it was found 68% slow, therefore a detection bill of Rs.20,911/- for the period September 1996 to November 1996 was charged by MEPCO to the appellant @ 68% slowness after issuing notice. The appellant filed a civil suit on 15.10.1996 and challenged the aforesaid detection bill. However an outside court settlement for payment of the detection bill of Rs.20,911/- in five equal monthly installments was reached between the parties, therefore the civil suit was dismissed as withdrawn by the honorable civil court vide its order dated 28.06.2000. The appellant was further charged electricity bills with enhanced multiplication factor (MF)=3.12 by MEPCO for the period December 1996 to October 1999 due to 68% slowness of the billing meter. MEPCO installed a check meter in series with the billing meter





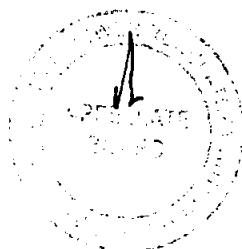
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on 03.10.1998. During checking by M&T MEPCO on 10.11.1998, reportedly the billing meter was found tampered, therefore MEPCO registered FIR 64/1998 against the appellant for theft of electricity but Special Magistrate, WAPDA vide its decision dated 22.11.2000 acquitted the appellant. Billing of the appellant was shifted on the check meter w.e.f November 1999 and onwards. It seems that the outside court settlement regarding payment of the detection bill of Rs.20,911/- was not implemented. Therefore the appellant disputed the irregular bills for the period September 1996 to October 1999 including the detection bill of Rs.20,911/- before Lahore High Court. Multan Bench and the matter was referred to POI for further adjudication by the honorable High Court vide its order dated 02.12.2015.

2. The appellant filed an application before Provincial Office of Inspection/Electric Inspector, Multan region, Multan (hereinafter referred to as POI) on 05.01.2016 and challenged the aforementioned irregular bills. POI disposed of the matter vide its decision dated 01.09.2016, the operative portion of which is reproduced below:

"Keeping in view all the aspects of the case, to arbitrate the long pending dispute in hand and in the best interest of justice, this forum declares the charging of all the current bills from 09/1996 to 10/1999 including the detection bills & LPS as Null, Void and of no legal effect. The respondents are directed to withdraw the same and charge revised bills as per Column "To Be Charged Units" of the above summarized table at the respective applicable variable rates. The Respondents are also directed to overhaul petitioner's account by adjusting all the Debits, Credits, Already Make Payments, LPS and Pending Payable Amounts accordingly. Disposed of in above terms."

3. Being dissatisfied with the decision dated 01.09.2016 of POI (hereinafter referred to as the impugned decision), the appellant has filed the instant appeal under Section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as the NEPRA Act 1997). In its appeal, the appellant inter alia, contended that the detection bill of Rs.20,911/- for the period September 1996 to November 1996 and the bills charged with enhanced MF=3.12 for the period December 1996 to October 1999 due to 68 % slowness of the billing meter are illegal and not payable. The





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appellant prayed for cancellation of the impugned decision and revision of the disputed bills of the period September 1996 to October 1999 on the basis of consumption recorded during the undisputed periods.

4. Notice of the appeal was issued to MEPCO for filing reply/parawise comments, which were filed by MEPCO on 17.11.2016. In its reply/parawise comments, MEPCO contented that the billing meter of the appellant was found 68% slow during M&T checking on 10.08.1996 that the detection bill of Rs.20,911/- for the period September 1996 to November 1996 was charged to the appellant @ 68% slowness, which was challenged by the appellant before the Civil Court on 15.10.1996. MEPCO claimed that the civil suit was disposed of on 28.06.2000 as the appellant agreed to pay the aforesaid detection bill in five equal monthly installments. MEPCO submitted that the bills for December 1996 to October 1999 were charged with enhanced MF=3.12 due to 68% slowness and arrears of the appellant accumulated to Rs.326,650/- till October 1998. According to MEPCO, billing meter of the appellant was again checked by M&T in October 1998, which was found tampered, therefore a check meter was installed in series with the disputed billing meter of the appellant on 03.10.1998. Finally MEPCO defended the impugned decision and prayed for dismissal of the appeal.
5. After issuing notice to both the parties, hearing of the appeal was conducted in Multan on 20.01.2017 in which Qazi Abdul Aziz the appellant, appeared in person and Mr. Masab Ali Saleemi SDO represented MEPCO. The appellant reiterated the same arguments as given in memo of the appeal and contended that the billing meter was checked by M&T on 10.08.1996 in his absence, therefore charging of the detection bill of Rs.20,911/- for the period September 1996 to November 1996 and the bills with enhanced MF= 3.12 for the period December 1996 to October 1999 due to 68 % slowness are unjustified and not payable by the appellant. The appellant averred that the matter of disputed billing was agitated before courts and finally it was remanded to POI for decision. According to the appellant, a check meter was installed on 03.10.1998 on the direction of SE (Operation) and comparison of both the billing and check meters proved that the billing meter of the appellant was okay, as such the bills charged due to 68% slowness of the meter for the period September 1996 to October 1999 are not justified and liable to be withdrawn. The appellant submitted that the arrears of Rs.43,472/- were



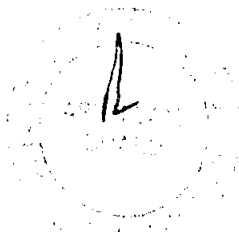


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recoverable from the appellant in April 1999 as confirmed vide SDO notice 4643 dated 22.04.1999, which were paid by the appellant and nothing is outstanding till April 1999. As per appellant, therefore excessive amount claimed by MEPCO is incorrect and not payable by the appellant. Conversely, SDO MEPCO in his arguments contended that the appellant was involved in illegal abstraction of electricity and failed to make payments of the bills, therefore the bills charged for the period September 1996 to October 1999 are justified and recoverable from the appellant.

6. We have heard arguments of both the parties and perused the record placed before us. It has been observed that:
 - i. The detection bill of Rs.20,911/- for the period September 1996 to November 1996 and the bills with enhanced MF=3.12 for the period December 1996 to October 1999 were charged to the appellant due to 68% slowness of the billing meter, which were agitated by the appellant before POI vide his application dated 05.01.2016.
 - ii. Check meter was installed in series with billing meter of the appellant by MEPCO on 03.10.1998 and the comparison of readings of the disputed billing meter and check meter proved that the billing meter was 4.5% slow only. Therefore the detection bill of Rs.20,911/- for the period September 1996 to November 1996 and further bills for the period December 1996 to October 1999 charged @ 68 % slowness are not correct and liable to be cancelled as already determined in the impugned decision.
 - iii. For the sake of convenience, disputed period i.e. September 1996 to October 1999 is divided into two parts.
 - a. **First disputed period i.e. September 1996 to October 1998**

68% slowness was never established during the first disputed period, therefore determination of POI for charging the bill of September 1996 @ 68% slowness has no justification. As per data of MEPCO, healthy consumption was recorded @ (35,100 / 25 = 1,404) units/month by the check meter during the period November 1998 to November 2000, therefore it would be fair and appropriate to charge the appellant @ 1,404 units/month for the first disputed period i.e.





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September 1996 to October 1998. Impugned decision to this extent is liable to be modified.

b. Second disputed period i.e. November 1998 to October 1999

Following table gives the consumption, which has been worked out on the basis of data provided by MEPCO:

Second disputed period i.e. November 1998 to October 1999 (12 months)			
Billing meter		Check meter	
Total units charged @ 68 % slowness	35772	Total units charged in normal mode	12036
Average units charged @ 68% slowness	$= \frac{35772}{12} = 2,981$	Average units charged in normal mode	$= \frac{12036}{12} = 1,003$

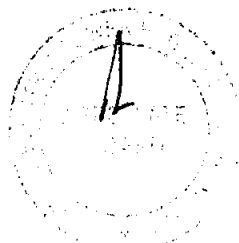
It would be fair and appropriate to charge the bill @ 1,003 units/month for the second disputed period i.e. November 1998 to October 1999 as recorded by healthy check meter during the same period. Impugned decision to this extent is liable to be modified.

c. Total units to be charged as tabulated below:

Period	Average units to be charged x months	Total units to be charged	Remarks
<u>First disputed period</u> September 1996 to October 1998 (26 months)	1,404 x 26	36,504	Refer a
<u>Second disputed period</u> November 1998 to October 1999(12 months)	1,003 x 12	12,036	Refer b
Total units to be charged for the entire disputed period i.e. September 1996 to October 1999		48,504	

7. Forgoing in consideration, it is concluded that:

- i. Detection bill of Rs.20,911/- for the period September 1996 to November 1996 charged @ 68% slowness and further bills charged with enhanced MF=3.12 for the period December 1996 to October 1999 have no justification and therefore cancelled as





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determined in the impugned decision.

- ii. The appellant should be charged 48,504 units for the disputed period September 1996 to October 1999. The consumer account should be overhauled and the bills be revised accordingly by making adjustment of payment already made.
8. Impugned decision is modified in above terms.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 03.02.2017

