



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-182/POI-2016/ 1282 -1286

August 30, 2017

1. Ghulam Hassan,
S/o Muhammad Bakhsh,
(through Waheed-ur-Rehman Khakwani),
S/o Hafeez-ur-Rehman Khakwani,
House No. 132-M, Zikariya Town,
Multan, Prop: Tube Well,
Located at Mouza Umrani, 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,
Vehova Sub Division,
Vehova, District Dera Ghazi Khan
5. Electric Inspector
Multan Region,
249-G, Shah Rukn-e-Alam Colony,
Phase II, Multan

Subject: Appeal Titled MEPCO Vs. Ghulam Hassan Against the Decision Dated 18.10.2016 of the Electric Inspector/POI to Government of the Punjab Multan Region, Multan

Please find enclosed herewith the Decision of the Appellate Board dated 25.08.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-182/POI-2016/ 1287

Forwarded for information please.

(Ikram Shakeel)

August 30, 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-182/POI-2016

Multan Electric Power Company Limited

.....Appellant

Versus

Ghulam Hassan S/o Muhammad Bukhsh,
(through Waheed-ur-Rehman Khakwani) House No.132-M,
Zikariya Town, Multan

.....Respondent

For the appellant:

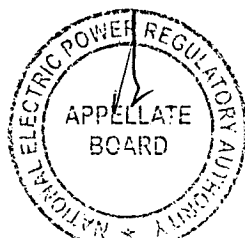
Sardar Mazhar Abbas Mahar Advocate
Mr. Manzoor Raja SDO

For the respondent:

Nemo

DECISION

1. This decision shall dispose of an appeal filed by Multan Electric Power Company Limited (hereinafter referred to as MEPCO) against the decision dated 18.10.2016 of Provincial Office of Inspection, Multan region, Multan (hereinafter referred to as POI) 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).
2. Brief facts of the case are that the respondent is an agricultural consumer of MEPCO bearing Ref No.29-15263-1175304 with sanctioned load of 15 kW under D-1 tariff. The electricity bills for the cost of 6,086 and 2,764 units were charged to the



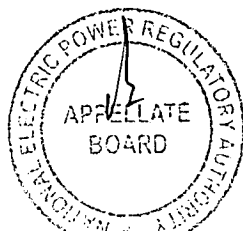


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respondent by MEPCO in November 2012 and December 2012 respectively. Subsequently old meter (first meter) of the respondent was replaced with a new meter vide meter change order (MCO) dated 12.01.2013 but it was not fed to the computer for billing. As per MEPCO, subsequently MCO was fed in August 2013 and accordingly pending units @ 2,707 units/month for the period 12.01.2013 to August 2013 were charged to the respondent. Afterwards the new meter (second meter) of the respondent was checked by metering and testing (M&T) MEPCO on 20.12.2014 and reportedly it was found defective with 92% slowness and display washed out. After issuing notice dated 05.01.2015 regarding above discrepancy, a detection bill amounting to Rs.151,314/- for 12,374 units for the period November 2014 to January 2015 (3 months) was charged to the respondent by MEPCO @ 50% load factor. Second defective meter of the respondent was replaced by MEPCO in March 2015.

3. Being aggrieved, the respondent filed an application before POI and challenged the arrears of Rs.716,215/- till November 2015. The matter was disposed of by POI vide its decision dated 18.10.2016 with the following conclusion:

“Keeping in view all the above observation/conclusions, this forum declares the charging of current bills for 11/2012, 12/2012 and from 11/2014 to 03/2015 including detection bill of Rs.151,314/- for the cost of 12,374 KWh units for the period 11/2014 to 01/2015 on the basis of 50% load factor of 37.3 KKW connected load as Null, Void & having no legal effect. The respondents are directed to:- 1. Withdraw the current

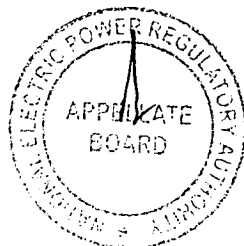




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average bills for 11/2012 & 12/2012 and charged revised bills for those months @ 2,707 units per month. 2. Withdraw the current bills from 11/2014 to 03/2015 along with detection bill for 11/2014 to 01/2015 and revise them by affording consumer the refund for the cost of {3436 (for 11/2012 & 12/2012) + 11387 (from 11/2014 to 02/2015) + 12374 (detection for 11/2014 to 01/2015 + 4176 (out of 03/2015) = 31,373 KWh and charge the bill for 03/2015 as per final readings of the removed meter No.36914 Make PEL as T1=13.22, T1=0.81 & T2=11.41 KWh reported by M&T formation. 3. Also revised FPA and withdraw the LPS charges, if imposed from 11/2012 to 03/2015 as per above revision and proceed for restoration of supply of consumer's connection without charging any RCO fees or cost of material etc. 4. Overhaul petitioner's account accordingly by adjusting all Debits, Credits, LPS & FPA & Payments already made. Disposed of in above terms."

4. Being dissatisfied with the decision dated 18.10.2016 of POI (hereinafter referred to as the impugned decision), MEPCO has filed the instant appeal. MEPCO in its appeal inter alia, contended that a credit of Rs.24,885/- for 3,397 units was afforded to the respondent in November 2012 and reading of the first meter was revised accordingly. MEPCO further contended that second meter of the respondent was found 92% slow with display washed out during M&T checking on 20.12.2014 and the connected load was noticed as 37.3 kW, being higher than the sanctioned load, hence the detection bill amounting to Rs.151,314/- for 12,374 units for the period November 2014 to January 2015 (3 months) was charged to the respondent on the basis of connected

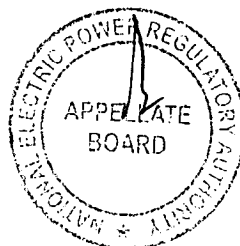




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load. MEPCO argued that POI declared the aforesaid detection bill as well as current bills for the period November 2012 to December 2012 & November 2014 to March 2015 as null & void, which is incorrect. MEPCO prayed that the impugned decision dated 18.10.2016 is violative of law and provisions of Consumer Service Manual (CSM), therefore liable to be set aside. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which were not filed by the respondent.

5. Notice of the hearing was issued and the appeal was heard in Multan on 31.07.2017 in which Sardar Mazhar Abbas advocate along with Manzoor Raja SDO represented the appellant MEPCO whereas no one entered appearance for the respondent. Learned counsel for MEPCO reiterated the same arguments as described in memo of the appeal and contended that second meter of the respondent was found defective with display washed out and the connected load was observed much above the sanctioned load, hence a detection bill of Rs.151,314/- for 12,374 units for the period November 2014 to January 2015 (3 months) was charged to the respondent in accordance with provision of CSM. MEPCO submitted that the impugned decision for cancellation of current bills for November 2012 to December 2012, November 2014 to March 2015 and aforesaid detection bill is unjustified and liable to be set aside.
6. We have heard arguments of MEPCO and examined the record placed before us. It has been observed as under:





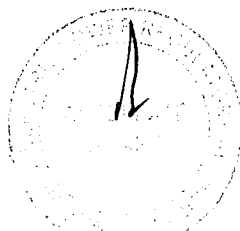
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- i. Billing period challenged by the respondent is split into two parts:
- **First disputed period** i.e. November 2012 to December 2012 pertains to the average billing on the first meter.
 - **Second disputed period** i.e. November 2014 to March 2015 pertains to the current bills and a detection bill due to defective second meter.
- ii. First disputed period i.e. November 2012 to December 2012: First meter of the respondent was replaced by MEPCO vide MCO on 12.01.2013. The electricity bills for November 2012 and December 2012 charged by MEPCO were disputed by the respondent.

In order to ascertain the justification of bills charged by MEPCO for November 2012 and December 2012, billing statement as provided by MEPCO is tabulated below:

Month	Units to be charged = [current - previous] reading reading	Units already charged	Units charged in excess	Credit afforded
Nov-2012	(24,551-21,862) = 2,689	6,086	3,397	3,397
Dec-2012	(27,315-24,551) = 2,764	2,764	0	0
Total			3,397	3,397

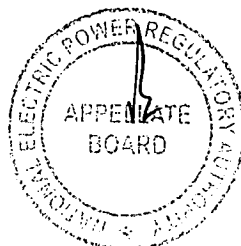
From the perusal of billing statement of the respondent, it depicts that the respondent was afforded a credit of 3,397 units excessively charged by MEPCO in November 2012 and his billing was revised accordingly. No excessive bill charged





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- in December 2012. Hence the impugned decision for cancellation of the electricity bills for November 2012 and December 2012 and revision of the same @ 2,707 units per month is not justified and liable to be declared null and void to this extent.
- iii. Second disputed period i.e. November 2014 to March 2015: Second meter of the respondent was found defective with 92% slowness, display washed out, hence a detection bill of Rs. 151,314/- for 12,374 units for the period November 2014 to January 2015 (3 months) was charged to the respondent by MEPCO on the basis of connected load. Second defective meter of the respondent was replaced by MEPCO in March 2015. The respondent assailed the aforesaid detection bill and current bills for the period November 2014 to March 2015 before POI.
- iv. Charging the detection bill for three months to the respondent by MEPCO due to a defective meter is violative of clause 4.4 (e) of CSM. Furthermore perusal of billing statement has also revealed that the billing during the second disputed period i.e. November 2014 to March 2015 was done on arbitrary basis, which is unjustified and the respondent is not liable to pay the same. We are inclined to agree with the determination of POI that the detection bill of Rs.151,314/- for the period November 2014 to January 2015 (3 months) and the current bills for the period November 2014 to March 2015 are liable to be declared null and void.
- v. Computation of the units for the period November 2014 to December 2015 (5 months) is made below:





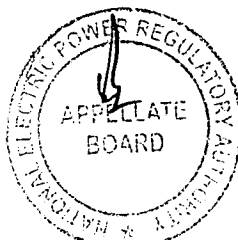
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Month	(A) Units charged	(B) Units to be charged for the period (Oct-2014 to Mar-2015)	(C) Net units to be credited
Oct-2014	0	= Final reading of Mar-15 - Actual reading as as per data retrieval recorded in Oct-14 = 71,417 - 45,591	= (A)-(B)
Nov-2014	6,570		
Dec-2014	13,140		
Jan-2015	8,760		
Feb-2015	8,763		
Mar-2015	4,188		
Detection	12,374		
Total	53,795	25,826	27,979

The respondent is liable for the credit of net **27,979 units** charged in excess during the period November 2014 to March 2015 (5 months). Impugned decision is liable to be modified to this extent.

7. Forgoing in view, we have reached to the conclusion that:

- i. The respondent has rightly been charged the electricity bills for November 2012 and December 2012 by MEPCO and the impugned decision for cancellation of the same bills is not justified, therefore declared null and void to this extent.
- ii. The current bills for the period November 2014 to March 2015, the detection bill of Rs.151,314/- for the period November 2014 to January 2015 (3 months) and late payment surcharges levied against the aforesaid bills are unjustified, therefore cancelled as already declared by POI.
- iii. Consumer account of the respondent should be overhauled after making the adjustment of 27,979 units charged in excess and payments already made (if any)





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against the disputed bills.

8. The impugned decision is modified in above terms.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Date: 25.08.2017

