



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

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No. NEPRA/AB/Appeal-076/POI-2018/ 2260-2264

December 14, 2018

1. Muhammad Ali Khan
S/o. Muhammad Amin Khan,
Prop: Tube Well, Bangla Sher Khan,
Tehsil & Distt. Layyah
2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan
3. Sardar Mazhar Abbas Mahar
Advocate High Court
45-Zakariya Block, District Courts,
Multan
4. Sub Divisional Officer (Op),
MEPCO Ltd,
1st Sub Division,
Layyah
5. Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: **Appeal Titled MEPCO Vs. Muhammad Ali Khan Against the Decision Dated 07.12.2017 of the Provincial Office of Inspection to Government of the Punjab Multan Region, Multan**

Please find enclosed herewith the decision of the Appellate Board dated 13.12.2018, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

(Ikram Shakeel)

No. NEPRA/AB/Appeal-076/POI-2018/ 2265

December 14, 2018

Forwarded for information please.


Assistant Director
Appellate Board

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Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 076/2018

Multan Electric Power Company Limited

.....Appellant

Versus

Muhammad Ali Khan S/o. Muhammad Amin Khan,
Prop: Tubewell located at Bangla Nasir Khan,
Tehsil & District Layyah

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 07.12.2017 PASSED BY PROVINCIAL OFFICE OF INSPECTION MULTAN REGION MULTAN

For the appellant:

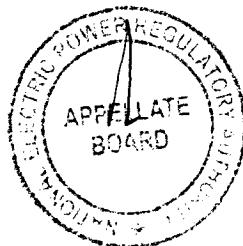
Sardar Mazhar Abbas Mahar Advocate

For the respondent:

Mr. Muhammad Ali Khan

DECISION

1. This decision shall dispose of an appeal filed by Multan Electric Power Company Limited (MEPCO) against the decision dated 07.12.2017 of Provincial Office of Inspection (POI) Multan Region, Multan.
2. As per facts of the case, the respondent is a consumer of MEPCO having Tube well connection bearing Reference A/C No. 29-15731-0547211-R with a sanctioned load of 15 kW under D-1b tariff. Meter of the respondent was checked by Metering and Testing (M&T) MEPCO on 21.04.2017 and reportedly found washed out. A detection bill of Rs.80,439/- for 7,086 units for the period January 2017 to March 2017 (3 months) was



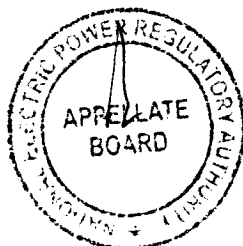


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charged to the respondent by MEPCO in May 2017 @ 40% Load Factor (LF) of 11 kW connected load. The respondent being aggrieved with the above detection bill, filed an application before POI. Metering equipment of the respondent was checked by POI on 18.07.2017 in presence of both the parties and its terminal block strip was found closed, time of TOD meter was upset but the readings appeared on LCD display. The application of the respondent was disposed of vide POI decision dated 07.12.2017. The operative portion of the same is reproduced below:

“keeping in view all the above narrated aspects of the case, this forum declares the charging of detection bill for the cost of 7086-kWh units for the period from 01/2017 to 03/2017 on the basis of display of meter washed out as null , void and of no legal effect. The respondents are directed to withdraw the same and overhaul the account of the petitioner accordingly.”

3. Being dissatisfied with the POI decision dated 07.12.2017 (hereinafter referred to as the impugned decision), MEPCO has filed the instant appeal before NEPRA. The appellant inter-alia, stated that the matter falls within the domain of civil court and the impugned decision passed by POI without lawful authority and jurisdiction has no legal effect. According to the appellant the detection bill was chargeable and the impugned decision was passed without going into merits, therefore liable to be set aside.
4. Notice was issued to the respondent for reply/parawise comments, which were filed on 19.09.2018. In its reply, the respondent stated that the meter display was not washed out, that the meter still exists at the site and working correctly, that the detection bill of Rs Rs.80,439/- for 7,086 units for the period January 2017 to March 2017 charged by MEPCO is wrong , that the impugned decision is well reasoned and based on true facts,

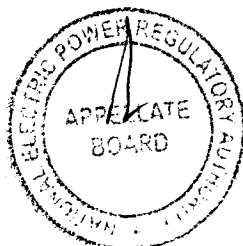




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hence liable to be upheld.

5. Notice was issued to both the parties and the appeal was heard in Multan on 16.10.2018, which was attended by both the parties. Learned counsel for MEPCO reiterated the arguments as contained in memo of the appeal and contended that the detection bill of Rs.80,439/- for 7,086 units for the period January 2017 to March 2017 was charged to the respondent in order to recover the revenue loss caused due to the meter display washed out. According to the MEPCO the impugned decision is not justified and liable to be dismissed. On the contrary the respondent appeared in person pleaded that there was no defect in the meter which is also confirmed in subsequent checking by POI on 18.07.2017, wherein the display was found visible. The respondent alleged that the bogus billing was done by MEPCO against his connection in order to decrease its line losses. He averred that there is no justification of charging of detection bill of Rs. 80,439/- for 7,086 units for the period January 2017 to March 2017 which is rightly declared null and void by POI.
6. Arguments of both the parties heard and the record presented by both the parties was examined. Following has been observed:
 - i) As regards to the preliminary objection of the appellant, the dispute between the parties is regarding metering/billing as such POI is competent to adjudicate the same under Section 38 of NEPRA Act 1997. Therefore preliminary objection of MEPCO regarding jurisdiction is without any force therefore dismissed





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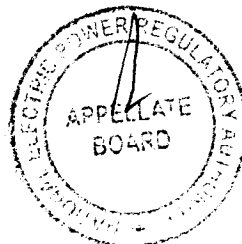
ii) The detection bill of Rs.80,439/- for 7,086 units for the period January 2017 to March 2017 was charged to the respondent on the plea that display of the billing meter washed out, but subsequently the reading was found during the checking by POI on 18.07.2017 in presence of both the parties. It is also noted that MEPCO neither replaced the meter nor installed a check meter to the respondent as required under Consumer Service Manual and billing continued on the same meter. Moreover no discrepancy was pointed out by MEPCO staff in its routine monthly meter readings. Obviously the detection bill of Rs. 80,439/- for 7,086 units for the period January 2017 to March 2017 charged by MEPCO on this ground is not justified and liable to be withdrawn as decided by POI.

iii) The consumption data of the respondent is tabulated below:

Months	Year	
	2016	2017
January	350	550
February	152	0
March	550	2000
April	1020	1116
May	1859	1357
June	0	1347
July	3100	551
August	3500	2671
September	2400	4233
October	1771	7204
November	47	1
December	1550	0

From the above table it is revealed that:

- Total consumption during disputed Period (January 2017-March 2017) = 2550 units
- Total consumption recorded in the corresponding undisputed period = 915 units of previous year (i.e. January 2016-March 2016)





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It is noted that the consumption recorded during the disputed period is much higher than the consumption recorded in undisputed period therefore, there is no justification for charging any detection bill. We do not find any irregularity or error in the impugned decision which is liable to be maintained.

7. Forgoing in consideration, the appeal is dismissed, in consequence there upon the impugned decision is upheld.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 13.12.2018

