



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

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No. NEPRA/AB/Appeal-083/POI-2018/2266-2270

December 14, 2018

1. Abdul Majeed
S/o. Hafiz Muhammad Umar,
Representative & Occupier of Tube-Well,
Connection in the name of Mehmood Khan,
S/o. Gulab (late), Located at Jhoke Rohail,
Tehsil Taunsa Sharif, Distt. Dera Ghazi Khan
2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan
3. Haroon Aziz Qazi
Advocate High Court
123-Old Block, District Courts,
Multan
4. Sub Divisional Officer (Op),
MEPCO Ltd,
Shadan Lund Sub Division,
Shadan Lund
5. Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: **Appeal Titled MEPCO Vs. Abdul Majeed Against the Decision Dated 28.02.2018 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

No. NEPRA/AB/Appeal-083/POI-2018/ 2271
Forwarded for information please.

(Ikram Shakeel)

December 14, 2018

Assistant Director
Appellate Board

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1. Registrar



National Electric Power Regulatory

Before Appellate Board

In the matter of

Appeal No.083/2018

Multan Electric Power Company Limited

.....Appellant

Versus

Abdul Majeed, S/o Hafiz Muhammad Umer,
Representative & Occupier of Tube well connection in the name of
Mehmood Khan S/o Gulab (Late), located at Joke Rahall,
Tehsil Tunas Sharif, Distt.Dera Ghazi Khan

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 28.02.2018 PASSED BY PROVINCIAL
OFFICE OF INSPECTION MULTAN REGION MULTAN**

For the appellant:

Mian Haroon Aziz Advocate

For the respondent:

Mr. Malik Abdul Majeed

DECISION

1. Through this decision, an appeal filed by Multan Electric Power Company Limited (MEPCO) against the decision dated 28.02.2018 of Provincial Office of Inspection (POI) Multan Region, Multan is being disposed of.
2. As per facts of the case, the respondent is an agricultural consumer of MEPCO having sanctioned load of 44.76 kW under the D-1b tariff. MEPCO checked the meter of the respondent on 17.02.2014, wherein reading of the three phase billing meter was found as 188,861 kWh units. The respondent filed a civil suit before Civil Judge Taunsa Sharif





National Electric Power Regulatory Authority

on 15.03.2014 and challenged 104,312 units charged in excess in February 2014. Honorable court appointed an Ehal commission on 15.03.2014, which visited the site of the respondent's connection and noted the billing meter reading as 93,130 units. In the meanwhile, the meter of the respondent was checked by MEPCO on 20.03.2014 and allegedly 96,438 units were found as reversed as compared to the reading (i.e. 188,861 units) as already noted on 17.02.2014. Outstanding arrears against the respondent were Rs.2, 882,566/- and as per understanding between both the parties, the installments were allowed by MEPCO but no payment was made by the respondent. . The meter of the respondent was replaced on 04.07.2014 and was sent to M&T by MEPCO on 28.10.2014 for retrieval of data, which was not provided. The civil suit was withdrawn from the Civil court on 27.05.2017. Subsequently the respondent filed an application dated 19.07.2017 before POI and agitated that 104,312 units charged in excess during the period March 2013 to March 2014. The matter was decided by POI vide its decision dated 28.02.2018 with the following conclusion :

“keeping in view all the aspect of the case and summing up all the above observations and conclusion , this forum declares the charging of all the current bills from 08/2012 to 07/2014 (24 months) on meter No. 0013 as null, void and of no legal effect. The respondents are directed to withdraw the same along with the LPS and charge revised bills for the total cost of 136174-kWh units on the basis of corresponding forthcoming undisputed consumption from 08/2014 to 07/2016 (24 months) . They are also directed to overhaul the account of the consumer/petitioner proportionately & accordingly”.

3. Being dissatisfied with the POI decision dated 28.02.2018 (hereinafter referred to as the impugned decision), MEPCO has filed the instant appeal before NEPRA. In its appeal, the appellant contented that the respondent is defaulter of electricity bill since 2013 and

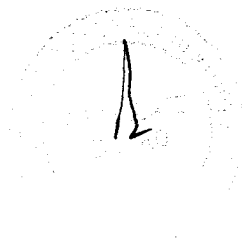




National Electric Power Regulatory

onwards and was also involved in reversal of the meter. As per MEPCO, Electricity bills charged to the respondent are correct and liable to be paid by the respondent. MEPCO prayed for setting aside the impugned decision being against the facts and law.

4. Notice was issued to the respondent for reply/parawise comments to the appeal, which were filed on 16.10.2018. In his reply, the respondent denied the allegation of MEPCO regarding the reversal of the meter reading and stated that 104,312 units were charged in excess by MEPCO during the period March 2013 to March 2014. The respondent admitted that payment of bills was not made by him as the same were incorrect.
5. The appeal was heard in Multan on 16.10.2018 in which both the parties participated. Learned counsel for MEPCO contended that the bills were charged as per actual consumption and no excessive billing was carried out by MEPCO against the respondent during March 2013 to March 2014 as such the bills are liable to be paid by him. He pointed out that the billing for the period March 2013 to March 2014 was challenged by the respondent in the impugned decision, but in the impugned decision, the billing for the extended period of August 2012 to July 2014 has been set aside, which is beyond the prayer of the respondent. According to MEPCO, the impugned decision is against the facts and law and liable to be set aside. Conversely, the respondent repudiated the allegation of reversal of the meter and averred that the excessive billing was done for the period March 2013 to March 2014, which is liable to be cancelled. The respondent supported the impugned decision and prayed for dismissal of the appeal.





National Electric Power Regulatory Authority

6. Arguments heard and the record placed by both the parties taken into the consideration.

The respondent challenged the excessive billing of 104,312 units for the period March 2013 to March 2014 before POI, whereas the impugned decision has considered the billing for the period August 2012 to July 2014, which is not the actual period of the dispute raised before the POI. We are in agreement with the argument of MEPCO that the relief granted to the respondent is beyond the prayer.

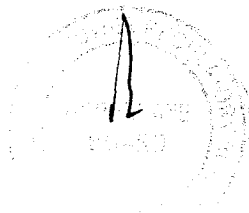
POI in its impugned decision has considered the consumption of the period August 2014 to July 2016 to work out the consumption for the period March 2013 to March 2014, which is not consistent with the Consumer Service Manual, which provides the comparison of the disputed period with average consumption of the last 11 months or corresponding months' consumption of the previous year. The impugned decision of POI is liable to be set aside for the reason given above.

7. In order to assess the consumption for the period March 2013 to March 2014, the consumption data of the respondent is tabulated below:

: Period	Avg. units charged per month
* Period before Dispute July 2012 to February 2013	10,062
Disputed Period March 2013 to March 2014	10,973

* Relevant period is April 2012 to February 2013 (11 months) but shortened period of 8 month is considered as consumption data prior to July 2012 is not available

From the above table, it is evident that the normal average consumption of 10,973 units/month charged during the disputed period is higher than the normal average





National Electric Power Regulatory

consumption of 10,062 units/month of the undisputed period i.e. July 2012 to February 2013. It would be fair and appropriate to charge the respondent @ 10,062 units per month for the disputed period of March 2013 to March 2014.

7. From the preceding paras, we have reached to the conclusion that;

- i) Impugned decision is incorrect, hence declared null and void.
- ii) Bills charged by MEPCO during the period March 2013 to March 2014 are not justified and not payable by the respondent.
- iii) The respondent should be charged @ 10,062 units per month for the period March 2013 to March 2014.
- iv) Billing account of the respondent should be overhauled and any payment made during the disputed period shall be adjusted.

8. The appeal is disposed of in above terms.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 13.12.2018

