



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

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No. NEPRA/AB/Appeal-077/POI-2018/ *609-613*

March 21, 2019

1. Atta Ullah Khan
S/o. Aman Ullah Khan,
R/o. Mohallah Muhammad Pura,
Khangarh, District Muzaffargarh
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,
Khangarh Sub Division,
Khangarh
5. Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: Appeal Titled MEPCO Vs. Atta Ullah Khan Against the Decision Dated 15.12.2017 Provincial Office of Inspection to Government of the Punjab Multan Region, Multan

Please find enclosed herewith the decision of the Appellate Board dated 18.03.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-077/POI-2018/ *614*

Forwarded for information please.

(Ikram Shakeel)

March 21, 2019


Assistant Director
Appellate Board

 1. Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 077/2018

Multan Electric Power Company Limited

.....Appellant

Versus

Atta Ullah Khan S/o Aman Ullah Khan, R/o Mohallah Muhammad Pura,
Khangarh, District Muzaffargarh

.....Respondent

**APPEAL FILED UNDER SECTION 38 OF NEPRA ACT, 1997 AGAINST THE
DECISION DATED 15.12.2017 OF PROVINCIAL OFFICE OF INSPECTION,
MULTAN REGION, MULTAN**

For the appellant:

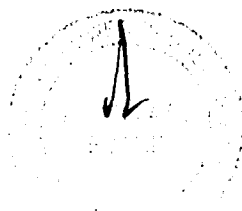
Sardar Mazhar Abbas advocate
Mr. Muhammad Sheeraz Zafar SDO

For the respondent:

Mr. Atta Ullah Khan

DECISION

1. Brief facts of the case are that the respondent is a domestic consumer of Multan Electric Power Company Limited (hereinafter referred to as MEPCO) bearing Ref No. 07-15713-0336206 with a sanctioned load of 2 kW under the A-1 tariff. Meter of the respondent was initially checked by SDO MEPCO on 15.05.2017, wherein its display was found washed and the running load was noticed as 14.26 Ampere. Notice dated 16.05.2017 was served to the respondent regarding the said discrepancy. Meter of the respondent was again checked by metering & testing (M&T) MEPCO on 17.05.2017 and 19.05.2017 and on both the occasions, it was reportedly found tampered (meter





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body refitted) for dishonest abstraction of electricity and the electric supply was being used for the commercial purpose (running a cable network). FIR No.346/2017 dated 04.06.2017 was registered with the police station Khangarh against the respondent on account of theft of electricity and the detection bill of Rs.238,357/- for 14,021 units for the period December 2015 to May 2017 (18 months) was charged by MEPCO on the basis of 30% load factor of the connected load.

2. Being aggrieved, the respondent filed W.P.No.8242/2017 before Lahore High Court Multan Bench, Multan and challenged the aforementioned detection bill. The honorable High Court vide its order dated 05.06.2017 referred the matter to POI for decision expeditiously. Consequently, the respondent filed an application before the Provincial Office of Inspection (POI) on 06.06.2017 and assailed the detection bill of Rs.238,357/- for 14,021 units for the period December 2015 to May 2017. The disputed meter of the respondent was checked by POI in presence of both the parties on 30.11.2017, wherein tampering (wire loop installed inside the meter) of the meter was confirmed. POI disposed of the matter vide decision dated 15.12.2017 with the following conclusion:

"It is crystal clear that Respondent did not follow the above-referred Clause 7.5(b) & Clause 9.1(c) of NEPRA approved Consumer Service Manual, 2010 and charged detection bill for 18 months in violation of as referred above. Keeping in view all the aspects of the case and summing up the aforesaid discussion, this forum relies upon the CSM, 2010 and concludes that since Respondents have not followed the procedure laid down in Chapter 7 & 9 of NEPRA approved CSM, hence the imposed detection bill is declared null and void and without any legal effect. In the opinion of this forum, the petitioner be charged revised detection bill for a maximum of 6 months as in chapter 9 of CSM, 2010 i.e. from December 2016 to May 2017 @ 30% load factor and 5 KW load from 12/2016 to 05/2017 (06 months). The account of the



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petitioner be overhauled accordingly.”

3. Being dissatisfied with the above-mentioned decision (hereinafter referred to as the impugned decision), the instant appeal has been filed by MEPCO along with the application for condonation of the delay. MEPCO in its appeal contended that the electricity meter of the respondent was checked by M&T MEPCO twice and on both the occasions, it was found tampered and the connected load was noticed much higher than the sanctioned load. According to MEPCO, the detection bill of Rs.238,357/- for 14,021 units for the period December 2015 to May 2017 (18 months) charged to the respondent on the basis of connected load is justified and the respondent is liable to pay the same. MEPCO pointed out that the POI is not authorized to adjudicate the instant matter, which falls in the jurisdiction of a Civil Court. MEPCO finally pleaded for setting aside the impugned decision being violative of law and provisions as laid down in the Consumer Service Manual (CSM). Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which were not submitted.
4. After issuing notices to both the parties, hearing of the appeal was conducted in Multan on 15.02.2019 in which Sardar Mazhar Abbas advocate along with Mr. Muhammad Sheeraz Zafar SDO represented the appellant MEPCO and Mr. Attaullah the respondent appeared in person. Learned counsel for MEPCO reiterated the same arguments as described in memo of the appeal and contended that the respondent was stealing electricity through tampering the meter, hence FIR No.346/2017 was registered with the police against the respondent and the detection bill of Rs.238,357/- for 14,021 units for



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the period December 2015 to May 2017 (18 months) was charged against him in order to recover the revenue loss sustained due to theft of electricity. As per learned counsel for MEPCO, the above detection bill is justified and payable by the respondent. On the other hand, the respondent raised the preliminary objection regarding the limitation and contended that the appeal is liable to be dismissed being barred by time as no sufficient reasons have been given in the application for the condonation of delay. On merits, the respondent defended the impugned decision and submitted that POI has rightly curtailed the period of aforesaid detection bill to 6 months as per CSM.

5. Arguments heard and record perused. It is observed as under:

- i. As far as the objection of MEPCO regarding the jurisdiction of POI is concerned, it is stated that the POI is empowered to adjudicate the instant matter being a metering, billing dispute under Section 38 of NEPRA Act, 1997. Even otherwise, the honorable Supreme Court of Pakistan vide its judgment reported in PLD 2012 SC 371 held that the POI is authorized to decide the disputes of metering equipment, wherein tampering of meter is involved. The objection of MEPCO in this regard has no force, therefore rejected.
- ii. Regarding the point of limitation raised by the respondent, it is observed that the impugned decision was pronounced by POI on 15.12.2017, a copy of the same was obtained by MEPCO on 24.01.2018 and the appeal against the impugned decision was filed before NEPRA on 02.03.2018 after the lapse of 37 days. MEPCO in its application for condonation of the delay could not explain the reasons for the delay in



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filing the instant appeal. Hence the application for condonation of the delay is rejected.

iii. Pursuant to clause 9.1(c)(3) of CSM, the respondent being a general supply consumer i.e. A-I may be charged the detection bill maximum for six months on account of dishonest abstraction of electricity. However, in the instant case, MEPCO charged the detection bill consecutively for eighteen months i.e. December 2015 to May 2017 in violation of the foregoing clause of CSM. We are inclined to agree with the determination of POI that the detection bill of Rs.238,357/- for 14,021 units for the period December 2015 to May 2017 (18 months) is unjustified and should be withdrawn. However, the respondent is obligated to pay the detection bill for six months in pursuance of ibid clause of CSM as already concluded by POI.

6. In view of foregoing discussion, the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 18.03.2019

