



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

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No. NEPRA/AB/Appeal-079/POI-2018/

615-619

March 21, 2019

1. Muhammad Asghar
S/o. Sher Muhammad,
Prop: Tub Well, Kotla Sadat,
Rang Pur, Chowk Sarwar Shaheed,
Tehsil Kot Addu, Distt. 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,
Chowk Sarwar Shaheed Sub Division,
District Muzaffargarh
5. Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: **Appeal Titled MEPCO Vs. Muhammad Asghar Against the Decision Dated 02.11.2017 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**

(Ikram Shakeel)

No. NEPRA/AB/Appeal-079/POI-2018/

620

March 21, 2019

Forwarded for information please.


Assistant Director
Appellate Board

1 ✓ Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 079/2018

Multan Electric Power Company Limited

.....Appellant

Versus

Muhammad Asghar S/o Sher Muhammad Prop: Tube Well, Kotla Sadat,
Rangpur, Chowk Sarwar Shaheed, Tehsil Kot Addu, Distt. MuzaffargarhRespondent

**APPEAL FILED U/S 38 OF NEPRA ACT, 1997 AGAINST THE DECISION
DATED 02.11.2017 OF PROVINCIAL OFFICE OF INSPECTION,
MULTAN REGION, MULTAN**

For the appellant:

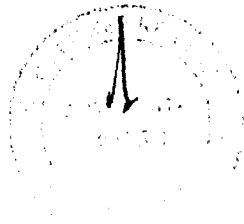
Sardar Mazhar Abbas Advocate
Mr. Jawad-ur-Rehman SDO

For the respondent:

Nemo

DECISION

1. Brief facts of the case are that the respondent is an agricultural consumer of Multan Electric Power Company Limited (hereinafter referred to as MEPCO) bearing Ref No. 29-15174-0038704 with a sanctioned load of 14.92 kW under the D-1 tariff. The said connection was initially sanctioned in MEPCO Sub Division Bosan Road on 03.08.2009. As per MEPCO, the billing meter of the respondent has to be replaced from three-part tariff to the two-part tariff vide meter change order (MCO) dated 19.12.2012 but the meter No.261473 was installed on another connection in the name of Asghar Lodhi. The electricity connection of the respondent was shifted from Bosan Road Sub





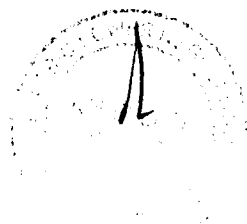
National Electric Power Regulatory Authority

Division to Muzaffargarh Sub Division on 02.07.2015. Metering equipment of the respondent was checked by metering and testing (M&T) MEPCO on 09.09.2015 and allegedly, the respondent was using electricity through the bogus billing meter and found 293,090 unbilled units. Thereafter, the said connection was again shifted from Muzaffargarh Sub Division to Chowk Sarwar Shaheed Sub Division on 26.10.2015. The respondent did not make payment of electricity bills regularly, which has accumulated the arrears to the tune of Rs.591,195/-, hence MEPCO disconnected the electric supply of the respondent on 01.06.2017 due to default in the payment of the above arrears.

2. The respondent was aggrieved with the actions of MEPCO, therefore challenged the bill of Rs.494,179/- for March 2017 before POI. The matter was disposed of by POI vide its decision dated 02.11.2017 with the following conclusion:

“Keeping in view all the aspects of the case and summing up all the above narrated observations, this forum declares the charging of detection bill for the cost of 44854 units amounting to Rs.477,353/- for the period December 2012 to July 2015 on the basis of readings of so-called Back-Up Meter No.3030986 Make Speech as Null, Void and of no legal effect. The respondents are directed to withdraw the same and overhaul petitioner’s account accordingly.”

3. The appeal in hand has been filed against the decision dated 02.11.2017 of POI (hereinafter referred to as the impugned decision) before NEPRA along with the application for condonation of the delay. In its appeal, MEPCO inter alia, contended that the respondent was consuming electricity through installing the bogus meter, hence notice was issued to the respondent and MEPCO also wrote a letter to SHO P.S. Saddar





National Electric Power Regulatory Authority

Muzaffargarh for lodging FIR against the respondent. MEPCO further contended that the respondent is a chronic defaulter in making payment of electricity bills, which raised the arrears to the tune of Rs.591,195. As per MEPCO, due to use of bogus meter, 293,090 units remained pending but the respondent neither made payment of aforesaid arrears nor paid the cost of pending 293,090 units. According to MEPCO, POI has not applied his judicious mind, while deciding the matter and rendered the impugned decision, which is not sustainable in the eye of law. MEPCO finally prayed for setting aside the impugned decision. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which however were not filed.

4. After issuing the notice, hearing of the appeal was held in Multan on 15.02.2019 in which Sardar Mazhar Abbas advocate represented the appellant MEPCO and no one appeared for the respondent. At the outset of the hearing, the question of limitation was raised by this forum but learned counsel for MEPCO could not explain the delay in filing the appeal and pleaded for consideration of an application for the condonation of the delay. Learned counsel for MEPCO prayed that the matter may be decided after consideration of facts and law.
5. Arguments heard and record perused. The impugned decision was announced by POI on 02.11.2017, a copy of the same was sent by POI on 11.01.2018, whereas the appeal against the same was filed before the NEPRA on 05.03.2018. If it is presumed that the copy of the impugned decision was received on 23.01.2018 as claimed by





National Electric Power Regulatory Authority

MEPCO, even then the appeal filed by MEPCO after the lapse of 41 days is time-barred under Section 38 (3) of NEPRA Act 1997. No sufficient reasons or explanation have been given by MEPCO to justify condonation of the delay, hence the application for condonation of delay is dismissed and consequently, the appeal is also dismissed being barred by time.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 18.03.2019