



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

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No. NEPRA/AB/Appeal-081/POI-2018/ 621-625

March 21, 2019

Muhammad Arif Ansari
Manager Switching (Operation),
Multan,
Electricity in the name of D.E.I, PTCL,
Telephone Exchange, Fatehpura,
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,
Fatehpur Sub Division,
Fatehpur

5. Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: Appeal Titled MEPCO Vs. Muhammad Arif Ansari Against the Decision Dated 14.02.2018 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.

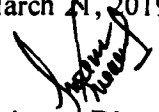
Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-081/POI-2018/ 626

March 21, 2019

Forwarded for information please.


Assistant Director
Appellate Board

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1. Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 081/2018

Multan Electric Power Company Limited

.....Appellant

Versus

Mr. Muhammad Arif Ansari, (Managing Switching , Operation),
Multan, Electricity connection in the name of D.E.I. PTCL,
Telephone, Exchange, Fatehpura Distt. Layyah.

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 14.02.2018 PASSED BY PROVINCIAL
OFFICE OF INSPECTION MULTAN REGION MULTAN.**

For the appellant:

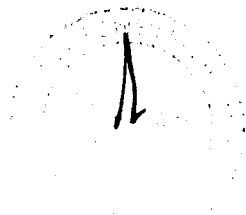
Mr. Sardar Mazhar Abbas Advocate
Mr. Hafiz Ali Hassan Javed SDO

For the respondent:

Mr. Saeed Khan

DECISION

1. As per facts of the case, the respondent is a commercial consumer of MEPCO bearing Ref No. 27-15734-1198300 with a sanctioned load of 27 kW under tariff A-2c. Metering equipment of the respondent was checked by M&T MEPCO on 06.09.2016 and reportedly the billing and backup meters were found 33.15% and 32.29% slow respectively. A detection bill of Rs.443,632/- for 23,903 units for the period 04.07.2015 to 08.11.2016 (17 months) was charged to the respondent in December 2016 due to 33.15% slowness of the billing meter. Multiplying Factor (MF) for the purpose of billing was also raised from 20 to 30 to account for 33.15% slowness from December 2016 and onward. Defective Current Transformer (CT) of the meter was replaced by MEPCO in February 2017. The billing in question was





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challenged by respondent before Provincial office of Inspection (POI) vide an application dated 18.11.2017. The POI decided the matter on 14.02.2018 with the following conclusion:-

"Summing up all the above observations & conclusion. this forum declares the charging of detection bill for the cost of 23903-kWh units & 17 kW MDI from the period 04.07.2015 to 08.11.2016 amounting to Rs. 443,632/- on the basis of 33.15% slowness of AMR meter as null, void and of no legal effect. The respondent are directed to withdraw the same and charged revised detection bill by revising the bill from 07/2016 to 11/2016 @ 33.15% slowness in the light of Clause 4.4 of NEPRA approved Consumer Service Manual, 2010. Respondent are also directed to overhaul the account of the consumer/petitioner proportionately and accordingly".

2. Being dissatisfied with the POI decision dated 14.02.2018 (hereinafter referred to as "impugned decision") MEPCO has filed the instant appeal with the contentions that POI has no jurisdiction as the matter falls within the domain of a civil court pursuant to the judgments of the honorable Supreme Court; that the detection bill of Rs.443,632/- for 23,903 units/17 kW MDI for the period 04.07.2015 to 08.11.2016 was charged to the respondent due to 33.15% slowness of the meter and that the detection bill is correct, justified and payable by the respondent.
3. The respondent was issued notice for filing reply/parawise comments which were filed on 04.12.2018. In his reply/parawise comments, the respondent submitted that checking of the meter was carried out in his absence; that as per detection proforma the period of charging is 05.06.2016 to 08.11.2016 (5 months) whereas, in actual detection bill was



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charged for 04.07.2015 to 08.11.2016 (17 months); that the detection bill is violative of Clause 4.4 of Consumer Service Manual (CSM) and that the impugned decision be upheld and the appeal may be dismissed.

4. Hearing of the appeal was conducted in Multan on 15.02.2019 in which both the parties participated. Learned counsel for MEPCO repeated the same arguments as contained in the memo of the appeal and averred that billing meter of the respondent was checked by M&T on 06.09.2016 which was found 33.15% slow, hence a detection bill of Rs.443,632/- for 23,903 units /17 kW MDI for the period 04.07.2015 to 08.11.2016 was charged to the respondent in December 2016 and MF was raised from 20 to 30 w.e.f. December 2016. MEPCO pleaded that the detection bill is correct and payable by the respondent. On the other hand, the representative of the respondent rebutted the arguments of learned counsel for MEPCO and pleaded that the M&T checking was unilateral, and the period mentioned in the detection proforma is 05.06.2016 to 08.11.2016 (5 months) whereas, the detection bill was charged for the period 04.07.2015 to 08.11.2016 i.e.17 months and that the detection bill charged is violative of clause 4.4 of CSM and liable to be declared null and void.

5. Having heard the arguments and perusal of record, it is observed as under:-

a. The dispute between the parties is regarding the detection bill, which was charged on account of slowness of the meter. According to Section 38 of NEPRA Act 1997, POI is authorized to adjudicate the dispute regarding metering, billing and collection of tariff. POI has rightly assumed the jurisdiction in the instant case, hence objection of MEPCO is not relevant.



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- b. A detection bill of Rs.443,632/- for 23,903 units/17 kW MDI and for the period 04.07.2015 to 08.11.2016 was charged to the respondent on December 2016 on the plea of 33.15% slowness of the meter. Pursuant to Clause 4.4 (e) of Consumer Service Manual, detection bill due to a defective meter cannot be for more than two billing cycles, hence it is declared that the detection bill charged by MEPCO for the period 04.07.2015 to 08.11.2016 (17 months) is violative of the Consumer Service Manual and liable to be declared illegal as decided by POI.
- c. It is rightly pointed out in the impugned decision that there was considerable drop in the consumption of the respondent from July 2016 and onwards, which proves that the meter became slow w.e.f. July 2016. Therefore, the findings of the POI for charging of detection bill @ 33.15% slowness of the meter for the period July 2016 to November 2016 is correct and do not call for any interference by this forum.
6. For the foregoing reasons, the appeal is without any merits and is dismissed accordingly.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 18.03.2019