



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

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No. NEPRA/AB/Appeal-082/POI-2018/ 627-631

March 21, 2019

1. Ali Hassan
S/o. Nimat Ali,
Through Aneed Hassan,
Prop: Tube Well located at Chak No. 110/TDA,
Fatehpur, Tehsil Karor Lal Easan,
District 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. Ali Hassan 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

No. NEPRA/AB/Appeal-082/POI-2018/ 632
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. 082/2018

Multan Electric Power Company Limited

.....Appellant

Versus

Ali Hussain S/o Nimat Ali, Through Anees Hassan,
Real Brother, Prop: Tube Well located at Chak No.110/TDA,
Fatehpur, Tehsil Karor Lal Easan 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 THE PROVINCIAL
OFFICE OF INSPECTION MULTAN REGION MULTAN**

For the appellant:

Sardar Mazhar Abbas Advocate
Hafiz Ali Hassan Javaid SDO

For the respondent:

Nemo

DECISION

1. As per facts of the case, the respondent is an agricultural consumer of Multan Electric Power Company Limited (MEPCO) bearing Ref No.29-15734-0519706 having a sanctioned load of 11 kW and billed under D-1b tariff. As per MEPCO, the meter of the respondent became defective with washed display in February 2015 due to which nil consumption was charged during the period March 2015 to July 2015. The meter under dispute was again checked by metering and testing (M&T) MEPCO and it was declared defective vide M&T report dated 18.05.2015. Subsequently, MEPCO issued





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meter change order (MCO) dated 12.06.2015 but the defective meter was replaced with a new meter in August 2015. Subsequently, the Audit Department vide Audit Note No.74 dated 05.06.2017 recommended to charge 4,000 units to the respondent being less charged against the period February 2015 to June 2015 on the basis of corresponding consumption of the year 2014 and consequently, a detection bill of Rs.42,480/- for 4,000 units for the period February 2015 to June 2015 was debited to the respondent by MEPCO and added in the bill for June 2017 as per recommendation of the Audit Department.

2. Being aggrieved, the respondent approached the Provincial Office of Inspection (POI) and challenged the above detection bill. POI decided the complaint of the respondent vide its decision dated 14.02.2018 with the following conclusion:

“Summing up all the above observations & conclusion, this forum declares the charging of detection bill for the period 02/2015 to 06/2015 amounting to Rs.42,480/- on the basis of Audit Note No.74 dated 05.06.2017 as Null, Void and of no legal effect. The respondents are directed to withdraw the same and charge revised detection for the cost of 1,744 units for 02/2015 as also recommended by the M&T formation Muzaffargarh. The account of the petitioner to be overhauled accordingly.”

3. The appeal in hand has been filed against the POI decision dated 14.02.2018 (hereinafter referred to as the impugned decision) before NEPRA, wherein MEPCO inter alia, contended that the display of the billing meter of the respondent was found vanished during M&T checking dated 04.04.2017 and lesser units were recorded during the period February 2015 to June 2015. MEPCO further contended that the detection bill of Rs.42,480/- for 4,000 units for the period February 2015 to June 2015 charged to





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the respondent in June 2017 is justified and the respondent is liable to pay the same. MEPCO opposed the impugned decision and submitted that POI has no jurisdiction to decide the instant matter as it falls within the domain of a Civil Court. MEPCO averred that the impugned decision is against the law, facts and liable to be set aside. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which however were not filed.

4. After issuing notices to both the parties, hearing of the appeal was held in Multan on 15.02.2019, which was attended by Sardar Mazhar Abbas learned counsel for the appellant MEPCO and no one represented the respondent. Learned counsel for MEPCO reiterated the same arguments as contained in the memo of the appeal and argued that the Audit Department rightly pointed out to charge 4,000 units for the period February 2015 to June 2015 and the respondent is obligated to pay the detection bill of Rs.42,480/- for 4,000 units for the period February 2015 to June 2015 debited in June 2017.
5. Having heard the arguments and perusal of record, our observations are as under:-
 - i. As far as the objection of MEPCO regarding the jurisdiction of POI is concerned, it is clarified that the POI is empowered to adjudicate the instant matter being a metering, billing dispute under Section 38 of NEPRA Act, 1997. The objection of MEPCO in this regard is devoid of force, therefore overruled.



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- ii. The respondent challenged before POI the detection bill of Rs.42,480/- for 4,000 units for the period, February 2015 to June 2015 debited by MEPCO vide Audit Note No.74 dated 05.06.2017. The audit observation is an internal matter between the DISCO and Audit Department and the respondent cannot be held responsible for payment of the same. In this regard, reliance is placed on the cases reported in 2014 MLD 1253 titled M/s. Mehmood Textile Mills v/s MEPCO and 2008 YLR 308 titled WAPDA v/s Fazal Karim. Therefore the detection bill of Rs.42,480/- for 4,000 units for the period February 2015 to June 2015 charged to the respondent by MEPCO vide Audit Note No.74 dated 05.06.2017 is unjustified and liable to be declared null and void as already determined in the impugned decision.
- iii. MEPCO claims that lesser units were charged during the period i.e. February 2015 to July 2015 due to the defective meter. In order to verify the stance of MEPCO, the consumption data is constructed below:

Year	2014	2015
Month	Units charged	Units charged
February	630	899
March	1,300	0
April	2,009	0
May	560	0
June	400	0
July	1,771	0
August	0	6,617-RP

As evident above, nil consumption was recorded during the months March 2015 and



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April 2015 but no discrepancy was reported by the meter reader while recording monthly readings. Since the meter of the respondent was declared defective vide M&T MEPCO report dated 18.05.2015, so the respondent may be charged the electricity bills from May 2015 to July 2015 on the basis of consumption of the corresponding months of the previous year i.e. 2014, which are 2,731 units. Impugned decision for charging the detection bill of 1,744 units is incorrect and liable to be withdrawn to this extent.

6. From the above discussion, it is concluded as under:

- i. Charging of the detection bill of Rs.42,480/- for 4,000 units for the period February 2015 to June 2015 by MEPCO is not justified, hence declared null and void.
- ii. MEPCO may charge the detection bill of 2,731 units for the period May 2015 to July 2015 to the respondent.

7. The appeal is disposed of in the above terms.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 18.03.2019