



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

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No. NEPRA/AB/Appeal-141/POI-2018/ 645-649

March 21, 2019

1. Khadim Hussain
S/o. Noor Muhammad,
Prop: Saw Machine,
Located at Mohallah Riazabad,
Mouza Qalandar Wala,
Tehsil & Distt. Muzaffargarh
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,
Karam Dad Qureshi Sub Division,
Karam Dad Qureshi
5. Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: Appeal Titled MEPCO Vs. Khadim Hussain Against the Decision Dated 28.05.2018 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-141/POI-2018/ 650

Forwarded for information please.

1. Registrar

(Ikram Shakeel)

March 21, 2019

Assistant Director
Appellate Board



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 141/2018

Multan Electric Power Company Limited

.....Appellant

Versus

Khadim Hussain S/o Noor Muhammad, Prop: Saw Machine,
Located at Mohallah Riazabad, Mouza Qalandar Wala,
Tehsil & District Muzafargarh

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 28.05.2018 PASSED BY PROVINCIAL
OFFICE OF INSPECTION MULTAN REGION MULTAN**

For the appellant:

Mian Haroon Aziz Advocate

For the respondent:

Mr. Khadim Hussain

DECISION

1. As per facts of the case, the respondent is an industrial consumer of MEPCO bearing Ref No.28-15718-1126659 having a sanctioned load of 30 kW under the B-2b tariff. The electricity meter of the respondent was found dead stop by MEPCO in May 2014 and it was replaced with a new meter vide meter change order (MCO) dated 16.05.2014.
2. Being aggrieved with the actions of MEPCO, the respondent initially filed a civil suit before the Civil Judge, 1st class, Muzaffargarh in May 2014. The defective meter of the respondent was checked in metering and testing (M&T) MEPCO laboratory on





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23.06.2014 for data retrieval. Resultantly, a detection bill of Rs.680,052/- for 32,584 units for the period November 2013 to April 2014 was charged to the respondent by MEPCO on the basis of 30% load factor of the connected load and added in the bill for June 2014. Said bill was challenged by the respondent before Wafaqi Mohtasib, regional office Multan, who referred the matter to NEPRA for decision. Meanwhile, the respondent filed another civil suit before the Civil Judge, 1st class, Muzaffargarh on 04.12.2017 and assailed the inclusion of the deferred amount of Rs.567,745/- in the bill for November 2017. On the direction of honorable Civil Judge, Muzaffargarh, the respondent deposited Rs.129,000/- being 1/3rd of the disputed bill on 08.12.2017. The honorable Civil Judge, Muzaffargarh vide its order dated 28.02.2018 disposed of the matter with the direction to the respondent to approach the Provincial Office of Inspection (POI) for redressal of his grievance. Consequently, the respondent filed an application before POI on 13.03.2018 and disputed the charging of detection bill for 32,405 units in June 2014. On the other hand, NEPRA vide its letter No. TCD 06/5201-2018 dated 10.05.2018 also referred the case to the POI for further adjudication. POI decided the complaint of the respondent vide its decision dated 28.05.2018 with the following conclusion:

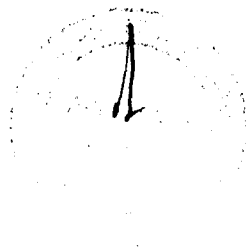
“Summing up all the above observations & conclusion, this forum (on the merit of final Readings of the disputed meter verified through M&T Checking Reports, MCO & Data Retrieval Report) declares the charging of detection bill for the cost of 32584 units for period 11/2013 to 04/2014 (06 months) as Null, Void and of no legal effect. The



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respondents are directed to withdraw the same along with a bill for 03/2014 and charge revised bill for 03/2014 on the basis of DEF-EST Code as laid down in clause 4.4(e) of CSM. The account of the petitioner to be overhauled accordingly and supply be restored as per law.”

3. The appeal in hand has been filed against the POI decision dated 28.05.2018 (hereinafter referred to as the impugned decision) before NEPRA, wherein MEPCO inter alia, submitted that the meter under dispute was found dead stop in M&T laboratory on 23.06.2014; that the detection bill of Rs.680,052/- for 32,584 units for the period November 2013 to April 2014 was rightly charged to the respondent on the basis of 30% load factor of the connected load against which he made payment of Rs.129,000/-; and that POI failed to examine the case in true perspective and has no jurisdiction in the instant case.
4. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which were filed on 11.12.2018. In his reply, the respondent rebutted the version of MEPCO for charging the detection bill of 32,584 units on the plea that the detection bill was charged for six months in violation of chapter 4 of Consumer Service Manual (CSM); that POI has the jurisdiction to decide the instant dispute pertaining the billing and metering; that POI has rightly declared the disputed detection bill as null and void after perusal of the MCO dated 16.05.2014, M&T checking report dated 23.06.2014 and the data retrieval report; and that the impugned decision may be maintained.





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5. The notice was issued to both parties and hearing of the appeal was held in Multan on 15.02.2019, which was attended by both the parties. The learned counsel for the appellant MEPCO reiterated the same arguments as contained in the memo of the appeal and argued that the detection bill of Rs.680,052/- for 32,584 units for the period November 2013 to April 2014 charged to the respondent is justified and payable by the respondent. Learned counsel for MEPCO submitted that the impugned decision for declaring the above detection bill as null and void is illegal, unjustified and liable to be withdrawn. On the other hand, Mr. Khadim Hussain the respondent appearing in person supported the impugned decision and prayed for its maintainability.
6. Having heard the arguments of parties and perusal of record, our findings are as under:-
- i. As far as the objection of MEPCO regarding the jurisdiction of POI is concerned, it is held 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.
 - ii. The respondent challenged the detection bill of Rs.680,052/- for 32,584 units for the period November 2013 to April 2014 charged @ 30% load factor of the connected load before POI. In order to verify the justification of the above detection bill, a comparison of the consumption data is done as under:-



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Undisputed		Disputed	
Month	Units	Month	Units
Nov-12	3171	Nov-13	239
Dec-12	7023	Dec-13	1939
Jan-13	2520	Jan-14	808
Feb-13	5143	Feb-14	439
Mar-13	5288	Mar-14	38
Apr-13	0	Apr-14	3373
Total	23,145	Total	6,836

Above comparison of the consumption data transpires that the actual consumption was not recorded by the defective meter during the disputed period i.e. November 2013 to April 2014. However, Clause 4.4 of CSM restricts DISCOs to charge the detection bill maximum for two months in case of the defective meter but MEPCO neither followed ibid clause of CSM nor pointed out any discrepancy in the meter under dispute during monthly readings prior to its MCO dated 16.05.2014. Hence the detection bill of Rs.680,052/- for 32,584 units for the period November 2013 to April 2014 charged to the respondent on the basis of 30% load factor of the connected load is unjustified, illegal and liable to be canceled as per findings of POI in the impugned decision.

Since the defective meter was replaced by MEPCO in May 2014, so the respondent may be charged the electricity bills for two months i.e. March 2014 and April 2014 on DEF-EST code basis in pursuance of clause 4.4 (e) of CSM. The impugned decision for revision of the only bill for March 2014 on DEF-EST is incomplete and liable to be modified to this extent.

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

i. The detection bill of Rs.680,052/- for 32,584 units for the period November 2013 to





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April 2014 charged to the respondent by MEPCO on the basis of 30% load factor of the connected load is declared null and void as already decided by POI.

- ii. MEPCO may revise the electricity bills for two months only i.e. March 2014 and April 2014 on DEF-EST code basis.
- iii. The respondent may be afforded debit and credit according to the above.

8. 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

