



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

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No. NEPRA/AB/Appeal/171/2018/

1163-1167

May 27, 2019

1. Shaukat Hussain  
S/o Allah Wasaya,  
R/o. Chah Jand Wala, Mouza Malik Pur,  
Tehsil & District Lodhran
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,  
Rural Sub Division,  
Lodhran
5. Electric Inspector  
Multan Region,  
249-G, Shah Ruken-e-Alam Colony,  
Phase II, Multan

Subject: Appeal Titled MEPCO Vs. Shaukat Hussain Against the Decision Dated 30.07.2018 Provincial Office of Inspection to Government of the Punjab Multan Region, Multan

Please find enclosed herewith the decision of the Appellate Board dated 16.05.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

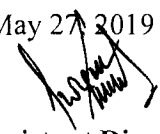
No. NEPRA/AB/Appeal/171/2018/

1168

Forwarded for information please.

(Ikram Shakeel)

May 27, 2019

  
Assistant Director  
Appellate Board

Registrar



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. 171/2018

Multan Electric Power Company Limited

.....Appellant

Versus

Shaukat Hussain S/o Allah Wasaya R/o Chah Jand Wala,  
Mouza Malik Pur, Tehsil & District Lodhran

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,  
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997  
AGAINST THE DECISION DATED 30.07.2018 PASSED BY PROVINCIAL  
OFFICE OF INSPECTION MULTAN REGION MULTAN**

For the appellant:

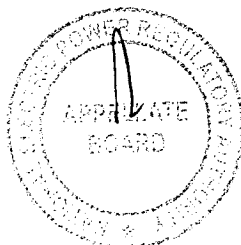
Mian Haroon Aziz Advocate  
Mr. M. Nouman Malik SDO

For the respondent:

Mr. Shoukat Hussain

## DECISION

1. As per facts of the case, the respondent is an agricultural (tube well) consumer of MEPCO bearing Ref No.29-15422-1376600 having a sanctioned load of 14.92 kW and billed under the D-1b tariff. Reportedly, 66% slowness was observed in the meter of the respondent by SDO MEPCO on 09.01.2018 and it was confirmed during metering and testing (M&T) MEPCO checking on 20.02.2018. Multiplication factor (MF) of the respondent was raised from 1 to 2.94 due to 66% slowness of the meter by MEPCO w.e.f January 2018 and onwards till the replacement of the defective meter





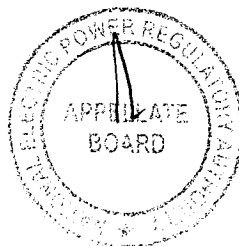
## National Electric Power Regulatory Authority

vide meter change order (MCO) dated 28.02.2018. Subsequently, the detection bill of 18,195 units for the period October 2017 to December 2017 (3 months) was debited by MEPCO @ 66% slowness of the meter and added in the bill of the respondent for February 2019.

2. Being aggrieved with the actions of MEPCO, the respondent initially filed a complaint before NEPRA on 19.03.2018, which was referred to the Provincial Office of Inspection (POI) on 21.03.2018. The respondent also filed an application before POI on 17.05.2018 against the above mode of billing. POI decided the complaint of the respondent vide its decision dated 30.07.2018 with the following conclusion:

*“Summing up all the above observations & conclusion, this forum declares all the charging from 11/2017 to 02/2018 including detection bill for the cost of 18195 units for the period 10/2017 to 12/2017 @ 66% slowness as Null, Void and of no legal effect. The respondents are directed to withdraw the same and charge revised bill from 11/2017 to 02/2018 @ DEF-EST Code as laid down in clause 4.4(e) of CSM. The account of the petitioner to be overhauled accordingly.”*

3. Subject appeal has been filed against the POI decision dated 30.07.2018 (hereinafter referred to as the impugned decision) before NEPRA, wherein MEPCO inter alia, opposed the impugned decision on the grounds that the meter under dispute was found 66% slow by M&T MEPCO; that the detection bill of 18,195 units for the period October 2017 to December 2017 and further bills with MF=2.94 were rightly charged to

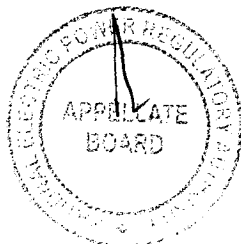




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the respondent @ 66% slowness of the meter; that POI failed to see the case in true perspective and has no jurisdiction in the instant case and that; the impugned decision is void, ab-initio and liable to be set aside.

4. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which however were not submitted.
5. After issuing notices to the parties, the hearing of the appeal was held in Multan on 12.04.2019, which was attended by both the parties. Learned counsel for the appellant MEPCO reiterated the same arguments as contained in the memo of the appeal and argued that charging the detection bill of 18,195 units for the period October 2017 to December 2017 and enhancement of MF=2.94 for onward bills due to 66% slowness of the meter are justified and payable by the respondent. Learned counsel for MEPCO submitted that the impugned decision for declaring the above bills as null and void is illegal, unjustified and liable to be withdrawn. On the other hand, the respondent appearing in person supported the impugned decision and prayed for its maintainability.
6. Arguments heard and perused the record placed. Following are our observations:
  - 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 and billing dispute under Section 38 of NEPRA Act, 1997. The objection of MEPCO in this regard is devoid of force, therefore overruled.



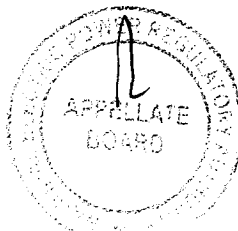


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- ii. The respondent challenged the detection bill of 18,195 units for the period October 2017 to December 2017 (3 months) and the onward bills with MF=2.94 charged @ 66% slowness of the meter before POI. Accuracy of the meter under dispute could not be determined by the POI being competent forum due to its removal from the site, hence in order to verify the justification of the above bills, a comparison of the consumption data is done below:

Undisputed		Disputed		
Month	Units	Month	Units	MF
Oct-16	2102	Oct-17	5947	1.0
Nov-16	2509	Nov-17	1679	1.0
Dec-16	3996	Dec-17	1753	1.0
Jan-17	1176	Jan-18	5915	2.94
Feb-17	3485	Feb-18	7977	2.94
<b>Total</b>	<b>13,268</b>	<b>Total</b>	<b>23,271</b>	-

Above comparison of the consumption data transpires that the consumption recorded in October 2017 is much higher than the consumption of October 2016 but it declines from November 2017 and onwards. However, 66% slowness in the meter of the respondent as alleged by MEPCO was not proved from the above comparison. This establishes that the meter of the respondent was functioning correctly till October 2017 and became defective w.e.f November 2017 and onwards. In addition, MEPCO violated Clause 4.4 of Consumer Service Manual (CSM) while charging the above detection bill for three months. The said clause of CSM restricts MEPCO to charge the detection bill maximum for two months in case of a defective/slow meter. Hence the detection bill of 18,195 units for the period October 2017 to December 2017 (3 months) and the onward bills with MF=2.94 charged @ 66%





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slowness of the meter charged to the respondent are unjustified, illegal and the same are liable to be canceled as already decided by POI. Determination of POI for charging the electricity bills for the period November 2017 and onwards till MCO dated 28.02.2018 on DEF-EST code basis in pursuance of clause 4.4 (e) of CSM is correct, hence upheld.

7. For the foregoing reasons/observations, the <sup>appeal</sup> lacks merits and is dismissed accordingly.

Muhammad Qamar-uz-Zaman  
Member

Nadir Ali Khoso  
Convener

Muhammad Shafique  
Member

Dated: 16.05.2019

