



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

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No. NEPRA/AB/Appeal-180/POI-2018/ 1055-1059

May 10, 2019

1. Jawad Ahmed
S/o. Ch. Bashir Ahmed,
(Through Sharafat Ali),
R/o. Near Sunny Bakers,
Saddiqia Road, Near Gulgasht Colony,
Bosan Road, Multan
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,
Gulgasht Sub Division,
Multan
5. Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: **Appeal Titled MEPCO Vs. Jawad Ahmed Against the Decision Dated 24.05.2018**
Provincial Office of Inspection to Government of the Punjab Multan Region,
Multan

Please find enclosed herewith the decision of the Appellate Board dated 08.05.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-180/POI-2018/ 1060

Forwarded for information please.

(Ikram Shakeel)

May 10, 2019

Assistant Director
Appellate Board

1. Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 180/2018

Multan Electric Power Company Limited (MEPCO)

.....Appellant

Versus

Jawad Ahmed S/o Ch. Bashir Ahmed (Through Sharafat Ali)

S/o Rao Sadaqat Ali, Tenant Occupier Consumer R/o Near Sunny Bakers,

Saddiquia Road, Near Gulgasht Colony, Bosan Road, Multan

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 24.05.2018 PASSED BY THE PROVINCIAL
OFFICE OF INSPECTION MULTAN REGION MULTAN**

For the appellant:

Sardar Mazhar Abbas Advocate

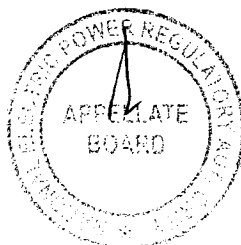
Hafiz Rizwan SDO

For the respondent:

Mr. Sharafat Ali

DECISION

1. Brief facts of the case are that the respondent is a domestic consumer of Multan Electric Power Company Limited (MEPCO) bearing Ref No.06-15171-5976500 having a sanctioned load of 2 kW and billed under the A-1(a) tariff. The meter of the respondent was found defective with the vanished LCD display by MEPCO in January 2017, so the billing was done on estimated basis w.e.f January 2017 and onwards till the replacement of the defective meter in May 2017. The removed meter was checked by metering and testing (M&T) MEPCO, which recommended to charge 6,623 units to the





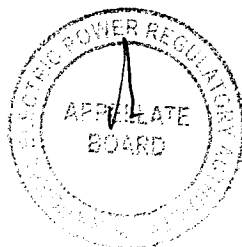
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respondent on the basis of the final reading of replaced meter vide M&T report dated 23.08.2017. Resultantly, as per detection proforma, the detection bill of Rs.132,135/- for 6,623 units for eight months was debited to the respondent by MEPCO in October 2017.

2. Being aggrieved, the respondent filed an application before the Provincial Office of Inspection (POI) in October 2017 and challenged the above detection bill who decided the complaint vide its decision dated 24.05.2018 with the following conclusion:

“Summing up all the above observations & conclusion and keeping in view all the aspects of the case, this forum declares the charging of detection bill amounting to Rs.132,135/- for the cost of 6,623 units during 10/2017 on the basis of Final reading of defective/erratic digital meter replaced in 05/2017 as Null, Void and without any legal effect. The respondents are directed to charge the petitioner @ clause 4.4 (e) of CSM approved by NEPRA w.e.f 01/2017 to replacement of meter in 05/2017. The respondents are also directed to overhaul the account of the Petitioner by adjusting already made payment of Rs.66,100/-.”

3. The appeal in hand has been filed against the above decision wherein MEPCO inter alia, contended that the display of the billing meter of the respondent was found vanished, hence the meter was replaced with a new meter in May 2017. MEPCO further contended that 6,623 units were found less charged during data retrieval of the replaced meter, hence a detection bill of Rs.132,135/- for 6,623 units charged to the respondent in October 2017 which 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.



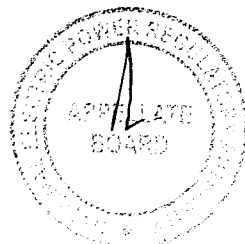


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4. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which were filed.

5. Notice was issued to both parties and hearing of the appeal was held in Multan on 12.04.2019, which was attended by learned counsel for the appellant along with Hafiz Muhammad Rizwan SDO MEPCO and Mr. Sharafat Ali the respondent appeared in person. Learned counsel for MEPCO reiterated the same arguments as contained in the memo of the appeal and argued that the defective meter of the respondent replaced in May 2017 was checked in M&T laboratory, wherein 6,623 units were found pending as per final reading of the meter, hence the detection bill of Rs.132,135/- for 6,623 units was charged to the respondent and he is obligated to pay the said detection bill. On the contrary, the respondent contradicted the stance of MEPCO and contended that the MEPCO charged excessive bills for a long time, which however were paid in installments. The respondent averred that in addition, the above detection units were charged by MEPCO, which neither matched his connected load nor correspond to the consumption recorded during the undisputed periods before and after the dispute. Having heard the arguments 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 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.
- ii. The Meter of the respondent was found defective with washed display by MEPCO in





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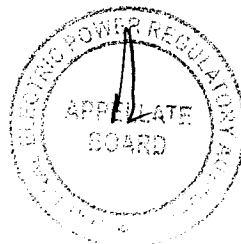
January 2017 and MEPCO charged estimated/average bills from January 2017 and onwards till MCO in May 2017. Additionally, MEPCO charged the detection bill of Rs.132,135/- for 6,623 units to the respondent in October 2017 on the basis of M&T data retrieval report dated 23.08.2017, which was assailed by him before POI.

iii. MEPCO claims that 6,623 units were charged on account of pending units of eight months against the respondent due to the defective meter. Admittedly, the meter was replaced by MEPCO in May 2017, so the disputed eight months pertains to the period September 2016 to April 2017. Following comparison of the consumption is done in order to analyze the justification of the above detection bill:

Period	Average Units/Month	Detection Mode Average Units/Month
Corresponding period before the dispute September 2015 to April 2016	169	-
Disputed period September 2016 to April 2017	269*	828
Corresponding period after the dispute September 2017 to April 2018	159	-

** Bills for September 2016 to December 2016 were charged by MEPCO in normal mode and the bills for January 2017 to April 2017 were charged on an estimated basis.*

Examination of consumption data does not support the version of MEPCO for charging the detection units @ 828 units/months during the disputed period as such high consumption was not recorded during the corresponding periods before and after the dispute. It is further observed that the meter under dispute was neither produced before POI to ascertain its accuracy nor was the data retrieval report dated 23.08.2017 of M&T supplied by MEPCO to POI for verification. Even otherwise, the data retrieval report of the replaced meter of the respondent has no significance as the respondent was not



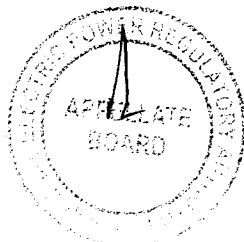


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associated during data retrieval of the meter in M&T laboratory. Under these circumstances, we are in agreement with the analysis of POI that the detection bill of Rs.132,135/- for 6,623 units charged to the respondent as per final reading of the meter is unjustified and unlawful.

iv. As the meter of the respondent was found defective in January 2017, hence the respondent is responsible to pay the detection bill for two months i.e. November 2016 to December 2016 prior to the discrepancy noted by MEPCO in pursuance of clause 4.4 of Consumer Service Manual (CSM). Moreover, MEPCO did not apply DEF-EST code due to the defective meter and charged estimated billing from January 2017 to April 2017. As such, we are of the view that the billing of the respondent be revised w.e.f November 2016 and onwards till April 2017 as the meter was replaced in May 2017 as per ibid clause of CSM, which is worked out below:

Units charged in corresponding months		Units charged in disputed months		Average units of last eleven months	
Month	Units	Month	Units	Month	Units
Nov-15	236	Nov-16	63	Dec-15	95
Dec-15	95	Dec-16	77	Jan-16	85
Jan-16	85	Jan-17	274	Feb-16	79
Feb-16	79	Feb-17	292	Mar-16	105
Mar-16	105	Mar-17	309	Apr-16	164
Apr-16	164	Apr-17	322	May-16	263
				Jun-16	233
				Jul-16	262
Average per month	127	Average	223	Aug-16	962
				Sep-16	384
				Oct-16	428
				Average per month	278





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As evident from the above table, the respondent is liable to be charged the bills @ 278 units/month for the disputed period November 2016 to April 2017 as per average consumption of the last eleven months being higher as laid down in CSM.

6. From the above discussion, it is concluded as under:
 - i. Charging the detection bill of Rs.132,135/- for 6,623 units to the respondent in October 2017 on the basis of the final reading of the meter retrieved vide M&T report dated 23.08.2017 is not justified, hence declared null and void.
 - ii. MEPCO may charge the electricity bills @ 278 units/month for the disputed period November 2016 to April 2017 and units already charged during the said period need to be adjusted.
 - iii. Billing of the respondent be revised accordingly and the payments made during disputed months be adjusted in future bills.
7. The appeal is decided in the above terms.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 08.05.2019

