



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

NEPRA Office , Atta Turk Avenue (East), G5/1, Islamabad
Tel. No.+92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/AB/Appeal-181/POI-2018/ 1061-1065

May 10, 2019

1. Divisional Engineer PTCL,
Through Saeed Ahmed,
Manager (Power Plant),
Nawan Shehar Telephone Exchange,
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,
Hassan Parwana 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 29.06.2018
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-181/POI-2018/ 1066
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. 181/2018

Multan Electric Power Company Limited

.....Appellant

Versus

Divisional Engineer PTCL, Through Saeed Ahmed Manager
(Power Plant), Nawan Shehar, Telephone Exchange, Multan

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 29.06.2018 PASSED BY THE PROVINCIAL
OFFICE OF INSPECTION MULTAN REGION MULTAN**

For the appellant:

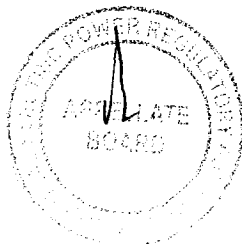
Sardar Mazhar Abbas Advocate
Mr. ImranSDO

For the respondent:

Mr. Saeed Ahmed Manager PTCL

DECISION

1. The respondent is a commercial consumer of Multan Electric Power Company Limited (MEPCO) bearing Ref No.27-15117-0151200 U having a sanctioned load of 62 kW and billed under the A-2C tariff. Audit Department of appellant Company vide the Audit Note No. LAP/M-21 dated 12.10.2010 recommended to charge the bill of Rs.865,044/- for the period August 2009 to February 2010 (7 months) to the respondent on account of the change of tariff from A-1 to A-2. Consequently, the respondent was served a bill of August 2017, which contained (i) the detection bill of Rs.865,044/-





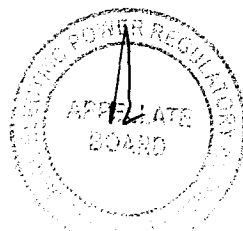
National Electric Power Regulatory Authority

charged based on Audit Note No. LAP/M-21 dated 12.10.2010 and (ii) the current bill of Rs.2,579,417/- for 137,573 units/87 kW MDI for August 2017.

2. Being aggrieved, the respondent approached the Provincial Office of Inspection (POI) and challenged the bill for August 2017. During the joint inspection of the respondent's premises conducted by POI on 03.10.2017, the meter of the respondent was found defective with erratic behavior. POI decided the complaint of the respondent vide its decision dated 29.06.2018 with the following conclusion:

“Summing up all the above observations & conclusion, this forum declares the charging of detection bill of Rs.865,044/- for the period 08/2009 to 02/2010 on the basis of Audit Note along with all the bills from 08/2017 to onwards as Null, Void and of no legal effect. The respondents are directed to withdraw the same and charge revised bills from 08/2017 till MCO @ DEF-EST code in the light of clause 4.4(e) of CSM, 2010 and overhaul the account of the petitioner accordingly. The defective meter of the consumer be replaced with healthy meter at the earliest as laid down in Clause 4.4 of CSM.”

3. MEPCO has filed the subject appeal along with the application for condonation of the delay against the above referred decision with the contentions; inter-alia; that the audit department pointed out for the recovery of Rs.865,040/- for the period August 2009 to February 2010, which was debited along with the current bill of Rs.2,579,417/- for 137,573 units/87 kW MDI for August 2017; that the arrears of Rs.3,361,983/- along with late payment surcharges (LPS) of Rs.197,870/- are payable by the respondent but not paid same till that date; that POI has no jurisdiction to decide the instant matter as it falls within the domain of a Civil Court and that the impugned decision is against the law, facts and liable to be set aside. On the ground of limitation, MEPCO stated that the respondent approached MEPCO on 03.09.2018 and provided an attested copy of the

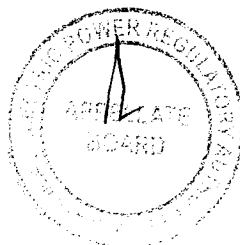




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impugned decision dated 29.06.2018, hence MEPCO immediately filed the instant appeal before NEPRA u/s 38 of NEPRA Act, 1997.

4. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which however were not filed.
5. After issuing notices to both the parties, the hearing of the appeal was held in Multan on 12.04.2019, which was attended by learned counsel along with SDO MEPCO and the Manager PTCL. 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 the detection bill of Rs.865,044/- for the period August 2009 to February 2010 to the respondent on account of the difference of tariff from A-1 to A-2. As per learned counsel for MEPCO, the detection bill along with a current bill for August 2017 were charged as per consumption and the respondent is obligated to pay the same. On the other hand, the representative for the respondent contended that the appeal is barred by time; that the consumption of 137,573 units/87 kW MDI charged in August 2017 was never recorded in the billing history; that the meter was found defective during M&T checking dated 03.09.2017; that the bills under dispute be revised as per previous consumption and that the impugned decision is correct and may be maintained.
6. Having heard the arguments and the perusal of record, our findings are as under:-





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- 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 and the collection of tariff dispute under Section 38 of NEPRA Act, 1997. Objection of MEPCO in this regard is invalid, therefore rejected.
- ii. Regarding the point of limitation, it is observed that the impugned decision was pronounced by POI on 29.06.2018, admittedly a copy of the same was obtained by MEPCO on 04.07.2018 and the appeal against the impugned decision was filed before NEPRA on 12.09.2018 after the lapse of 75 days. MEPCO in its application for condonation of the delay could not explain the reasons for the delay in filing the instant appeal. Hence the application for condonation of the delay is rejected and consequently the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 08.05.2019

