



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

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No. NEPRA/Appeal/157/POI/2019/ 1123


November 19, 2020

1. Sabar Hussain
S/o. Malik Gaman,
(Through Malik Zafar Iqbal),
R/o. Chak Ukan Wala,
Tehsil & District Lodhran
2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan
3. Malik Anwar-ul-Haq
Advocate High Court
Seat No. 1-A, Ansari Block,
District Courts, Multan
4. Sub Divisional Officer (Op),
MEPCO Ltd,
Ahmed Hassan Shaheed Sub Division,
Dhanot
5. POI/Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: Appeal Titled MEPCO Vs. Sabar Hussain Against the Decision Dated 24.01.2019
Provincial Office of Inspection to Government of the Punjab Multan Region,
Multan

Please find enclosed herewith the decision of the Appellate Board dated 11.11.2020, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above


(Ikram Shakeel)
Assistant Director
Appellate Board

✓ Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



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Before Appellate Board, National Electric Power Regulatory Authority, Islamabad

In the matter of

Appeal No. 157/2019

Multan Electric Power Company LimitedAppellant

Versus

Sabar Hussain s/o Malik Gaman (Through Malik Zafar Iqbal),
R/o Chak Ukan Wala, Tehsil & District LodhranRespondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 24.01.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION MULTAN REGION MULTAN

For the appellant:

Malik Anwar-ul-Haq Advocate
Mr. Zahid Khan RO

For the respondent:

Nemo

DECISION

1. As per facts of the case, the respondent is an agricultural consumer of Multan Electric Power Company (MEPCO) bearing Ref No.29-15429-5181101 having a sanctioned load of 14.92 kW and billed under the D-1(b) tariff. Display of the TOU billing meter of the respondent was found unreadable/washed and the connected load was observed as 22.8 kW during metering and testing (M&T) MEPCO checking dated 21.03.2018. Resultantly, MEPCO charged the detection bill of Rs.109,439/- for 9,636 units for two months i.e. February 2018 and March 2018 to the respondent on the basis of 30% load factor connected load and added in the bill for May 2018.



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2. Being aggrieved with the actions of MEPCO, the respondent filed a complaint before the Provincial Office of Inspection (POI) against the above detection bill. POI decided the complaint of the respondent vide its decision dated 24.01.2019 with the following conclusion:

“Summing up all the above observations & keeping in view all the aspects of the case, this forum declares the detection bill amounting to Rs.109,439/- for the cost of 9636 units along with the current bill for 05/2018 and LPS charged from 08/2018 to date as Null, Void & without any legal effect. The respondents are directed to withdraw the same and charge a revised detection bill of Rs.53,576/- for the cost of 9,636 units as calculated above. The Petitioner’s account be overhauled accordingly and proportionately.”

3. Subject appeal has been filed against the POI decision dated 24.01.2019 (hereinafter referred to as the impugned decision) before NEPRA, wherein MEPCO contended that the billing meter of the respondent was checked by M&T MEPCO in March 2017 and its display was found washed. MEPCO further contended that the detection bill of Rs.109,439/- for 9,636 units for two months i.e. February 2018 and March 2018 charged to the respondent is quite genuine and he is liable to pay the same. As per MEPCO, POI failed to see the case in true perspective and has not applied his independent mind and rendered the impugned decision contrary to the facts and law. According to MEPCO, the application filed by the respondent before POI against the MEPCO officials is not maintainable and may be rejected. MEPCO prayed that the appeal may be accepted and the impugned decision is 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 not filed.
5. Notice was issued to both parties and hearing of the appeal was held in NEPRA Regional Office Multan on 29.10.2020, which was attended by only by learned counsel along with SDO MEPCO and no one appeared for the respondent. Learned counsel for the appellant MEPCO argued that the detection bill of 9,636 units was charged for two months i.e. February 2018 and March 2018 was charged to the respondent on the basis of 30% load factor connected load due to defective meter with vanished display as observed during M&T MEPCO checking dated 21.03.2018. Revenue Officer MEPCO opposed the determination of POI for revision of the detection units i.e. 9,636 units @ Rs.5.35/- per unit for the off-peak segment and @ Rs.10.35/- per unit for peak segment and prayed for revision of the above detection bill as per tariff approved by the Government of Pakistan.
6. Arguments heard and the record perused. Following are our observations:
 - i. The respondent challenged before POI the detection bill amounting to Rs.109,439/- for 9,636 units for two months i.e. February 2018 and March 2018 added in the bill for May 2018. POI vide impugned decision maintained the detection bill for 9,636 units as already charged by MEPCO, however, revised the rates of tariff applicable for off-peak segment @ Rs.5.35/- per unit and peak segment @ Rs.10.35/- per unit. MEPCO agreed to revise the detection bill as per tariff approved by the Government of Pakistan for the disputed months i.e. February 2018 and



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March 2018. To validate the version of MEPCO, the bill of November 2018 as provided by MEPCO was examined in which the tariff rate approved by the Government of Pakistan for Agricultural consumer was Rs.5.35/- per unit for the off-peak segment and Rs.5.35/- per unit for peak segment as detailed below:

Rate per unit	NEPRA Tariff	- Subsidy	= Government of Pakistan (GOP) Tariff
Off-peak segment	Rs.10.37/-	- Rs.5.02/-	Rs.5.35/-
Peak segment	Rs.16.37/-	- Rs.11.02/-	Rs.5.35/-

Whereas MEPCO has charged the detection bill of Rs.109,439/- for 9,636 units to the respondent @ Rs.11.36/- per month without affording subsidy as approved by the Government of Pakistan. Under these circumstances, we are inclined to agree with the determination of POI for cancellation of the detection bill of 9,636 units for two months i.e. February 2018 and March 2018 along with late payment surcharges (LPS).

- ii. Similarly, the determination of POI for revision of the detection bill for the cost of Rs.53,576/- need to be verified through the below calculation as per tariff approved by the Government of Pakistan:

Period: February 2018 and March 2018

Detection Units	= $\frac{\text{Total units} \times \text{No. of hours}}{\text{total hours/day}}$	Units to be charged	GOP tariff	Bill (Rs.) = Units x GoP tariff
Off peak segment	= $\frac{9,636 \times 20}{24}$	8,030	Rs.5.35/-	= $8,030 \times 5.35/- = 42,961/-$
Peak segment	= $\frac{9,636 \times 04}{24}$	1,606	Rs.5.35/-	= $1,606 \times 5.35/- = 8,592/-$
Total amount of detection bill (Rs.)				51,553/-

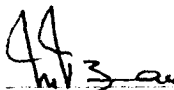
As per the above calculation, the detection bill of Rs.51,553/- is recoverable from the respondent along with the applicable taxes of the Government of Pakistan and




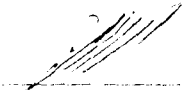
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fuel price adjustment (FPA) for the disputed months i.e. February 2018 and March 2018 (if applicable). The impugned decision is liable to be modified to this extent.

7. In view of what has been stated above, we have concluded that the detection bill of Rs.109,439/- for 9,636 units for two months i.e. February 2018 and March 2018 along with LPS charged to the respondent is null and void as already declared by POI. MEPCO is allowed to charge the revised bill of 9,636 units for the total cost of [detection bill of Rs.51,553/- + applicable taxes (Rs.) + FPA (Rs.) for the months February 2018 March 2018 (if applicable)] to the respondent.
8. The impugned decision is modified in the above terms.


Muhammad Qamar-uz-Zaman
Member


Nadir Ali Khoso
Convener


Muhammad Shafique
Member

Dated: 11.11.2020