



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

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No. NEPRA/Appeal/159/POI/2019/ 1124

November 19, 2020

1. Naseer Ahmed
S/o. Malik Sohana Khan,
Prop: Tube Well,
R/o. Mouza Hussain Abad,
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. Naseer Ahmed Against the Decision Dated 30.01.2019
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.

- i. 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. 159/2019

Multan Electric Power Company LimitedAppellant

Versus

Naseer Ahmed S/o Malik Sohana Khan, Prop Tube well,
R/o Mouza Hussain Abad LodhranRespondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 30.01.2019 PASSED BY PROVINCIAL
OFFICE OF INSPECTION, MULTAN REGION, MULTAN**

For the appellant:

Malik Anwar-ul-Haq Advocate

For the respondent:

Mr. Malik Shaber Ahmed

DECISION

1. Brief facts of the case are that the respondent is an agricultural consumer of Multan Electric Power Company (MEPCO) bearing Ref No.29-15429-1588903 having a sanctioned load of 22.38 kW under the D-1b tariff. The billing meter of the respondent was checked by metering and testing (M&T) MEPCO on 03.07.2017 and reportedly, it was found 33% slow. The defective billing meter of the respondent was replaced with a new meter by MEPCO vide meter change order (MCO) dated 09.07.2017. Notice dated 29.05.2018 was served to the respondent by MEPCO regarding 33% slowness of the billing meter and a detection bill of Rs.84,187/- for 7,611 units for the period November 2016 to



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April 2017 (6 months) was debited to the respondent @ 33% slowness of the meter.

2. Being aggrieved, the respondent initially approached Wafaqi Mohtasib and assailed the above detection bill from where the complaint was forwarded to NEPRA for further adjudication. Additional Director General NEPRA vide letter dated 21.06.2018 referred the complaint of the respondent to the Provincial Office of Inspection (POI) for the decision, which was disposed of by POI vide its decision dated 30.01.2019 (impugned decision) and declared the detection bill of Rs.84,187/- for 7,611 units for the period November 2016 to April 2017 as null and void. As per impugned decision, MEPCO was directed to charge the revised detection bill for 2,852 units for the period June 2017 and onwards till MCO dated 09.07.2017.
3. Subject appeal has been filed against the impugned decision before NEPRA in which MEPCO contended that the detection bill of Rs.84,187/- for 7,611 units for the period November 2016 to April 2017 was charged to the respondent @ 33% slowness of the meter as declared by M&T MEPCO on 03.07.2017. 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 is not maintainable and may be rejected. MEPCO prayed that the appeal may be accepted and the impugned decision be set aside.



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4. Notice of the appeal was issued to the respondent for filing reply/ para-wise comments, which however were not submitted.
5. Hearing of the appeal was held in NEPRA regional office Multan on 29.10.2020 in which both the parties made their attendance. Learned counsel for MEPCO reiterated the same arguments as given in memo of the appeal and contended that 33% slowness was observed in the billing meter of the respondent during MEPCO checking dated 03.07.2017 and a detection bill of Rs.84,187/- for 7,611 units for the period November 2016 to April 2017 was initially prepared on account of the said slowness, which was later on revised for 3,731 units. According to learned counsel for MEPCO, POI allowed only 2,852 units against 3,731 units as a detection bill, which is unjustified. Learned counsel for MEPCO prayed that the detection bill of 3,731 units may be allowed and agreed to waive off the late payment surcharges (LPS). On the contrary, the representative for the respondent supported the impugned decision and prayed for its maintainability.
6. Arguments heard and the record examined. Following are our observations.
 - i. The respondent disputed POI the detection bill of Rs.84,187/- for 7,611 units for the period November 2016 to April 2017 charged by MEPCO @ 33% slowness of the billing meter. The disputed meter could not be checked by POI due to its replacement vide MCO dated 09.07.2017. Pursuant to clause 4.4 of Consumer Service Manual (CSM), the consumer may be charged the



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detection bill maximum for two months on account of the slowness of the meter, however in the instant case, the above detection bill was charged for a period of six months i.e. November 2016 to April 2017 to the respondent by MEPCO due to 33% slowness of the billing meter, which is a violation of ibid clause of CSM. Furthermore, MEPCO claimed that the above detection bill was revised for 3,731 units but did not submitted any detail for the same. Hence POI has rightly declared the detection bill of Rs.84.187/- for 7,611 units for the period November 2016 to April 2017 as null and void.

- ii. Since the slowness in the meter was observed on 03.07.2017, so the respondent may be charged the detection bill for two months only i.e. May 2017 to June 2017, if justified. Comparison of consumption in this regard is done below:

Disputed months			Undisputed months	
Month	Units	After adding 33% slowness	Month	Units
May-17	5,983	8,930	May-18	8,927
Jun-17	3,617	5,398	Jun-18	6,900

The above comparison indicates that the consumption calculated with 33% slowness for the disputed month of May 2017 is compatible with the consumption of May 2018, however, the consumption of June 2017 even after adding 33% slowness is lesser than the consumption of June 2018. This establishes that the meter was functioning correctly till May 2017 and it became defective w.e.f June 2017 and onwards till the replacement on



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09.07.2017. Under these circumstances, we are inclined to agree with the determination of POI for revision of the detection bill for the cost of 2,852 units for the period June 2017 and onwards till MCO dated 09.07.2017. The billing account of the respondent be overhauled, accordingly.

7. In view of the above, the impugned decision is upheld and consequently, the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 11.11.2020