



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

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No. NEPRA/Appeal/160/POI/2019/ 1/25

November 19, 2020

1. Iqbal Ahmad Khan
S/o. Karim Bux Khan,
(Through Muhammad Asif Bhatti),
Prop: Iqbal Oil Mills,
Mouza Muhammad Pur, Ali Pur Road,
Shah Jamal, District Muzaffargarh
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,
Shah Jamal Sub Division,
Shah Jamal
5. POI/Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: Appeal Titled MEPCO Vs. Iqbal Ahmad Khan Against the Decision Dated 14.02.2019 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



National Electric Power Regulatory Authority

Before Appellate Board National Electric Power Regulatory Authority, Islamabad

In the matter of

Appeal No. 160/2019

Multan Electric Power Company Limited

.....Appellant

Versus

Iqbal Ahmed Khan S/o Karim Bux Khan (Through Muhammad Asif Bhatti)

Prop: Iqbal Oil Mills, Mouza Muhammad Pur,

Ali Pur Road, Shah Jamal, District Muzafargarh

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 14.02.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION, MULTAN REGION, MULTAN

For the appellant:

Malik Anwar-ul-Haq Advocate

Mr. Haif Javaid SDO

For the respondent:

Nemo

DECISION

1. Brief facts of the case are that the respondent is an industrial consumer of Multan Electric Power Company (MEPCO) bearing Ref No.27-15719-1328207 having a sanctioned load of 52 kW under the B-2b tariff. The billing meter of the respondent was checked by metering and testing (M&T) MEPCO on 01.11.2016 and reportedly, it was found 32.67% slow. Hence a detection bill (first detection bill) of Rs.171,192/- for the cost of 10,085 units/41.65 kW MDI for the months of September 2016 and October 2016 (two months) was debited to the respondent @ 32.57% slowness of the meter. The defective billing meter of the respondent was again checked by M&T MEPCO on 10.08.2017 and reportedly, it was found 66.08% slow. Another detection bill (second detection bill) of Rs.603,454/- for 33,747 units for the period 29.05.2017 to 27.08.2017



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(3 months) was debited to the respondent @ 66.08% slowness of the meter. Multiplication Factor (MF) of the respondent was raised from 29.8 to 58.96 due to 66.08% slowness of the meter by MEPCO w.e.f September 2017 and onwards. Electric supply of the respondent was disconnected by MEPCO in October 2017 due to non-payment of above bills, which was restored vide reconnection order (RCO) dated 03.04.2018 after payment of the first installment against arrears of Rs.1,121,305/- by the respondent.

2. Being aggrieved, the respondent initially approached NEPRA and assailed the first and second detection bills of Rs.171,192/- and Rs.603,454/- respectively. Additional Director General NEPRA vide letter dated 21.03.2018 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 14.02.2019 (impugned decision) in which the first detection bill of Rs.171,192/- for 10,085 units/41.65 kW MDI for the months September 2016 and October 2016 (2 months) @ 32.57% slowness of the meter was declared as justified and the second detection bill of Rs.603,454/- for 33,747 units for the period 29.05.2017 to 27.08.2017 (3 months) debited @ 66.08% slowness of the meter was declared as null and void. As per impugned decision, MEPCO was further directed to charge/revise the second detection bill for two months only i.e. July 2017 & August 2017 @ 66.08% slowness of the meter.
3. Appeal in hand has been filed against the impugned decision before NEPRA in which MEPCO contended that two detection bills i.e. first detection bill of Rs.171,192/- for 10,085 units/41.65 kW MDI for the months September 2016 and October 2016



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@ 32.57% slowness and second detection bill of Rs.603,454/- for 33,747 units for the period 29.05.2017 to 27.08.2017 (@ 66.08% slowness of the meter) were charged to the respondent on the basis of MEPCO checkings dated 01.11.2016 and 10.08.2017. MEPCO further contended that the electric supply of the respondent was disconnected due to non-payment of bills, which was restored vide RCO dated 03.04.2018 after payment of the first installment against the arrears of Rs.1,121,305/-. As per MEPCO, POI failed to see the case in true perspective, has not applied his independent mind and rendered the impugned decision contrary to the facts and law. MEPCO prayed that the appeal may be accepted and the impugned decision be set aside. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which however were not submitted.

4. Hearing of the appeal was held in NEPRA regional office Multan on 29.10.2020 which was attended only by MEPCO and no one appeared for the respondent. Learned counsel for MEPCO argued that 66.08% slowness was observed in the billing meter of the respondent during MEPCO checking dated 10.08.2017, hence the second detection bill of Rs.603,454/- for 33,747 units for the period 29.05.2017 to 27.08.2017 (3 months) was debited to the respondent @ 66.08% slowness of the meter. Learned counsel for MEPCO opposed the impugned decision for revision of the period of the second detection bill for two months and prayed that the second detection bill of Rs.603,454/- units for three months may be allowed for recovery in the best interest of justice.
5. Arguments heard and the record examined. MEPCO charged two detection bills i.e. first detection bill of Rs.171,192/- for 10,085 units/41.65 kW MDI for two months



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i.e. September 2016 and October 2016 @ 32.57% slowness of the meter and second detection bill of Rs.603,454/- for 33,747 units for the period 29.05.2017 to 27.08.2017 @ 66.08% slowness of the meter, which were challenged before POI by the respondent. POI vide impugned decision declared the first detection bill of Rs.171,192/- as justified and payable by the respondent, whereas the second detection bill of Rs.84,187/- for 7,611 units for the period November 2016 to April 2017 charged by MEPCO @ 66.08% slowness of the billing meter was cancelled and it was revised for two billing cycles only i.e. July 2017 & August 2017 @ 66.08% slowness of the meter. MEPCO in its appeal prayed to allow the entire period of second detection bill @ 66.08% slowness of the meter. To confirm the version of MEPCO, the following comparison of consumption data is done below:

Undisputed months			Disputed months		
Month	Units	MDI	Month	Units	MDI
Jun-2016	20,396	77	Jun-2017	21,157	76
Jul-2016	16,639	76	Jul-2017	18,512	42
Aug-2016	17,306	107	Aug-2017	11,057	36

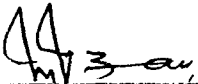
Perusal of the above consumption data reveals that the units/MDI recorded in June 2017 are compatible with the units/MDI recorded in June 2016. However, a drastic decline is noticed in the MDI during the disputed months i.e. July 2017 and August 2017 as compared to the MDI of corresponding undisputed months of previous year i.e. July 2016 to August 2016. This establishes that the billing meter was functioning with 32.67% slowness till June 2017 and became 66.08% slow w.e.f July 2017 and onwards. Even otherwise, MEPCO cannot charge the detection bill beyond two billing cycles in case of slow meter in pursuance of clause 4.4(c) of Consumer Service Manual




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(CSM). Hence POI has rightly declared the second detection bill of Rs.603,454/- for 33,747 units for the period 29.05.2017 to 27.08.2017 charged @ 66.08% slowness of the meter as null and void. Similarly, we are inclined to agree with the determination of POI for revision of the second detection bill for two months i.e. July 2017 and August 2017 @ 66.08% slowness of the billing meter. The billing account of the respondent be overhauled, accordingly.

6. 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