



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

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No. NEPRA/Appeal/212/POI/2019/ 1127

November 19, 2020

- | | |
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| 1. Muhammad Shafique
S/o. Muhammad Rafique,
(Through Waqar Ali),
Prop: Saw Machine located at Qasba Gujrat,
Tehsil Kot Addu, District Muzaffargarh | 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. Executive Engineer (Operation)
MEPCO Ltd,
Muzaffargarh Division,
Muzaffargarh |
| 5. Sub Divisional Officer (Op),
MEPCO Ltd,
Karam Dad Qureshi Sub Division,
Karam Dad Qureshi | 6. POI/Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan |

Subject: **Appeal Titled MEPCO Vs. Muhammad Shafique Against the Decision Dated 09.05.2019 Provincial Office of Inspection to Government of the Punjab Multan Region, Multan**

Please find enclosed herewith the decision of the Appellate Board dated 12.11.2020, 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.212/2019

Multan Electric Power Company Limited

.....Appellant

Versus

Muhammad Shafique S/o Muhammad Rafique, Through Waqar Ali,
Prop: Saw Machine located at Qasba Gujrat, Tehsil Kot Addu,
District Muzaffargarh

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 09.05.2019 PASSED BY PROVINCIAL
OFFICE OF INSPECTION, MULTAN REGION, MULTAN**

For the appellant:

Sardar Mazhar Abbas Advocate
Mr. Muhammad Amaar Khan

For the respondent:

Mr. Waqar Ali

DECISION

1. Brief facts leading to the filing of instant appeal are that the respondent is an industrial consumer of Multan Electric Power Company (MEPCO) bearing Ref No. 28-15718-0639020 having a sanctioned load of 14.92 kW under the tariff B-1b. The metering equipment of the respondent was checked by metering and testing (M&T) MEPCO on 03.12.2018 and reportedly, the billing meter was found 33.71% slow. Therefore, the bill of December 2018 was charged with enhanced multiplication factor (MF)=1.5 due to 33.71% slowness of the billing meter by MEPCO to the respondent. Subsequently, a detection bill of Rs.100,556/- for 5,584 units for the period from June 2018 to November 2018 (6 months) was debited to the respondent by MEPCO @ 33.71% slowness of the billing meter.



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2. Being aggrieved, the respondent challenged the above detection bill before the Provincial Office of Inspection (POI). 33% slowness was proven in the billing meter of the respondent during the joint inspection of POI on 04.02.2019, the report was signed by both the parties without raising any objection. MEPCO replaced the defective meter with a new meter in April 2019. POI vide decision dated 09.05.2019 held that the detection bill of Rs.100,556/- for 5,584 units for the period June 2018 to November 2018 and the bills for the period January 2019 to April 2019 along with late payment surcharges (LPS) are null and void. MEPCO was directed to charge the detection bill for two months i.e. October 2018 and November 2018 and the onward bills with enhanced MF=1.5 due to 33.71% slowness w.e.f January 2019 and onwards till the replacement of the slow billing meter in April 2019.

3. Through the instant appeal, MEPCO has assailed the above decision of POI (hereinafter referred to as impugned decision) before NEPRA in which it is contended that the billing meter of the respondent was found 33.71% slow during M&T MEPCO checking dated 03.12.2018, hence the detection bill of Rs.100,556/- for 5,584 units for the period June 2018 to November 2018 charged to the respondent @ 33.71% slowness of the billing meter is justified and payable by the respondent. As per MEPCO, POI has failed to see the case in letter and spirit and passed the impugned decision on surmises and conjectures. According to MEPCO, the matter exclusively falls within the domain of the Civil Court and the POI has no lawful authority to decide the same. MEPCO submitted that the POI has not applied his judicious mind and rendered the impugned decision contrary to the facts and law. MEPCO finally prayed for setting aside the



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impugned decision.

4. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which however were not filed.
5. Hearing of the appeal was held in NEPRA regional office Multan on 29.10.2020 which was attended by both the parties. Learned counsel for MEPCO argued that 33.71% slowness was observed in the billing meter of the respondent during MEPCO checking dated 03.12.2018, which is also confirmed by POI during the joint checking dated 04.02.2019. As per learned counsel for MEPCO, the detection bill of Rs.100,556/- for 5,584 units for the period June 2018 to November 2018 was charged to the respondent @ 33.71% slowness of the billing meter. Learned counsel for MEPCO opposed the impugned decision to the extent of revision of the period of aforesaid detection bill for two months only and prayed to allow the whole period of detection bill i.e. June 2018 to November 2018. On the other hand, the representative for the respondent supported the impugned decision and prayed for upholding the same.
6. Arguments heard and the record examined, it is observed as under:
 - i. MEPCO raised the preliminary objection that the instant matter falls within the domain of Civil Court and the POI has no jurisdiction to adjudicate the instant matter. It is noted that the matter pertains to the billing dispute due to a defective/slow meter and the POI is empowered to entertain such disputes pursuant to Section 38 of the NEPRA Act, 1997. Moreover, the honorable Supreme Court of Pakistan vide judgment reported in PLD 2012 SC 371 authorized POI to adjudicate



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the disputes of such nature. Hence objection of MEPCO in this regard is overruled.

- ii. MEPCO charged the detection bill of Rs.100,556/- for 5,584 units for the period June 2018 to November 2018 (6 months) to the respondent @ 33.71% slowness of the billing meter as observed during M&T checking dated 03.12.2018. Said slowness in the billing meter was confirmed by POI during joint checking dated 04.02.2019, therefore only the period of slowness needs to be verified.
- iii. Pursuant to clause 4.4 of the Consumer Service Manual (CSM), a consumer may be charged the detection bill maximum for two months in case of a slow meter. In the instant case, MEPCO charged the above detection bill for a period of six months June 2018 to November 2018 @ 33.71% slowness of the billing meter, which is a violation of the foregoing clause of CSM. The respondent can only be charged the detection bill maximum for two months i.e. October 2018 and November 2018 in case of the slow meter. Under these circumstances, we are in agreement with the findings of POI for the cancellation of the detection bill of Rs.100,556/- for 5,584 units for the period from June 2018 to November 2018 (6 months) and revision of the same for two months i.e. October 2018 and November 2018. Since the billing meter of the respondent was replaced with a new meter by MEPCO in April 2019, hence the onwards bills from January 2019 to April 2019 may be charged with enhanced MF=1.5 due to 33.71% slowness of the billing meter, which is also the determination of POI.
- iv. The billing account of the respondent should be overhauled after adjusting units



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already charged/payments made (if any) against the above detection bill.

7. Foregoing in view, the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 12.11.2020

