



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

NEPRA Office , Ata 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/Appeal/214/POI/2019/ 1128

November 19, 2020

1. Ateeq-ur-Rehman
S/o. Ch. Liaquat Ali,
R/o. Chaudhary House,
Shah Jamal Road, Khangarh,
Tehsil & 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,
Khangarh Sub Division,
Khangarh
6. POI/Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: Appeal Titled MEPCO Vs. Ateeq-ur-Rehman Against the Decision Dated 09.04.2019 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. 214/2019

Multan Electric Power Company Limited

.....Appellant

Versus

Ateeq-ur-Rehman S/o Ch. Liaquat Ali, R/o Chauhdary House,
Shah Jamal Road, Khangarh, Tehsil & District Muzaffargarh

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 09.04.2019 PASSED BY PROVINCIAL
OFFICE OF INSPECTION MULTAN REGION, MULTAN**

For the appellant:

Sardar Mazhar Abbas Advocate
Mr. Muhammad Aamir

For the respondent:

Mr. Rabiwaz Khan Advocate

DECISION

1. As per facts of the case, the respondent is a domestic consumer of Multan Electric Power Company Limited (MEPCO) bearing Ref No.07-15713-0345201 with a sanctioned load of 2 kW under the A-1(a) tariff. Display of the billing meter of the respondent became washed, hence MEPCO charged the average billing from May 2017 and onwards till the replacement of defective billing meter in November 2017. Subsequently, the removed billing meter was sent to the metering and testing (M&T) MEPCO laboratory on 05.12.2017 for checking, wherein 15,766 units were found uncharged as per data retrieval report dated 03.05.2018. Resultantly, a detection bill amounting to Rs.332,764/- for 15,766 units was debited to the respondent by MEPCO on account of balance units and added in the bill for May 2018.



National Electric Power Regulatory Authority

2. Being aggrieved, the respondent initially approached Wafaqi Mohtasib and disputed the above billing charged by MEPCO. The honorable Wafaqi Mohtasib forwarded the complaint to NEPRA for further adjudication. Additional Director General (CAD) NEPRA vide letter dated 04.12.2018 referred the matter to the Provincial Office of Inspection (POI) for the decision. POI disposed of the matter vide its decision dated 09.04.2019, wherein the detection bill of Rs.332,764/- for 15,766 units and the bills from May 2017 to November 2017 were declared as null and void. As per the impugned decision, the respondent may be charged the bills for the period May 2017 to November 2017 by MEPCO on the DEF-EST code basis.

3. Being dissatisfied with the decision dated 09.04.2019 of POI (hereinafter referred to as the impugned decision), MEPCO has filed the instant appeal before NEPRA, wherein it is contended that the display of the meter of the respondent became vanished and it was removed and sent to M&T MEPCO laboratory, wherein 15,766 units were found pending as per data retrieval report, hence the detection bill of Rs.332,764/- for 15,766 units was charged to the respondent in May 2018. MEPCO termed the above detection bill as legal, valid and justified and payable by the respondent. MEPCO opposed the impugned decisions inter alia, on the grounds that the POI had failed to see the case in letter and spirit and passed the impugned decision on surmises and conjectures; that the matter exclusively falls within the domain of the Civil Court and the POI has no lawful authority to decide the same; that the POI has not applied his judicious mind and rendered the impugned decision contrary to the facts and law and that the impugned decision may be set aside.

1



National Electric Power Regulatory Authority

4. Notice of the appeal was sent to the respondent for filing reply/para-wise comments, which were filed on 24.09.2019. In his reply, the respondent rebutted the version of MEPCO and contended that the billing meter was defective since long and MEPCO has charged the exaggerated billing @ 1,296 units/month during the months' May 2017 to July 2017. As per respondent, MEPCO has charged the detection bill of 15,766 units in violation of clause 4.4 (e) of the Consumer Service Manual (CSM), which restricts DISCOs to charge the detection bill maximum for two months in such cases. The respondent countered the objection of MEPCO regarding the jurisdiction and submitted that the honorable Supreme Court of Pakistan vide judgment reported in PLD 2012 SC 371 held that the dispute about the metering equipment falls within the jurisdiction of POI. According to the respondent, the impugned decision for revision of the bills from May 2017 to November 2017 in pursuance of clause 4.4(e) of CSM is correct. The respondent finally prayed for upholding the impugned decision.
5. Hearing of the appeal was held at NEPRA Regional Office Multan on 03.10.2020 in which both the parties were represented by their learned counsels. Learned counsel for MEPCO reiterated the same arguments as given in memo of the appeal and contended that the defective meter was replaced due to display washed by MEPCO vide meter change order (MCO) dated 10.11.2017 and checked in M&T laboratory, wherein 15,766 units were found pending in the defective (burnt) meter. MEPCO further contended that the detection bill of Rs.332,764/- for the cost of 15,766 units was charged to the respondent for the period May 2017 to November 2017. As per learned counsel for MEPCO, the above detection bill and the bills for the period from



National Electric Power Regulatory Authority

May 2017 to November 2017 are justified and payable by the respondent. Conversely, learned counsel for the respondent supported the impugned decision and prayed that the same may be maintained.

6. Arguments were heard and the record was perused. 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 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 the disputes of such nature. Hence objection of MEPCO in this regard is overruled.
 - ii. The respondent assailed the detection bill of Rs.332,764/- for 15,766 units for the period May 2017 to November 2017 charged by MEPCO on the basis of difference of units already charged till May 2017 (22,301 units) and the final reading of the defective meter (38,067) and the bills for the period May 2017 to November 2017 before POI. However, MEPCO neither associated the respondent during M&T checking nor produced the disputed billing meter before POI for checking. To check the justification of the above billing, the following analysis of consumption is done:

Period	Normal units/month	Detection units/month
Disputed period: May 2017 to November 2017	782	2,252
Corresponding period before	617	-



National Electric Power Regulatory Authority

dispute: May 2016 to November 2016		
Undisputed eleven months June 2016 to April 2017	638	

From the above table, it is transpired that the detection units charged @ 2,252 units/month during the disputed period May 2017 to November 2017 are much higher than the normal average consumption of 617 units/month for the corresponding period before the dispute and the normal average consumption of 638 units/month during the undisputed eleven months. Even otherwise the above detection bill charged to the respondent does not correspond to the sanctioned load i.e. 2 kW of the respondent, Hence, the detection bill of Rs.332,764/- for 15,766 units charged to the respondent is unjustified and shall be cancelled as already determined in the impugned decision.

- iii. Similarly, the average consumption charged @ 782 units/month during the disputed months i.e. May 2017 to November 2017 by MEPCO is higher than the normal average consumption of 617 units/month for the corresponding period before the dispute and the normal average consumption of 638 units/month during the undisputed eleven months. As such, the determination of POI for cancellation of the bills for the period May 2017 to November 2017 is correct and maintained to this extent.
- iv. It would be judicious to charge the bills @ 638 units/month for the period May 2017 to November 2017 as recorded during the last eleven undisputed months being higher in pursuance of clause 4.4 of CSM, which is also the finding of POI.



National Electric Power Regulatory Authority

- v. The billing account of the respondent may be revised after making adjustments of payments made (if any) against the above bills.
7. Foregoing in view, the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 11.11.2020