



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/178/POI/2019/ 1042


December 28, 2021

1. Sharif Ullah,
S/o. Kareem Khan,
R/o. Basti Ghareebabad,
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-Zikriya Block, District Courts,
Multan
4. Sub Divisional Officer (Op),
MEPCO Ltd,
Fateh Pur Sub Division,
Fateh Pur
5. POI/Electric Inspector,
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: **Appeal Titled MEPCO Vs. Sharif Ullah 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 08.12.2021, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**


(Ikram Shakeel)
Deputy Director (M&E)/
Appellate Board

Forwarded for information please.

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



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 178/POI-2019

Multan Electric Power Company Limited

.....Appellant

Versus

Sharif Ullah S/o Kareem Khan R/o Basti Ghareebabad,
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 09.04.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION MULTAN REGION, MULTAN

For the Appellant:

Sardar Mazhar Abbas Advocate

For the Respondent:

Mr. Sharif Ullah
Haji Fareed Ullah

DECISION

1. As per facts of the case, the Respondent is a domestic consumer of the Multan Electric Power Company Limited (MEPCO) having Ref No.01-15724-0032472 with sanctioned load of 1 kW under the A-1(a) Tariff. The display of the billing meter of the Respondent became invisible in August 2016 and the meter was replaced with a new meter in December 2016. A detection bill (first detection bill) of Rs.6,417.76/- for the cost of 432 units was debited to the Respondent by the MEPCO in January 2017, which was paid. Subsequently, the removed meter of the Respondent was





National Electric Power Regulatory Authority

checked in the Metering and Testing (M&T) MEPCO on 22.05.2017 and reportedly, its display was found washed and 7,422 units were found uncharged. Therefore, another detection bill (second detection bill) of Rs.122,655/- for 7,420 units was charged to the Respondent by the MEPCO in July 2017 on account of pending units.

2. Being dissatisfied, the Respondent initially filed a complaint before the NEPRA in November 2018 and challenged the second detection bill of Rs.122,655/-. The NEPRA vide letter dated 12.11.2018 referred the matter to the Provincial Office of Inspection, Multan Region, Multan (the POI) for the investigation and decision. The POI disposed of the matter vide decision dated 09.04.2019, wherein the first detection bill of Rs6,417.76/- for 432 units and the second detection bill of Rs.122,655/- for 7,420 units charged to the Respondent in January 2017 and July 2017 respectively were cancelled. As per the POI decision, the MEPCO was directed to revise the bills for the period August 2016 to November 2016 on the DEF-EST code as per Clause 4.4(e) of the Consumer Service Manual (CSM). The MEPCO was further directed to overhaul the billing account of the Respondent and to restore the electric supply of the premises.
3. Being aggrieved with the decision dated 09.04.2019 of the POI (hereinafter referred to as the impugned decision), the MEPCO has filed an instant appeal before the NEPRA. In its appeal, the MEPCO contended that the discrepancies of the vanished display of the billing meter of the Respondent and 7,420 uncharged units were observed during the M&T MEPCO checking dated 22.05.2017, therefore the second detection bill of Rs.122,655/- for 7,420 units was charged to the Respondent in July 2017 on account of pending units. The MEPCO termed the above-said detection bill



National Electric Power Regulatory Authority

as justified and payable by the Respondent. The MEPCO opposed the impugned decision, inter alia, on the following grounds; (1) the POI had failed to see the case in letter and spirit and the policy formulated in the CSM and passed the impugned decision on surmises and conjectures; (2) the matter exclusively lies within the domain of the Civil Court and the POI has no lawful jurisdiction to decide this matter; (3) the POI did not apply the judicious mind while deciding the case and; (4) the impugned decision may be set aside.

4. Notice of the appeal was sent to the Respondent for filing reply/para-wise comments, which however were not filed.
5. Hearing of the appeal was held at the NEPRA Regional Office Multan on 25.10.2021 in which both the parties were in attendance. Learned counsel for the MEPCO reiterated the same arguments as given in memo of the appeal and contended that the impugned decision was passed by the POI on ex-parte since no notice of hearing was received from that forum. Learned counsel for the MEPCO opposed the determination of the POI concerning the first detection bill of Rs.6,417.76/- charged in January 2017 and argued that the POI decided the undisputed first detection bill, which is beyond the prayer of the Respondent. As regards, the second detection bill of Rs.122,655/- for 7,420 units, learned counsel for the MEPCO averred that 7,420 units were found less charged during M&T MEPCO checking dated 22.05.2017. As per learned counsel for the MEPCO, the POI also decided the fate of unchallenged bills for the period August 2016 to November 2016 and prayed for setting aside the





National Electric Power Regulatory Authority

impugned decision. On the other hand, the Respondent appearing in person repudiated the contentions of learned counsel for the MEPCO and argued that the MEPCO meter reader demanded the bribe from him, upon refusal, the above irregular bills were debited by the MEPCO. The Respondent opposed the charging of second detection bill of Rs.122,655/- and submitted that neither prior notice was served nor he was associated during the M&T MEPCO checking dated 22.05.2017, as such he was not responsible to pay the second detection bill of Rs.122,655/- for 7,420 units charged by the MEPCO on account of pending units. The Respondent prayed for the maintainability of the impugned decision.

6. Arguments were heard, the record was perused and our observations are 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 meter, therefore 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 the POI to adjudicate disputes of such nature. Hence objection of MEPCO in this regard is not valid and rejected.
- ii. MEPCO raised another objection that the POI decided the undisputed bills for the period August 2016 to November 2016 and the first detection bill of Rs.6,417.76/- for 432 units charged in January 2017. In this regard, the application of the



National Electric Power Regulatory Authority

Respondent before the POI was perused, wherein the Respondent admitted the payment of the first detection bill of Rs.6,417.76/- for 432 units charged in January 2017 and only challenged the second detection bill of Rs.122,655/- for 7,420 units charged by the MEPCO. We are convinced with the arguments of the MEPCO and hold that the bills for the period August 2016 to November 2016 and the first detection bill of Rs.6,417.76/- for 432 units charged in January 2017 are unchallenged and the determination of the POI with regard to the said bills is beyond the prayer of the Respondent. Hence, the impugned decision for cancellation of the bills for the period August 2016 to November 2016 and the first detection bill of Rs.6,417.76/- for 432 units charged in January 2017 is illegal, without lawful authority and the same is liable to be withdrawn to this extent.

- iii. As far as the second detection bill of Rs.122,655/- for 7,420 units charged by the MEPCO on account of pending units is concerned. It is observed that the disputed meter was neither produced before the POI for verification of the pending units nor was the data retrieval done in presence of the Respondent. After the removal of the defective billing meter of the Respondent in December 2016, the MEPCO kept the same for more than four months till the M&T checking dated 22.05.2017. It is further observed that healthy consumption was charged by the MEPCO to the Respondent during the disputed period. Therefore, there is no justification for charging the additional bill based on unreliable data retrieval report. From the foregoing reasons, we hold that the second detection bill of Rs.122,655/- for 7,420 units charged by the MEPCO to the Respondent in July 2017 is unjustified and it





National Electric Power Regulatory Authority

is liable to be cancelled as already decided by the POI.

7. In view of what has been stated above, it is concluded that the impugned decision to the extent of cancellation of the bills for the period August 2016 to November 2016 and first detection bill of Rs.6,417.76/- for 432 units charged in January 2017 is illegal being beyond the prayer of the Respondent, hence set aside. Similarly, the second detection bill of Rs.122,655/- for 7,420 units charged by the MEPCO to the Respondent in July 2017 due to balance units is unjustified and declared null and void. The billing account of the Respondent may be revised after making adjustments of payments made against the above bills.

8. In view of the above, the appeal is partially accepted.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 08.12.2021

