



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

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No. NEPRA/Appeal/247/POI/2019/ 126


January 19, 2021

1. Abdul Rehman
S/o. Muhammad Ramzan,
R/o. Basti Sial near PARCO Gate,
Qasba Gujrat, Tehsil Kot Addu,
District Muzaffargarh
2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan
3. Mian Haroon Aziz Qazi
Advocate High Court
123-Old Block, District Courts,
Multan
4. Sub Divisional Officer (Op),
MEPCO Ltd,
Gujrat Sub Division,
Qasba Gujrat, Kot Addu
5. POI/Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: **Appeal Titled MEPCO Vs. Abdul Rehman Against the Decision Dated 26.06.2019 Provincial Office of Inspection to Government of the Punjab Multan Region, Multan**

Please find enclosed herewith the decision of the Appellate Board dated 12.01.2021, 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.

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.247/POI-2019

Multan Electric Power Company Limited

.....Appellant

Versus

Abdul Rehman S/o Muhammad Ramzan, R/o Basti Sial Near PARCO Gate,
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 26.06.2019 PASSED BY PROVINCIAL
OFFICE OF INSPECTION MULTAN REGION MULTAN**

For the appellant:

Mian Haroon Aziz Advocate

Mr. Muhammad Arbi SDO

For the respondent:

Mr. Abdul Rehman

DECISION

1. As per facts of the case, the respondent is a domestic consumer of MEPCO having connection bearing Ref No.09-15724-0352003 with a sanctioned load of 1 kW and the applicable tariff is A-1(a). The premises of the respondent was checked by MEPCO on 18.09.2018 and allegedly the respondent was found stealing electricity through the bogus meter No.2942223. Hence FIR No.394/2018 was registered against the respondent with the police station Mahmood Kot Tehsil Kot Adu and a detection bill of Rs.107,663/- for 4,576 units for the period, March 2018 to August 2018 (6 months) was charged by



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MEPCO to the respondent on the basis of connected load and added in the bill for October 2018.

2. Being aggrieved, the respondent filed an application before the Provincial Office of Inspection (POI) against the above detection bill. The matter was decided by POI vide decision dated 26.06.2019 wherein the detection bill of Rs.107,663/- for 4,576 units for the period, March 2018 to August 2018 was cancelled.
3. This appeal has been filed against the afore-referred decision by MEPCO inter alia on the grounds that the POI has not appreciated the facts that the respondent was found involved in the dishonest abstraction of electricity through the bogus meter during checking dated 18.09.2018 for which FIR No.394/2018 was lodged against the respondent; that a detection bill of Rs.107,663/- for 4,576 units for the period, March 2018 to August 2018 was correctly charged to the respondent based on authentic documents on record; that the POI failed to observe the case in letter and spirit and passed the impugned decision on surmises and conjectures; and that the impugned decision is liable to be set aside.
4. In response to the notice for filing reply/para-wise comments to the appeal, the respondent filed comments on 08.11.2019. The respondent refuted the allegation of theft of electricity and contended that MEPCO filed a false FIR against him on account of illegal abstraction of electricity through the bogus meter but neither it was handed over to the Police nor any witness in this regard was presented against him. The respondent further contended that all the proceedings were carried out by MEPCO in violation of clause 9.1 of the NEPRA



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Consumer Service Manual (CSM). As per the respondent, the POI is legally empowered to hear and decide the instant dispute related to billing and metering in pursuance of the judgment of the Honorable Supreme Court of Pakistan reported in PLD 2012 SC 371. According to the respondent, MEPCO failed to prove their stance before POI, who has rightly cancelled the above detection bill. The respondent finally prayed for the maintainability of the impugned decision.

5. After issuing notice to the parties, hearing of the appeal was held in NEPRA Regional Office Multan on 24.12.2020, which was attended by both parties. Learned counsel for MEPCO reiterated the same arguments as given in memo of the appeal and argued that the respondent was found involved in the misuse of electricity through the bogus meter during checking dated 18.09.2018, hence FIR was lodged against him and the criminal proceedings are under process. Learned counsel for MEPCO termed the charging of detection bill of Rs.107,663/- for 4,576 units for the period, March 2018 to August 2018 as justified and payable by the respondent. Learned counsel for MEPCO submitted that the impugned decision for declaring the above detection bill as null and void is unjustified and liable to be withdrawn. Learned counsel for MEPCO finally prayed for revision of the period of the above detection bill for three months only. Conversely, the respondent defended the impugned decision and pleaded for upholding the impugned decision
6. Having heard the arguments and the perusal of record, it is observed as under:
 - i. MEPCO charged the detection bill of Rs.107,663/- for 4,576 units for the period,



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March 2018 to August 2018 to the respondent on account of theft of electricity committed through the bogus meter No.2942223, which was assailed by him before POI.

ii. Examination of record shows that discrepancies of illegal extension of load and illegal abstraction of electricity through the bogus meter were observed by MEPCO during checking dated 18.09.2018 and FIR No.394/2018 was also lodged against the respondent. However, the said discrepancy was neither pointed out by the meter reader during the monthly readings nor an independent verification of the connected load i.e. 4.99 kW as alleged by MEPCO was done by the POI being a competent forum. Besides, MEPCO neither proved its allegation for theft of electricity through the bogus meter nor produce the bogus meter before POI for verification. Additionally, the above detection bill was charged for six months to the respondent being a domestic consumer on account of theft of electricity which is violative of clause 9.1c(3) of CSM. Said clause of CSM allows MEPCO to charge the detection bill maximum for three months to the respondent being a general supply consumer due to theft of electricity. Hence there is no justification to charge the detection bill of Rs.107,663/- for 4,576 units for the period, March 2018 to August 2018 on the basis of connected load, and POI has rightly cancelled the said detection bill.

iii. According to clause 9.1c(3) of CSM, the respondent is liable to be charged the detection bill for three months i.e. June 2018 to August 2018, if the consumption during the said months is lesser than the consumption of the corresponding months of

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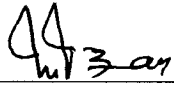
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the year 2017.

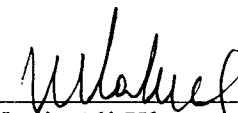
Period	Normal units
Disputed period: June 2018 to August 2018	848
Undisputed period: June 2017 to August 2017	1,106

As evident above, the normal consumption already charged during the disputed months June 2018 to August 2018 is lesser than the consumption of June 2017 to August 2017. Hence it would be safely concluded that the bills for the disputed months i.e. June 2018 to August 2018 are not correctly charged by MEPCO to the respondent and be revised for a total of 1,106 units as recorded in June 2017 to August 2017. The impugned decision is liable to be modified to this extent.


7. In view of what has been stated above, the appeal is partly allowed and the impugned decision for cancellation of detection bill of Rs.107,663/- is revised to the extent that the respondent shall pay 1,106 units for the period June 2018 to August 2018. The billing account of the respondent may be overhauled by MEPCO after adjusting units already charged/payments made (if any) against the above detection bill.
8. The impugned decision is modified in the above terms.



Muhammad Qamar-uz-Zaman
Member/SA (Finance)



Nadir Ali Khoso
Convener/DG (M&E)



Muhammad Shafique
Member/SA (Legal)

Dated: 12.01.2021