



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

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No. NEPRA/Appeal/117/POI/2021/ 3/9

March 29, 2022

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| 1. Muhammad Saleem,
S/o. Ali Muhammad,
through Muhammad Rafiq, Prop: Power
Looms, Opposite Royal Marriage Club,
Near Ansari Chowk, Multan | 2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan |
| 3. Malik Muhammad Muzaffar Athangal,
Advocate High Court,
Seat No. 18-A, District Courts,
Multan | 4. Sub Divisional Officer (Op),
MEPCO Ltd,
Gulberg Sub Division,
Multan |
| 5. POI/Electric Inspector,
Multan Region,
249-G, Shah Rukn-e-Alam Colony,
Phase II, Multan | |

Subject: **Appeal Titled MEPCO Vs. Muhammad Saleem Against the Decision Dated 08.07.021 Provincial Office of Inspection to Government of the Punjab Multan Region, Multan**

Please find enclosed herewith the decision of the Appellate Board dated 15.03.2022, 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. Additional Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No.117/POI-2021

Multan Electric Power Company Limited

.....Appellant

Versus

Muhammad Saleem S/o Ali Muhammad through Muhammad Rafiq,
Prop: Power Looms, Opposite Royal Marriage Club,
Near Ansari Chowk, Multan

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 08.07.2021 PASSED BY PROVINCIAL OFFICE OF INSPECTION, MULTAN REGION, MULTAN

For the Appellant:

Malik Muhammad Muzaffar Advocate
Mr. Muhammad Akbar SDO

For the Respondent:

Mr. Muhammad Saleem

DECISION

1. Brief facts of the case are that the Respondent is an industrial consumer of the Multan Electric Power Company (the MEPCO) bearing Ref No.28-15194-1143800 having a sanctioned load of 32 kW under the B-2(b) tariff category. The billing meter of the Respondent was checked by the Metering and Testing (M&T) MEPCO on 04.05.2020 and reportedly, it was found 48% slow. Resultantly, the Multiplication Factor (MF) of the Respondent was raised from 1 to 1.92 w.e.f June 2020 and onwards and a detection bill amounting to Rs.883,485/- for the cost of 38,420 (off peak=32,462+peak=5,958) units + 54 kW, MIDI for the period 01.07.2019 to 08.05.2020 (9 months and 21 days) was debited to the Respondent due to 48% slowness of the meter. The Respondent



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made a payment of Rs.300,000/- against the above detection bill. Furthermore, an adjustment bill of Rs.10,524/- was debited to the Respondent by the MEPCO in September 2020. The disputed meter of the Respondent was replaced with a new meter in September 2020 but the Meter Change Order (MCO) was fed by the MEPCO in November 2020.

2. Being aggrieved, the Respondent approached the Provincial Office of Inspection, Multan Region, Multan (the POI) on 05.11.2020 and challenged the above detection bill of Rs.883,485/-, adjustment bill of Rs.10,524/- and the fixed charges for the period September 2018 to October 2020. The complaint of the Respondent was disposed of by the POI vide decision dated 08.07.2021 (hereinafter referred to as the impugned decision), in which the detection bill amounting to Rs.883,485/- for the cost of 38,420 (off peak=32,462+peak=5,958) units+54 kW MDI for the period 01.07.2019 to 08.05.2020 (9 months and 21 days) and the adjustment bill of Rs.10,524/- were declared as null and void. As per the impugned decision, the MEPCO was directed to charge the revised bills with enhanced MF=1.92 for the period March 2020 to May 2020 due to the 48% slowness of the billing meter. The MEPCO was further directed to overhaul the billing account of the Respondent, accordingly.
3. The appeal in hand has been filed against the impugned decision before the NEPRA in which the MEPCO explained the following facts; (1) The billing meter of the Respondent was found 48% slow during the M&T checking dated 04.05.2020, therefore two bills i.e. detection bill of Rs.883,485/- for the cost of 38,420 (off peak=32,462+peak=5,958) units+54 kW MDI for the period 01.07.2019 to 08.05.2020 (9 months and 21 days) and adjustment bill of Rs.10,524/- were debited to the Respondent; (2) the POI failed to observe the case in letter and spirit and rendered the



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impugned decision on surmises and conjectures; (3) the POI has no lawful jurisdiction to decide the matter and the impugned decision be termed as void; (4) the POI has not applied his judicial mind. MEPCO prayed that the impugned decision be set aside being violative of law and policy of NEPRA.

4. Notice of the appeal was issued to the Respondent for filing reply/para-wise comments, which however were not submitted.
5. Hearing of the appeal was held at the NEPRA Regional Office Multan on 03.02.2022, which was attended by both parties. Learned counsel for the MEPCO argued that 48% slowness was observed in the billing meter of the Respondent during the M&T MEPCO checking dated 04.05.2020, therefore the detection bill of Rs.883,485/- for the cost of 38,420 (off peak=32,462+peak=5,958) units+54 kW MDI for the period 01.07.2019 to 08.05.2020 (9 months and 21 days) was debited to the Respondent and MF was enhanced from 1 to 1.92 for the billing w.e.f June 2020 and onwards. Learned counsel for the MEPCO defended the charging of the above detection bill on the plea that the less consumption was charged during the disputed period 01.07.2019 to 08.05.2020 as compared to the downloaded data of the disputed meter. Learned counsel for the MEPCO prayed for acceptance of the appeal and to allow the above detection bill. On the contrary, the Respondent appearing in person repudiated the version of the learned counsel for the MEPCO and contended that he cannot be held responsible for the negligence on the part of MEPCO and the POI decided the fate of the above detection bill in accordance with the provision of the Consumer Service Manual (CSM). The Respondent supported the impugned decision and prayed for upholding the same.



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6. Arguments heard, the record examined and our observations are as under:

- i. MEPCO raised the preliminary objection that the POI has no jurisdiction to adjudicate the same 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 overruled.
- ii. As far as the merits of the case are concerned, 48% slowness was observed in the billing meter of the Respondent during the MEPCO checking dated 04.05.2020, hence the bills with enhanced MF=1.92 were debited to the Respondent w.e.f. June 2020 and onwards and a detection bill of Rs.883,485/- for the cost of 38,420 (off peak=32,462+peak=5,958) units+54 kW MDI for the period 01.07.2019 to 08.05.2020 (9 months and 21 days) was issued to the Respondent due to 48% slowness of the meter. In addition, an adjustment bill of Rs.10,524/- was charged to the Respondent by the MEPCO. The Respondent agitated the above bills before the POI.
- iii. According to Clause 4.4 of the CSM, the Respondent is liable to be charged the detection bill maximum for two months in case of slow meter but in the present case, a detection bill for the period 01.07.2019 to 08.05.2020 (9 months and 21 days) was charged in violation of the ibid clause of the CSM. POI vide impugned decision has rightly cancelled the detection bill of Rs.883,485/- for the cost of 38,420 (off peak=32,462 + peak=5,958) units+54 kW MDI for the period 01.07.2019 to 08.05.2020 (9 months and 21 days) charged by the MEPCO.



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- iv. Since 48% slowness was observed on 04.05.2020, hence the Respondent is liable to be billed 48% slowness for the two retrospective months i.e. March 2020 and April 2020 as per Clause 4.4 of the CSM. Therefore the determination of the POI for revision of the bills with enhanced MF=1.92 for the period March 2020 to May 2020 due to 48% slowness is correct and the same should be maintained to this extent.
- v. As regards the adjustment bill of Rs.10,524/- charged by the MEPCO, it is observed that the MEPCO neither provided any document i.e. adjustment bill, inspection report, etc. nor could justify the charging of the said adjustment bill. Under these circumstances, we are inclined to agree with the impugned decision for the cancellation of the adjustment bill of Rs.10,524/- charged by the MEPCO to the Respondent.
7. Foregoing in view, we do not find any reason to intervene the impugned decision, the same is upheld and the appeal is dismissed.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 15.03.2022