



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

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No. NEPRA/Appeal/091/2024/473

May 23, 2025

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| 1. Mr. Sheharyar,
S/o. Safdar Hussain,
Prop: M/s. Amjad Flour Mills,
R/o. House No. 1574, Tughlaq Road,
Mohallah Nazim Abad, Multan
Cell No. 0304-8613491 | 2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan |
| 3. Malik Nazar Hussain Arain,
Advocate High Court,
62-Upper Storey, Aziz Block,
District Courts, Multan
Cell No. 0300-7319419 | 4. Executive Engineer (Operation),
MEPCO Ltd,
B. Zakria (Musa Pak) Division,
Multan |
| 5. Sub Divisional Officer (Op),
MEPCO Ltd,
Hasanabad Sub Division,
Multan | 6. POI/Electric Inspector,
Multan Region,
Energy Department, Govt. of Punjab,
249-G, Shah Rukan-e-Alam Colony,
Phase-II, Multan |

Subject: **Appeal No.091/2024 (MEPCO Vs. Mr. Sheharyar) Against the Decision Dated 27.05.2024 of the Provincial Office of Inspection to Government of the Punjab Multan Region, Multan**

Please find enclosed herewith the decision of the Appellate Board dated 23.05.2025 (04 pages), regarding the subject matter, for information and necessary action accordingly.

Encl: As Above


(Ikram Shakeel)
Deputy Director
Appellate Board

Forwarded for information please.

1. Director (IT) –for uploading the decision of the Appellate Board on the NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.091/POI-2024

Multan Electric Power Company Limited

.....Appellant

Versus

Sheharyar S/o. Safdar Hussain, Prop: M/s. Amjad Flour Mills,
R/o. House No.1574, Tughlaq Road, Mohallah Nazim Abad, Multan.....Respondent

APPEAL UNDER SECTION 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Malik Nazar Hussain Arain Advocate

For the Respondent:

Malik M. Hussain Advocate

DECISION

1. Brief facts of the case are that Mr. Sheharyar (hereinafter referred to as the "Respondent") is an industrial consumer of Multan Electric Power Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.27-15173-0056904-R having a sanctioned load of 158 kW and the applicable tariff category is B-2(b). The billing meter of the Respondent was checked by the Metering and Testing (M&T) team of the Appellant on 05.03.2023 and it was declared tampered (bogus seals installed/optical port login) for the dishonest abstraction of electricity. Notice dated 05.03.2023 was issued to the Respondent regarding theft of electricity and FIR No3783/2023 dated 06.03.2023 was registered against the Respondent. Thereafter, a detection bill of Rs.4,224,673/- against 94,147 units+41 kW MDI for the period from 14.12.2022 to 05.03.2023 was charged to the Respondent based on 40% load factor of the connected load i.e. 142 kW.
2. Being aggrieved with the above actions, the Respondent filed an application before the Provincial Office of Inspection, Multan Region, Multan (hereinafter referred to as the "POI") and assailed the detection bill of Rs.4,224,673/- against 94,147 units+41 kW MDI for the period from 14.12.2022 to 05.03.2023 (02 months and 20 days). Meanwhile, the Respondent voluntarily confessed to involvement in the theft of electricity before the Additional Session Judge Multan and deposited a fine of Rs.5000/- under Section 462-J OF PPC. Subsequently, the complaint of the Respondent was disposed of by the POI vide decision dated 27.05.2024, wherein, the detection bill of 94,147 units+41 kW MDI for the period from 14.12.2022 to

M. A.



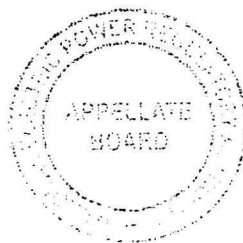


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05.03.2023 was declared null, void, and of no legal effect. The Appellant was directed to revise the same for 27,976 units+41 kW MDI and overhaul the billing account of the Respondent, accordingly.

3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 27.05.2024 of the POI (hereinafter referred to as the "impugned decision"). In its appeal, the Appellant opposed the maintainability of the impugned decision *inter alia*, on the following grounds that the impugned meter was found tampered during checking dated 05.03.2023 for which detection bill of Rs.4,224,673/- against 94,147 units+41 kW MDI for the period from 14.12.2022 to 05.03.2023; that the Respondent got three installments of said detection bill and deposited first installment, however defaulted in making payment of remaining two installments; that the FIR was registered against the Respondent on account of theft of electricity through tampering with the meter; that the above detection bill was charged after adhering the legal and codal formalities and the Respondent is bound to pay the impugned bill; that the POI has failed to see the case in true perspective which resulted in great miscarriage of justice rendering the impugned decision as void, ab-initio; that the POI has no jurisdiction to pass the impugned decision; that the impugned decision is against the facts of law and the same is liable to be set aside.
4. Notice dated 12.09.2024 of the appeal was issued to the Respondent for filing reply/para-wise comment, which were filed on 02.10.2024. In the reply, the Respondent prayed for dismissal of the appeal on the following grounds that the POI has gone through consumption data and also consulted wheat allocated data of the food department before reaching the justified decision; that the Appellant failed to get the disputed meter checked by the POI; that the Appellant failed to bring material evidence i.e. video of burning the impugned meter to support their allegation; and that the impugned decision is liable to be upheld.
5. Hearing of the appeal was conducted at NEPRA Regional Office Multan on 07.02.2025, wherein learned counsels appeared for both the Appellant and the Respondent. Learned counsel for the Appellant contended that the billing meter of the Respondent was found tampered during checking dated 05.03.2023, therefore a detection bill of Rs.4,224,673/- against 94,147 units for the period from 14.12.2022 to 05.03.2023 was debited to the Respondent to revenue loss sustained due to theft of electricity. Learned counsel for the Appellant further contended that the Respondent challenged the above detection bill before POI, which was cancelled by the said forum without due consideration of the facts of the case. Learned counsel for the Appellant prayed that the impugned decision is unjustified and liable

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to be struck down. Learned counsel for the Respondent refuted the allegation of theft of electricity leveled by the Appellant and averred that the Appellant neither produced the impugned meter before the POI for verification of alleged tampering nor brought verifiable documents to confirm theft of electricity. As per learned counsel for the Respondent, the impugned decision for cancellation of the detection bill and revision of the same as per consumption data of previous bills is correct and the Appellants are under obligation to implement the same. He finally prayed for upholding the impugned decision.

6. Having heard the arguments and the record perused. Following are our observations:

6.1 Detection bill of Rs.4,224,673/- for 94,147 units for the period from 14.12.2022 to 05.03.2023

In the instant case, the Appellant claimed that M&T on 05.03.2023 detected that the impugned meter was tampered (bogus seals/intentionally burnt), thereafter, debited a detection bill of Rs.4,224,673/- against 94,147 units for the period from 14.12.2022 to 05.03.2023 to the Respondent based on 40% load factor of the connected load i.e.142 kW. The Respondent subsequently submitted an affidavit dated 29.03.2023 before the Appellant, wherein he admitted to the theft of electricity and agreed to pay the impugned detection bill in three installments. The Appellant paid the first installment and thereafter defaulted in making payment of the remaining two installments, therefore FIR was registered against him. During the proceedings before the honorable Additional Session Judge, Multan, the Respondent admitted theft of electricity and deposited a fine of Rs.5000/- under Section 462-J of PPC. Hence, only the fate of the impugned detection bill be decided in the below paras.

6.2 As per the judgment of the Supreme Court of Pakistan reported in *PLD 2012 SC 371*, the POI is the competent forum to check the metering equipment, wherein theft of electricity was committed through tampering with the meter and decide the fate of the disputed bill, accordingly. Hence the objection of the Appellant in this regard is devoid of force and rejected.

6.3 To verify the contention of the Appellant regarding charging the impugned detection bill, the consumption data of the Respondent as provided by the Appellant is examined below:

Month	Units	MDI	Month	Units	MDI	Month	Units	MDI
Mar-21	6864	93	Mar-22	4249	80	Mar-23	0	0
Apr-21	3889	86	Apr-22	5661	91	Apr-23	4453	121
May-21	396	4	May-22	7048	89	May-23	3225	118
Jun-21	793	86	Jun-22	8325	92	Jun-23	5421	113
Jul-21	462	66	Jul-22	6987	102	Jul-23	2263	104
Aug-21	2087	79	Aug-22	6354	115	Aug-23	4157	112
Sep-21	2592	83	Sep-22	5238	129	Sep-23	682	82
Oct-21	1303	77	Oct-22	4999	132	Oct-23	1338	104



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Nov-21	4614	82	Nov-22	5775	134	Nov-23	1674	97
Dec-21	5569	82	Dec-22	4732	142	Dec-23	1802	104
Jan-22	6106	87	Jan-23	5947	133	Jan-24	1218	91
Feb-22	5087	86	Feb-23	5745	110	Feb-24	2721	97
Average	3318	76	Average	5922	112	Average	2413	95
Detection bill charged @ 41,446 unit+142 kW MDI per month								

Perusal of the consumption data of the Respondent transpires that the highest consumption of 8,325 units was charged in June 2022, whereas the Appellant debited the impugned detection bill @ 41,446 units+ 142 kW MDI per month to the Respondent, which is much higher than the normal consumption of the periods before and after the dispute. Moreover, the above detection bill was charged to the Respondent on the basis of 40% load factor of the MDI recorded in December 2021, which is contrary to Clause 9.2.3(b) of the CSM-2021. Said Clause of CSM-2021 states that the detection bill be charged based on any method mentioned below in the order of priority.

(i) Previous consumption/Billing History

(ii) based on future undisputed consumption if no previous credible consumption is available.

(iii) No of detection units = Load x Load Factor x 730 x Months

6.4 In view of the foregoing discussion, we are of the considered view that the detection bill amounting to Rs.4,224,673/- against 94,147 units for the period from 14.12.2022 to 05.03.2023 charged by the Appellant to the Respondent on the basis of connected load is unjustified and the same is cancelled, which is also the determination of the POI.

6.5 Similarly, the determination of POI for revision of the detection bill for 27,976 units+41 kW MDI based on consumption recorded in June 2022 is consistent with the foregoing clause of the CSM-2021, and the same is maintained to this extent.

7 Foregoing in view, the appeal is dismissed.


Abid Hussain
Member/Advisor (CAD)

Dated: 23-05-2025

Appeal No.091/POI-2024


Naweed Hlahi Sheikh
Convener/DG (CAD)


Muhammad Irfan-ul-Haq
Member/ALA (Lic.)

