



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

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No. NEPRA/AB/Appeal/115/2019/ 231

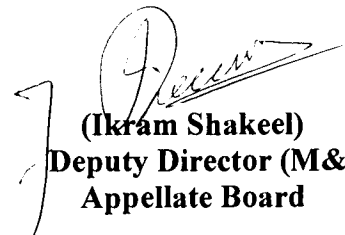
March 19, 2021

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| 1. Jawa Hussain Manj
S/o. Jamil Hassan Khan Manj,
R/o. House No. 85-A,
Model Town, Lahore
(connection at M/s. Manj Industry,
Village Naroke, Tehsil & Distt. Gujranwala | 2. Chief Executive Officer
GEPCO Ltd,
565-A, Model Town,
G. T. Road, Gujranwala |
| 3. Saeed Ahmed Bhatti,
Advocate High Court,
66-Khyber Block, Allama Iqbal Town,
Lahore | 4. Muhammad Azam Khokhar
Advocate High Court,
10-Fatima Jinnah Chambers,
Session Courts, Gujranwala |
| 5. Sub Divisional Officer (Opr),
GEPCO Ltd,
Khiali Sub Division,
Near WAPDA Town,
Gujranwala | 6. POI/Electric Inspector,
Gujranwala Region,
Energy Department, Govt. of Punjab,
Munir Chowk, Near Kacheri Road,
Gujranwala |

Subject: **Appeal Titled GEPCO Vs. Jawad Hussain Manj Against the Decision Dated 28.12.2018 of the Provincial Office of Inspection to Government of the Punjab Gujranwala Region, Gujranwala**

Please find enclosed herewith the decision of the Appellate Board dated 17.03.2021, 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

In the matter of

Appeal No. 115/POI-2019

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Jawad Hussain Manj S/o Jamil Khan Manj, R/o House No.85-A,
Model Town, Lahore (Connection at M/s. Manj Industry
Village Naroke, Tehsil & Distt. Gujranwala

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 28.12.2018 PASSED BY PROVINCIAL OFFICE OF INSPECTION GUJRWANWALA REGION, GUJRWANWALA

For the appellant:

Mr. Saeed Ahmed Bhatti Advocate
Mr. Mudassar SDO

For the respondent:

Mr. Azam Khokhar Advocate

DECISION

1. As per facts of the case, the respondent is an industrial consumer of Gujranwala Electric Power Company Limited (GEPCO) bearing Ref No.28-12133-0012500 with a sanctioned load of 495 kW under the B-2(b) tariff. The billing meter of the respondent was found 33% slow during the metering and testing (M&T) GEPCO checking dated 13.09.2017. Notice dated 18.09.2017 was served to the respondent and multiplication factor (MF) was raised from 160 to 240 by GEPCO due to 33% slowness of the billing meter w.e.f September 2017 and onwards. Thereafter a detection bill of Rs.1,666,194/- for 84,960 units+251 kW MDI for the period July 2017 to August 2017 (2 months) was

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debited to the respondent by GEPCO @ 33% slowness of the meter and added in the bill for October 2017.

2. Being aggrieved, the respondent approached the Provincial Office of Inspection (POI) on 20.11.2017 and challenged the above detection bill. A check meter was installed in series with the billing meter of the respondent on 31.05.2018 and subsequent comparison of the readings of both the meters established that the billing meter was running 35.34% slow. POI disposed of the matter vide decision dated 28.12.2018, wherein the detection bill of Rs.1,666,194/- for 84,960 units+251 kW MDI for the period July 2017 to August 2017 was declared as null & void and GEPCO was allowed to recover 35.34% slowness of the meter from the respondent w.e.f January 2018 and onwards.
3. Being dissatisfied with the decision dated 28.12.2018 of POI (hereinafter referred to as the impugned decision), GEPCO has filed the instant appeal, wherein it is contended that the billing meter of the respondent was found 33% slow during M&T GEPCO checking on 13.09.2017 and 35.34% slowness in the billing meter was confirmed during POI checking dated 03.07.2018, 03.10.2018 and 12.11.2018, hence the detection bill of Rs.1,666,194/- for 84,960 units+251 kW MDI for the period July 2017 to August 2017 was charged to the respondent to recover the loss sustained due to 33% slowness of the meter. GEPCO termed the above detection bill as legal, valid and justified and payable by the respondent. As per GEPCO, the POOI failed to consider the consumption data in true perspective which reflects that the meter became 33% slow w.e.f July 2017 and onwards. GEPCO objected to the jurisdiction of POI and stated that the application filed by the respondent on 20.11.2017 was decided by POI on 28.12.2018 much after the expiry



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of the statutory period of 90 days, hence the impugned decision is liable to be set aside being void ab-initio, without jurisdiction as envisaged under section 26(6) of the Electricity Act 1910.

4. Notice of the appeal was sent to the respondent for filing reply/para-wise comments, which were filed on 14.12.2020. In the reply, the respondent rebutted the contentions of GEPCO and contended that neither any notice was given nor the alleged checking dated 13.09.2017 was carried out in his presence. The respondent further contended that the detection bill of Rs.1,666,194/- for 84,960 units+251 kW MDI for the period July 2017 to August 2017 was charged in violation of provisions of the Consumer Service Manual (CSM) as GEPCO has no authority to charge the detection bill for retrospective period. As per respondent, POI has rightly analyzed the consumption data and declared the above detection bill as null and void. According to the respondent, POI has been empowered to decide the dispute of overbilling, metering and collection of tariff in pursuance of Section 38 of NEPRA Act 1997 which does not impose any restriction of time to decide the matter. The respondent finally prayed for dismissal of the appeal.

5. Hearing of the appeal was held at NEPRA Regional Office Lahore on 12.03.2021 in which both the parties were in attendance. Learned counsel for GEPCO reiterated the same arguments as given in memo of the appeal and contended that 33% slowness was observed in the billing meter during M&T GEPCO checking dated 13.09.2017, hence the detection bill of Rs.1,666,194/- for 84,960 units+251 kW MDI for the period July 2017 to August 2017 was charged to the respondent @ 33% slowness of the meter. As per learned counsel for GEPCO, the above detection bill is justified and payable by the



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respondent as per dip observed in the consumption data of the respondent and further confirmation of 35.34% slowness by POI. On the contrary, learned counsel for the respondent repudiated the stance of learned counsel for GEPCO and averred that the consumption of the disputed period is compatible with the corresponding consumption of the previous year, which was rightly observed by POI. Learned counsel for the respondent supported the impugned decision for declaring the above detection bill as null and void and prayed for its maintainability.

6. Arguments were heard and the record was perused. It is observed as under:

- i. As regards the preliminary objection of GEPCO regarding the failure of POI in deciding the matter within 90 days u/s 26(6) of the Electricity Act, 1910, it may be noted that the said restriction of the time limit is inapplicable for the POI established under Section 38 of NEPRA Act, 1997. Reliance in this regard is placed on the Lahore High Court judgments cited as PLJ 2017-Lahore-627 and PLJ-2017-Lahore-309. As such the objection of GEPCO in this regard carries no weight, hence rejected.
- ii. The respondent assailed before POI the detection bill of Rs.1,666,194/- for 84,960 units+251 kW MDI for the period July 2017 to August 2017 charged by GEPCO @ 33% slowness of the meter. 35.34% slowness in the billing meter was established during POI joint checking dated 03.07.2018 and 03.10.2018. Hence only the period of slowness needs to be determined through the examination of the consumption data as tabulated below:



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Consumption data

Undisputed period			Disputed period		
Month	Units	MDI	Month	Units	MDI
Jul-16	59360	266	Jul-17	65760	238
Aug-16	108160	275	Aug-17	104160	264
Total	167520	541	Total	169920	502

The above comparison of consumption data manifests that the billing meter of the respondent recorded healthy consumption during the disputed period July 2017 and August 2017, which is equivalent to the consumption of the period before the dispute. Under these circumstances, the detection bill of Rs.1,666,194/- for 84,960 units+251 kW MDI for the period July 2017 to August 2017 charged by GEPCO to the respondent is declared as null and void as already determined in the impugned decision. Similarly, the determination of POI for recovery of the bills for the period September 2017 to December 2017 @ 33% slowness of the billing meter and further bills from January 2018 and onwards @ 35.34% slowness of the billing meter is correct and maintained to this extent. The billing account of the respondent be revised accordingly.

7. In view of the above, the appeal is dismissed.

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

Nadir Ali Khoso
Convener/DG (M&E)

Dated: 17.03.2021