



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

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No. NEPRA/AB/Appeal/163/2019/ & 164/2019/ 24/

April 06, 2021

- | | |
|---------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Muhammad Ilyas
S/o. Muhammad Rafique,
Porp: Ilyas Steel Furnace,
Small Industries Estate No. 2,
Gujranwala | 2. Chief Executive Officer
GEPCO Ltd,
565-A, Model Town,
G. T. Road, Gujranwala |
| 3. Muhammad Ajmal Khan
Advocate High Court,
Adam Law Chambers, 51/3,
Lawrence Road, Lahore | 4. Saeed Ahmed Bhatti,
Advocate High Court,
66-Khyber Block, Allama Iqbal Town,
Lahore |
| 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 Muhammad Ilyas Vs. GEPCO Against the Decision Dated 28.03.2019 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 29.03.2021, 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. 163/POI-2019 & Appeal No. 164/POI-2019

Muhammad Ilyas S/o Muhammad Rafique, Prop Ilyas Steel Furnace,
Small Industries Estate No.2, GujranwalaAppellant

Versus

Gujranwala Electric Power Company LimitedRespondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 28.03.2019 PASSED BY PROVINCIAL
OFFICE OF INSPECTION GUJRWANWALA REGION, GUJRWANWALA**

For the appellant:

Mr. Omer Wahab Advocate

For the respondent:

Mr. Saeed Ahmed Bhatti Advocate

Mr. Mudassar Cheema SDO

DECISION

1. Brief facts leading to the filing of both the appeals are that the appellant is an industrial consumer (steel furnace) of Gujranwala Electric Power Company Limited (GEPCO) bearing Ref No.28-12133-0002200 with a sanctioned load of 4,900 kW and the applicable tariff is B-3(b). The appellant filed two applications dated 23.01.2019 and 25.02.2019 before the Provincial Office of Inspection (POI) and assailed the bills of Rs.11,916,491/- for total 680,000 units (off-peak= 600,000, peak=80,000)+2,800 kW MDI and Rs.24,751,279/- for 912,000 units+2,800 kW MDI charged by GEPCO in December 2018 and January 2019 respectively. In the applications, the appellant



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submitted that 80,000 peak units were wrongly charged in December 2018 due to the disturbed date and time of the TOU billing meter, and 350,000 units were excessively debited by GEPCO in January 2019. Metering equipment of the appellant was checked by POI on 05.03.2019 in presence of both the parties in which the TOU billing meter was found within permissible limits with a reading index of 13,071.03 and the reading index of the AMR backup meter was found as 13,786. It is further observed that the date and time of the TOU billing meter of the appellant were upset. POI clubbed both the applications of the appellant and disposed of the matter vide single consolidated decision dated 28.03.2019, wherein it was held that charging of 80,000 peak units in December 2018 due to the disturbed date and time of the appellant's billing meter has been corrected and the appellant is liable to pay the remaining amount of Rs.8,250,426/- without late payment surcharges (LPS). POI further directed GEPCO to install a new healthy billing meter on the premises of the appellant to avoid further litigation.

2. Being dissatisfied with the decision dated 28.03.2019 of POI (hereinafter referred to as the impugned decision), the appellant has filed two appeals (Appeal No.163/POI-2019 and Appeal No.164/POI-2019) before NEPRA. As the facts and subject matter of the appeals are the same, both have been clubbed and being disposed of through a single/consolidated decision.
3. In the appeal No.163/POI-2019, the appellant contended that GEPCO debited a bill of Rs.11,916,491/- for a total of 680,000 units (off-peak= 600,000, peak=80,000)+2,800 kW MDI in December 2018, which resulted in illegal charging of 80,000 peak units due to the fastness of the TOU billing meter. The appellant further contended that there



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is no justification to charge 80,000 peak units to his connection being steel furnace, which does not run in peak hours. In appeal No.164/POI-2019, the appellant submitted that GEPCO debited an excessive bill of Rs.24,751,279/- for 912,000 units+2,800 kW MDI in January 2019 due to the fastness of the TOU billing meter. The appellant further submitted that there is no justification to charge 350,000 excessive units to his connection, which are liable to be refunded. As per the appellant, the TOU billing meter was running 10% fast and registering the amount of unconsumed electricity causing the excessive monthly bills, which are void, unjustified, and inoperative on the rights of the appellant. According to the appellant, GEPCO has not installed a check meter to verify the quantum of fastness of the TOU billing meter despite repeated requests and the replacement of the impugned TOU billing meter without got checked by POI would cause irreparable loss. The appellant opposed the impugned decision on the grounds that it is not sustainable in the eye of law as the POI neither applied judicious mind nor checked the fastness of the TOU billing meter by installing check meter; that GEPCO admitted the fault in the TOU billing meter due to malfunctioning of the date and time which establishes the fastness of the said meter; that the POI decide the case on mere surmises and conjectures without any justification and cogent reasons and that the impugned decision is liable to be set aside.

4. Notices of both the appeals were sent to GEPCO for filing reply/para-wise comments, which were filed on 15.07.2020. In the reply, GEPCO opposed the maintainability of both the appeals on the grounds that 80,000 peak units were charged in excess to the appellant in the bill of December 2018 due to defective date and time of the billing meter; that relief of Rs.570,024/- has already been afforded to the appellant vide Adjustment Note No.951 dated 07.02.2019; that 912,000 off-peak units were charged



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to the appellant in the bill of January 2019; that the bill of January 2019 is correct and payable by the appellant; that the TOU billing meter is functioning correctly as verified by POI during joint checking dated 05.03.2019; that the appellant signed the POI joint checking report; that the appellant has got no cause of action to file the applications before the POI; that GEPCO has not recovered any amount on the basis of fastness of the TOU billing meter; and that both the appeals are liable to be dismissed with special costs.

5. After issuing notice, hearing of both the appeals was held at NEPRA Regional Office Lahore on 12.03.2021 in which both the parties were in attendance. Learned counsel for the appellant reiterated the same arguments as given in memo of the appeals and argued that 80,000 peak units were debited in December 2018 due to a defective TOU billing meter but the relief granted by GEPCO is insufficient. Learned counsel for the appellant averred that 350,000 units were excessively debited in the bill for January 2019 and no relief in this regard was granted by GEPCO. Learned counsel for the appellant prayed for reimbursement of excessively charged 350,000 units in January 2019. Learned counsel for the appellant assured for provision of written arguments within one week. On the contrary, learned counsel appearing for GEPCO repudiated the version of the learned counsel for the appellant and stated that the matter of excessive billing in peak hours has already been settled and the appellant was afforded relief accordingly. As per learned counsel for the appellant, the bill of January 2019 was charged as per actual consumption recorded by the TOU billing meter and the appellant is liable to pay the same. Learned counsel for GEPCO prayed for dismissal of both the appeals being devoid of merits.



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

- i. GEPCO charged two bills i.e. Rs.11,916,491/- for 680,000 units (off-peak=600,000, peak=80,000)+2,880 kW MDI and Rs.24,751,279/- for 912,000 units + 2,800 kW MDI to the appellant in December 2018 and January 2019 respectively, which were challenged by him before POI vide two applications dated 23.01.2019 and 25.02.2019. During joint checking dated 05.03.2019, both the TOU billing and backup meters were found within permissible limits, however, the date and time of both the TOU billing and AMR backup meters were found disturbed. Both the parties signed the checking report without raising any objection.
- ii. In the instant appeals, the appellant claimed that the TOU billing meter was running fast and GEPCO charged excessive bills for December 2018 and January 2019. To verify the version of the appellant regarding the fastness of the TOU billing meter, the following analysis of metering equipment is done:

TOU billing meter				AMR Backup meter			
Reading	Date of installation (30.01.2013)	Date of POI checking (05.03.2019)	Difference	Reading	Date of installation (30.01.2013)	Date of POI checking (05.03.2019)	Difference
Off-peak	0.3	12932.32	12932.02	Off-peak	1696.593	10395.475	8698.882
Peak	0	129.01	129.01	Peak	0.922	5087.649	5086.727
Total			13061.03	Total			13785.609
Accuracy of billing meter				= $\frac{\text{Total reading of AMR Backup meter} - \text{Total reading of TOU billing meter}}{\text{Total reading of AMR Backup meter}} \times 100$			
Accuracy of billing meter				= $\frac{13785.609 - 13061.03}{13785.609} \times 100 = 5.25\% \text{ slow}$			

The above comparison of the consumption data negates the stance of the appellant regarding the fastness of the TOU billing meter as it recorded less consumption

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due to 5.25% slowness as compared to the consumption recorded by the AMR backup meter for the period 30.01.2013 (date of installation) to 05.03.2019 (date of POI joint checking). Hence objection of the appellant regarding the fastness of the TOU billing meter is incorrect and rejected.

iii. Perusal of record shows that 80,000 peak units were charged to the appellant by GEPCO in December 2018 due to defective date and time of TOU billing meter against which GEPCO recommended to reimburse an amount of Rs.570,024/- vide the adjustment note No.951 dated 07.02.2019. However, GEPCO did not provide any document to this forum that could substantiate their version that the aforesaid relief was afforded to the appellant in the future billing. In consideration of the above discussion, we are of the view that GEPCO should issue a revised bill after adjusting 80,000 peak units excessively charged in December 2018 due to upset date and time, and the appellant is obligated to pay the revised bill without LPS.

iv. Similarly, the appellant assailed the bill of January 2019 with the plea that 350,000 units were charged in excess and during the hearing learned counsel for the appellant assured for provisions of relevant documents/written arguments in this regard. However, he could not provide any document to substantiate his stance regarding the excessive billing after a lapse of more than two weeks. Besides the examination of the bill for January 2019 transpires that the actual consumption was charged by GEPCO to the appellant as neither peak consumption nor excessive billing was done in the said month. Under these circumstances. We are of the view that the bill of Rs.24,751,279/- for 912,000 units +2,800 kW MDI charged by



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GEPCO in January 2019 is justified and the appellant is liable to pay the same.

- v. The billing account of the appellant may be revised in accordance with para 6(iii) and (iv) above and the payments made (if any) against the above bills be adjusted accordingly.

7. Both the appeal are disposed of in the above terms.

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

Nadir Ali Khoso
Convener/DG (M&E)

Dated: 29.03.2021