



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

NEPRA Office , Ata Turk Avenue (East), G5/1, Islamabad
Tel. No. +92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/AB/Appeal/169/2019/ 232


March 19, 2021

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| 1. Muhammad Jamil
S/o. Muhammad Suleman
R/o. Mughal Chak Kalan,
Tehsil & District 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,
Ladhewala Sub Division,
Gujranwala | 6. POI/Electric Inspector,
Gujranwala Region,
Energy Department, Govt. of Punjab,
Munir Chowk, Near Kacheri Road,
Gujranwala |

Subject: **Appeal Titled GEPCO Vs. Muhammad Jamil Against the Decision Dated 28.02.2019 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 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. 169/POI-2019

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Muhammad Jamil S/o Muhammad Saleem, R/o
Mughal Chak Kalan, Tehsil & District Gujranwala

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 28.02.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION GUJRANWALA REGION, GUJRANWALA

For the appellant:

Mr. Saeed Ahmed Bhatti Advocate
Mr. Qaiser Farooq SDO

For the respondent:

Mr. Muhammad Azam Khokhar Advocate

DECISION

1. Briefly speaking, the respondent is an industrial consumer of Gujranwala Electric Power Company Limited (GEPCO) bearing Ref No.24-12132-2759700 with a sanctioned load of 5.87 kW under the B-1(b) tariff. The billing meter of the respondent was checked by the metering and testing (M&T) GEPCO on 23.02.2018 and reportedly 66.66% slowness was observed due to the two dead phases of the meter. Notice dated 27.02.2018 was served to the respondent regarding the above slowness and a detection bill of Rs.225,474/- for 12,319 units for the period October 2017 to February 2018 (5 months) was debited to the respondent by GEPCO @ 66.66% slowness of the meter and added in the bill for March 2018.

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2. Being aggrieved, the respondent approached the Provincial Office of Inspection (POI) on 04.04.2018 and challenged the above detection bill. Later on, the disputed billing meter of the respondent was replaced with a new meter by GEPCO vide meter change order (MCO) dated 08.08.2018. POI disposed of the matter vide decision dated 28.02.2019, wherein the detection bill of Rs.225,474/- for 12,319 units for the period October 2017 to February 2018 was declared as null and void.
3. Being dissatisfied with the decision dated 28.02.2019 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 66.66% slow during M&T GEPCO checking dated 22.03.2018, hence the detection bill of Rs.225,474/- for 12,319 units for the period October 2017 to February 2018 was charged to the respondent to recover the loss sustained due to 66.66% slowness. GEPCO termed the above detection bill as legal, valid and justified and payable by the respondent. GEPCO submitted that POI did not consider the facts of the case and declared the detection bill of Rs.225,474/- for 12,319 units for the period October 2017 to February 2018 as void. GEPCO objected to the jurisdiction of POI and stated that the application filed by the respondent on 04.04.2018 was decided by POI on 28.02.2019 much after the expiry 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 not filed.



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5. Notice was issued and hearing of the appeal was held at NEPRA Regional Office Lahore on 12.03.2021 in which learned counsel along with GEPCO officials represented the appellant and a counsel appeared for the respondent. Learned counsel for GEPCO reiterated the same arguments as given in memo of the appeal and contended that 66.66% slowness was observed in the billing meter during GEPCO checking dated 23.02.2018 for which notice dated 27.02.2018 was issued to the respondent and a detection bill of Rs.225,474/- for 12,319 units for the period October 2017 to February 2018 was charged to the respondent @ 66.66% slowness of the meter. As per learned counsel for GEPCO, the above detection bill is justified and payable by the respondent as per dip observed in the consumption data of the respondent. On the contrary, learned counsel for the respondent repudiated the contentions of learned counsel for GEPCO and argued that the MCO of the respondent was done by GEPCO despite the POI restraining order and accuracy of the disputed billing meter could not be checked by the said forum due to opened status. Learned counsel for the respondent averred that the consumption of the disputed period is compatible with the corresponding consumption of the previous year, hence the determination of POI for cancellation of the above detection bill is correct and should be upheld.

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



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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.225,474/- for 12,319 units for the period October 2017 to February 2018 (5 months) charged by GEPCO @ 66.66% slowness of the meter. However, GEPCO neither associated the respondent during M&T checking dated 22.03.2018 nor produced the disputed billing meter before POI to determine the quantum of slowness. Besides the above detection bill was charged for a period of five months to the respondent by GEPCO due to slow meter, which is a violation of clause 4.4 of the Consumer Service Manual (CSM).
- iii. Since the disputed meter was found 66.66% slow by GEPCO on 22.03.2018, so the respondent is liable to be charged a detection bill maximum for two retrospective months i.e. January 2018 and February 2018, if actual consumption was not recorded by the disputed meter during these months due to 66.66% slowness. Comparison of the consumption data is done below:

Period before dispute		Disputed period	
Month	Units	Month	Units
Jan-2017	1424	Jan-2018	1383
Feb-2017	1421	Feb-2018	1481
Total	2,845	Total	2,864

The above comparison of consumption data manifests that the disputed billing meter of the respondent recorded healthy consumption during the disputed period

January 2018 and February 2018, which is equivalent to the corresponding

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consumption of the period before the dispute. As such, there is no justification to charge any detection bill to the respondent. Under these circumstances, we are in agreement with the findings of POI for cancellation of the detection bill of Rs.225,474/- for 12,319 units for the period October 2017 to February 2018 charged by GEPCO to the respondent. The billing account of the respondent be overhauled by making adjustments of payments made (if any) against the aforesaid detection bill.

7. In view of the above, the impugned decision is maintained and consequently, the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Dated: 17.03.2021