



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

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No. NEPRA/AB/Appeal/209/2019/ 233

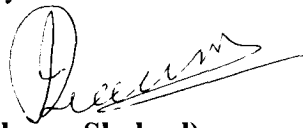
March 19, 2021

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|--|--|
| 1. Irfan Suleman<br>S/o. Muhammad Suleman,<br>Gali No. 03, Mohallah Raita Wala,<br>Gujranwala                        | 2. Chief Executive Officer<br>GEPCO Ltd,<br>565-A, Model Town,<br>G. T. Road, Gujranwala   |
| 3. Syed Imtiaz Hussain shah<br>Advocate High Court,<br>Sit No. 14-15, Dawood Ataf Centre,<br>Mouj Darya Road, Lahore | 4. Muhammad Azam Khokhar<br>Advocate High Court,<br>10-Fatima Jinnah Chambers,<br>Session Courts, Gujranwala                             |
| 5. Sub Divisional Officer (Opr),<br>GEPCO Ltd,<br>Model Town Sub Division,<br>Gujranwala                             | 6. POI/Electric Inspector,<br>Gujranwala Region,<br>Energy Department, Govt. of Punjab,<br>Munir Chowk, Near Kacheri Road,<br>Gujranwala |

Subject: **Appeal Titled GEPCO Vs. Irfan Suleman Against the Decision Dated 13.02.2019 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. 209/POI-2019

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Irfan Suleman S/o Muhammad Suleman, Gali No.03,  
Mohallah Raita Walan, Gujranwala

.....Respondent

### **APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 13.02.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION GUJRANWALA REGION, GUJRANWALA**

#### For the appellant:

Syed Imtiaz Hussain Advocate  
Mr. Asim Ali SDO

#### For the respondent:

Mr. Azam Khokhar Advocate

## DECISION

1. Brief facts leading to the filing of instant appeal are that the respondent is a commercial consumer of Gujranwala Electric Power Company Limited (GEPCO) bearing Ref No.28-12111-0816500 with a sanctioned load of 39 kW under A-2 tariff. The billing meter of the respondent was found 33% slow during the metering and testing (M&T) GEPCO checking dated 29.01.2018. Notice dated 01.02.2018 was served to the respondent and multiplication factor (MF) was raised from 20 to 30 by GEPCO due to 33% slowness of the billing meter w.e.f March 2018 and onwards. Thereafter a detection bill amounting to Rs.377,032/- for 16,887 units + 45 kW MDI for the period from September 2017 to



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December 2017 (3 months) was debited to the respondent by GEPCO @ 33% slowness of the meter and added in the bill for February 2018.

2. Being aggrieved, the respondent approached the Provincial Office of Inspection (POI) on 21.03.2018 and disputed the above detection bill. A check meter was installed in series with the billing meter of the respondent by GEPCO on 03.07.2018 and subsequent comparison of the readings of both the meters on 03.09.2018 established that the billing meter was running 5.11% slow. POI disposed of the matter vide decision dated 13.02.2019, wherein the detection bill of Rs.377,032/- for 16,887 units+45 kW MDI for the period September 2017 to December 2017 and the bills with enhanced MF=30 from January 2018 and onwards till the shifting of billing on check meter were declared as null & void. As per the POI decision, GEPCO was allowed to recover 5.11% slowness of the meter from the respondent w.e.f September 2017 and onwards till the shifting of billing on the check meter.
3. Being dissatisfied with the decision dated 13.02.2019 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 33% slow during M&T checking dated 29.01.2018, hence MF was raised from 20 to 30 w.e.f January 2018 and onwards and a detection bill amounting to Rs.377,032/- for 16,887 units+45 kW MDI for the period September 2017 to December 2017 was charged to the respondent due to 33% slowness of the meter. GEPCO termed the above bills as legal, valid and justified and payable by the respondent. As per GEPCO, the POI failed to consider the consumption data in true perspective which reflects that the billing meter became 33% slow w.e.f September 2017

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and onwards. GEPCO objected to the jurisdiction of POI and stated that the application filed by the respondent on 21.03.2018 was decided by POI on 13.02.2019 much after the expiry of the statutory period of 90 days, hence the impugned decision become ex-facie coram nonjudice ab-initio void, without jurisdiction as envisaged under section 26(6) of the Electricity Act 1910. GEPCO raised another objection that the dispute pertains to the dishonest abstraction of electricity, as such the POI is not competent to decide the same. GEPCO finally prayed for setting aside the impugned decision.

4. Notice of the appeal was sent to the respondent for filing reply/para-wise comments, which were filed on 02.10.2019. In the reply, the respondent rebutted the contentions of GEPCO and pleaded that neither any notice was given nor the alleged checking dated 29.01.2018 was carried out in his presence. The respondent further contended that the detection bill amounting to Rs.377,032/- for 16,887 units+45 kW MDI for the period September 2017 to December 2017 was charged in violation of provisions of the Consumer Service Manual (CSM) as GEPCO has no lawful authority to charge the detection bill for the retrospective period. As per respondent, POI has rightly analyzed the consumption data and 5.11% slowness was even established in the billing meter, hence the above detection bill and onwards bills with enhanced MF may be declared 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 limit 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  
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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 29.01.2018, hence the detection bill of Rs.377,032/- for 16,887 units+45 kW MDI for the period September 2017 to December 2017 and onward bills with enhanced MF=30 were charged to the respondent @ 33% slowness of the billing meter. As per learned counsel for GEPCO, the above bills are justified and payable by the respondent as per dip observed in the consumption data of the respondent, which significantly increased from January 2018 and onwards. 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 bills as null and void and prayed for its maintainability.

6. Arguments heard and the record perused. 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. GEPCO raised another objection regarding the jurisdiction of POI being a theft case, however, neither legal proceedings (registration of FIR) were initiated by GEPCO against the respondent nor were the provisions of the Consumer Service



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Manual (CSM) followed in the instant case. The objection of GEPCO in this regard is devoid of force and overruled. The respondent assailed before POI the detection bill of Rs.377,032/- for 16,887 units+45 kW MDI for the period September 2017 to December 2017 and onward bills with enhanced MF=30 charged by GEPCO @ 33% slowness of the meter. GEPCO installed a check meter in series with the disputed billing meter on 03.07.2018 and during subsequent comparison of readings between the billing and check meters on 03.09.2018, POI observed 5.11% slowness in the billing meter. Both the parties signed the checking report dated 03.09.2018 without raising any objection. Hence the entire billing (detection bill of Rs.377,032/- for 16,887 units+45 kW MDI for the period September 2017 to December 2017 and the bills with enhanced MF=30 from January 2018 and onwards till the shifting of billing on check meter) done by GEPCO on account of 33% slowness of the meter is unjustified and may be nullified, which is also the determination of POI. The respondent should be charged the revised bills @ 5.11 slowness from September 2017 and onwards till the shifting of billing on the check meter as already decided by POI. The billing account of the respondent may 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