



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

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No. NEPRA/AB/Appeal/288/2019/ 2/6


March 02, 2022

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|--|---|
| 1. Muhammad Bashir,
S/o. Allah Rakha,
Mehboob Road, Mohallah Tajpura,
Thana Garjakhi, Gujranwala | 2. Chief Executive Officer
GEPCO Ltd,
565-A, Model Town,
G. T. Road, Gujranwala |
| 3. Mashkoo Haider Kazmi,
Advocate High Court,
Juris Mension, Second floor,
Opposite Family Hospital,
4-Mozang Road, Lahore | 4. Sub Divisional Officer (Opr),
GEPCO Ltd,
Garjakhi Gate Sub Division,
Gujranwala |
| 5. POI/Electric Inspector,
Gujranwala Region,
Energy Department, Govt. of Punjab,
Munir Chowk, Near Kacheri Road,
Gujranwala | |

Subject: **Appeal Titled GEPCO Vs. Muhammad Bashir Against the Decision Dated 29.06.2018 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 14.02.2022, 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.288/POI-2019

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Muhammad Bashir S/o Allah Rakha Mehboob Road,
Mohallah Tajpura Than Garjakh, Gujranwala

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 29.06.2018 PASSED BY PROVINCIAL
OFFICE OF INSPECTION GUJRANWALA REGION, GUJRANWALA**

For the Appellant:

Mr. Mashkoo Haider Kazmi Advocate

For the Respondent:

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DECISION

1. As per facts of the case, the Respondent is a consumer of the Appellant GEPCO having domestic connection bearing Ref No.04-12112-0096600 with a sanctioned load of 1kW and the applicable tariff is A-1. Disputed billing meter of the Respondent was replaced with a new meter by the GEPCO vide the Meter Change Order (MCO) dated 08.04.2016. Subsequently, the disputed removed meter of the Respondent was checked by the Metering and Testing (M&T) GEPCO on 24.05.2016 and reportedly, it was found tampered (reversed through block). FIR No.322/16 was lodged with the police against the Respondent for theft of electricity. Thereafter, a detection bill



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amounting to Rs.152,510/- for 6,966 units for the period November 2015 to April 2016 six (6) months was charged to the Respondent on the basis of connected load i.e. 6.963 kW, and added in the bill for June 2016. The honorable Additional District and Session Judge vide Order dated 24.11.2017 acquitted the Respondent from the charge of theft of electricity.

2. Being aggrieved with the actions of the GEPCO, the Respondent filed an application before the Provincial Office of Inspection (POI) on 06.02.2018 and assailed the detection bill of Rs.152,510/- for 6,966 units for the period November 2015 to April 2016. The POI vide its decision dated 29.06.2018 declared the above detection bill as null and void.
3. The appeal in hand has been filed against the aforementioned decision (hereinafter referred to as the impugned decision), wherein the GEPCO raised the preliminary objection for the jurisdiction of the POI and stated that the application filed by the Respondent on 06.02.2018 was decided by the POI on 29.06.2018 after the expiry of the statutory period of ninety (90) days, hence the impugned decision is void and without jurisdiction. GEPCO submitted that the Respondent's meter was found tampered for committing theft of electricity, so the FIR No.322/16 was registered against the Respondent and a detection bill amounting to Rs.152,510/- for 6,966 units for the period November 2015 to April 2016 was charged to the Respondent on the basis of connected load i.e. 6.963 kW to recover the loss sustained due to theft of electricity. GEPCO contended that the POI failed to appreciate that the dispute pertains to the theft of energy and physical inspection of the billing meter was required but the POI did not bother to summon the billing meter from the custody of the police, which was necessary to verify the discrepancies as noted down by the M&T GEPCO.



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As per GEPCO, the Respondent was rightly charged the above detection bill as the less consumption recorded by the tampered meter during the disputed period. GEPCO prayed that the impugned decision be set aside.

4. Notice of the appeal was sent to the Respondent for filing reply/para-wise comments, which however were not filed.
5. Hearing in the matter was conducted at NEPRA Regional Office, Lahore on 31.12.2021 wherein learned counsel represented the Appellant GEPCO and no one appeared for the Respondent. Learned counsel for GEPCO repeated the arguments same as given in memo of the Appeal and contended that the Respondent was stealing the electricity through tampering with the meter for which FIR was lodged against him. Learned counsel for GEPCO argued that the detection bill of Rs.152,510/- for 6,966 units for the period November 2015 to April 2016 was debited to the Respondent on account of theft of electricity committed through tampering with the meter as observed during M&T checking dated 24.05.2016. Learned counsel for the GEPCO contended that the Respondent admitted theft of electricity and paid the above detection bill. As per learned counsel for the GEPCO, less consumption was recorded during the disputed period due to theft of electricity committed by the Respondent through the tampered meter. Learned counsel for the GECPO prayed that the impugned decision is liable to be struck down.
6. Arguments heard and perused the record placed before us. 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 under Section 26(6) of the Electricity Act, 1910.



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it may be noted that the said restriction of the time limit is inapplicable for the Provincial Offices of Inspection (the POI) established under Section 38 of the 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. Examination of record shows that illegal abstraction of electricity through tampering the meter was observed during M&T GEPCO checking dated 24.05.2016 and the detection bill of Rs.152,510/- for 6,966 units for the period November 2015 to April 2016 was prepared on the basis of connected load i.e.6.93 kW of the Respondent.
- iii. It is observed that the above detection bill was charged for a period of six (6) months to the Respondent by the GEPCO in violation of Clause 9.1c(3) of the Consumer Service Manual (CSM), which allows charging the detection bill maximum for three months to a general supply Consumer i.e. A-I in the absence of approval of Chief Executive Officer GEPCO. Hence we hold that the detection bill amounting to Rs.152,510/- for 6,966 units for the period November 2015 to April 2016 charged to the Respondent by the GEPCO is unjustified and liable to be declared null and void as already decided by the POI.
- iv. Since the tampering in the disputed meter was found during the M&T GEPCO checking dated 24.05.2016, hence it would be appropriate to charge the detection bill for three months only i.e. February 2016 to April 2016 in pursuance of Clause 9.1c (3) of the CSM. GEPCO claimed that the Respondent was using the connected load i.e. 6.963 kW which was not rebutted by the Respondent before us. Hence, calculation of the detection bill in this regard be made on the basis of connected



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load i.e. 6.963 kW as per the formula given in Annex VIII of the CSM in the below table:

$$\begin{aligned}\text{Units/month to be charged} &= \text{Connected load (kW)} \times \text{No. of Hours} \times \text{Load factor} \\ 6.963 \times 730 \times 0.2 &= \mathbf{1,017 \text{ units/month}}\end{aligned}$$

Period: February 2016 to April 2016 (Three (3) months)

(A) Total Units assessed	=Units/ month x No. of Months = 1017x 3 = 3,051 units
(B) Total units already charged	=55+142+116 = 313 units
(C) Net chargeable units	= (A) - (B) = 3,051-313 = 2,738 units

7. The upshot of the above discussion is that the impugned decision for cancellation of the detection bill of Rs.152,510/- for 6,966 units for the period November 2015 to April 2016 six (6) months is correct and maintained to this extent. GEPCO is directed to charge the detection bill for net 2,738 units for the period February 2016 to April 2016 three (3) months to the Respondent. The billing account of the Respondent should be revised by the GEPCO after adjusting payments made against the above detection bill.
8. The impugned decision is modified in the above terms.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Date: 14.02.2022