



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/Appeal/060/POI/2021/ 036

January 16, 2023

- | | |
|---|--|
| 1. M/s. Asia Woolen Mills,
Small Industrial Estate No. 1,
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,
GEPCO Ltd,
Model Town 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. M/s. Asia Woolen Mills Against the Decision Dated 29.01.2021 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 13.01.2023, 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. Additional Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.060/POI-2021

Gujranwala Electric Power Company LimitedAppellant

Versus

M/s. Asia Woolen Mills, Small Industrial Estate No.1,
GujranwalaRespondent

APPEAL U/S 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mr. Saeed Ahmed Bhatti Advocate
Mr. Mudassar Ahmed Cheema SDO
Mr. Assim Ali Legal Assistant

For the Respondent:

Mr. Muhammad Azam Khokhar Advocate

DECISION

1. Through this decision, the appeal filed by the Gujranwala Electric Power Company Limited (hereinafter referred to as the “Appellant”) against the decision dated 29.01.2021 of the Provincial Office of Inspection, Gujranwala Region, Gujranwala (hereinafter referred to as the “POI”) is being disposed of.
2. Briefly speaking, M/s Asia Woolen Mills (the “Respondent”) is an industrial consumer of the Appellant bearing Ref No.28-12111-03204001 with sanctioned load of 497 kW and the applicable Tariff is B-2(b). The Appellant has claimed that the yellow phase of the billing meter of the Respondent was found dead stop during





National Electric Power Regulatory Authority

the Metering & Testing ("M&T") team checking dated 21.01.2020. Resultantly, the Multiplication Factor (MF) of the Respondent was enhanced from 160 to 240 due to 33.33% slowness of the impugned billing meter w.e.f January 2020 and onwards. Subsequently, the Appellant filed an application before the POI on 21.02.2020 for checking the metering equipment of the Respondent. In response, the impugned billing meter of the Respondent was checked by the POI on 11.11.2020 in presence of both parties in which 33.33% slowness was established due to the yellow phase of the meter being dead. The matter was disposed of by the POI vide the decision dated 29.01.2021, wherein the Appellant was allowed to recover the detection bill for two months i.e. November 2019 and December 2019 due to 33.33% slowness of the impugned meter.

3. Through the instant appeal, the afore-referred decision dated 29.01.2021 of the POI has been impugned by the Appellant before the NEPRA. In its appeal, the Appellant objected to the maintainability of the impugned decision, *inter alia*, on the main grounds, (1) the POI erred in declaring that the Appellants are entitled to charge 33.33% slowness for November 2019 and December 2019 and recovery of the arrears be made in four installments; (2) the dip in consumption and MDI shows that the impugned meter was 33.33% slow w.e.f February 2019 and onwards; (3) the Respondent is liable to pay the bills with 33.33% slowness from February 2019 till checking dated 21.01.2020; (4) the POI failed to analyze the consumption data in true perspective; (5) the impugned decision is a result of misreading and non-reading of documents placed on record; (6) the impugned decision is illegal, unlawful, arbitrary and the same is liable to be set aside.





National Electric Power Regulatory Authority

4. Proceedings by the Appellate Board

4.1 Upon filing of the instant appeal, a notice dated 03.06.2021 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. The Respondent submitted the reply to the Appeal on 07.07.2021 wherein, the Respondent rebutted the version of the Appellant and submitted that neither prior notice was served nor checking was carried out in his presence. The Respondent further submitted that the Appellant intentionally violated the directions of POI regarding the installation of the check meter in series with the impugned meter. As per the Respondent, the POI has checked the metering equipment with heater load of 3.8 KW instead of checking through the power analyzer or check meter on the running load. According to the Respondent, the impugned meter recorded the highest consumption i.e. 212,000 units in December 2019, which is not compatible with the consumption of the corresponding month of the years i.e. 2016, 2017, and 2018 and higher than the consumption charged with enhanced MF=240 in January 2020. The Respondent supported the impugned decision for charging the detection bill for two months only i.e. November 2019 and December 2019 being in line with Clause 4.3.3 of the CSM-2021 and prayed for upholding the same.

5. Hearing

5.1 Notices dated 07.10.2022 were served to the parties and hearing of the appeal was conducted at Lahore on 13.10.2022, which was attended by counsel along with other officials for the Appellant and a counsel representing the Respondent. The representative for the Appellant reiterated the same version as contained in the memo





National Electric Power Regulatory Authority

of the appeal and contended that one phase of the billing meter of the Respondent was found dead stop on 21.01.2020, which was verified by the POI during joint checking dated 11.11.2020 as such the recovery of 33.33% slowness be allowed w.e.f February 2019 and onwards till checking dated 21.01.2020.

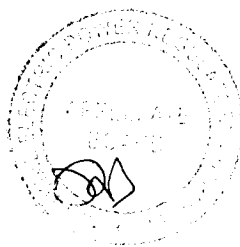
5.2 Learned counsel for the Respondent rebutted the version of the Appellant to allow slowness of the meter beyond two billing cycles, supported the impugned decision, and prayed for upholding the same.

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

6.1 It is an admitted fact that the yellow phase of the impugned meter of the Respondent was found dead stop during checking dated 21.01.2020, therefore, MF was raised from 160 to 240 due to 33.33% slowness of the meter w.e.f January 2020 and onwards. The Appellant approached the POI for checking the metering equipment of the Respondent. During joint checking dated 11.11.2020 of the POI, 33.33% slowness in the impugned meter of the Respondent was established due to one phase being dead. The POI allowed the Appellant to recover 33.33% slowness of the meter for two months only i.e. November 2019 and December 2019 against which the Appellant has filed this appeal before the NEPRA.

6.2 In its appeal, the Appellant prayed to allow 33.33% slowness of the meter w.e.f February 2019 and onwards. Clause 4.4(e) of the CSM-2010 being relevant in the instant case is reproduced below:

(e) The charging of consumers on the basis of defective code, where the meter has become defective and is not recording the actual consumption will not be more than two billing cycles. The basis of charging will be 100% of the consumption recorded in the same month of the previous year or the average consumption of the last 11 months whichever is higher. Only the Authorized employee of GEPCO






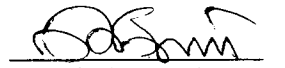
National Electric Power Regulatory Authority


will have the power to declare a meter defective. However, the consumer has a right to challenge the defective status of the energy meter and the GEPCO will get the meter checked at the site with a check meter or a rotary sub-standard or digital power analyzer accompanied by an engineer of the metering and testing laboratory free of cost."

6.3 Above-referred clause of the CSM-2010 restricts the Appellant to charge slowness maximum for two months. Therefore, the contention of the Appellant for recovery of 33.33% slowness for the period February 2019 to December 2019 i.e. eleven months is inconsistent with the foregoing clause of the CSM-2010. Thus the decision of the POI for revision of the bills for two months due to the 33.33% slowness of the meter is consistent with Clause 4.4(e) of the CSM-2010 and is upheld.

7. Foregoing in view, this appeal is dismissed.


Syed Zavar Haider
Member


Abid Hussain
Convener


Muhammad Irfan-ul-Haq
Member

Dated: 13-01-2023

