



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

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No. NEPRA/Appeal/120/POI/2020/042

January 23, 2023

- |  |   |
|--|---|
| 1. Abdul Jabbar,<br>S/o. Ali Muhammad,<br>R/o. Ghur Dau Road, Gujranwala   | 2. Chief Executive Officer,<br>GEPCO Ltd,<br>565-A, Model Town,<br>G. T. Road, Gujranwala |
| 3. Saeed Ahmed Bhatti,<br>Advocate High Court,<br>66-Khyber Block, Allama Iqbal Town,<br>Lahore  | 4. Sub Divisional Officer,<br>GEPCO Ltd,<br>Fareed Town Sub Division,<br>Gujranwala       |
| 5. 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. Abdul Jabbar Against the Decision Dated 26.02.2020 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 19.01.2023, 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.120/POI-2020

Gujranwala Electric Power Company Limited .....Appellant

Versus

Abdul Jabbar S/o Ali Muhammad,  
R/o Gur Daur Road, Gujranwala .....Respondent

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

For the Appellant:

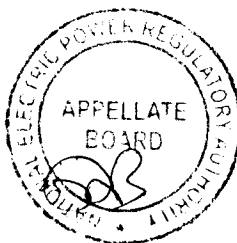
Mr. Saeed Ahmed Bhatti Advocate  
Mr. Ahmed Ali Pervaiz SDO

For the Respondent:

Nemo

### 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 26.02.2020 of the Provincial Office of Inspection, Gujranwala Region, Gujranwala (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Abdul Jabbar (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.24-12213-2603600 with sanctioned load of 22kW and the applicable Tariff category is B-1(b). The Appellant has claimed that one phase of the billing meter of the Respondent was found dead stop during the Metering & Testing ("M&T") team checking dated

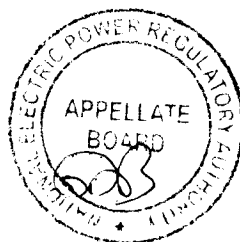




## National Electric Power Regulatory Authority

27.04.2019. Therefore, notice dated 14.05.2019 was issued to the Respondent regarding the above discrepancy, and subsequently, the impugned meter of the Respondent was replaced with a new meter by the Appellant vide Meter Change Order ("MCO") dated 17.05.2019. Resultantly, a detection bill amounting to Rs.104,732/- against 5,410 units for two months for the period from March 2019 and April 2019 was debited to the Respondent @ 33% slowness of the meter and added to the bill for June 2019.

3. Being aggrieved, the Respondent assailed the above detection bill before the POI on 17.07.2019. The complaint of the Respondent was disposed of by the POI vide the decision dated 26.02.2020, wherein the detection bill of Rs.104,732/- against 5,410 units for two months for the period from March 2019 and April 2019 was cancelled.
4. Through the instant appeal, the afore-referred decision dated 26.02.2020 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) one phase of the billing meter of the Respondent was found defective on 27.04.2019, therefore a detection bill of Rs.104,732/- against 5,410 units for two months for the period from March 2019 and April 2019 was debited to the Respondent in June 2019; (2) the POI failed to analyze consumption data in true perspective and erred in holding that the detection bill of Rs.104,732/- against 5,410 units for two months for the period from March 2019 and April 2019 is null and void; (3) the impugned decision was rendered by the POI after the expiry of the statutory period of ninety (90) days, hence it is ex-facie, coram non-judice, void, ab-initio without lawful authority and jurisdiction; (4) the Respondent did not serve





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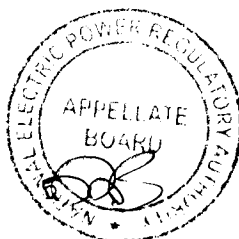
notice prior filing complaint to the POI as required under Section 26(6) of the Electricity Act, 1910. The Appellant finally prayed that the impugned decision is liable to be set aside.

### 5. Proceedings by the Appellate Board

- 5.1 Upon filing of the instant appeal, a notice dated 13.11.2020 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. The Respondent however did not submit the reply to the Appeal.

### 6. Hearing

- 6.1 After issuing notices dated 08.06.2022 to both parties, hearing of the subject appeal was conducted at NEPRA Regional Office Lahore on 17.06.2022 in which a counsel appeared for the Appellant and no one represented the Respondent. In order to provide an opportunity for hearing to the Respondent, the case was adjourned till the next date.
- 6.2 The hearing of the Appeal was rescheduled at Lahore on 23.08.2022 for which notices dated 15.08.2022 were issued to both the Appellant and the Respondent. On the given date of the hearing, no one appeared for both parties, however, a written request was made by the counsel for the Appellant for the adjournment due to illness. In view of the above, the hearing of the case was adjourned till the next date.
- 6.3 Notices dated 21.09.2022 were served to the parties and hearing of the appeal was conducted at Lahore on 29.09.2022, which was attended by counsel along with SDO for the Appellant and no one appeared for the Respondent. The representative for the Appellant reiterated the same version as contained in the memo of the appeal and





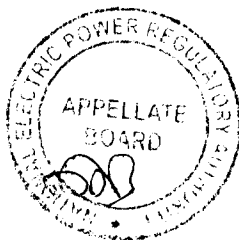
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contended that one phase of the billing meter of the Respondent was found dead stop on 27.04.2019, as such the detection bill of Rs.104,732/- against 5,410 units for two months for the period from March 2019 and April 2019 was debited to the Respondent on the basis of the connected load. The representative for the Appellant averred that the increase in consumption of April 2019 is due to an increase in work and cannot be made basis for the determination of the fate of the above detection bill. As per the representative for the Appellant, the impugned decision for cancellation of the above detection bill is unjustified and the same is liable to be struck down.

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

7.1 **Objection regarding the time limit for POI**

As per the record, the Respondent filed his complaint before the POI on 17.07.2019 under Section 38 of the NEPRA Act. POI pronounced its decision on 26.02.2020 i.e. after 225 days of receipt of the complaint. The Appellant has objected that the POI was bound to decide the matter within 90 days under Section 26(6) of the Electricity Act, 1910. In this regard, it is observed that the forum of POI has been established under Section 38 of the NEPRA Act which does not put a restriction of 90 days on POI to decide complaints. Section 38 of the NEPRA Act overrides provisions of the Electricity Act, 1910. Reliance in this regard is placed on the judgments of the honorable Lahore High Court Lahore reported in *PLJ 2017 Lahore 627* and *PLJ 2017 Lahore 309*. Keeping in view the overriding effect of the NEPRA Act being later in time, and the above-referred decisions of the honorable High Court, hence the objection of the Respondent is dismissed.





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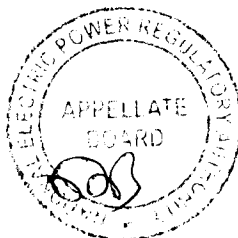
### 7.2 Objection regarding prior notice before approaching the POI:

As regards another objection of the Appellant for not issuing notice as per the Electricity Act, 1910 by the Respondent before filing a complaint to the POI, it is elucidated that the matter was adjudicated by the POI under Section 38 of the NEPRA Act, 1997 and as per procedure laid down in Punjab (Establishment and Powers of Office of Inspection) Order, 2005, which do not require for service of any notice before approaching the POI. The above objection of the Appellant is not valid, therefore overruled.

### 7.3 Detection bill of Rs.104,732/- against 5,410 units debited in June 2019

The Appellant claimed to have found the billing meter of the Respondent defective due to one dead stop during checking dated 27.04.2019, therefore a detection bill of Rs.104,732/- against 5,410 units for two months for the period from March 2019 and April 2019 was issued to the Respondent in June 2019, which was assailed by him before the POI. The Appellant has filed this appeal defending the above detection bill charged to the Respondent and prayed for setting aside the impugned decision.

7.4 One phase of the billing meter of the Respondent was allegedly discovered as dead stop by the Appellant on 27.04.2019 and the disputed detection bill was issued in June 2019. Therefore the matter will be dealt with under the provisions of the CSM-2010. Clause 4.4 of the CSM-2010 enumerates the procedure to confirm the defect in the metering equipment and charge the Consumer on the basis of thereof. Sub-clauses (b), (c), and (e) of Clause 4.4 of the CSM-2010 being relevant in the instant are reproduced below:





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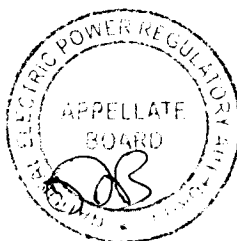
### **"4.4 Meter Replacement**

*(b) Should the GEPCO at any time, doubt the accuracy of any metering equipment, the GEPCO may after information the consumer, install another duly calibrated and tested metering equipment in series with the impugned metering equipment to determine the difference in consumption or maximum demand recorded by the check metering equipment and that recorded by the impugned metering equipment during a fixed period. If one such comparative test being made the impugned metering equipment should prove to be incorrect, the impugned metering equipment shall be removed from the premises with the written consent of the consumer, and the GEPCO in the absence of any interference or alteration in the mechanism of the impugned metering equipment being detected by the GEPCO shall install "correct meter" without any further delay.*

*(c) Where it is not possible for the GEPCO to install check metering equipment of appropriate capacity in series with the impugned metering equipment, to check the accuracy of the impugned metering equipment as described above, the GEPCO shall, after information (in writing) the consumer, test the accuracy of the impugned metering equipment at site by means of Rotary Sub-Standard or digital power analyzer. If incorrect, the impugned metering equipment shall be removed and immediately removed upon settlement/ payment of assessed amount. In case if a correct meter is not available then the multiplying factor shall be charged accordingly till the replacement with correct meter.*

*(d) .....*

*(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 % 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 will have the power to declare a meter defective. However, the consumer has a right to challenge the*





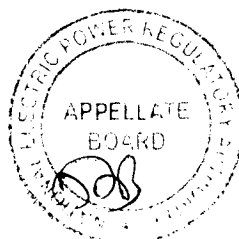
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*defective status of the energy meter and the GEPCO will get the meter checked at the site with a check meter or a rotary sub-standard or digital power analyzer accompanied by an engineer of the metering and testing laboratory free of cost.*

Under sub-clause 'b' above, upon doubt about the accuracy of the metering equipment of the Respondent, the Appellant was required to install a check metering equipment, after informing the Respondent, to determine the difference in consumption or maximum demand recorded by the check meter and the impugned meter during a fixed period. In case of confirmation of defectiveness in the impugned meter, the same was required to be removed with the written consent of the Consumer.

7.5 Alternatively, the Appellant was required to follow the procedure given in sub-clause (c) of Clause 4.4 of the CSM-2010, which stipulates the checking of metering equipment after informing (in writing) the consumer, by means of a Rotary Sub-standard or digital power analyzer.

7.6 As per the record presented before us, there is no evidence that the Appellant followed the procedure either under sub-clause (b) or sub-clause (c) of the CSM-2010. The Appellant has claimed that the metering equipment was checked in presence of the Respondent, however, the Test check proforma dated 27.04.2019 as submitted by the Appellant is not signed by the Respondent. The essence of Clause 4.4 of the CSM-2010 is to ensure transparency by taking the consumer on board. However, the claim of the Appellant about the meter without following the laid down procedure suffers from credibility insufficiency.







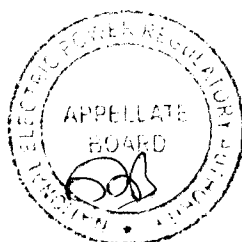
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7.7 Notwithstanding above observations, in order to verify the assertions of the Appellant, the consumption data of the Respondent is analyzed in the below table:

Month	Units	Units after adding 33% slowness
Jan-19	9233	-
Feb-19	5224	-
Mar-19	2,646	3950
Apr-19	8,176	12203
May-19	6399	MCO dated 17.05.2019
Jun-19	6133	-
Jul-19	6481	-
Aug-19	5829	-
Sep-19	6239	-
Oct-19	6175	-

As evident from the above table, the consumption of the Respondent dropped in March 2019, however in April 2019, the consumption recorded seconded highest in 10 months for the period from January 2019 to October 2019. The comparison of recorded consumption in April 2019 when the impugned meter was allegedly slow with consumption of previous month and the consumption recorded by the new meter from May 2019 indicates that the impugned meter of the Respondent was functioning correctly and recording healthy consumption till April 2019. Hence there is no justification to charge any detection bill on account of the alleged 33% slowness of the impugned meter.

7.8 Under these circumstances, we hold that the detection bill of Rs.104,732/- against





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5,410 units for two months for the period from March 2019 and April 2019 charged to the Respondent due to 33% slowness of the meter is declared null and void.

7.9 The billing account of the Respondent may be overhauled after adjustment of the payments made against the above detection bill.

8. Foregoing in view, the appeal is dismissed.

Syed Zawar Haider  
Member

Abid Hussain  
Convener

Muhammad Irfan-ul-Haq  
Member

Dated: 18/01/2023.

