



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

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No. NEPRA/Appeal/019/2022/ 3/3

March 08, 2024

1. Mohsin Ali,
S/o. Khadim Hussain Shah,
Street No. 09, Mohallah Sherabad,
Near Railway Line, Hafizabad

2. Chief Executive Officer,
GEPCO Ltd,
565-A, Model Town,
G. T. Road, Gujranwala

3. Zafar Iqbal Assad,
Advocate High Court,
Chamber No. 19-A, Judicial Complex,
Jinnah Block, Hafizabad
Cell No. 0343-6576720

4. Saeed Ahmed Bhatti,
Advocate High Court,
66-Khyber Block, Allama Iqbal Town,
Lahore
Cell No. 0300-4350899

5. Sub Divisional Officer,
GEPCO Ltd,
Sub Division No. 4,
Hafizabad

6. POI/Electric Inspector,
Gujranwala Region,
Energy Department, Govt. of Punjab,
Munir Chowk, Near Kacheri Road,
Gujranwala

Subject: Appeal No.019/2022 (Mohsin Ali Vs. GEPCO) Against the Decision Dated 31.05.2021 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 08.03.2024 (04 pages), regarding the subject matter, for information and necessary action accordingly.

Encl: As Above


(Ikram Shakeel)
Deputy Director
Appellate Board

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.019/POI-2022

Mohsin Ali, S/o. Khadim Hussain Shah, Street No. 09,
Mohallah Sherabad, Near Railway Line, Hafizabad

.....Appellant

Versus

Gujranwala Electric Power Company Limited

.....Respondent

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

For the Appellant:

Mr. Zafar Iqbal Asad Advocate

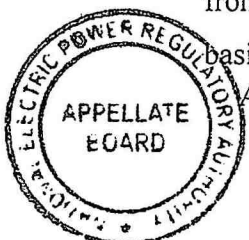
For the Respondent:

Mr. Saeed Ahmed Bhatti Advocate

Mr. Faiz Ahmed

DECISION

1. Brief facts leading to the filing of instant appeal are that Mr. Mohsin Ali (hereinafter referred to as the "Appellant") is an industrial consumer (Atta Chaki) of Gujranwala Electric Power Company Limited (hereinafter referred to as the "Respondent") bearing Ref. No.24-12247-1031000-U with sanctioned load of 08 kW and the applicable Tariff category is B-1(b). The premises of the Appellant was initially checked by the Appellant on 06.11.2018 and allegedly, the Appellant was found stealing electricity and the connected load was observed as 12.812 kW, therefore electricity of the premises was disconnected and the impugned meter was removed and sent to M&T lab for checking. Notice dated 06.11.2018 was issued to the Appellant regarding the theft of electricity and the impugned meter of the Appellant was checked by the Metering and Testing (M&T) team on 07.11.2018, wherein it was declared tampered (loop installed) for the dishonest abstraction of electricity. Therefore, FIR No. 802/2018 dated 07.11.2018 was registered against the Appellant, and a detection bill of Rs.190,245/- for 10,337 units for six months for the period from May 2018 to October 2018 was charged by the Respondent to the Appellant on the basis of 25% load factor of the connected load i.e. 12.812 kW and added to the bill for Appeal No.019/POI-2022





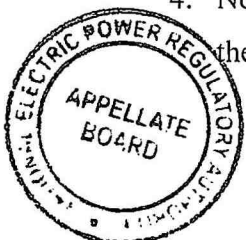
National Electric Power Regulatory Authority

December 2018. The Appellant submitted an undertaking before the Respondent, wherein he admitted theft of electricity through tampering with the meter and agreed to pay the above detection bill charged by the Respondent. Accordingly, the Respondent made a payment of Rs.100,000/- against the above detection bill.

2. Subsequently, the Appellant filed a complaint before the Provincial Office of Inspection, Gujranwala Region, Gujranwala (hereinafter referred to as the "POI") and challenged the above detection bill, which was disposed of by the POI vide the decision dated 31.05.2021, wherein the detection bill of 10,337 units for six months for the period from May 2018 to October 2018 was declared as justified and payable by the Appellant.
3. Subject appeal has been filed against the afore-referred decision dated 31.05.2021 of the POI (hereinafter referred to as the "impugned decision") by the Appellant before NEPRA, wherein it is contended that the electricity of the premises was disconnected by the Appellant in August 2017 due to non-payment of bill of Rs. 53,550/-. The Appellant further contended that on payment of Rs. 54,880/- in August 2017, the Respondent restored the electricity of the premises through bogus meter bearing No. 344373 instead of actual meter bearing No. 353173. As per the Appellant, the Respondent was bound to install the original meter as per Clause 8.5.4 of the CSM-2010 but they failed to do so and declared the bogus meter as tampered during the subsequent checking dated 07.11.2018. According to the Appellant, the Respondent debited a detection bill of Rs.190,245/- for 10,337 units for six months for the period from May 2018 to October 2018 on account of alleged theft of electricity and FIR dated 07.11.2018 was registered against him. According to the Appellant, the Respondent failed to follow the procedure to establish theft of electricity as laid down in Chapter 9 of the CSM-2010 and the entire proceedings including the unilateral checking dated 07.11.2018 carried out by the Appellant with malafidy. The Appellant opposed the impugned decision and submitted that the POI committed material irregularity while deciding the issue and adopted an erroneous assumption regarding the increase in consumption after MCO. The Appellant further submitted that the consumption of the premises increased during the period from May 2019 to October 2019 due to increase in business and cannot be made basis for the determination of the fate of the impugned detection bill. The Appellant finally prayed for setting aside the impugned decision.
4. Notice dated 09.02.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.

Appeal No.019/POI-2022

Ad -

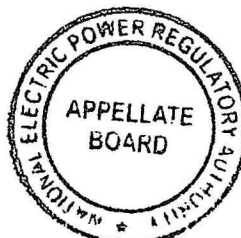




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5. Hearing

- 5.1 Hearings in the matter of the subject Appeal were initially conducted on 13.10.2022, 25.11.2022, and 03.06.2023, which however were adjourned on the request of either the Appellant or the Respondent. Finally, the hearing was fixed for 16.12.2023 at NEPRA Regional Office Lahore, wherein learned counsels appeared for both the Appellant and the Respondent. During the hearing, learned counsel for the Appellant reiterated the same version as contained in memo of the appeal and contended that the impugned billing meter of the Appellant was checked by the M&T team of the Respondent unilaterally on 07.11.2018, wherein it was declared tampered, therefore FIR No.802/2018 dated 07.11.2018 was lodged against the Appellant and the detection bill amounting to 10,337 units for six months for the period from May 2018 to October 2018 was debited to the Appellant on the basis of the connected load. As per learned counsel for the Appellant, the POI did not check the disputed meter and declared the above detection bill as justified. Learned counsel for the Appellant opposed the charging of the impugned detection bill and prayed that the same be declared null and void.
- 5.2 On the contrary, learned counsel for the Respondent averred that the Appellant was found stealing electricity through the installation of a loop during checking dated 07.11.2018 and he admitted theft of electricity through submission of the undertaking and paid Rs.100,000/- against the detection bill of Rs.190,245/- for 10,337 units for six months for the period from May 2018 to October 2018 charged by the Respondent to recover the revenue loss sustained due to theft of electricity. As per learned counsel for the Respondent, the above detection bill was declared as justified by the POI after due consideration of the facts and consumption record of the case. Learned counsel for the Respondent finally prayed for dismissal of the appeal being devoid of merits.
6. Arguments heard and the record perused. Following are our observations:
- 6.1 In the instant case, the Respondent claimed that the M&T team on 07.11.2018 detected that the impugned meter was intentionally tampered (loop installed) and debited a detection bill of 10,337 units for six months for the period from May 2018 to October 2018 to the Appellant on the basis of connected load. i.e. 12.812 kW. The Appellant admitted theft of electricity through submission of the undertaking and paid Rs.100,000/- against the impugned detection bill.





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6.2 To further verify the contention of the Respondent regarding the illegal abstraction of electricity, the consumption data of the Respondent as provided by the Appellant is examined in the below table:


Disputed period		Corresponding months	
Month	Units	Month	Units
May-18	486	May-19	1262
Jun-18	619	Jun-19	1007
Jul-18	558	Jul-19	1029
Aug-18	327	Aug-19	1210
Sep-18	633	Sep-19	988
Oct-18	1069	Oct-19	1245
Average	615	Average	1123

Perusal of the consumption data reveals that the average consumption of the Appellant during the disputed period i.e. May 2018 to October 2018 is much lesser than the average consumption of the corresponding months of the year 2019. This indicates that the impugned meter did not record actual consumption during the disputed period due to the theft of electricity committed by the Appellant. Hence, we are of the considered view that the detection bill of 10,337 units for six months for the period from May 2018 to October 2018 charged by the Respondent to the Appellant on the basis of connected load is justified and payable by the Appellant.

6. Foregoing in view, the appeal is dismissed and the decision of POI is upheld.

On leave
Abid Hussain
Member/Advisor (CAD)


Muhammad Irfan-ul-Haq
Member/ALA (Lic.)


Naweed Illahi Sheikh
Convener/DG (CAD)

Dated: 08-03-2024

