



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

NEPRA Office , Ataturk 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/082/2023/ 3/7

March 11, 2024

1. Abdul Majeed,
S/o. Abdul Rasheed,
R/o. Street No. 28, Qasim Town,
Jamia Qasimia Road/Ratta Road,
Gujranwala

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

3. Rai Shahid Abbas,
Advocate High Court
Jalal Law Associates,
Office No. 8, Ground Floor,
CM Centre, Mozang Road,
Lahore
Cell No. 0322-4852225

4. Muhammad Jalil Kamboh,
Advocate High Court,
110-Kiyani Chambers,
Session Courts, Gujranwala
Cell No. 0320-6301130

5. Sub Divisional Officer,
GEPCO Ltd,
Civil Lines Sub Division,
Gujranwala

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

Subject: Appeal No.082/2023 (GEPCO Vs. Abdul Majeed) Against the Decision Dated 14.06.2023 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 11.03.2024 (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. 082/POI-2023

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Abdul Majeed S/o. Abdul Rasheed,
R/o. Ratta Road, Gujranwala

.....Respondent

For the Appellant:

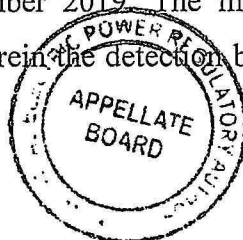
Mr. Khalid Tanvir Addl. AM(O)
Mr. Talal Addl. AM (O)

For the Respondent:

Mr. Muhammad Jalil Advocate
Mr. Abdul Majeed

DECISION

1. Briefly speaking, Mr. Abdul Majeed (hereinafter referred to as the "Respondent") is a domestic consumer of Gujranwala Electric Power Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.15-12121-0882500 with sanctioned load of 1 kW and the applicable tariff category is A-1(a). The defective meter of the Respondent was replaced with a new meter by the Appellant on 22.08.2019 and sent to the M&T laboratory for data retrieval. During M&T checking of the Appellant dated 25.11.2019, the impugned meter of the Respondent was found tampered with (hole in the body) for stealing electricity, therefore FIR was lodged against him and the electricity of the premises was disconnected by the Appellant. Thereafter, a detection bill of Rs.36,997/- against 13,934 units for six months for the period from April 2019 to September 2019 was debited to the Respondent on the basis of the connected load and added to the bill for December 2019.
2. Being aggrieved with the abovementioned actions of the Appellant, the Respondent initially filed civil suit before the civil court Gujranwala and subsequently filed an appeal before the Session Judge Gujranwala, which has been dismissed. Later on, the Respondent approached the Provincial Office of Inspection, Gujranwala Region, Gujranwala (hereinafter referred to as the "POI") on 12.10.2022 and challenged the above detection bill and 815 units excessively charged in September 2019. The matter was disposed of by the POI vide decision dated 14.06.2023, wherein the detection bill of Rs.36,997/- for 13,934 units for six





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months for the period from April 2019 to September 2019 and 812 units excessively charged were declared as null and void and the Appellant was directed to withdraw the same.

3. Being dissatisfied, the Appellant filed the instant appeal before the NEPRA against the afore-referred decision of the POI (hereinafter referred to as the "impugned decision"). In its appeal, the Appellant contended that the impugned meter was replaced with a new meter on 22.08.2019 and subsequently checked by the M&T, whereby it was declared tampered (hole in the body), therefore a detection bill of Rs.36,997/- against 13,934 units for six months for the period from April 2019 to September 2019 was debited to the Respondent. The Appellant further contended that the above detection bill was challenged before the civil court from where the case was dismissed against which he filed an appeal before Session Judge Gujranwala, which was also dismissed. As per the Appellant, the POI has not thrashed out the consisting reasons of the Appellant in the matter and passed the illegal order, which is bad in law and against the facts of the case. The Appellant prayed for setting aside the impugned decision.
4. Notice dated 25.09.2023 was sent to the Respondent for reply/parawise comments to the appeal, which were filed on 04.10.2023. In his reply, the Respondent rebutted the version of the Appellant and contended that the Appellant debited an excessive 815 units in September 2019 on the basis of fictitious reading and through subsequent unilateral checking dated 25.11.2019 alleged for theft of electricity through tampering with the meter. The Respondent further contended that the Appellant kept the impugned meter in their custody for more than three months after its removal, hence the entire proceedings initiated by the Appellant are illegal. As per Respondent, the POI is the competent forum to adjudicate the matter of theft of electricity under Section 38 of the NEPRA Act, hence the dispute was raised before the said forum. The Respondent finally prayed for the dismissal of the appeal with cost.
5. **Hearing:**
 - 5.1 After issuing notices to both parties, the hearing was conducted at the NEPRA Regional Office Lahore on 16.12.2023 wherein, both the Appellant and the Respondent tendered appearance. The Appellant averred that the detection bill of Rs.36,997/- against 13,934 units for six months for the period from April 2019 to September 2019 was debited to the Respondent on account of theft of electricity committed through tampering with the meter as declared by the M&T vide report dated 25.11.2019. The Appellant stated that the above detection bill was cancelled by the POI vide the impugned decision without consideration of facts and perusal of the record. He prayed to allow the entire detection bill.





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5.2 On the contrary, learned counsel for the Respondent denied the allegation of theft of electricity and argued that the entire actions including the charging of the above detection bill are illegal, unlawful, and not in line with provisions of CSM-2021. Learned counsel for the Respondent stated that the Appellant neither followed the procedure as laid down in Chapter 9 of the CSM-2021 nor could produce the impugned meter before the POI for verification of alleged tampering. He informed that the Appellant disconnected the electricity of the premises due to non-payment of the impugned detection bill and the premises has been without electricity for the last three years. He prayed that the Appellant be directed to restore the electricity of the premises and refrain the Appellant from its disconnection due to non-payment of arrears pertaining to the impugned detection bill. He further pleaded that the impugned detection bill be set aside in the best interest of justice.

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

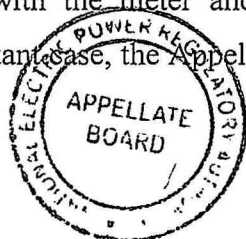
6.1 The Respondent disputed the detection bill of Rs.36,997/- against 13,934 units for six months for the period from April 2019 to September 2019 and 815 units excessively charged in September 2019 before the POI:

6.2 Detection bill of Rs.36,997/- against 13,934 units for six months for the period from April 2019 to September 2019

The defective meter of the Respondent was replaced with a new meter by the Appellant on 22.08.2019 and sent to the M&T laboratory for data retrieval. As per the M&T report dated 25.11.2019, the impugned meter of the Respondent was declared tampered with (hole found in the body) for stealing electricity, therefore FIR was lodged against him, and a detection bill of Rs.36,997/- for 13,934 units for six months for the period from April 2019 to September 2019 was debited to the Respondent on the basis of the connected load and added to the bill for December 2019.

6.3 Having found the above discrepancies, the Appellant was required to follow the procedure stipulated in Clause 9.1(c) of the CSM-2010 to confirm the illegal abstraction of electricity by the Respondent and thereafter charge the Respondent accordingly. However, in the instant case, the Appellant has not followed the procedure as stipulated under the ibid clause of the CSM-2010. From the submissions of the Appellant, it appears that the billing meter of the Respondent was checked and removed by the Appellant in the absence of the Respondent.

6.4 As per the judgment of the Supreme Court of Pakistan reported in *PLD 2012 SC 371*, the POI is the competent forum to check the metering equipment, wherein theft of electricity was committed through tampering with the meter and decide the fate of the disputed bill, accordingly. However, in the instant case, the Appellant did not produce the impugned meter





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before the POI for verification of the allegation regarding tampering with the impugned meter of the Respondent.

- 6.5 To further verify the contention of the Appellant regarding the illegal abstraction of electricity, the consumption data of the Respondent as provided by the Appellant is given below:

Period before dispute		Disputed period		Period after dispute	
Month	Units	Month	Units	Month	Units
Apr-18	184	Apr-19	236	Apr-20	197
May-18	221	May-19	553	May-20	220
Jun-18	268	Jun-19	919	Jun-20	297
Jul-18	831	Jul-19	815	Jul-20	409
Aug-18	176	Aug-19	204	Aug-20	532
Sep-18	165	Sep-19	815	Sep-20	533
Average	307	Average	590	Average	365

Perusal of the consumption data of the Respondent even does not support the version of the Appellant for charging the detection bill @ 2,322 units per month for the disputed period as the consumption of the Respondent during the disputed period is much higher than the consumption of corresponding periods before and after the dispute. Hence there is no justification to debit any detection bill to the Respondent.

- 6.6 In view of the foregoing discussion, we are of the considered view that the detection bill amounting to Rs.36,997/- for 13,934 units for six months for the period from April 2019 to September 2019 charged by the Appellant to the Respondent on the basis of connected load is unjustified and the same is cancelled, which is also the determination of the POI.
- 6.7 Similarly, the determination of the POI for a refund of excessive 812 units is correct and we do not find any reason to interfere with the same, hence the impugned decision to this extent is maintained.
7. Foregoing in view, the appeal is dismissed.

On leave

Abid Hussain
Member

Muhammad Irfan-ul-Haq
Member

Naweed Illahi Sheikh
Convener

Dated: 11-03-2024

Appeal No.082/POI-2023

