



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

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No. NEPRA/Appeal/083/2023/ 327


March 12, 2024

1. Mian Gulzar Ahmad,
S/o. Ghulam Rasool,
R/o. Bajwa 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,
G. T. Road Sub Division,
Gujranwala
6. POI/Electric Inspector,
Gujranwala Region,
Energy Department, Govt. of Punjab,
Munir Chowk, Near Kacheri Road,
Gujranwala

Subject: Appeal No.083/2023 (GEPCO Vs. Mian Gulzar Ahmad) Against the Decision Dated 12.07.2023 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 12.03.2024 (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.083/POI-2023

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Mian Gulzar Ahmed S/o. Ghulam Rasool,

R/o. Bajwa Road, Gujranwala

.....Respondent

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

For the Appellant:

Mr. Khalid Tanvir Advocate

For the Respondent:

Mr. Muhammad Jalil

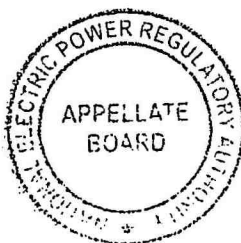
DECISION

1. Brief facts leading to the filing of instant appeal are that Mian Gulzar Ahmed (hereinafter referred to as the "Respondent") is an industrial consumer of Gujranwala Electric Power Company Limited (hereinafter referred to as the "the Appellant") bearing Ref No. 24-12125-1408900 with sanctioned load of 15 kW and the applicable tariff category is B-1(b). Reportedly, the discrepancy of illegal extension of load and misuse of the tariff was initially noticed by the Appellant in November 2021 when the MDI of the Respondent was recorded as 58 kW higher than the sanctioned load of 15 kW. For which a notice dated 29.11.2021 was issued to the Respondent regarding illegal extension of load and misuse of tariff. Subsequently, the Appellant issued another notice dated 26.07.2022 to the Respondent regarding misuse of tariff and illegal extension of load i.e. 49 kW. Later on, the Appellant issued third notice dated 07.12.2022 to the Respondent for illegal extension of load and debited a detection bill of Rs.871,873/- for twenty-four (24) months for the period from January 2021 to December 2022 on account of misuse of tariff i.e. B-2 instead of B-1 and added to the bill for December 2022.

2. Being aggrieved, the Respondent filed an application before the Provincial Office of Inspection, Gujranwala Region, Gujranwala (hereinafter referred to as the "POI") on 17.01.2023 and challenged the abovementioned detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 12.07.2023, wherein the

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detection bill of Rs.871,873/- for twenty-four (24) months for the period from January 2021 to December 2022 was cancelled and the Appellant was directed to revise the detection bill for six (06) months for the period from July 2022 to December 2022 due to misuse of tariff i.e. B-2 instead of B-1.

3. Subject appeal has been filed against the afore-referred decision dated 12.07.2023 of the POI by the Appellant before the NEPRA. In its appeal, the Appellant opposed the impugned decision *inter alia*, on the following grounds that the Respondent was found using load beyond the sanctioned load for a long period, which falls under the tariff B-2; that the detection bill of Rs.871,873/- for twenty-four (24) months for the period from January 2021 to December 2022 debited to the Respondent is quite legal, justified and payable by the Respondent; that the POI has not thrashed out the consisting reasons and assed the illegal order, which is bad in the law and against the facts of the case; and that the impugned decision is liable to be set aside.

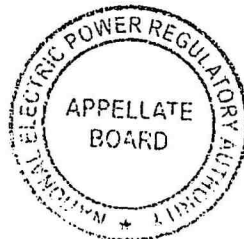
4. Proceedings by the Appellate Board

- 4.1 Upon filing of the instant appeal, a notice dated 25.09.2023 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 10.10.2023. In his reply, the Respondent rebutted the version of the Appellant regarding misuse of tariff and contended that the Appellant debited the impugned detection bill of Rs.871,873/- for twenty-four (24) months for the period from January 2021 to December 2022 in violation of instruction laid down in Chapter 7 of the CSM-2021. The Respondent further contended that the POI after correct perusal of the record revised the detection bill for six months, which is in accordance with the applicable law. The Respondent defended the impugned decision and prayed for upholding the same.

5. Hearing

- 5.1 Hearing in the matter was conducted at NEPRA Regional office Lahore on 16.12.2023, wherein learned counsels for both the Appellant and the Respondent tendered appearance. Learned counsel for the Appellant contended that the Respondent was found using the load beyond the sanctioned load, which falls under the tariff category B-2, therefore the detection bill amounting to Rs.871,873/- for twenty-four (24) months for the period from January 2021 to December 2022 was debited to him on account of misuse of tariff. As per learned counsel for the Appellant, the impugned decision for cancellation of the above detection bill and revision of the same for six months is without any justification and the same is liable to be set aside.

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5.2 On the contrary, learned counsel for the Respondent repudiated the stance of the Appellant and argued that if the Respondent was involved in illegal extension of load for a long period as to why the Appellant did not take any coercive action against him. As per learned counsel for the Respondent, the POI has rightly cancelled the detection bill being charged in violation of provisions of the CSM-2021. Learned counsel prayed for dismissal of the appeal being devoid of merits.

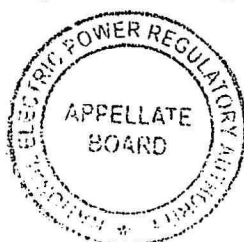
6. Arguments heard and the record perused. Following are our observations:

6.1 Reportedly, the discrepancy of illegal extension of load and misuse of the tariff was initially noticed by the Appellant in November 2021 when the MDI of the Respondent was recorded as 58 kW instead of the sanctioned load of 15 kW. For which a notice dated 29.11.2021 was issued to the Respondent regarding illegal extension of load and misuse of tariff. Later on, the Appellant issued another notice dated 26.07.2022 to the Respondent regarding misuse of tariff and illegal extension of load i.e. 49 kW. The Appellant issued third notice dated 07.12.2022 to the Respondent for illegal extension of load and debited a detection bill of Rs.871,873/- for twenty-four (24) months i.e. from January 2021 to December 2022 on account of misuse of tariff. To verify the contention of the Appellant regarding misuse of tariff and illegal extension of load, the billing statement of the Respondent for the disputed period is reproduced below:

| Year | 2021 | | 2022 | |
|-----------|-------|-----|-------|-----|
| Month | Units | MDI | Units | MDI |
| January | 5808 | 49 | 5649 | 57 |
| February | 5243 | 45 | 7545 | 50 |
| March | 5692 | 50 | 4217 | 54 |
| April | 4964 | 47 | 8460 | 50 |
| May | 5283 | 49 | 4563 | 48 |
| June | 6660 | 48 | 7026 | 49 |
| July | 7554 | 56 | 5354 | 64 |
| August | 5093 | 53 | 5890 | 61 |
| September | 6309 | 60 | 6493 | 58 |
| October | 7031 | 55 | 5921 | 51 |
| November | 7531 | 58 | 6218 | 57 |
| December | 5471 | 55 | | |

It is obvious that higher MDI of the Respondent was recorded during the disputed period as compared to the sanctioned load i.e. 15 kW, which falls under the tariff category B-2. However, the Appellant did not point out the illegal extension of load and misuse of tariff during the monthly meter readings before November 2021. Though, a notice dated 29.11.2021 was issued to the Respondent reading misuse of tariff, however, the Appellant

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failed to change the tariff from B-1 to B-2 immediately and to charge the detection bill for six retrospective months i.e. June 2021 to November 2021 due to misuse of the tariff as required in Clause 7.5.2 of the CSM-2021. It is observed that the Appellant debited the provisional detection bill of Rs.871,873/- for twenty-four (24) months for the period from January 2021 to December 2022 to the Respondent on account of misuse of tariff, however, neither provided any detail in this regard nor could justify the charging of the impugned detection bill. It is further observed that the impugned detection bill was charged beyond six billing cycles on account of misuse of tariff and after a lapse of more than one year, which is contrary to Clause 7.5.3 of the CSM-2021.

6.2 In view of the foregoing discussion, we are of the considered view that the POI has rightly cancelled the detection bill of Rs.871,873/- for twenty-four (24) months for the period from January 2021 to December 2022 debited by the Appellant and the Respondent is not responsible to pay the same.

6.3 Since the discrepancy of misuse of the tariff was initially observed by the Appellant on 29.11.2021, the Respondent is liable to be debited the revised bills w.e.f November 2021 and onwards on account of misuse of tariff i.e. B-2 instead of B-1 as per Clause 7.5.3 of the CSM-2021. The impugned decision is liable to be modified to this extent.

7. Summing up the foregoing discussion, it is concluded as under:

7.1 The detection bill of Rs.871,873/- for twenty-four (24) months for the period from January 2021 to December 2022 is unjustified and the same is cancelled.

7.2 The connection of the Respondent falls under the B-2 tariff category. He may be charged the revised bills w.e.f November 2021 and onwards by the Appellant on account of misuse of tariff i.e. B-2 instead of B-1 as per Clause 7.5.3 of the CSM-2021 as stated at para 6.3 above.

7.3 The billing account of the Respondent may be overhauled after adjustment of payment made against the impugned detection bill.

8. The appeal is disposed of in the above terms.

On leave

Abid Hussain
Member

Dated: 12-03-2024

Appeal No.083/POI-2023

Naweed Illahi Sheikh
Convener

Muhammad Irfan-ul-Haq
Member

