



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

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No. NEPRA/Appeal/116/2022/ 326

March 12, 2024

1. Muhammad Ilyas,  
S/o. Muhammad Bashir Nasir,  
M/s. Zubair Enterprises, Kaseesay Road,  
Jalalpur Bhattian, Tehsil Pindi Bhattian,  
District Hafizabad

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  
Cell No. 0300-4350899

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


5. Sub Divisional Officer,  
GEPCO Ltd,  
Jalalpur Bhattian Sub Division,  
District Hafizabad

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

Subject: Appeal No.116/2022 (GEPCO Vs. Muhammad Ilyas) Against the Decision Dated 29.12.2021 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 12.03.2024 (05 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.116/POI-2022

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Muhammad Ilyas S/o. Muhammad Bashir Nasir,  
M/s. Zubair Enterprises, Kaseesay Road, Jalalpur Bhattian,  
Tehsil Pindi Bhattian, District Hafizabad

.....Respondent

### **APPEAL UNDER SECTION 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997**

#### For the Appellant:

Mr. Saeed Ahmed Bhatti Advocate  
Mr. Zulfiqar Ali Bhatti Commercial Assistant

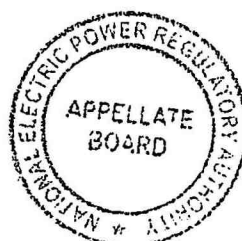
#### For the Respondent:

Mr. Muhammad Jalil Advocate

### DECISION

1. As per the facts of the case, Mr. Muhammad Ilyas (hereinafter referred to as the "Respondent") is an industrial consumer of Gujranwala Electric Power Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.28-12251-0001000 having a sanctioned load of 950 kW and the applicable tariff category is B-3(b). The metering equipment of the Respondent was checked by the M&T team checking of the Appellant on 27.04.2021, wherein the billing meter of the Respondent was found defective with vanished display, whereas the date and time of the backup meter was found upset. Therefore, the impugned billing and backup meters of the Respondent were replaced with new meters by the Appellant in April 2021. Thereafter, the Appellant debited a bill of Rs.4,636,673/- for 182,980 units+760 kW MDI to the Respondent for April 2021.
2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Gujranwala Region, Gujranwala (hereinafter referred to as the "POI") on 17.06.2021 and challenged the bill of April 2021 with the plea that excessive units were debited by the Appellant as compared to the readings of the old meter noted on MCO dated 27.04.2021. The

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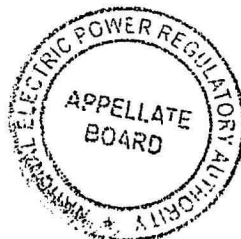


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complaint of the Respondent was disposed of by the POI vide decision dated 29.12.2021, wherein the Appellant was directed to refund excessive 888 kW MDI and 64,852 units to the Respondent debited in March 2021 and April 2021 respectively. The Appellant was further directed to overhaul the billing account of the Respondent, accordingly.

3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 29.12.2021 of the POI (hereinafter referred to as the "impugned decision"). In its appeal, the Appellant opposed the maintainability of the impugned decision *inter alia*, on the following grounds that the billing meter was replaced with a new meter on 27.04.2021 and checked in M&T lab; that the bill of Rs.4,636,673/- for 182,980 units+760 kW MDI was debited to the Respondent for April 2021; that the 74,744 units were credited keeping in view of M&T result; that inspite of redressal of grievance of the Respondent by refunding 74,744 units for April 2021, he impugned the bills for March 2021 and April 2021 before the POI; that the impugned decision is against the law and facts of the case; that the POI misconceived and misconstrued the real facts of the case and erred in holding that 139,596 units excessively charged and directed the Appellant to refund 888 kW MDI and 64,852 units to the Respondent excessively debited in March 2021 and April 2021 respectively; that the POI failed to decide the matter within 90 days, which is violative of Section 26(6) of the Electricity Act 1910; that the Respondent failed to serve notice to the Appellant prior filing complaint before the POI as per Section 24 of the Electricity Act, 1910; and that the impugned decision is liable to be set aside.
4. Notice dated 26.10.2022 of the appeal was issued to the Respondent for filing reply/para-wise comment, which were filed on 11.11.2022. In his reply, the Respondent rebutted the version of the Appellant regarding the bill of April 2021 and argued that the Appellant debited 139,596 excessive units in April 2021 against which 74,744 units were refunded in May 2021, whereas the remaining excessive units were denied by them. The Respondent contended that the Appellant itself admitted before the POI that the screen of the impugned meter was faint whereas the bill of April 2021 was debited on account of vanished display and the basis of said bill was made on the consumption of the corresponding month of the previous year. The Respondent further contended that the reading of the impugned old meter at the time of replacement on 27.04.2021 was noted as 24,501.572, whereas the bill of April 2021 was debited with reading index noted as 24571.37, thus the bill of April 2021 was debited on the basis of excessive readings by the Appellant. As per Respondent, the Appellant failed to prove

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the impugned billing as legal, valid, and justified, hence the impugned decision is highly justified. The Respondent finally prayed for the dismissal of the appeal.

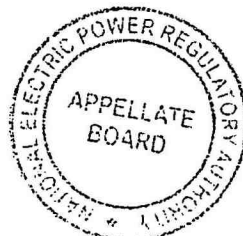
### 5. Hearing

5.1 Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 16.12.2023, wherein learned counsels appeared for both the Appellant and the Respondent. Learned counsel for the Appellant contended that the billing meter of the Respondent was found defective with vanished display in April 2021, therefore it was replaced with a new meter on 27.04.2021. Learned counsel for the Appellant averred that the bill of April 2021 was debited on the basis of consumption of the corresponding month of the previous year, which however was assailed by the Respondent, therefore a credit of 74,744 units was afforded to the Respondent in May 2021. As per learned counsel for the Appellant, the grievance of the Respondent was redressed, hence there is no justification to dispute the matter before the POI, who overlooked the consumption pattern of the Respondent and directed to afford further credit of 888 kW MDI and 64,852 units to the Respondent excessively debited in March 2021 and April 2021 respectively. Learned counsel for the Appellant prayed that the impugned decision is unjustified and liable to be struck down.

5.2 Learned counsel for the Respondent repudiated the version of the Appellant and averred that there is a huge difference between the reading noted at the time of removal of the impugned old meter on 27.04.2021 and the reading charged in the bill of April 2021, therefore the bill of April 2021 was agitated before the Appellant, from where credit of 74,744 units was afforded instead of 139,596 excessive units debited in April 2021. Learned counsel for the Appellant contended that the bill of March 2021 was charged with excessive MDI reading, which does not match with the MDI reading of the old meter noted at the time of replacement of the impugned old meter on 27.04.2021. Learned counsel for the Respondent supported the impugned decision for refund of 888 kW MDI and 64,852 units and prayed for upholding the same.

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

6.1 While addressing the objection of the Appellant regarding the jurisdiction of the POI, the Respondent filed his complaint before the POI on 17.06.2021 under Section 38 of the NEPRA Act. POI pronounced its decision on 29.12.2021 i.e. after ninety (90) 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





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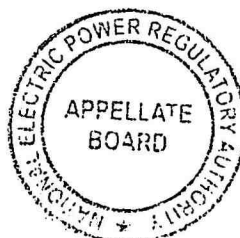
forum of POI has been established under Section 38 of the NEPRA Act which does not put a restriction of 90 days on POI to decide complaints. Section 38 of the NEPRA Act overrides provisions of the Electricity Act, of 1910. Reliance in this regard is placed on the judgments of the honorable Lahore High Court Lahore reported in *2017 PLJ 627 Lahore* and *2017 PLJ 309 Lahore*. Keeping in view the overriding effect of the NEPRA Act on the Electricity Act, 1910, and the above-referred decisions of the honorable High Court, the objection of the Appellant is dismissed.

6.2 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 and, therefore overruled.

6.3 As per the available record, the display of the billing meter of the Respondent became defective in the month of April 2021 and it was replaced with a new meter by the Appellant on 27.04.2021. Thereafter, the Appellant debited a bill of Rs.4,636,673/- for 182,980 units + 760 kW MDI to the Respondent for April 2021. Subsequently, the Respondent assailed the above bill before the POI with the plea that the excessive units and MDI were debited by the Appellant, which are not in line with the kWh and MDI readings index noted at the time of removal of the old meter on 27.04.2021.

6.4 Perusal of the M&T checking report dated 27.04.2021 transpires that the display of the billing meter of the Respondent was found defective, whereas the Appellant mentioned the final reading index of the impugned meter as 24,501. If the reading of the impugned meter was readable, why did the Appellant replace the same with a new meter due to the vanished display? The Appellant even did not retrieve the data of the impugned meter. Hence, the reading index given in the checking report dated 27.04.2021 cannot be considered credible for the determination of the fate of the impugned bill for April 2021. This is gross negligence on the part of the Appellant.

6.5 To verify the contention of the Respondent regarding the excessive billing for April 2021, the consumption charged to the Respondent in April 2021 is compared below with the consumption of the corresponding month of the previous year and the average consumption of the last eleven undisputed months:





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Disputed		Undisputed		Eleven months	
Apr-21	182980	Apr-20	182980	May-20	114520
				Jun-20	133800
				Jul-20	154980
				Aug-20	158660
				Sep-20	172040
				Oct-20	157880
				Nov-20	298380
				Dec-20	293680
				Jan-21	266260
				Feb-21	128180
				Mar-21	125040
				Average	2003420


Examination of the above consumption data shows that the consumption charged in April 2021 is similar to the consumption of April 2020 and much less than the average consumption of the last eleven months. Thus the plea of the Respondent against the excessive bill for April 2021 has no force and the same is rejected.


6.6 In view of the foregoing discussion, we conclude that the bill amounting to Rs.4,636,673/- for 182,980 units +760 kW MDI debited to the Respondent for April 2021 by Appellant on DEF-EST code is justified and payable by the Respondent.

6 Foregoing in view, this Appeal is accepted and the impugned decision is set aside.

On leave  
Abid Hussain  
Member/Advisor (CAD)

Dated: 12-03-2024

  
Naweed Illahi Sheikh  
Convener/DG (CAD)

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

