



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

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No. NEPRA/Appeal/133/2021/ 3//

March 08, 2024

1. Rai Javed Iqbal,
S/o. Rai Muhammad Nawaz,
R/o. Peelo, Tehsil & 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. Sub Divisional Officer (Operation),
IESCO Ltd,
Vanike Tarar Sub Division,
Vanike Tarar, District Hafizabad

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

Subject: **Appeal No.133/2021 (GEPCO Vs. Rai Javed Iqbal) Against the Decision Dated 28.08.2020 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 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.133/POI-2021

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Rai Javed Iqbal S/o. Rai Muhammad Nawaz,
R/o. Peeloo, Tehsil & 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

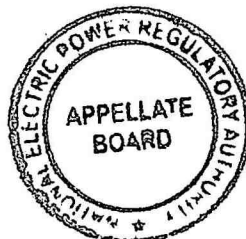
For the Respondent:

Nemo

DECISION

1. As per the facts of the case, Rai Javed Iqbal (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.24-12254-0991315 having a sanctioned load of 9.86 kW and the applicable tariff category is B-1(b). The billing meter of the Respondent became defective (burnt out), hence it was replaced with a new meter by the Appellant in August 2017. Subsequently, the M&T team of the Appellant vide report dated 06.09.2017 declared the billing meter of the Respondent as defective and recommended to charge 25,661 units to the Respondent being the difference of final reading retrieved and the units charged till August 2017. Resultantly, a detection bill of Rs.371,507/- for 25,661 units was debited to the Respondent by the Appellant for August 2017.
2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Gujranwala Region, Gujranwala (hereinafter referred to as the "POI") on 19.06.2019 and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide decision dated 28.08.2020, wherein it was held that the detection bill of Rs.371,507/- for 25,661 units is void, unjustified, and of no legal effect and the

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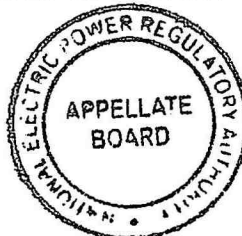




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Appellant is allowed to charge revised bill of 16,155 units for August 2017 as per consumption of corresponding month of the year 2018.

3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 28.08.2020 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 and checked in M&T lab; that 25,661 units were found uncharged due to a defective meter; 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 declaring the detection bill of Rs. 371,507/- for 25,661 units as null and void; that the POI failed to consider the consumption data in true perspective and revise the bill of August 2017 as per consumption of August 2018; 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 29.11.2021 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed.
5. **Hearing**
Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 16.12.2023, wherein learned counsel appeared for the Appellant and the Respondent did not tender appearance. Learned counsel for the Appellant contended that the billing meter of the Respondent was found defective, therefore it was replaced with a new meter by the Appellant and subsequently checked by the M&T team on 06.09.2017, wherein 25,661 units were found uncharged, therefore the detection bill of Rs.371,507/- for 25,661 units was debited to the Respondent. Learned counsel for the Appellant argued that the POI did not consider the real aspects of the case and erroneously declared the above detection bill as null and void. Learned counsel for the Appellant prayed that the impugned decision is unjustified and liable to be struck down.
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 19.06.2019 under Section 38 of the NEPRA Act. POI pronounced its decision on 28.08.2020 i.e. after ninety (90) days of receipt



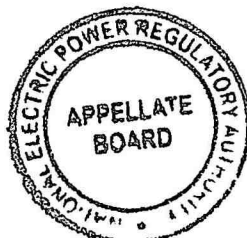


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of the complaint. The Appellant has objected that the POI was bound to decide the matter within 90 days under Section 26(6) of the Electricity Act, 1910. In this regard, it is observed that the forum of POI has been established under Section 38 of 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, 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 billing meter of the Respondent became defective in the month of August 2017 and it was replaced with a new meter by the Appellant and checked by the M&T team of the Appellant. Subsequently, the impugned meter was checked by the M&T team of the Appellant, which vide report dated 06.09.2017 declared the same as defective, and 25,661 units were found uncharged. Therefore, the Appellant charged a detection bill of Rs.371,507/- for 25,661 units to the Respondent in August 2017, which was assailed by him before the POI.
- 6.4 The Appellant neither produced the impugned meter before the POI for verification of the alleged difference of reading and accuracy. The Appellant even did not submit any document before the NEPRA as well as the POI to substantiate their stance that the impugned meter recorded such a high consumption of 25,561 units in only one month i.e. August 2017. Clause 4.4(e) of the Consumer Service Manual 2010 (the "CSM-2010") empowers the Appellant to recover their revenue loss by debiting the detection bill maximum for two months in case of defectiveness of the metering equipment. Whereas the Appellant debited the detection bill on account of uncharged units for indefinite period, which is violative of Clause 4.4(e) of the CSM-2010.

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6.5 To further verify the contention of the Appellant regarding the impugned detection bill, the consumption data of the Respondent is analyzed in the below table:

Corresponding months		Disputed period		Corresponding months	
Month	Units	Month	Units	Month	Units
Mar-16	1733	Mar-17	1051	Mar-18	5119
Apr-16	860	Apr-17	668	Apr-18	2054
May-16	2748	May-17	2782	May-18	6079
Jun-16	1950	Jun-17	1801	Jun-18	2545
Jul-16	2433	Jul-17	2747	Jul-18	593
Aug-16	3890	Aug-17	25661	Aug-18	16155

6.6 The above table shows that the consumption of the Respondent recorded till July 2017 is compatible with the consumption of corresponding months of the preceding and succeeding years, however, the Appellant debited huge consumption of 25,661 units in August 2017, which is neither consistent with the sanctioned load of the Respondent nor realistic as compared to the consumption of August 2016 and August 2018. Hence the determination of the POI for cancellation of the detection bill of Rs.371,507/- for 25,661 units for August 2017 and revision of the same for 16,155 units as per consumption of August 2018 is correct and maintained.

7. Foregoing in view, this Appeal is dismissed.

On leave

Abid Hussain
Member/Advisor (CAD)

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

Naweed Illahi Sheikh
Convener/DG (CAD)

Dated: 08-03-2024

