



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/162/2021/ 318


March 11, 2024

1. Muhammad Gulfam,
S/o. Muhammad Iqbal,
Near Sialkot Bye-Pass,
Gujranwala
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
4. Muhammad Jalil Kamboh,
Advocate High Court,
110-Kiyani Chambers,
Session Courts, Gujranwala
5. Sub Divisional Officer,
GEPCO Ltd,
Aroop Sub Division,
Gujranwala
6. POI/Electric Inspector,
Gujranwala Region,
Energy Department, Govt. of Punjab,
Munir Chowk, Near Kacheri Road,
Gujranwala

Subject: Appeal No.162/2021 (GEPCO Vs. Muhammad Gulfam) Against the Decision Dated 26.05.2021 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 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.162/POI-2021

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Muhammad Gulfam S/o. Muhammad Iqbal,
Near Sialkot Bypass, Gujranwala

.....Respondent

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

For the Appellant:

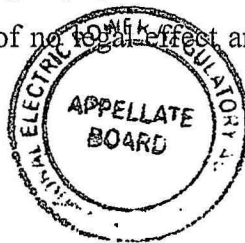
Mr. Saeed Ahmed Bhatti Advocate

For the Respondent:

Mr. Muhammad Jalil Advocate

DECISION

1. Briefly speaking, Mr. Muhammad Gulfam (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.27-12212-1306100 having a sanctioned load of 26 kW and the applicable tariff category is B-2(b). The billing meter of the Respondent was checked by the metering and testing (M&T) team of the Appellant on 21.08.2020, and reportedly, it was found 66% slow due to the two phases being dead. Notice dated 09.09.2020 was issued to the Respondent regarding 66% slowness of the meter and the impugned meter was replaced with a new meter by the Appellant in September 2020. Thereafter, a detection bill of Rs.684,855/- for 27,048 units for eight (08) months i.e. from December 2019 to July 2020 was debited to the Respondent @ 66% slowness of the meter and added to the bill for October 2020.
2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Gujranwala Region, Gujranwala (hereinafter referred to as the "POI") on 26.10.2020 and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide decision dated 26.05.2021, wherein the detection bill of Rs.684,855/- for 27,048 units for eight (08) months i.e. from December 2019 to July 2020 was declared void, unjustified and of no legal effect and the Appellant is allowed to charge





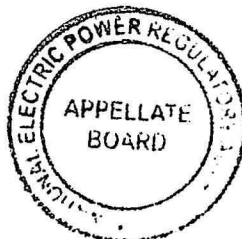
National Electric Power Regulatory Authority

revised detection bill for two months i.e. June 2020 and July 2020 after adding 66% slowness of the meter.

3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 26.05.2021 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 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.684,855/- for 27,048 units for eight (08) months i.e. from December 2019 to July 2020 as null and void; that the POI failed to consider the consumption data in true perspective and revise the detection bill for two months i.e. June 2020 and July 2020 @ 66% slowness of the meter; 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 12.01.2022 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed by him.

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 66% slow during checking dated 21.08.2020, therefore the detection bill of Rs.684,855/- for 27,048 units for eight (08) months i.e. from December 2019 to July 2020 was debited to the Respondent @ 66% slowness of the meter. 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.
- 5.2 Conversely, learned counsel for the Respondent repudiated the version of the Appellant and contended that Clause 4.4(e) of the CSM-2010 empowers the Appellant to debit slowness of the meter maximum for two months, whereas the impugned detection bill was debited for eight months to account for 66% slowness of the meter, which is inconsistent with the foregoing clause of the CSM-2010. As per learned counsel for the Respondent, the POI has





National Electric Power Regulatory Authority

rightly revised the detection bill for two months i.e. June 2020 and July 2020 due to 66% slowness of the meter and the impugned decision is liable to be maintained.

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

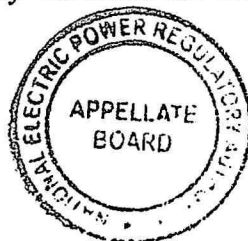
6.1 While addressing the objection of the Appellant regarding the jurisdiction of the POI, the Respondent filed his complaint before the POI on 26.10.2020 under Section 38 of the NEPRA Act. POI pronounced its decision on 26.05.2021 i.e. after ninety (90) days of receipt of the complaint. The Appellant 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 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 M&T report dated 21.08.2020, two phases of the billing meter were found dead, therefore, the Appellant charged a detection bill of Rs.684,855/- for 27,048 units for eight (08) months i.e. from December 2019 to July 2020 to the Respondent due to 66% slowness of the meter, which was assailed by him before the POI.

6.4 Clause 4.4(e) of the CSM-2010 restricts the Appellant to recover their revenue loss by debiting the detection bill maximum for two months in case of slowness of the metering equipment, whereas in the instant case, the Appellant debited the detection bill for eight months due to 66% slowness of the meter, which is violation of ibid clause of the CSM-2010. Therefore, the POI has rightly cancelled the detection bill of Rs.684,855/- for 27,048





National Electric Power Regulatory Authority

units for eight (08) months for the period from December 2019 to July 2020 charged to the Respondent due to the 66% slowness of the meter.

6.5 66% slowness in the impugned billing meter of the Respondent was observed by the M&T team of the Appellant on 21.08.2020, therefore, the Respondent is liable to be charged the revised detection bill for two billing cycles prior to checking dated 21.08.2020 after adding 66% slowness, according to Clause 4.4(e) of the CSM-2010.

6.6 Moreover, the bills w.e.f checking dated 21.08.2020 and onwards till the replacement of the impugned meter in September 2020 be revised by enhancing MF due to 66% slowness of the meter as laid down in Clause 4.4(c) of the CSM-2010.

7. In view of what has been stated above, it is concluded that:

7.1 the detection bill of Rs.684,855/- for 27,048 units for eight (08) months for the period from December 2019 to July 2020 debited to the Respondent is unjustified and the same is cancelled.

7.2 The Respondent may be charged the revised detection bill for two billing cycles before checking dated 21.08.2020 due to 66% slowness of the meter as per Clause 4.4(e) of the CSM-2010.

7.3 Similarly, the bills w.e.f M&T checking dated 21.08.2020 and onwards till the replacement of the impugned meter in September 2020 may be revised with enhanced MF due to 66% slowness of the meter as per Clause 4.4(c) of the CSM-2010.

7.4 The billing account of the Respondent be overhauled after making the adjustment of payments made against the impugned detection bill.

8. The impugned decision is modified in the above terms.

On leave

Abid Hussain
Member/Advisor (CAD)

Dated: 11-03-2024

Naweed Illahi Sheikh
Convener/DG (CAD)

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

