



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

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No. NEPRA/Appeal/012/2023/6/6

July 25, 2024

1. Ch. Muhammad Awais Arrain,  
S/o. Ch. Jan Muhammad Arrain,  
R/o. Jan House, Patan Road,  
Pindi Bhattian, District Hafizabad
2. Chief Executive Officer,  
FESCO Ltd,  
West Canal Road, Abdullah Pur,  
Faisalabad
3. Saeed Ahmed Bhatti,  
Advocate High Court,  
66-Khyber Block, Allama Iqbal Town,  
Lahore  
Cell No. 0300-4350899
4. Muhammad Azam Khokhar,  
Advocate High Court,  
10-Fatima Jinnah Chambers,  
Session Courts, Gujranwala  
Cell No. 0301-6434497
5. Sub Divisional Officer,  
GEPCO Ltd,  
Pindi 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.012/2022 (GEPCO VS. Ch. Muhammad Awais Arrain) Against the Decision Dated 29.06.2022 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 25.07.2024 (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.012/POI-2023

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Ch. Muhammad Awais Arrain S/o. Jan Muhammad Arrain,  
R/o. Jan House Patan Road Pindi Bhattian, 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. Bilal Khan SDO

#### For the Respondent:

Mr. Muhammad Azam Khokhar Advocate

### **DECISION**

1. As per the facts of the case, Ch. Muhammad Awais Arrain (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.28-12252-0000900-U having sanctioned load of 320 kW and the applicable tariff category is B-2(b). The display of the billing meter of the Respondent became defective, hence it was replaced with a new meter by the Appellant on 26.11.2020. Thereafter, a detection bill of Rs.424,617/- against 14,240 units was debited by the Appellant to the Respondent for November 2020 on the basis of healthy consumption of November 2019.
2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Gujranwala Region, Gujranwala (hereinafter referred to as the "POI") on 15.06.2021 and challenged the bills of October 2020 and November 2020. The complaint of the Respondent was disposed of by the POI vide decision dated 29.06.2022, wherein the Appellant was

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directed to refund 21,067 units excessively charged. 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 29.06.2022 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.424,617/- against 14,240 units as null and void; that the POI miserably failed to analyze the consumption data in true perspective; that the POI has failed to decide the matter within 90 days as given in Section 26(6) of the Electricity Act 1910; that the complaint could not be entertained as no notice as required u/s 26(6) of Electricity Act 1910 was ever served upon the Appellants before filing the same and that the impugned decision is liable to be set aside.

4. Notice dated 02.02.2023 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed.

5. Hearing

- 5.1 Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 02.03.2024, 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 and it was replaced with a new meter by the Appellant, therefore a detection bill of Rs.424,617/- against 14,240 units was debited to the Respondent on the basis of consumption of November 2019. 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 Learned counsel for the Respondent rebutted the version of the Appellant regarding the charging of the impugned detection bill and argued that the Appellant violated the provision of the CSM-2010 while charging the impugned detection bill. Learned counsel for the Respondent submitted that the Appellant is bound to check the impugned meter from the POI being a competent forum for checking which however was not done in the instant case. Finally, learned counsel for the Respondent defended the impugned decision and prayed for dismissal of the appeal.





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

**6.1 Objection regarding the time limit for POI to decide the complaint:**

As per the record, the Respondent filed his complaint before the POI on 15.06.2021 under Section 38 of the NEPRA Act. POI pronounced its decision on 29.06.2022 i.e. after 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 NEPRA 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, 1910. Reliance in this regard is placed on the judgments of the honorable Lahore High Court Lahore reported in *PLJ 2017-Lahore-627* and *PLJ-2017-Lahore-309*. 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 Respondent is dismissed.

**6.2 Objection regarding prior notice before filing the complaint before the POI:**

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 Detection bill of Rs.424,617/- against 14,240 units:**

As per the available record, the billing meter of the Respondent was found defective with the vanished display in November 2020 and it was replaced with a new meter by the Appellant, thereafter, a detection bill of Rs.424,617/- against 14,240 units was debited to the Respondent for November 2020. Subsequently, the data of the impugned meter was downloaded with the readings index noted as  $T1=4174.33$  ( $T1=3411.45+735.88$ ).

6.4 The Respondent filed a complaint before POI and challenged the bills for October 2020 and November 2020 with the plea that the Appellant debited the aforesaid bills with fictitious readings. POI vide impugned decision directed the Appellant to adjust the credit of 21,067 units to the Respondent in future bills against which the Appellant filed the instant appeal before NEPRA.

6.5 To reach just conclusion, the consumption data of the Respondent as provided by the Appellant is compared below with the reading retrieved:

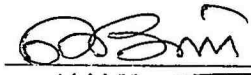
*Al. 60*




Meter No.HXE34	A	B	C=A-B	D	F=CxD
Reading	Nov-20	data retrieval report	difference	MF	Units
off-peak	3522	3411.45	110.55	160	17688
peak	757	735.68	21.32	160	3411.2
total	4279	4147.13	131.87	160	21099.2

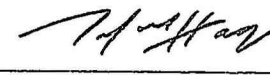
The above comparison of the consumption data shows that the Appellant debited the bills with the reading index of 4279 noted in November 2020, whereas the reading of the meter of the Respondent was noted as 4147 as per the data retrieval report of the Appellant. This whole scenario indicates that the Appellant debited the excessive bills with excessive fictitious readings till November 2020, therefore the Respondent may be afforded credit/ adjustment of units in the future bills as per the reading index of 4147 noted during the data retrieval of the impugned meter, which was also determined by the POI.

7. Foregoing in view, the appeal is dismissed.

  
Abid Hussain  
Member/Advisor (CAD)

Dated: 25-07-2024

  
Naweed Illahi Sheikh  
Convenor/DG (CAD)

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

