



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](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/Appeal/082/2022/ 615

July 25, 2024

- |  |  |
|--|--|
| 1. Imtiaz Hussain,<br>S/o. Irshad Hussain,<br>R/o. Kot Ishaq,<br>Tehsil & District Hafizabad                             | 2. Chief Executive Officer,<br>GEPCO Ltd, 565-A,<br>Model Town, G. T. Road,<br>Gujranwala  |
| 3. Saeed Ahmed Bhatti,<br>Advocate High Court,<br>66-Khyber Block, Allama Iqbal Town,<br>Lahore<br>Cell No. 0300-4350899 | 4. Zafar Iqbal Assad,<br>Advocate High Court,<br>Chamber No. 19-A, Judicial Complex,<br>Jinnah Block, Hafizabad<br>Cell No. 0343-6576720 |
| 5. Sub Divisional Officer,<br>GEPCO Ltd,<br>Vanike Sub Division, Vanike,<br>District Hafizabad                           | 6. POI/Electric Inspector,<br>Gujranwala Region,<br>Energy Department, Govt. of Punjab,<br>Munir Chowk, Near Kacheri Road,<br>Gujranwala |

Subject: **Appeal No.082/2022 (GEPCO VS. Imtiaz Hussain) Against the Decision Dated 28.01.2022 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 (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.082/POI-2022

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Imtiaz Hussain S/o. Irshad Hussain,  
R/o. Kot Ishaq, 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  
Mr. Zulfiqar Ali CA

### For the Respondent:

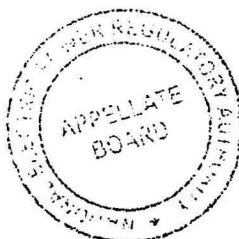
Mr. Zafar Iqbal Asad Advocate

## **DECISION**

1. As per the facts of the case, Imtiaz Hussain (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.24-12254-1679200-U having sanctioned load of 11 kW and the applicable tariff category is B-1(b). The display of the billing meter of the Respondent became defective in April 2018, hence it was replaced with a new meter by the Appellant in May 2018 and sent to M&T laboratory for checking. As per the M&T report dated 17.07.2018 of the Appellant, the impugned meter was found defective with vanished display, and 27,538 units were found uncharged, therefore, a detection bill of Rs.521,878/- against 27,538 units was debited to the Respondent on the basis of data retrieval report.
2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Gujranwala Region, Gujranwala (hereinafter referred to as the "POI") on 18.03.2020 and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide decision dated 28.01.2022, wherein the detection bill of Rs.521,878/- against 27,538

Appeal No.082/POI-2022

Page 1 of 5



MA

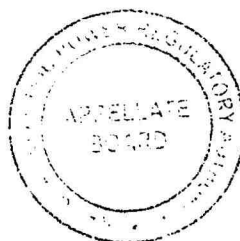


## National Electric Power Regulatory Authority

units was cancelled and the Appellant was directed to revise the bill of 4,201 units for May 2018 as recorded in May 2017 after excluding already billed units. The Appellant was further 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 28.01.2022 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.521,878/- against 27,538 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 24.06.2022 of the appeal was issued to the Respondent for filing reply/para-wise comment, which were filed on 18.07.2022. In the reply, the Respondent rebutted the version of the Appellant and submitted that the Appellant unlawfully declared the impugned meter in April 2018 and replaced the same in May 2018 in his absence. The Respondent further submitted that the disputed detection bill was initially challenged before the civil court Hafizabad from where it was referred to POI for adjudication. As per Respondent, the impugned meter was replaced in May 2018, whereas MCO was fed on 27.09.2018. According to the Respondent, the POI after correct perusal of the record and material evidence cancelled the impugned detection bill of Rs.521,878/- against 27,538 units. 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 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.521,878/- against 27,538 units was debited to the Respondent on the basis of data retrieval report. 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

M. 60





## National Electric Power Regulatory Authority

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.

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 18.03.2020 under Section 38 of the NEPRA Act. POI pronounced its decision on 28.01.2022 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.

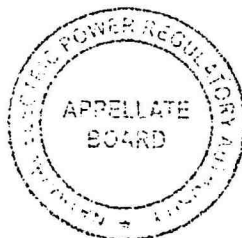
**6.2 Objection regarding prior notice before filing the complaint before the POI:**

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.521,878/- against 27,538 units:**

As per the available record, the billing meter of the Respondent was found defective with the vanished display in April 2018 and it was replaced with a new meter in May 2018, therefore a detection bill of Rs.521,878/- against 27,538 units was debited to the Respondent and added

*N. Q.*





## National Electric Power Regulatory Authority

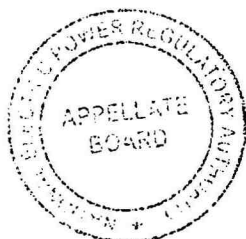
to the bill for July 2018.

6.4 It is observed that the Appellant debited the impugned detection bill on the basis of difference between the final reading retrieved and the units already charged. However, the Appellant neither submitted the data retrieval report nor produced the impugned meter before the POI. The Appellant even failed to bring on record the period of defectiveness of the impugned meter to ascertain the quantum of energy loss sustained. The Appellant did not point out any discrepancy during the month's readings before checking in April 2018. If presumed, the impugned meter became defective with the vanished display before April 2018 as to why the Appellant couldn't point out the discrepancy of the vanished display during monthly readings, which can be witnessed with bare eyes? The Respondent cannot be burdened due to the negligence on the part of the Appellant. To further check the justification of the above detection bill, consumption data is analyzed in the below table:

Year	2016	2017	2018
Month	Units	Month	Units
January	2030	6530	4300
February	2000	3877	3392
March	4460	3030	3500
April	2651	2052	3857
May	4310	4201	892
June	3861	3700	8617
July	5237	4242	7776
August	4900	0	3877
September	5167	6027	0
October	4400	0	4041
November	3762	3200	9698
December	1401	1401	4089

As evident from the above table, healthy consumption was recorded by the meter till April 2018 as compared to the consumption of the corresponding months of the years 2016 and 2017. Whereas the consumption charged in May 2018 is considerably lesser than the consumption of corresponding months of the years 2016 and 2017. However, this does not tantamount the Appellant to burdening the Respondent by debiting the impugned detection bill of 27,538 units.

6.5 In view of the foregoing discussion, we are of the considered view that the detection bill of Rs.521,878/- charged against 27,538 units by the Appellant to the Respondent is unjustified and the same is cancelled, which is also the determination of the POI.



At:



## National Electric Power Regulatory Authority

6.6 Similarly, the determination of the POI for revision of the bill for May 2018 based on consumption of May 2017 is correct and the same is maintained to this extent.

7. Foregoing in view, the appeal is dismissed.

Abid Hussain  
Member/Advisor (CAD)

Dated: 25/07/2024

Naweed Illahi Sheikh  
Convener/DG (CAD)

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

